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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1997 REGULAR SESSION  
FIFTY-FIFTH LEGISLATURE**

**FIRST DAY**

-----  
**NOON SESSION**  
-----

Senate Chamber, Olympia, Monday, January 13, 1997

At 12:00 noon, pursuant to law, the Senate of the 1997 Regular Session of the Fifty-fifth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Joel Pritchard, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Troopers Ted Dehart, Dena Gundermann, Kandi Patrick, Robert Koszewski, Lance Ramsay, John Sagar and Robert Veliz, presented the Colors.

The President led the Senate in the Pledge of Allegiance.

Reverend Mark Claudson, associate pastor of the Felida Baptist Church in Vancouver, Washington, and a guest of Senator Joseph Zarelli, offered the prayer.

**INTRODUCTION OF LAKEFAIR QUEEN**

The President welcomed and introduced Jami Barber, the 1996-1997 Lakefair Queen, who was seated on the rostrum.

With permission of the Senate, business was suspended for Queen Jami to welcome the Senators to Olympia.

EDITOR'S NOTE: The following letters of resignation, appointments and oaths of office were received during the 1996 Interim:

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Dean Sutherland  
17th Legislative District

June 6, 1996

The Honorable Mike Lowry, Governor  
Legislative Building  
P.O. Box 40002  
Olympia, WA 98504-0002  
Dear Governor Lowry:

Resigning my position as state senator comes with real mixed emotions. It is easy because, for the reasons I mention in this letter, I sincerely believe it is in the best interests of the citizens of my district, yet it is difficult because public service is something I care deeply about and I have been committed to--full-time--for many years.

As an elected official I know you share the sense of honor and humility that comes from being selected by the citizens of our state to represent them in making decisions that affect their lives. You and I have both had long, meaningful careers in public office and have both announced we will not be seeking reelection to the offices we currently hold.

For years I have been a full-time legislator, tried to work as close to full-time as I could on non-legislative work; and try to be a husband, parent, and friend. You know the demands and balancing task I'm referring to.

Having made the decision not to seek reelection, I accepted full-time employment with Clark Public Utilities as their Environmental Manager and I have begun spending more time with my family and friends. I am surprised at my own feelings in response to this change of focus.

As I began spending more time on my personal and non-legislative professional life I realized just how much I had missed it and how much it needed my renewed and full focus. I also realized there simply isn't enough time, given my other activities, to give legislative service the kind of attention I think necessary. I have a deep, abiding respect for the legislative process and legislative service. I want the citizens for the 17th Legislative District to have the full attention of their senator, therefore I am submitting this letter of resignation.

I will relinquish my state senate position effective midnight, July 15, 1996. That will allow citizens interested in the appointment enough time to work with those that will be making it and be seriously considered for it. I also want to provide the local officials involved in making the appointment adequate time to prepare.

Normally I fulfill any task I am charged with; however, in this situation there are three concerns compelling me to resign now instead of waiting until the end of my term in January.

First, I realize that to fulfill the responsibilities of my new position with Clark Public Utilities, improving the water resources of the Salmon Creek Watershed and the natural resources in Clark County, I will need to work more than the typical forty hours a week.

Second, I sincerely want the public discussions related to local legislative campaigns, and those related to Clark Public Utilities and the election of its commissioners to be constructive, honest debates on real issues, ideas, and the differences between the candidates, and to be focused on what the candidates see as their opportunity to be of service to the public. The Utility's elected commissioners are providing innovative, progressive leadership during these challenging and changing times. The Utility's management and employees are doing an exceptionally fine job carrying out the directives of the commission. I do not want my dual position as state senator and full-time Utility employee to become an opportunity for such fine leadership and work to be impugned and dampened by frivolous, baseless, expensive, yet rhetorically sexy attacks by a few non-constructive critics of government. I have a deep dislike for negative campaigning, negative tactics, and non-constructive criticism. A feeling I know you share. I will feel good if my resignation will prevent some demeaning attacks on legislative candidates and the hard working employees of the Utility.

Last, I am really anxious to rekindle family and personal relationships, including time with my new granddaughter, Madeline Renee Sutherland--simply the most perfect granddaughter ever!

On a personal note, I have appreciated the opportunity to serve the people of our state with you. I trust I will have the opportunity to work with you as we begin writing new chapters in the books of our lives.

Sincerely,  
SENATOR DEAN SUTHERLAND

#### LETTER OF APPOINTMENT

CLARK COUNTY SKAMANIA COUNTY  
Vancouver, Washington Stevenson, Washington

August 5, 1996

The Honorable Mike Lowry  
Governor of the State of Washington  
Legislative Building  
Olympia, WA 98504

Dear Governor Lowry:

The Boards of County Commissioners of Clark and Skamania Counties did meet jointly at 4:00 p.m, August 5, 1996, at the Washougal City Hall, Council Chambers, 1701 C Street, Washougal, Washington, to select a successor for the Senate seat vacated by the resignation of Dean Sutherland (D), in the 17th Legislative District.

Pursuant to Article II, Section 15 of the Washington State Constitution, as amended by Amendment 52, the Boards of Commissioners of Clark and Skamania Counties do hereby appoint Shirley Galloway to fill the 17th Legislative District Senate vacancy created by the resignation of Dean Sutherland.

Sincerely,

BOARD OF COMMISSIONERS BOARD OF COMMISSIONERS  
CLARK COUNTY, WASHINGTON SKAMANIA COUNTY, WASHINGTON

David W. Sturdevant Melissa Carlson-Price  
Mel Gordon Dean Evans  
Betty Sue Morris Albert McKee

#### OATH OF OFFICE FOR UNEXPIRED TERM OATH OF SENATOR FOR THE STATE OF WASHINGTON 17th LEGISLATIVE DISTRICT

I, SHIRLEY GALLOWAY, do solemnly swear that I will uphold the Constitution and Laws of the United States of America, the Constitution and Laws of the state of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

SENATOR SHIRLEY A. GALLOWAY

Subscribed and sworn to before me this 12th day of August, 1996

BARBARA JOHNSON,  
Superior Court Judge, CLARK COUNTY

#### LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Brad Owen  
35th Legislative District

November 14, 1996

The Honorable Mike Lowry  
Governor, State of Washington  
2nd Floor, Legislative Building  
Olympia, WA 98504  
Dear Governor Lowry:

Due to my recent election as Lieutenant Governor, my resignation as Senator for the 35th Legislative District will take effect January 15, 1997. I am providing this notice early to expedite the selection of the person that will fill my Senate position.

Thank you for your swift attention to this matter.

Sincerely,  
BRAD OWEN, State Senator, 35th Legislative District

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Adam Smith  
33rd Legislative District

November 27, 1996

Governor Mike Lowry  
P. O. Box 40002  
Olympia, WA 98504  
Dear Governor Lowry:

This is to notify you that I will be resigning my seat in the State Senate effective January 2, 1997. Due to my recent election to Congress, I hereby submit my resignation from the State Senate representing the 33rd Legislative District as of January 2, 1997. I am informing you of this now in order to expedite the replacement process. Thank you for your consideration in this matter.

Sincerely,  
ADAM SMITH, State Senator, 33rd Legislative District

MOTION OF APPOINTMENT

December 18, 1996 Introduced By: Greg Nickels

Proposed No: 96-1031

MOTION NO. 10044

A MOTION appointing Julia Patterson, as Senator, to fill the vacancy left by the resignation of Adam Smith, effective January 2, 1997.

WHEREAS, a vacancy is expected to be created for the position of State Senator for the 33rd Legislative District, due to the resignation of Adam Smith, a Democrat, effective January 2, 1997; and

WHEREAS, the 33rd Legislative District Democrats have submitted the names of three well qualified nominees for the expected vacancy; and

WHEREAS, Julia Patterson was chosen as the party's preferred nominee;

NOW, THEREFORE BE IT MOVED by the Council of King County:

Julia Patterson is hereby appointed to the position of State Senator for the 33rd Legislative District, effective January 2, 1997, for the remainder of the term.

PASSED by a vote of 13 to 0 this 6th day of January, 1997.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
JANE HAGUE, Chair

ATTEST:  
Gerald A. Peterson  
Clerk of the Council

LETTER OF APPOINTMENT

METROPOLITAN KING COUNTY COUNCIL  
Jerry Peterson, Clerk of the Council  
Room 403, King County Courthouse  
516 Third Avenue  
Seattle, WA 98104-3272

January 6, 1997

The Honorable Joel Pritchard  
Lieutenant Governor  
3rd Floor Legislative Building  
P. O. Box 40400  
Olympia, WA 98504-0482

Dear Lieutenant Governor Pritchard:

On January 6, 1997, the Metropolitan King County Council appointed Julia Patterson to the vacancy in the 33rd District for the State Senate created by the resignation of Senator Adam Smith.

Sincerely,  
GERALD A. PETERSON, Clerk of the Council

OATH OF OFFICE FOR UNEXPIRED TERM  
OATH OF SENATOR FOR THE STATE OF WASHINGTON  
33rd LEGISLATIVE DISTRICT

I, JULIA PATTERSON, do solemnly swear that I will uphold the Constitution and Laws of the United States of America, the Constitution and Laws of the state of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

SENATOR JULIA PATTERSON

Subscribed and sworn to before me this 6th day of January, 1997

GLENNA S. HALL  
Superior Court Judge, KING COUNTY

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Nita Rinehart  
46th Legislative District

December 10, 1996

The Honorable Mike Lowry  
Governor, State of Washington  
Legislative Building  
Olympia, WA 98504  
Dear Governor Lowry:

This is to notify you that I am resigning as Senator for the 46th Legislative District effective today. I have accepted a position as Staff Director for the Senate Democratic Caucus and I begin today.

Thank you for your attention.

Sincerely,  
NITA RINEHART

MOTION OF APPOINTMENT

January 6, 1997 Introduced By: Cynthia Sullivan

Proposed No: 97-011

MOTION NO. 10043

A MOTION appointing a replacement to the vacancy in the Washington State Senate left by the resignation of Nita Rinehart

WHEREAS, a vacancy has been created for the position of State Senator for the 46th Legislative District, due to the resignation of Nita Rinehart; and

WHEREAS, the 46th Legislative District Democrats have submitted the names of three nominees for the vacancy;

NOW, THEREFORE BE IT MOVED by the Council of King County:

Ken Jacobsen is hereby appointed to the position of State Senator for the 46th Legislative District, effective immediately, for the remainder of the term.

PASSED by a vote of 13 to 0 this 6th day of January, 1997.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
JANE HAGUE, Chair

ATTEST:

Gerald A. Peterson  
Clerk of the Council

LETTER OF APPOINTMENT

METROPOLITAN KING COUNTY COUNCIL  
Jerry Peterson, Clerk of the Council  
Room 403, King County Courthouse  
516 Third Avenue  
Seattle, WA 98104-3272

January 6, 1997

The Honorable Joel Pritchard  
Lieutenant Governor  
3rd Floor Legislative Building  
P. O. Box 40400  
Olympia, WA 98504-0482

Dear Lieutenant Governor Pritchard:

On January 6, 1997, the Metropolitan King County Council appointed Ken Jacobsen to the vacancy in the 46th District for the State Senate created by the resignation of Senator Nita Rinehart.

Sincerely,  
GERALD A. PETERSON, Clerk of the Council

OATH OF OFFICE FOR UNEXPIRED TERM  
OATH OF SENATOR FOR THE STATE OF WASHINGTON  
46th LEGISLATIVE DISTRICT

I, KEN JACOBSEN, do solemnly swear that I will uphold the Constitution and Laws of the United States of America, the Constitution and Laws of the state of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

SENATOR KEN G. JACOBSEN

Subscribed and sworn to before me this 6th day of January, 1997

MICHAEL J. TRICKEY,  
Superior Court Judge, KING COUNTY

LETTER OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Dwight Pelz  
37th Legislative District

January 13, 1997

Governor Mike Lowry  
P. O. Box 4002  
Olympia, WA 98504-0002

Dear Governor Lowry:

Please accept my resignation, effective immediately, from the Washington State Senate.

It has been an honor to serve the people of the 37th District and all the citizens of Washington State. During my six years in office, we faced many critical and historical issues. I was proud that the institution of the State Legislature demonstrated its resilience and strength by addressing these problems.

Let me also say that I have enjoyed serving with you the past four years. You have served with integrity, intelligence, and compassion. I eagerly await your contributions in the years to come.

Thanks again to the people of the 37th District for bestowing upon me the honor of public service.

Sincerely,  
DWIGHT PELZ, State Senator, 37th Legislative District

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that the following is a full, true and correct list of persons elected to the office of State Senator at the State General Election held in the state of Washington on the fifth day of November, 1996, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

SENATORS ELECTED NOVEMBER 5, 1996

DISTRICT NAME COUNTIES REPRESENTED

No. 1 McAuliffe (D) King (part), Snohomish (part)  
 No. 2 Rasmussen (D) Pierce (part)  
 No. 3 Brown (D) Spokane (part)  
 No. 4 McCaslin (R) Spokane (part)  
 No. 5 Rossi (R) King (part)  
 No. 9 Prince (R) Adams, Asotin (part), Spokane (part), Whitman  
 No. 10 Haugen (D) Island, Skagit (part), Snohomish (part)  
 No. 11 Prentice (D) King (part)  
 No. 12 Sellar (R) Chelan, Douglas, Grant (part), Okanogan (part)  
 No. 14 Deccio (R) Yakima (part)  
 No. 16 Loveland (D) Asotin (part), Columbia, Franklin, Garfield, Walla Walla  
 No. 17 Benton (R) Clark (part), Skamania (part)  
 No. 18 Zarelli (R) Clark (part), Cowlitz (part), Lewis (part)  
 No. 19 Snyder (D) Cowlitz (part), Grays Harbor (part), Pacific, Wahkiakum  
 No. 20 Swecker (R) Lewis (part), Pierce (part), Thurston (part)  
 No. 22 Fraser (D) Thurston (part)  
 No. 23 Sheldon (D) Kitsap (part)  
 No. 24 Hargrove (D) Clallam, Grays Harbor (part), Jefferson  
 No. 25 Goings (D) King (part), Pierce (part)  
 No. 27 Wojahn (D) Pierce (part)  
 No. 28 Winsley (R) Pierce (part)  
 No. 39 Stevens (R) King (part), Snohomish (part)  
 No. 40 Spanel (D) San Juan, Skagit (part), Whatcom (part)  
 No. 41 Horn (R) King (part)  
 No. 49 Bauer (D) Clark (part)

STATE SENATE "HOLDOVERS"

DISTRICT NAME COUNTIES REPRESENTED

No. 6 West (R) Spokane (part)  
 No. 7 Morton (R) Ferry, Lincoln, Okanogan (part), Pend Oreille, Spokane (part), Stevens  
 No. 8 Hale (R) Benton (part)  
 No. 13 Hochstatter (R) Benton (part), Grant (part), Kittitas, Yakima (part)  
 No. 15 Newhouse (R) Benton (part), Klickitat, Skamania (part), Yakima (part)  
 No. 21 Wood (R) Snohomish (part)  
 No. 26 Oke (R) Kitsap (part), Pierce (part)  
 No. 29 Franklin (D) Pierce (part)  
 No. 30 Schow (R) King (part), Pierce (part)  
 No. 31 Roach (R) King (part), Pierce (part)  
 No. 32 Fairley (D) King (part)  
 No. 32 Patterson (D) King (part)  
 No. 34 Heavey (D) King (part)  
 No. 35 Owen (D) Grays Harbor (part), Kitsap (part), Mason, Thurston (part)  
 No. 36 Kohl (D) King (part)  
 No. 37 Pelz (D) King (part)  
 No. 38 Strannigan (R) Snohomish (part)  
 No. 42 Anderson (R) Whatcom (part)  
 No. 43 Thibaudeau (D) King (part)  
 No. 44 Long (R) Snohomish (part)  
 No. 45 Finkbeiner (R) King (part)  
 No. 46 Jacobsen (D) King (part)  
 No. 47 Johnson (R) King (part)  
 No. 48 McDonald (R) King (part)

IN TESTIMONY WHEREOF, I have hereunto set my hand,  
 and affixed the Seal of the state of Washington at Olympia,  
 this tenth day of January, 1997.

(Seal) RALPH MUNRO

Secretary of State

FURTHER MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
 The Legislature of the State of Washington  
 Olympia, Washington

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the 2,293,895 votes cast by the 3,078,208 registered voters of the state for

and against the initiatives which were submitted to the vote of the people at the state general election held on the 5th day of November, 1996, as received from the County Auditors.

INITIATIVE TO THE PEOPLE 655

"Shall it be a gross misdemeanor to take, hunt or attract black bears with bait, or to hunt bears, cougars, bobcat or lynx with dogs?"

Yes 1,387,577  
No 815,385

INITIATIVE TO THE PEOPLE 670

"Shall the secretary of state be instructed to place a ballot notice concerning congressional and legislative candidates who have not supported Congressional term limits?"

Yes 937,873  
No 1,146,865

INITIATIVE TO THE PEOPLE 671

"Shall amended tribal/state agreements be authorized permitting limited electronic gaming on Indian lands for tribal government purposes, with joint regulation and specified use of revenues?"

Yes 934,344  
No 1,222,492

INITIATIVE TO THE LEGISLATURE 173

"Shall the state pay scholarship vouchers for primary and secondary students to attend voucher-redeeming private or public schools of choice?"

Yes 775,281  
No 1,406,433

INITIATIVE TO THE LEGISLATURE 177

"Shall voters be authorized to create "renewed" school districts where nonprofit organizations may operate publicly-funded "independent" public schools with parental choice and revised state regulation?"

Yes 762,367  
No 1,380,816

I, further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the fifth day of November, 1996, for all federal, state-wide, legislative and joint judicial offices, and that the votes cast for candidates to these offices are as follows:

PRESIDENT/VICE-PRESIDENT OF THE UNITED STATES

Bill Clinton/Al Gore (D) 1,123,323  
Bob Dole/Jack Kemp (R) 840,712  
Ralph Nader/Winona LaDuke (IC) 60,322  
Ross Perot/Pat Choate (REF) 201,003  
Monica Gail Moorehead/Gloria LaRiva (WWP) 2,189  
Charles E. Collins/Rosemary Giumarra (IC) 2,374  
Howard Phillips/Herbert W. Titus (UST) 4,578  
James E. Harris/Laura Garza (SWP) 738  
Harry Browne/Jo Jorgensen (LBP) 12,522  
John Hagelin/Vinton D. "Mike" Tompkins (NLP) 6,076

U.S. REPRESENTATIVE, District 1

Jeff Coopersmith (D) 122,187  
Rick White (R) 141,948

U.S. REPRESENTATIVE, District 2

Kevin Quigley (D) 122,728  
Jack Metcalf (R) 124,655  
Karen Leibrant (NLP) 9,561

Brian Baird (D) 122,230  
Linda Smith (R) 123,117

U.S. REPRESENTATIVE, District 3

Rick Locke (D) 96,502  
Doc Hastings (R) 108,647

U.S. REPRESENTATIVE, District 4

Judy Olson (D) 105,166  
George R. Nethercutt, Jr. (R) 131,618

U.S. REPRESENTATIVE, District 5

Norm Dicks (D) 155,467  
Bill Tinsley (R) 71,337  
Ted Haley (IC) 5,561  
Michael Huddleston (NLP) 3,545

U.S. REPRESENTATIVE, District 6

Jim McDermott (D) 209,753  
Frank Kleschen (R) 49,341

U.S. REPRESENTATIVE, District 7

Dave Little (D) 90,340  
Jennifer Dunn (R) 170,691

U.S. REPRESENTATIVE, District 8

Adam Smith (D) 105,236  
Randy Tate (R) 99,199  
David Gruenstein (NLP) 5,432

U.S. REPRESENTATIVE, District 9

GOVERNOR

Gary Locke (D) 1,296,492  
Ellen Crawsell (R) 940,538

LIEUTENANT GOVERNOR

Brad Owen (D) 1,022,878  
Ann Anderson (R) 989,661  
Shawn Newman (REF) 78,510  
Art Rathjen (LBP) 39,277

SECRETARY OF STATE

Phyllis Kenney (D) 838,632  
Ralph Munro (R) 1,223,769  
Gary P. Gill (NLP) 73,229

STATE TREASURER

Mike Murphy (D) 1,155,498  
Lucy De Young (R) 939,578

STATE AUDITOR

Brian Sonntag (D) 1,338,577  
Robert B. Keene, Jr. (R) 747,378

ATTORNEY GENERAL

Christine Gregoire (D) 1,280,995  
Richard Pope (R) 756,639  
Richard Shepard (LBP) 58,672  
Luanne Coachman (NLP) 37,320

COMMISSIONER OF PUBLIC LANDS

Jennifer M. Belcher (D) 1,098,548  
Bruce Mackey (R) 940,154  
Marc Strauch (NLP) 68,011

SUPERINTENDENT OF PUBLIC INSTRUCTION



Teresa "Terry" Bergeson (NP) 1,260,885  
Ron Taber (NP) 729,080

INSURANCE COMMISSIONER

Deborah Senn (D) 1,163,832  
Anthony "Tony" Lowe (R) 872,280  
Steve Sevick (NLP) 66,348

STATE SUPREME COURT, Position 1

Barbara Durham (NP) 1,450,710

STATE SUPREME COURT, Position 2

Charles Z. Smith (NP) 1,386,878

STATE SUPREME COURT, Position 3

Charles W. Johnson (NP) 975,945  
Douglas J. Smith (NP) 592,007

COURT OF APPEALS, DIVISION II, DISTRICT 2, Position 1  
(Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston)

Joyce "Robin" Hunt (NP) 174,476

COURT OF APPEALS, DIVISION III, DISTRICT 1, Position 1  
(Ferry Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens)

Philip J. Thompson (NP) 114,583

COURT OF APPEALS, DIVISION III, DISTRICT 3, Position 1  
(Chelan, Douglas, Kittitas, Klickitat, Yakima)

Stephen M. Brown (NP) 79,665

COURT OF APPEALS, DIVISION III, DISTRICT 3, Position 2  
(Chelan, Douglas, Kittitas, Klickitat, Yakima)

Frank L. Kurtz (NP) 57,576  
Susan Cawley (NP) 40,982

SUPERIOR COURT JUDGE, Position 1  
(Chelan, Douglas)

Carol A. Wardell (NP) 24,555

SUPERIOR COURT JUDGE, Position 2  
(Chelan, Douglas)

T. W. Chip" Small (NP) 23,930

SUPERIOR COURT JUDGE, Position 3  
(Chelan, Douglas)

John E. Bridges (NP) 23,788

SUPERIOR COURT JUDGE, Position 2  
(Ferry, Pend Oreille, Stevens)

Larry M. Kristianson (NP) 16,323

SUPERIOR COURT JUDGE, Position 1  
(Island, San Juan)

Alan R. Hancock (NP) 24,297

SUPERIOR COURT JUDGE, Position 1  
(Klickitat, Skamania)

E. Thompson "Tom" Reynolds (NP) 7,181

SUPERIOR COURT JUDGE, Position 1  
(Pacific, Wahkiakum)

Joel Penoyar (NP) 8,280

STATE SENATE, District 1

Rosemary McAuliffe (D) 24,119  
Ian Elliot (R) 20,823

STATE REPRESENTATIVE, District 1, Position 1

Al O'Brien (D) 22,071  
Tim Olsen (R) 20,506

STATE REPRESENTATIVE, District 1, Position 2

Judy J. Janes (D) 20,404  
Mike Sherstad (R) 22,157

STATE REPRESENTATIVE, District 7, Position 1

Kurt Matter (D) 20,220  
Bob Sump (R) 27,305

STATE REPRESENTATIVE, District 7, Position 2

Brad Lyons (D) 16,688  
Cathy McMorris (R) 30,309

STATE SENATE, District 9

Eugene A. Prince (R) 29,519

STATE REPRESENTATIVE, District 9, Position 1

Brian Douglas Day (D) 11,460  
Larry Sheahan (R) 23,696

STATE REPRESENTATIVE, District 9, Position 2

Robert F. Henager (D) 11,409  
Mark G. Schoesler (R) 23,512

STATE SENATE, District 10

Mary Margaret Haugen (D) 25,354  
Jim Youngsman (R) 22,754

STATE REPRESENTATIVE, District 10, Position 1

Dave Anderson (D) 23,529  
Barney Beeksman (R) 22,495

STATE REPRESENTATIVE, District 10, Position 2

Glen S. Johnson (D) 16,681  
Barry Sehlin (R) 27,108

STATE SENATE, District 12

George Sellar (R) 32,836

STATE REPRESENTATIVE, District 12, Position 1

Bill Stroud (D) 12,956  
Clyde Ballard (R) 28,539

STATE REPRESENTATIVE, District 12, Position 2

Stephanie S. Gilliland (D) 12,344  
Linda Evans Parlette (R) 28,413

STATE REPRESENTATIVE, District 13, Position 1

R. Virgil Donovan (D) 11,566  
Gary Chandler (R) 28,183

STATE REPRESENTATIVE, District 13, Position 2

B. Wendy Katz (D) 13,477  
Joyce Mulliken (R) 25,884

STATE REPRESENTATIVE, District 15, Position 1

Jim Honeford (R) 20,801

STATE REPRESENTATIVE, District 15, Position 2

Barbara Lisk (R) 21,172

STATE SENATE, District 16

Valoria H. Loveland (D) 19,597  
Bryan Alford (R) 17,853

STATE REPRESENTATIVE, District 16, Position 1

Del Lathim (D) 13,059  
Dave Mastin (R) 23,868

STATE REPRESENTATIVE, District 16, Position 2

Bill Grant (D) 22,639  
Allen A. Panasuk (R) 14,487

STATE SENATE, District 17

Shirley A. Galloway (D) 23,513  
Don Benton (R) 24,430

STATE REPRESENTATIVE, District 17, Position 1

Gary Akizuki (D) 20,921  
Mark Boldt (R) 26,192

STATE REPRESENTATIVE, District 17, Position 2

Mike Carmichael (D) 22,739  
Jim Dunn (R) 24,434

STATE SENATE, District 18

Ted Thomas (D) 22,043  
Joseph Zarelli (R) 25,673

STATE REPRESENTATIVE, District 18, Position 1

Farley Maxwell (D) 21,840  
Tom Mielke (R) 24,999

STATE REPRESENTATIVE, District 18, Position 2

Al Swindell (D) 19,129  
John Pennington (R) 28,190

STATE SENATE, District 19

Sid Snyder (D) 31,831

STATE REPRESENTATIVE, District 19, Position 1

Brian Hatfield (D) 27,092  
Budd Gilbert (R) 12,078

STATE REPRESENTATIVE, District 19, Position 2

Mark Doumit (D) 25,154  
Bob Ryan (R) 13,546

STATE SENATE, District 20

Cody Arledge (D) 21,563  
Dan Swecker (R) 24,171

STATE REPRESENTATIVE, District 20, Position 1

Lois Lopez (D) 21,708  
Richard DeBolt (R) 23,516

STATE REPRESENTATIVE, District 20, Position 2

Tina Edwards (D) 17,512  
Gary C. Alexander (R) 26,909

STATE SENATE, District 24

Jim Hargrove (D) 36,778

STATE REPRESENTATIVE, District 24, Position 1

Diane Ellison (D) 23,782  
Jim Buck (R) 26,721

STATE REPRESENTATIVE, District 24, Position 2

Lynn Kessler (D) 31,499  
Jan Christensen (R) 15,837

STATE SENATE, District 25

Calvin Goings (D) 24,760  
Grant Owen Pelesky (R) 19,829

STATE REPRESENTATIVE, District 25, Position 1

Luanne R. Green (D) 19,846  
Joyce McDonald (R) 22,495  
Mark Downey (PP) 1,005

STATE REPRESENTATIVE, District 25, Position 2

Jim Kastama (D) 22,983  
Dave Morell (R) 20,259

STATE REPRESENTATIVE, District 26, Position 1

Patricia Lantz (D) 24,489  
Lois McMahan (R) 24,328

STATE REPRESENTATIVE, District 26, Position 2

Sandy Arndt (D) 18,452  
Tom Huff (R) 29,635

STATE REPRESENTATIVE, District 30, Position 1

Eric Ulis (D) 17,398  
Tim Hickel (R) 22,439

STATE REPRESENTATIVE, District 30, Position 2

Paul Mallary (D) 14,377  
Maryann Mitchell (R) 23,142

STATE REPRESENTATIVE, District 31, Position 1

Darrell Carrier (D) 13,650  
Eric Robertson (R) 24,527

STATE REPRESENTATIVE, District 31, Position 2

Christopher Hurst (D) 18,567  
Les Thomas (R) 18,967

STATE REPRESENTATIVE, District 35, Position 1

Lena Swanson (D) 21,599  
Peggy Johnson (R) 25,509

STATE REPRESENTATIVE, District 35, Position 2

Tim Sheldon (D) 31,200  
Richard Godderz (R) 12,710

STATE SENATE, District 39

Patricia Patterson (D) 21,686  
Val Stevens (R) 26,757

STATE REPRESENTATIVE, District 39, Position 1

Hans Dunshee (D) 25,631  
Keith Groen (R) 22,515

STATE REPRESENTATIVE, District 39, Position 2

Jeff Soth (D) 22,372  
John Koster (R) 25,006

STATE SENATE, District 40

Harriet Spanel (D) 30,635  
Skip Richards (R) 20,508

STATE REPRESENTATIVE, District 40, Position 1

Dave Quall (D) 29,850  
Bob Brown (R) 19,971

STATE REPRESENTATIVE, District 40, Position 2

Jeff Morris (D) 27,607  
Daniel R. Miller (R) 21,263

IN WITNESS WHEREOF, I have set my hand and  
affixed the seal of the state of Washington,  
this 10th day of January, 1997.

(Seal)

RALPH MUNRO,  
Secretary of State

EDITOR'S NOTE: Senator Rasmussen, 2nd District; Senator Brown, 3rd District; Senator McCaslin, 4th District; Senator Rossi, 5th District; Senator Prentice, 11th District; Senator Deccio, 14th District; Senator Fraser, 22nd District; Senator Sheldon, 23rd District; Senator Wojahn, 27th District; Senator Winsley, 28th District; Senator Horn, 41st District; and Senator Bauer, 49th District; all representing single counties, were certified by their county election officials.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators McDonald and Loveland to escort the Honorable Gerry Alexander, Justice of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

The President welcomed and introduced the Honorable Gerry Alexander, who will administer the oath of office to the newly elected, newly reelected and newly appointed Senators.

ROLL CALL

The Acting Secretary called the roll of the following holdover members of the Senate and all were present: Senators Ann Anderson, Darlene Fairley, Bill Finkbeiner, Rosa Franklin, Patricia Hale, Mike Heavey, Harold Hochstatter, Stephen Johnson, Jeanne Kohl, Jeanine Long, Dan McDonald, Bob Morton, Irv Newhouse, Bob Oke, Brad Owen, Dwight Pelz, Pam Roach, Ray Schow, Gary Strannigan, Pat Thibaudeau, James West and Jeannette Wood.

All members were present except Senator Pelz.

ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present: Senators Al Bauer, Alex Deccio, Karen Fraser, Calvin Goings, Jim Hargrove, Mary Margaret Haugen, Valoria Loveland, Rosemary McAuliffe, Bob McCaslin, Margarita Prentice, Eugene Prince, Marilyn Rasmussen, George Sellar, Betti Sheldon, Sid Snyder, Harriet Spanel, Dan Swecker, Shirley Winsley, R. Lorraine Wojahn, and Joseph Zarelli.

The Acting Sergeant at Arms escorted each of the newly reelected members of the Senate to the bar of the Senate to receive the oath of office.

Justice Gerry Alexander thereupon administered the oath of office to each of the newly reelected members.

The President presented each of the newly reelected Senators a certificate of election.

The Acting Sergeant at Arms escorted each of the newly reelected members to their seats in the Senate Chamber.

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Don Benton, Lisa Brown, Jim Horn, Dino Rossi and Val Stevens.

The Acting Sergeant at Arms escorted each of the newly elected members of the Senate to the bar of the Senate to receive their oath of office.

Justice Gerry Alexander thereupon administered the oath of office to each of the newly elected members.

The President presented to each of the newly elected Senators a certificate of election.

The Acting Sergeant at Arms escorted each of the newly elected members to their seats in the Senate Chamber.

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly appointed members of the Senate and all were present: Senators Ken Jacobsen and Julia Patterson.

The Acting Sergeant at Arms escorted each of the newly appointed members of the Senate to the bar of the Senate to receive their oath of office.

Justice Gerry Alexander thereupon administered the oath of office to each of the newly appointed members.

The President presented to each of the newly appointed Senators a certificate of appointment.

The Acting Sergeant at Arms escorted each of the newly appointed members to their seats in the Senate Chamber.

#### ELECTION OF PRESIDENT PRO TEMPORE

The President declared nominations to be open for President Pro Tempore of the Senate.

#### REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Mr. President. Mr. President and ladies and gentlemen of the Senate, it is a proud honor for me today to nominate a person who is known far and wide for his expertise as a legislator and for his skill as a parliamentarian, as well. He has earned and maintained the utmost respect on both sides of the aisle for all the time he has been in the Legislature. His knowledge of the legislative process is exceeded by no one. He has been my mentor all the years that I have been in both the House and the Senate.

"You may have guessed by now that that person--the man I am talking about is--the Dean of the Washington State Legislature. Mr. President and ladies and gentlemen of the Senate, I am pleased to nominate for President Pro Tempore for the Senate, the Dean of the Washington State Legislature, Senator Irv Newhouse."

#### REMARKS BY SENATOR LOVELAND

Senator Loveland: "Thank you, Mr. President. It is my privilege to second the nomination for the office of President Pro Tempore to the distinguished Senator, Irv Newhouse, from the Fifteenth Legislative District. Not only is he distinguished, but he is honored and it is my privilege to second his nomination."

#### MOTION

On motion of Senator Johnson, the nominations for President Pro Tempore were closed.

#### ROLL CALL

The Acting Secretary called the roll and Senator Irv Newhouse was elected President Pro Tempore by the following vote: Newhouse, 48; Absent, 1.

Voting Newhouse: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Pelz - 1.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Sellar and Snyder as a committee of honor to escort Senator Newhouse to the rostrum.

Justice Gerry Alexander administered the oath of office to Senator Newhouse.

The committee of honor escorted President Pro Tempore Newhouse to his seat in the Senate Chamber and the committee was discharged.

#### ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared nominations to be open for Vice President Pro Tempore of the Senate.

#### REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. It is my great honor and privilege to rise for the purpose of nominating Bob Morton for Vice President Pro Tempore. Bob was elected to the House in 1990 and 1992 and then appointed to the Senate in 1993. He was elected to his own four-year term in 1994. Bob serves on the Kettle River Grange, Pacific Northwest Endurance Riders, Orient Community Church, Washington State Pilot's Association, Kettle Falls Chamber of Commerce and the Washington Cattlemen's Association.

"Bob has demonstrated his leadership abilities both by working with both sides of the aisle to solve some of the most pressing problems that we face. I know that Bob is a strong, courageous and fair man and I nominate him for the position of Vice President Pro Tempore of the Washington State Senate."

#### REMARKS BY SENATOR HOCHSTATTER

Senator Hochstatter: "Convinced me. Mr. President, it is my honor and privilege to second the nomination of Bob Morton for Vice President Pro Tempore of the Senate. Thank you."

#### MOTION

On motion of Senator Johnson, the nominations for Vice President Pro Tempore were closed.

#### ROLL CALL

The Acting Secretary called the roll and Senator Bob Morton was elected Vice President Pro Tempore by the following vote: Morton, 48; Absent, 1.

Voting Morton: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Pelz - 1. APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hale and Owen as a committee of honor to escort Senator Morton to the rostrum. Justice Gerry Alexander administered the oath of office to Senator Morton.

The committee of honor escorted Vice President Pro Tempore Morton to his seat in the Senate Chamber and the committee was discharged.

#### ELECTION OF SECRETARY OF THE SENATE

The President declared nominations to be open for Secretary of the Senate.

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. I nominate Mike O'Connell for the position of Secretary of the Senate and wish to speak to that. Are we under the three minute rule, Mr. President?"

#### REPLY BY THE PRESIDENT

President Pritchard: "I hope so."

Senator McCaslin: "You hope so; I have to make the nomination. When I arrived here in 1981, there were three people that impressed me mightily and were of superior help to me. One was Governor Cherberg, God rest his soul. The other is Sid Snyder and we don't have to rest him right now, because he is still here as a Senator and he was extremely helpful. Since I have been here, of course, we have had Sid Snyder, Gordon Golob, and Marty Brown. I don't know if you noticed the gleam in Marty's eye, but he finally got a Supreme Court Justice where he told them where to go and how to do it. So, good for you, Marty. I am sure you enjoyed it Gerry.

"One of my friends I met immediately was Mike O'Connell. He is a terrific man, he is a true gentleman, he is a family man. The only point against him, of course, is that he is an attorney, but we can overlook that because of his other attributes and abilities. He has an institutional memory, I think second to none, because he actually has been here longer than me. I would warn you, though, don't play shuffleboard with him, because he is an absolute champion. You can play golf with him, because he is not that good, but he is still a lot of fun. You folks who don't know him, both Democrats and Republicans, I assure you can go to him and get a straight answer on the procedures of the Washington State Senate and what goes on here. I am very proud--really--sincerely--to nominate him for Secretary of the Senate."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Thank you, Mr. President. It is with a great deal of pride that I rise to second the nomination of Mike O'Connell as Secretary of the Senate. As you know, I spent nineteen years as Secretary of the Senate and I just noticed that is my nineteenth district--some coincidence there-but anyhow, as long as the Democrats aren't selecting the Secretary of the Senate, I can't think of anybody that is going to fill the job better than Mike O'Connell. We don't have to worry about partisanship; we know that he will treat us on this side of the aisle as well as he treats you people on the other side of the aisle. I know that we are going to work well together and we look forward to having many good days. Thank you."

#### MOTION

On motion of Senator Johnson, the nominations for Secretary of the Senate were closed.

#### ROLL CALL

The Acting Secretary called the roll and Mike O'Connell was elected Secretary of the Senate: O'Connell, 48; Absent, 1.

Voting O'Connell: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.. Absent: Pelz - 1.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Rossi and Wojahn as a committee of honor to escort Mike O'Connell to the rostrum.

Justice Gerry Alexander administered the oath of office to Mike O'Connell.

The committee of honor escorted Secretary of the Senate Mike O'Connell to his seat on the rostrum and the committee was discharged.

#### ELECTION OF SERGEANT AT ARMS

The President declared nominations to be open for Sergeant at Arms of the Senate.

#### REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Mr. President. I would like to place the name of Denny Lewis in nomination for Sergeant at Arms of the Senate and I would like to speak to that please. It gives me great privilege today to do this. Denny Lewis has served a career with great distinction in the Washington State Patrol. During that time, he had many duties, including security for this building, including security for Governors Spellman and Gardner, which he provided a great service. For the last couple of years, he has worked with outgoing Sergeant Fisher, who did an excellent job. The two of them together provided a great deal of decorum in the Senate in keeping order, as well as providing a safe environment for all of us to do the work that we are sent here to do and that is the work of providing service to the people of the state of Washington. So, with that, it would give me great pleasure to nominate Denny Lewis for Sergeant at Arms."

#### REMARKS BY SENATOR OWEN

Senator Owen: "Thank you, Mr. President, and ladies and gentlemen of the Senate. It is a pleasure for me to second the nomination of Denny Lewis for our Sergeant at Arms. He has had a very, very distinguished career and in the time he has served us in the Senate, he has done it with professionalism and he has been very, very good to all members of the State Senate. I would look forward to working with Mr. Lewis in my new responsibilities and very vigorously second the nomination of Denny Lewis for Sergeant at Arms."

#### MOTION

On motion of Senator Johnson, the nominations for Sergeant at Arms of the Senate were closed.

#### ROLL CALL

The Acting Secretary called the roll and Denny Lewis was elected Sergeant at Arms of the Senate: Lewis, 48; Absent, 1.

Voting Lewis: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Owen, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.. Absent: Pelz - 1.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Prince and Sheldon as a committee of honor to escort Denny Lewis to the rostrum.

Justice Gerry Alexander administered the oath of office to Denny Lewis.

The committee of honor escorted Sergeant at Arms Denny Lewis to his seat on the rostrum and the committee was discharged.

#### APPOINTMENT OF SPECIAL COMMITTEE



The President appointed Senators Anderson and Franklin to escort the Honorable Gerry Alexander from the Senate Chamber.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "I rise to a point of parliamentary inquiry. I am not an expert as you well know, Mr. President."

#### RELY BY THE PRESIDENT

President Pritchard: "Just state your point."

Senator McCaslin: "I know that you have a Supreme Justice there and all through this procedure you have asked the Sergeant at Arms to bring forth these Senators and we just swore him in. Now, it is interesting, because he was Sergeant At Arms to be, I guess, but I think in reviewing the procedure here, the next time we have a Sergeant at Arms, we have the present Sergeant at Arms bring those folks forward or the President--President Owen--would say. The potential or nominating Sergeant At Arms bring those folks forward. Just a point, Mr. President, and I just don't want you to leave this body without thinking of me."

President Pritchard: "It is just wonderful. Thank you."

#### MOTION

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

#### SENATE RESOLUTION 1997-8600

By Senators McDonald, Sellar, Snyder, and Loveland

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

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1997-8600, the President appointed Senators Benton, Brown, Patterson, Jacobsen, Stevens and Horn to notify the House of Representatives that the Senate is organized and ready to transact business.

#### MOTION

On motion of Senator Johnson, the appointments were confirmed.  
The committee retired to the House of Representatives.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5000 by Senators Hale, Rossi, Schow, Benton, Prince, McDonald, Wood, Sellar, Johnson, West, Horn, Stevens, Long, Winsley, Morton, Swecker, Haugen, Snyder, Loveland, Goings, Deccio, Rasmussen, Newhouse, McCaslin, Hargrove, Anderson, Strannigan, Oke, Zarelli and Roach

AN ACT Relating to lowering business and occupation tax rates; and amending RCW 82.04.255 and 82.04.290.  
Referred to Committee on Ways and Means.

SB 5001 by Senators Bauer, McAuliffe, Haugen, Goings and Patterson

AN ACT Relating to replacement of school levy funding; amending RCW 84.52.0531 and 43.135.025; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 84.52 RCW; and creating new sections.  
Referred to Committee on Education.

SB 5002 by Senators Wood, Bauer, Sheldon, Winsley, Kohl, McAuliffe and Rasmussen

AN ACT Relating to the governance of the K-20 educational telecommunications network; amending RCW 28D.02.010; adding new sections to chapter 28D.02 RCW; adding new sections to chapter 43.131 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.  
Referred to Committee on Higher Education.

SB 5003 by Senators Swecker, Loveland, McDonald, Sheldon, Winsley, Goings, Deccio, Rasmussen, Hale, Stevens, Johnson, McCaslin, Rossi, Oke, Zarelli and Roach

AN ACT Relating to property tax exemptions for property with an assessed value of less than five hundred dollars; adding a new section to chapter 84.36 RCW; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5004 by Senators Haugen, Oke, Spanel and Rasmussen

AN ACT Relating to exchanges of state-owned aquatic lands with privately owned lands under the public interest standard; creating new sections; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5005 by Senators Long, Hargrove, McCaslin, Haugen, Zarelli, Johnson, Winsley, Goings, Rasmussen, Oke and Roach

AN ACT Relating to sentencing for multiple violent crimes; and amending RCW 9.94A.400.  
Referred to Committee on Law and Justice.

SB 5006 by Senators Long, Hargrove, McCaslin, Haugen, Sheldon, Winsley, Goings, Deccio, McAuliffe, Franklin, Rasmussen, Hale, Johnson and Oke

AN ACT Relating to enhanced sentencing and supervision of sex offenders; amending RCW 72.04A.070, 72.04A.080, 9A.20.021, 9A.44.060, 9A.44.079, 9A.44.086, 9A.44.089, 9A.44.100, 9A.64.020, 9.41.010, 9.94.070, 9.94A.230, 9.94A.310, 9.94A.386, 9.95.062, 9A.20.010, 9A.28.020, 9A.28.040, 9A.44.140, 9A.76.080, 9A.76.170, 9A.83.010, 10.64.025, 13.40.0357, and 13.40.070; reenacting and amending RCW 9.94A.120, 9.94A.030, 9.94A.320, and 13.04.030; reenacting RCW 9.94A.360; adding new sections to chapter 9.94A RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5007 by Senators Long, Hargrove, Franklin, Zarelli and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to liens filed by the department of social and health services; amending RCW 43.20B.720, 43.20B.730, 43.20B.735, 43.20B.740, 74.20A.070, and 74.20A.080; and repealing RCW 43.20B.725.  
Referred to Committee on Commerce and Labor.

SB 5008 by Senators Long, Hargrove, Franklin, Zarelli and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to modification of the adoption support reconsideration program; and amending RCW 74.13.150.  
Referred to Committee on Human Services and Corrections.

SB 5009 by Senators Long, Hargrove, Franklin, Zarelli, Sheldon, Winsley, Kohl and Patterson (by request of Department of Social and Health Services)

AN ACT Relating to interstate agreements to provide adoption assistance for special needs children; adding new sections to chapter 74.13 RCW; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5010 by Senators Prentice and Winsley (by request of Pollution Liability Insurance Agency)

AN ACT Relating to heating oil pollution liability protection; amending RCW 70.149.040 and 70.149.070; and providing an expiration date.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5011 by Senators Prentice and Winsley

AN ACT Relating to the financial and reporting requirements of health care service contractors and health maintenance organizations; amending RCW 48.44.035, 48.44.037, 48.44.095, 48.46.080, and 48.46.235; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5012 by Senators Winsley and Prentice

AN ACT Relating to the filing of corporate documents by insurance companies, health care service contractors, and health maintenance organizations; amending RCW 48.06.060, 48.06.200, and 48.07.070; adding a new section to chapter 23.86 RCW; adding a new section to chapter 23B.01 RCW; adding a new section to chapter 23B.02 RCW; adding new sections to chapter 23B.04 RCW; adding a new section to chapter 23B.10 RCW; adding a new section to chapter 23B.14 RCW; adding a new section to chapter 23B.15 RCW; adding new sections to chapter 24.03 RCW; adding new sections to chapter 24.06 RCW; and adding new sections to chapter 25.15 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5013 by Senators West, Wojahn, Deccio, Loveland, Sheldon, Franklin, Rasmussen, Hale, Oke and Roach

AN ACT Relating to a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the federal social security act; and amending RCW 48.14.0201.  
Referred to Committee on Health and Long-Term Care.

SB 5014 by Senators Sheldon, Loveland, Fairley, Haugen, Goings, Franklin, Hargrove, McAuliffe and Winsley

AN ACT Relating to making state property tax reductions using revenues in excess of the state spending limit; amending RCW 43.135.045 and 43.84.092; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5015 by Senators Sheldon, Loveland, Fairley, Wojahn, Haugen, Goings, Hargrove, McAuliffe, Winsley, Snyder, Brown, Patterson, Franklin and Spanel

AN ACT Relating to reducing the state property tax levy for 1997 by five percent; adding a new section to chapter 84.55 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5016 by Senators McCaslin and Haugen (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to local government; and adding new sections to chapter 35.51 RCW.  
Referred to Committee on Government Operations.

SB 5017 by Senator Roach (by request of Statute Law Committee)

AN ACT Relating to correcting or removing deficiencies, conflicts, or obsolete provisions affecting the department of financial institutions; amending RCW 21.20.740, 21.30.010, 30.04.010, 31.45.160, 32.04.020, and 33.44.020; and repealing RCW 30.04.270, 30.04.290, 30.04.900, 30.08.120, 30.12.050, 30.43.010, 30.43.020, 30.43.045, 31.12.095, 31.12.355, 32.04.040, 32.12.060, 32.20.290, and 33.04.010.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5018 by Senator Roach (by request of Statute Law Committee)

AN ACT Relating to making technical corrections to the Revised Code of Washington; amending RCW 36.32.210; reenacting and amending RCW 57.08.050 and 70.47.060; reenacting RCW 18.71.210, 35.02.200, 70.47.020, and 74.15.020; and repealing RCW 56.08.070.  
Referred to Committee on Law and Justice.

SB 5019 by Senators Fairley, Winsley, Oke and Spanel

AN ACT Relating to persistent sex offenders; and reenacting and amending RCW 9.94A.030.  
Referred to Committee on Law and Justice.

SB 5020 by Senators Fairley and Winsley

AN ACT Relating to powers of district and municipal court judges; and amending RCW 3.46.030, 3.50.020, 3.66.060, and 35.20.030.  
Referred to Committee on Law and Justice.

SB 5021 by Senator Pelz

AN ACT Relating to the hosting of the Olympic games; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Government Operations.

SB 5022 by Senator Hochstatter

AN ACT Relating to offender scoring while under supervision; amending RCW 13.40.0354; and reenacting and amending RCW 9.94A.360.  
Referred to Committee on Law and Justice.

SB 5023 by Senators Swecker, Winsley, Snyder, Goings, Franklin and Rasmussen

AN ACT Relating to deferral of property taxes by senior citizens and disabled persons; amending RCW 84.38.020; and creating a new section.  
Referred to Committee on Government Operations.

SB 5024 by Senators Winsley, Swecker, Loveland and Haugen

AN ACT Relating to used mobile homes; and amending RCW 82.45.032.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5025 by Senator Loveland

AN ACT Relating to exempting applicants for 1997 Columbia river gillnet licenses from having to have held the license in 1994 through 1996; and amending RCW 75.30.120.  
Referred to Committee on Natural Resources and Parks.

SB 5026 by Senator Swecker

AN ACT Relating to general adjudication proceedings for water rights; and amending RCW 90.03.160, 90.03.170, 90.03.190, 90.03.200, 90.03.210, and 90.03.243.  
Referred to Committee on Agriculture and Environment.

SB 5027 by Senators Swecker, Winsley and Anderson

AN ACT Relating to the water-related actions of the department of ecology; amending RCW 43.21B.110, 43.21B.130, 43.21B.240, 43.21B.310, 43.27A.190, 90.03.383, 90.14.130, 90.14.190, 90.14.200, and 90.66.080; reenacting and amending RCW 34.05.514; adding new sections to chapter 43.21B RCW; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5028 by Senators Sellar, Swecker and Loveland

AN ACT Relating to county treasury management; amending RCW 35.50.030, 35.50.040, 35.50.260, 36.29.020, 36.34.090, 36.36.045, 36.88.220, 36.88.230, 36.94.150, 53.36.050, 58.08.040, 84.38.020, 84.56.240, 84.56.300, and 84.69.020; repealing RCW 36.29.150 and 36.33.180; providing an effective date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5029 by Senator Morton

AN ACT Relating to obsolete provisions in the water code; amending RCW 90.54.030, 90.54.040, 90.54.050, 90.22.010, and 90.54.100; and repealing RCW 43.21A.460, 90.54.190, and 90.54.200.  
Referred to Committee on Agriculture and Environment.

SB 5030 by Senator Horn

AN ACT Relating to the appropriation of water from lakes and reservoirs for single-family residential noncommercial garden and landscape irrigation; adding a new section to chapter 90.03 RCW; creating new sections; and providing an expiration date.  
Referred to Committee on Agriculture and Environment.

SB 5031 by Senators Swecker, Oke and Zarelli

AN ACT Relating to juvenile persistent offenders; amending RCW 13.40.0357, 13.40.150, 13.40.160, and 13.40.320; reenacting and amending RCW 13.40.020; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5032 by Senators Swecker, Bauer and Benton

AN ACT Relating to writs of restitution; and amending RCW 59.18.390.  
Referred to Committee on Law and Justice.

SB 5033 by Senator Roach

AN ACT Relating to possession of stolen checks or drafts; amending RCW 9A.56.160, 9A.56.140, and 9A.56.010; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5034 by Senator Roach

AN ACT Relating to gambling; and amending RCW 9.46.0209.  
Referred to Committee on Commerce and Labor.

SB 5035 by Senator Roach

AN ACT Relating to crimes related to mail; adding a new chapter to Title 9A RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5036 by Senator Roach

AN ACT Relating to forfeiture of property; and amending RCW 9.41.098, 9.46.231, 9.68A.120, 9A.82.100, 9A.83.030, 10.105.010, 46.61.5058, and 69.50.505.  
Referred to Committee on Law and Justice.

SB 5037 by Senator Benton

AN ACT Relating to disposition of revenues related to or formerly related to motor vehicle excise taxes; amending RCW 82.44.120, 82.44.150, 82.14.200, 82.14.210, 82.14.310, and 82.14.330; reenacting and amending RCW 82.44.110 and 82.14.320; adding a new section to chapter 70.05 RCW; adding a new chapter to Title 82 RCW; and repealing RCW 82.44.155 and 82.44.160.  
Referred to Committee on Ways and Means.

SB 5038 by Senators Benton, Newhouse and Anderson

AN ACT Relating to the Columbia River Gorge commission; and adding a new section to chapter 43.97 RCW.  
Referred to Committee on Government Operations.

SB 5039 by Senator Benton

AN ACT Relating to sales and use tax deferral for construction of new or expanded business; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5040 by Senator Benton

AN ACT Relating to implementing a prison inmate hard labor chain gang work program; adding a new section to chapter 72.09 RCW; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 5041 by Senator Benton

AN ACT Relating to environmental appeals; and amending RCW 36.70A.300, 43.21B.170, 43.21B.180, 75.20.140, 76.09.230, and 90.58.180.  
Referred to Committee on Agriculture and Environment.

SB 5042 by Senators Benton and Patterson

AN ACT Relating to standardized high school transcripts; and amending RCW 28A.305.220.  
Referred to Committee on Education.

SB 5043 by Senator Benton

AN ACT Relating to personal service contracts; amending RCW 42.52.030; and adding a new section to chapter 39.29 RCW.  
Referred to Committee on Government Operations.

SB 5044 by Senators Benton and Oke

AN ACT Relating to crimes; amending RCW 9A.36.011, 9A.32.010, 70.24.034, and 70.24.105; and reenacting and amending RCW 9A.36.021 and 9A.04.080.  
Referred to Committee on Law and Justice.

SB 5045 by Senator Benton

AN ACT Relating to the rotation of names on primary and general election ballots; amending RCW 29.30.025, 29.30.081, and 29.80.060; and repealing RCW 29.30.040.  
Referred to Committee on Government Operations.

SB 5046 by Senator Benton

AN ACT Relating to the election of officials at general elections; and amending RCW 29.21.015 and 29.30.085.  
Referred to Committee on Government Operations.

SB 5047 by Senators Benton and Zarelli

AN ACT Relating to arming community corrections officers; adding a new section to chapter 72.02 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5048 by Senators Morton, Haugen and Prince

AN ACT Relating to state highway routes; amending RCW 47.17.005; and adding a new section to chapter 47.17 RCW.  
Referred to Committee on Transportation.

SB 5049 by Senators Wood, Prentice, Horn, Brown, Prince and Haugen

AN ACT Relating to lists of registered and legal owners of vehicles; and amending RCW 46.12.370.  
Referred to Committee on Transportation.

SB 5050 by Senators Goings, Winsley, Wojahn and Franklin

AN ACT Relating to affirming and clarifying the legislative authority to treat the initial rate set for refurbished and new nursing facilities as that rate which is established on July 1, 1995, for purposes of recalculating the July 1, 1995, rate using a minimum occupancy rate of eighty-five percent; and amending RCW 74.46.430.  
Referred to Committee on Health and Long-Term Care.

SB 5051 by Senators McCaslin, Deccio, Anderson and Oke

AN ACT Relating to final orders and decisions by growth management hearings boards; and amending RCW 36.70A.300 and 36.70A.330.  
Referred to Committee on Government Operations.

SB 5052 by Senator McCaslin

AN ACT Relating to residential real property transfers; and repealing RCW 64.06.005, 64.06.010, 64.06.020, 64.06.030, 64.06.040, 64.06.050, 64.06.060, 64.06.070, and 64.06.900.  
Referred to Committee on Government Operations.

SB 5053 by Senator McCaslin

AN ACT Relating to property owners' rights to property uses presumed in assessment calculations; amending RCW 84.40.030, 35.44.047, and 36.94.220; adding a new section to chapter 35.22 RCW; adding a new section to chapter

35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.32 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Government Operations.

SB 5054 by Senators McCaslin, Sellar, Wojahn, Prentice, Kohl and Johnson

AN ACT Relating to the presidential preference primary; and repealing RCW 29.19.010, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.070, 29.19.080, and 29.19.900.

Referred to Committee on Government Operations.

SB 5055 by Senator McCaslin

AN ACT Relating to revoking the growth management act; amending RCW amending RCW 35.58.2795, 36.79.150, 36.94.040, 36.105.070, 39.84.130, 43.88.110, 43.155.070, 43.160.060, 43.168.050, 43.210.010, 43.210.020, 47.26.080, 57.16.010, 58.17.060, 58.17.110, 66.08.190, 70.94.455, 70.94.527, 70.94.534, 70.94.743, 70.146.070, 76.09.050, 76.09.060, 81.104.080, 81.112.050, 82.02.020, 82.46.010, 82.46.030, 82.46.050, 84.40.030, and 86.12.200; reenacting and amending RCW 35.77.010, 36.81.121, 43.88.030, 82.46.040, and 82.46.060; creating a new section; repealing RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.045, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.090, 36.70A.100, 36.70A.103, 36.70A.106, 36.70A.110, 36.70A.120, 36.70A.130, 36.70A.140, 36.70A.150, 36.70A.160, 36.70A.170, 36.70A.172, 36.70A.175, 36.70A.180, 36.70A.190, 36.70A.200, 36.70A.210, 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.---, 36.70A.310, 36.70A.320, 36.70A.330, 36.70A.340, 36.70A.345, 36.70A.350, 36.70A.360, 36.70A.365, 36.70A.---, 36.70A.370, 36.70A.380, 36.70A.385, 36.70A.390, 36.70A.400, 36.70A.410, 36.70A.420, 36.70A.430, 36.70A.450, 36.70A.460, 36.70A.470, 36.70A.480, 36.70A.481, 36.70A.490, 36.70A.500, 36.70A.---, 36.70A.800, 36.70A.900, 36.70A.901, 36.70A.902, 19.27.097, 35.13.005, 35.63.125, 35A.14.005, 35A.63.105, 36.70.545, 36.93.157, 36.93.230, 43.17.065, 43.17.250, 43.62.035, 43.63A.550, 47.80.010, 47.80.020, 47.80.030, 47.80.040, 47.80.050, 59.18.440, 59.18.450, 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, 82.08.180, 82.14.215, and 82.46.035; and repealing 1990 1st ex.s. c 17 s 64 (uncodified).

Referred to Committee on Government Operations.

SB 5056 by Senators McCaslin and Roach

AN ACT Relating to limiting property assessments to permitted land use; and amending RCW 84.40.030, 35.44.047, and 36.94.220.

Referred to Committee on Government Operations.

SB 5057 by Senators McCaslin, Sellar, Deccio, Hale, Anderson, Zarelli and Roach

AN ACT Relating to growth management; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

SB 5058 by Senators McCaslin and Haugen

AN ACT Relating to vacancies in elective office; and amending RCW 42.12.010.

Referred to Committee on Government Operations.

SB 5059 by Senator McCaslin

AN ACT Relating to legal notices; and adding a new section to chapter 65.16 RCW.

Referred to Committee on Law and Justice.

SB 5060 by Senators Haugen and Roach

AN ACT Relating to clarifying driving statutes; amending RCW 46.20.021, 46.61.525, 13.40.0357, 46.55.113, 7.68.035, 10.31.100, 46.01.260, 46.61.005, and 46.61.5055; reenacting and amending RCW 46.63.020 and 46.52.130; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5061 by Senators Hale, Anderson, Haugen, McCaslin, Goings, West, Johnson and Oke

AN ACT Relating to state and local government; and amending RCW 34.05.310, 34.05.328, and 42.30.020.

Referred to Committee on Government Operations.

SB 5062 by Senators Roach, Haugen, Johnson, Winsley and Oke (by request of Secretary of State Munro)

AN ACT Relating to state agencies issuing federal employer identification numbers; adding a new section to chapter 19.02 RCW; adding a new section to chapter 43.07 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 82.02 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5063 by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

AN ACT Relating to names of corporations and units of government; adding a new section to chapter 23B.14 RCW; adding a new section to chapter 24.03 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 24.12 RCW; adding a new section to chapter 24.20 RCW; adding a new section to chapter 24.24 RCW; adding a new section to chapter 24.28 RCW; and adding a new section to chapter 23.86 RCW.  
Referred to Committee on Law and Justice.

SB 5064 by Senators Roach, Haugen, Johnson, Winsley and Rossi (by request of Secretary of State Munro)

AN ACT Relating to limited partnerships; amending RCW 25.10.453 and 25.10.553; adding new sections to chapter 25.10 RCW; and providing an expiration date.  
Referred to Committee on Law and Justice.

SB 5065 by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

AN ACT Relating to business organizations; amending RCW 23B.04.010, 23B.15.060, 24.03.045, 24.06.045, 25.04.710, 25.04.715, 25.10.020, 25.15.010, and 25.15.325; and adding a new section to chapter 25.04 RCW.  
Referred to Committee on Law and Justice.

SB 5066 by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

AN ACT Relating to trademarks; and amending RCW 19.77.030.  
Referred to Committee on Law and Justice.

SB 5067 by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

AN ACT Relating to filing of business and nonprofit documents with the secretary of state; and adding a new section to chapter 43.07 RCW.  
Referred to Committee on Law and Justice.

SB 5068 by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

AN ACT Relating to charitable trusts; amending RCW 11.110.060, 11.110.070, and 11.110.075; adding a new section to chapter 11.110 RCW; and repealing RCW 11.110.050, 11.110.073, and 11.110.080.  
Referred to Committee on Law and Justice.

SJR 8200 by Senators Snyder, Loveland, Wojahn, Winsley, Haugen, Goings, Franklin, Rasmussen, Brown, Patterson and Spanel

Amending the state Constitution to allow a credit against property taxes on owner-occupied residential property.

Referred to Committee on Ways and Means.

SJR 8201 by Senators Benton and Zarelli

Adopting English as Washington's official language.

Referred to Committee on Government Operations.

SJR 8202 by Senators Benton, Hargrove, Zarelli and Roach

Amending the Constitution to limit property tax assessments.

Referred to Committee on Ways and Means.

SJR 8203 by Senator McCaslin



Amending the Constitution to revise the schedule for legislative sessions.

Referred to Committee on Government Operations.

SCR 8400 by Senator McDonald

Notifying the Governor that the Legislature is organized.

HOLD.

SCR 8401 by Senators McDonald, Sellar and Johnson

Adopting procedures for joint bill sponsorship.

HOLD.

#### MOTIONS

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted by voice vote.

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8400, the President appointed Senators Long and Thibaudeau to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

#### MOTION

On motion of Senator Johnson, the appointments were confirmed.  
The committee retired to the office of the Governor.

At 1:21 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 1:24 p.m. by President Pritchard.

#### COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Keiser, Robertson, Murray and Talcott appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

The report was received and the committee returned to the House of Representatives.

The President announced the following Proposed 1997 Senate Standing Committee Assignments:

#### MEMBERSHIP OF SENATE STANDING COMMITTEES 1997

**Agriculture and Environment (7) -- Morton, Chair; Swecker, Vice Chair;** Fraser, McAuliffe, Newhouse, Oke, \*Rasmussen.

**Commerce and Labor (7) -- Schow, Chair; Horn, Vice Chair;** Anderson, Franklin, Fraser, \*Heavey, Newhouse.

**Education (7) -- Hochstatter, Chair; Finkbeiner, Vice Chair;** Goings, Johnson, \*McAuliffe, Rasmussen, Zarelli.

**Energy and Utilities (7) -- Finkbeiner, Chair; Hochstatter, Vice Chair;** Brown, \*Pelz, Strannigan.

**Financial Institutions, Insurance and Housing (7) -- Winsley, Chair; Benton, Vice Chair;** Finkbeiner, Hale, Heavey, Pelz, \*Prentice.

**Government Operations (7) -- McCaslin, Chair; Hale, Vice Chair;** Anderson, Haugen, Horn, Jacobsen, \*Patterson.

**Health and Long-Term Care (7) -- Deccio, Chair; Wood, Vice Chair;** Benton, Fairley, Franklin, Strannigan, \*Wojahn.

**Higher Education (9) -- Wood, Chair; Winsley, Vice Chair;** Bauer, Hale, \*Kohl, Patterson, Prince, Sheldon, West.

**Human Services and Corrections (7) -- Long, Chair; Zarelli, Vice Chair;** Franklin, \*Hargrove, Kohl, Schow, Stevens.

**Law and Justice (11) -- Roach, Chair; Johnson, Vice Chair;** \*Fairley, Goings, Hargrove, Haugen, Jacobsen, Long, McCaslin, Stevens, Zarelli.

**Natural Resources and Parks (11) -- Oke, Chair; Rossi, Vice Chair;** Hargrove, Morton, Prentice, Roach, Snyder, Spanel, Stevens, Swecker.

**Rules (19) \*\*Owen, Chair; Newhouse, Vice Chair;** Bauer, Benton, Hale, Horn, Johnson, Loveland, McAuliffe, McDonald, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, Thibaudeau, Wojahn, Zarelli.

**Transportation (15) -- Prince, Chair; Benton, Vice Chair; Wood, Vice Chair;** Goings, \*Haugen, Heavey, Horn, Morton, Newhouse, Oke, Patterson, Pelz, Prentice, Rasmussen, Sellar.

**Ways and Means (21) -- West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair;** Bauer, Brown, \*Fraser (Capital), Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, \*Spanel (Appropriation), Swecker, Thibaudeau, Winsley, Zarelli.

\* - Ranking Minority Member

\*\* - Lt. Gov. Owen is a voting member

#### MOTION

On motion of Senator Johnson, the Proposed Standing Committee assignments were confirmed.

#### MOTION

On motion of Senator Johnson, the Senate returned to the third order of business.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 15, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mike B. Kreidler, reappointed March 15, 1996, for a term ending January 15, 1999, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

March 28, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gabriel C. Love, appointed March 28, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

April 1, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Borgaila, appointed April 1, 1996, for a term ending July 1, 1998, as a member of the Board of Trustee for the State School for the Deaf.

Sincerely,

MIKE LOWRY, Governor

HOLD.

April 17, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Gary Moore, appointed for a term beginning April 27, 1996, and ending at the pleasure of the Governor, as  
Commissioner of the Employment Security Department.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

April 18, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Patrick R. McMullen, reappointed April 18, 1996, for a term ending January 19, 2001, as a member of the Fish and  
Wildlife Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

April 23, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Reverend Bernard J. Coughlin, appointed April 23, 1996, for a term ending September 30, 2000, as a member of  
the Spokane Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

April 23, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
William Robinson, appointed April 23, 1996, for a term ending September 30, 2000, as a member of the Spokane  
Joint Center for Higher Education.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

May 10, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Richard C. Kelley, reappointed May 10, 1996, for a term ending June 30, 2002, as a member of the Pollution  
Control/Shorelines Hearings Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 4, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Lisa Brodoff, appointed for a term beginning July 1, 1996, and ending June 30, 2001, as Chief Administrative Law  
Judge of the Office of Administrative Hearings.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 4, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Linda G. Tompkins, appointed for a term beginning July 1, 1996, and ending June 30, 2002, as a member of the  
Transportation Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 12, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Judith M. Merchant, appointed for a term beginning July 1, 1996, and ending July 26, 1997, as a member of the  
Personnel Appeals Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 13, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
David Williams, reappointed for a term beginning June 16, 1996, and ending June 15, 2001, as a member of the  
Marine Employees' Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 18, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Gay V. Selby, reappointed June 18, 1996, for a term ending June 30, 2000, as a member of the Higher Education  
Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 18, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
David Shaw, reappointed June 18, 1996, for a term ending June 30, 2000, as a member of the Higher Education  
Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 18, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Chang Mook Sohn, reappointed June 18, 1996, for a term ending June 30, 2000, as a member of the Higher  
Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 24, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Connie L. Ambrose-Hosman, appointed June 24, 1996, for a term ending April 3, 2000, as a member of the State  
Board for Community and Technical Colleges.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 24, 1996

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

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

Eileen O'Neill Odum, appointed June 24, 1996, for a term ending April 3, 2000, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 26, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bill Frank, Jr., appointed June 26, 1996, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

June 27, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edith L. Nelson, appointed June 27, 1996, for a term ending September 30, 1997, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 9, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Juanita M. Garrison, appointed July 9, 1996, for a term ending June 30, 2002, as a member of the Gambling Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 10, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kay Adamson, reappointed July 10, 1996, for a term ending July 1, 2001, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bob Royer, reappointed July 17, 1996, for a term ending June 13, 2000, as a member of the Washington Public Power Supply System Executive Board of Directors.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 18, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth M. Calvin, appointed July 18, 1996, for a term ending August 2, 1997, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 18, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Chris Jensen, appointed July 18, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 18, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Greg Nickels, appointed July 18, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 18, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Lois Smith, appointed July 18, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 18, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Jenny Wieland, appointed July 18, 1996, for a term ending August 2, 1999, as member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

July 19, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Joseph Fram, reappointed July 19, 1996, for a term ending July 1, 2001, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 7, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Loren Anderson, reappointed August 7, 1996, for a term ending March 26, 2000, as a member of the Higher Education Facilities Authority.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 7, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Kathleen Q. Casey, appointed for a term beginning September 6, 1996, and ending June 30, 1997, as a member of the Gambling Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 12, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas A. Green, appointed August 12, 1996, for a term ending June 30, 2000, as a member of the Transportation Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 15, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Russ Hauge, appointed August 15, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 15, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Hubert Locke, reappointed August 15, 1996, for a term ending August 2, 1999, as Chair of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 15, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cyrus R. Vance, Jr., appointed August 15, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 16, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph J. Pinzone, appointed August 16, 1996, for a term ending June 30, 1999, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 19, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judy Schurke, appointed August 19, 1996, for a term ending June 17, 1999, as a member of the Board of Industrial Insurance Appeals.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

August 26, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancylynn Bridges, appointed August 26, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

MIKE LOWRY, Governor

HOLD.

August 26, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Julia L. Petersen, appointed August 26, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees  
for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 3, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Roger F. Sanford, appointed September 3, 1996, for a term ending July 26, 1999, as a member of the Personnel  
Appeals Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 12, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Phyllis Pulfer, reappointed September 12, 1996, for a term ending June 17, 2001, as a member of the Human Rights  
Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 12, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Mary Swenson, reappointed September 12, 1996, for a term ending September 30, 2002, as a member of the Board  
of Trustees for Western Washington University.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Darrell Beers, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of  
the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Kathleen Gutierrez, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a  
member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

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

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



Elling B. Halvorson, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Healea, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Hogan, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald Jacobson, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Veltry Johnson, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bishop Lowell E. Knutson, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John E. Lantz, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Robert J. Margulis, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Guy McMinds, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,  
MIKE LOWRY, Governor

HOLD

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
William G. Morris, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Felix Ramon, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,  
MIKE LOWRY, Governor

HOLD

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
James E. Sherrill, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Alison Wo Sing, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Dennis F. Stefani, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. F. Truebenbach, reappointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 19, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathleen M. Philbrick, appointed for a term beginning October 1, 1996, and ending September 30, 2001, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 20, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kenneth Alhadeff, appointed for a term beginning October 1, 1996, and ending September 30, 2002, as a member of the Board of Regents for Washington State University.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 20, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phyllis J. Campbell, reappointed for a term beginning October 1, 1996, and ending September 30, 2002, as a member of the Board of Regents for Washington State University.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

September 20, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe King, appointed September 20, 1996, for a term ending September 30, 2000, as a member of the Board of Regents for Washington State University.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 7, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Lamb, appointed for a term beginning October 10, 1996, and ending September 30, 2002, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 11, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Scott Brundage, reappointed October 11, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 11, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Ricardo R. Garcia, reappointed October 11, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 11, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
J. C. Jackson, appointed October 11, 1996, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 11, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Captain Ioannis (John) A. Karakoulakis, appointed October 11, 1996, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 11, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Captain Robert N. Kromann, appointed October 11, 1996, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 11, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Captain Benjamin L. Watson, reappointed October 11, 1996, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 14, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Bernadene Dochnahl, reappointed October 14, 1996, for a term ending January 4, 1997, as a member of the Personnel Resources Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 29, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Carol Dotlich, appointed October 29, 1996, for a term ending December 5, 1999, as a member of the State Hospital, Western Washington Advisory Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 30, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
John M. Emerson, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 30, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Sheryl S. Hershey, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Bellingham Community College District No. 25.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 30, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Ronald W. Johnson, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 30, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Frank Russell, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 30, 1996

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

I have the honor to submit the following appointment, subject to your confirmation.  
Phyllis S. Self, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

October 30, 1996

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Alexander Swantz, reappointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

November 4, 1996

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

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

Robert D. McVicars, appointed November 4, 1996, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

November 4, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jeffrey W. Nitta, appointed November 4, 1996, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

November 18, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe Bowen, appointed November 18, 1996, for a term ending June 17, 2000, as a member of the Human Rights Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

November 26, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul D. Burton, appointed November 26, 1996, for a term ending September 30, 1999, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

November 26, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Kneeshaw, appointed November 26, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

November 26, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Naomi K. Pursel, appointed November 26, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

December 12, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donna M. Mason, reappointed December 12, 1996, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

December 17, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Christine Wakefield, appointed for a term beginning January 1, 1997, and ending December 31, 1999, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

December 31, 1996

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Mickey Fearn, reappointed beginning January 1, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

#### MOTION

On motion of Senator Johnson, the Gubernatorial Appointments were held on the desk.

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bills which were vetoed by the Governor, together with the official veto message setting forth his objections to the bills as required by Article III, section 12, of the Washington State Constitution:

SUBSTITUTE SENATE BILL NO. 6078;  
SUBSTITUTE SENATE BILL NO. 6180;  
SENATE BILL NO. 6243;  
SUBSTITUTE SENATE BILL NO. 6262;  
SUBSTITUTE SENATE BILL NO. 6263;  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6285;  
SENATE BILL NO. 6302;  
SENATE BILL NO. 6482;  
SUBSTITUTE SENATE BILL NO. 6532;  
SUBSTITUTE SENATE BILL NO. 6542;  
SUBSTITUTE SENATE BILL NO. 6692.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the Seal of the state of Washington,  
this 13th day of January, 1997.

(Seal) RALPH MUNRO

Secretary of St

#### VETOED BILLS

#### MESSAGE FROM THE GOVERNOR VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6078

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6078 entitled:  
"AN ACT Relating to the public presentation of information regarding regional transit authority projects;"  
Substitute Senate Bill No. 6078 requires that public presentations made about available revenues to support a regional transit authority project cannot include state or federal revenue assumptions unless the money has already been authorized. This restriction is counter to the current federal policy that the local option funding be secured before Congress authorizes federal revenues for regional transit projects.

Clark County Transit (C-TRAN) in Vancouver and other Washington multi-modal transportation systems should not be forced to make incomplete financial assumptions about financing as they develop their regional transportation system plans. Substitute Senate Bill No. 6078 would tie the hands of the regional transit authorities as they implement critical local and regional transit projects.

For these reasons, I am vetoing Substitute Senate Bill No. 6078 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6180

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6180 entitled:

"AN ACT Relating to superior court judges;"

Substitute Senate Bill No. 6180 extends a statutory deadline for King County to add unfilled positions for superior court judges originally authorized by legislation in 1992. Substitute House Bill No. 2446, which I have approved, contains a similar amendment and also adds judgeships in Spokane, Thurston, Chelan, and Douglas counties. Substitute Senate Bill No. 6180 would create confusion with the more comprehensive bill, Substitute House Bill No. 2446, already signed into law.

For this reason, I have vetoed Substitute Senate Bill No. 6180 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6243

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6243 entitled:

"AN ACT Relating to health care services for offenders sentenced to death;"

Senate Bill No. 6243 prohibits the Department of Corrections from providing "life saving health care procedures" to an offender who is under a sentence of death. The prohibition applies regardless of the stage of the inmate's appeal. Organ transplants, bone marrow transplants, open-heart surgery, and chemotherapy are the stated examples of prohibited life saving procedures. The bill, on the other hand, does allow the department to provide certain "basic emergency life-saving procedures" such as the Heimlich maneuver and cardiopulmonary resuscitation.

This legislation defines a life saving health care procedure as any "medical or surgical treatment or intervention to sustain, restore, or replace a bodily function, where failure to perform the treatment or intervention may result in the offender's death." This broad definition applies to a wide spectrum of treatments and interventions. Simple, routine procedures such as blood transfusions, insulin shots, and antibiotics for strep throat fall under the definition because they "sustain, restore, or replace bodily functions" without which death may result. This measure's expansive and vague definition also includes treatment services to alleviate pain and suffering. For instance, prescribing antibiotics for cancer treatment would be prohibited because "chemotherapy" encompasses all treatments by chemical agents. If a death row inmate had bone cancer, painful death would result without chemotherapy. Requiring the department to withhold treatment under these circumstances would almost certainly be determined unconstitutional cruel punishment.

The status of the offender's appeal is irrelevant under this bill. The prohibition applies whether the inmate has just appealed to the first level of the state appeals court or whether the inmate is waiting for the final word from the US Supreme Court. We must remember that the criminal justice system is not infallible. On occasion, a person sentenced to death will serve some time on death row and then receive a new trial or a pardon as the result of a successful appeal or clemency petition. Since 1973 when the death penalty was reinstated, there have been 43 cases across the country where a death row inmate was pardoned, acquitted, or had charges dropped in subsequent actions. It would be inhumane in such cases to cut short a person's life by withholding needed life saving treatment based on the assumption that in every instance of a death sentence, the individual deserves to die.

Moreover, Senate Bill No. 6243 fails to establish clear guidelines for the department as to the procedures it can provide. The definitional examples highlight the problem. The examples of permissible "basic, emergency life-saving procedures" and the examples of prohibited "life-saving health care procedures" do not sufficiently distinguish one category from the other. Moreover, constitutionally required medical treatment may be improperly withheld by department health care providers because of the ambiguity. Vague definitions will likely lead to inmate litigation to determine which life saving procedures are constitutionally required.

Senate Bill No. 6243 provides that offenders are responsible for the costs of any health care they receive unless the medical service is required by law as determined to be binding on the state by a court of competent jurisdiction. Again, this invites litigation.

In sum, this legislation is most probably an unconstitutional violation of the prohibition against cruel and unusual punishment. Given the problematic definitions included, it would also be impossible for the department to implement.

For these reasons, I have vetoed Substitute Senate Bill No. 6243 in its entirety.

Respectfully submitted,



MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6262

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6262 entitled:  
"AN ACT Relating to transport tags for game;"  
Substitute Senate Bill No. 6262 provides the Fish and Wildlife Commission the authority to authorize the purchase of cougar transport tags subsequent to a harvest without hounds. Although the bill only provides the commission with the authority to take such action, the policy itself is not an appropriate game management tool. Allowing tags to be sold following the taking of a cougar sends an inappropriate message regarding the value of cougars as big game animals, threatens the integrity of cougar harvest data, and will cause enforcement problems for the Department of Fish and Wildlife.  
While I understand concerns about increasing cougar, human, and livestock interactions, there are other cougar control options which should be examined prior to enacting this type of legislation. I would encourage the commission and the Department of Fish and Wildlife to work with the public and the legislature to explore all options for the management of cougars in the state.

For these reasons, I have vetoed Substitute Senate Bill No. 6262 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6263

March 7, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6263 entitled:  
"AN ACT Relating to the normal and usual use of equine and oxen;"  
In 1994 a broad spectrum of interest groups participated in the comprehensive overhaul of Washington State animal cruelty laws under Chapter 16.52 RCW. A standard that a person at a minimum knowingly, recklessly, or with criminal negligence inflict unnecessary pain or suffering upon an animal, fail to provide food and other necessities, or abandon the animal was agreed upon as a reasonable general threshold for culpability.  
Exclusions for rodeos and fairs, due to the unique and special nature of those events, were provided in the 1994 law. Any new exclusions to this law should be carefully and narrowly tailored to address specific problems or areas of concern.  
The exclusions from animal cruelty laws provided in Substitute Senate Bill No. 6263 for "the normal and usual use of equine and oxen for logging, riding, showing, vaulting, driving or drafting purposes" appear overly broad and could unnecessarily allow otherwise unacceptable acts of animal cruelty.

For these reasons, I have vetoed Substitute Senate Bill No. 6263 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6285

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 6285 entitled:  
"AN ACT Relating to disclosure of offenders' HIV test results to department of corrections and jail staff;"  
Engrossed Substitute Senate Bill No. 6285 would require the Department of Corrections (DOC) and local jails to identify certain inmates who carry infectious disease and to describe health precautions appropriate with those persons without identifying the nature of their illness.  
The plague of the HIV virus continues to be a serious concern to all of the citizens of Washington State. This issue is of particular concern to the men and women who serve our state and local communities as corrections officers and jail staff and who come into contact daily with inmates who may be carrying a variety of infectious diseases. I appreciate this concern and applaud the legislature's attempt to address it as well as to maintain confidentiality with respect to an inmate's HIV status. Despite this attempt, however, I do not believe Engrossed Substitute Senate Bill No. 6285 achieves its objective of providing appropriate protection to corrections officers and to jail staff.  
The only proven protection against exposure to the HIV virus is the use of the universal precautions. These precautions should be used by corrections officers and jail staff at all times and with all inmates. Engrossed Substitute Senate Bill No. 6285 is fundamentally flawed in that it implies extra care should be taken with some inmates, rather than uniform caution with all inmates.

It would be a mistake to give our corrections officers and jail staff a false sense of security by identifying only some of the inmates who carry infectious diseases. Posting the names of inmates whose statutorily mandated HIV tests were positive will not protect corrections officers or jail staff from inmates whose voluntary tests were positive or from those who have not been tested.

We should not place our valued public servants in further jeopardy by tempting them to treat some inmates with less than universal precaution because they are unaware of the possible threat from others. Currently, in the event a situation does occur which results in substantial exposure to bodily fluids, both corrections officers and jail staff are able to obtain confidential test results or to mandate testing, if necessary, to protect their own health.

In an effort to address the legitimate health and safety concerns of corrections officers, I am directing DOC to increase its efforts to provide these officers with sufficient information and training to assist their understanding of the importance of using universal precautions at all times. I am also directing DOC, in consultation with the Department of Health (DOH), to modify its existing policy to eliminate the use of "protocols" issued in relation to particular inmates.

In addition, I encourage local public health officials, in consultation with DOH, to work with local governments to provide local jail staff with information and training regarding universal precautions and other appropriate methods of protecting their health and safety. Until there is a cure, the only way for these valued public servants to remain healthy and safe is to maintain universal precaution.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 6285 in its entirety.

Respectfully submitted,

MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6302

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6302 entitled:

"AN ACT Relating to appointment of a county legislative authority member of the forest practices board;"

Senate Bill No. 6302 limits the governor's appointments to the Forest Practices Board. Currently the governor is required to appoint an elected member of a county legislative authority to serve as one of eleven members of the Forest Practices Board. This legislation would add the additional constraint of limiting the governor's selection to an exclusive list of three candidates specifically provided by the Washington State Association of Counties.

A change in the method of appointing the county representative to the Forest Practices Board is not appropriate. Limiting the governor's selection to a list of three candidates provided by the Washington State Association of Counties is a clear infringement on gubernatorial appointment authority and is an unwarranted delegation of governmental authority to a private association.

For these reasons, I have vetoed Senate Bill No. 6302 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SENATE BILL NO. 6482

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6482 entitled:

"AN ACT Relating to veterans' benefits;"

Senate Bill No. 6482 amends statutes that give preference in public employment to veterans who have served during specific armed conflicts. This bill adds to the list of eligible conflicts those that have occurred since 1975 and adds categories of veterans to those who currently receive preferences. The provisions of Engrossed Substitute House Bill No. 2781, which I have already approved, and this legislation are nearly identical.

Senate Bill No. 6482 contains ambiguities and conflicting language regarding eligibility of veterans for different levels of preferences. These ambiguities would likely result in inconsistent interpretation of law and administrative difficulties for all levels of government responsible for carrying out these important programs. When government grants rights and benefits, it is critical that the law is clear and unambiguous.

For these reasons, I have vetoed Senate Bill No. 6482 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6532

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6532 entitled:

"AN ACT Relating to exceptions from vessel registration;"

Substitute Senate Bill No. 6532 provides a blanket exemption from Washington's vessel registration laws for a period of up to six months and does not require that a vessel be registered in any other jurisdiction.

My concerns with this are twofold. First, it could result in a violation of federal law and a loss of federal funds. Federal law requires a vessel operating in U.S. waters to have a valid registration from an issuing authority. In addition, I have been informed by law enforcement officials that the six month period would make registration enforcement efforts unworkable and would result in a loss of funds for boating safety and enforcement efforts.

For these reasons, I have vetoed Substitute Senate Bill No. 6532 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6542

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6542 entitled:

"AN ACT Relating to deterring the unwarranted or abusive use of the offender grievance process;"

Substitute Senate Bill No. 6542 directs the Department of Corrections (DOC) to apply to the United States Attorney General to make certain changes to the department's federally-certified Offender Grievance Program. The mandated changes include: (1) a \$2.00 fee would be assessed for the third and any subsequent grievance that DOC determines was not filed in good faith; (2) fee assessments would be in addition to, rather than in lieu of, any other disciplinary actions taken by DOC in response to abuse of the grievance system; and (3) fees could be collected from offenders' institutional accounts or debts assessed against indigent offenders. DOC is further required to review the Offender Grievance Program Policy with the Department of Justice and to explore options for addressing abuse without compromising certification and the integrity of the grievance process.

The Offender Grievance Program represents to DOC a cost-effective way for offenders to constructively voice their complaints and grievances. This program supports resolution of potential problems prior to them becoming major issues and avoids costly lawsuits being filed. Of the more than 17,500 offenders who had access to the Offender Grievance Program and who were incarcerated by the Department of Corrections in 1995, fewer than 5,000 filed 13,700 formal grievances. Forty-six percent of those were resolved in the offender's favor. Only 20 infractions were issued for abuse of the program during 1995.

Offenders who file malicious or threatening grievances are infraacted and subject to disciplinary action. Depending on the circumstances, discipline can include a reprimand, warning, segregation, or the loss of earned early release time or general privileges. Offenders who file more than five grievances within one work week can be restricted to having only a limited number of complaints, formal grievances, or appeals in the system for 90 days from the finding of the abuse. The superintendents of prisons have the authority, and do exercise the right, to hold offenders accountable for these actions.

Further, the Offender Grievance Program reduces costly arbitration by providing administrative remedies to complaints that may otherwise be dealt with by the courts. Indeed, by virtue of program certification the courts can, and do, remand lawsuits back to the offender for exhaustion of DOC's grievance process. The Offender Grievance Program also serves as an early warning function alerting DOC to developing trends and to potential problems among the offender population or with staff.

The imposition of this fee requirement, on top of other penalties already in place, promises to discourage the use of the offender grievance system, thus, interfering with the ability of DOC to successfully monitor the environment of the offenders. Also, this action may result in more litigation. Today an offender can file a lawsuit in federal court without having to pay a fee. The imposition of this new assessment could result in a greater number of federal lawsuits challenging the constitutionality of such a fee.

1. Finally, I share the concern that this bill presents the potential for a chilling effect on offenders taking their grievances forward in an orderly and responsible way.

For these reasons, I have vetoed Substitute Senate Bill No. 6542 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6692

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6692 entitled:

"AN ACT Relating to the state weed board;"

Substitute Senate Bill No. 6692 directs the State Noxious Weed Control Board to work with various federal and tribal land management agencies to coordinate weed control. The bill declares that county weed boards and weed districts are authorized to enter federal lands to control noxious weeds and may not be held liable for those actions. The bill authorizes the county weed boards and weed districts to bill federal agencies for all the costs of the noxious weed control performed on federal land. It also directs each county prosecuting attorney's office to assist in any challenges to the authority of these entities or actions under this chapter and in the collection of all costs related to the noxious weed control performed on federal land.

Substitute Senate Bill No. 6692 contains language in section 1(3) that may create legal problems which would lead to administrative difficulties or may prevent the law from becoming operational. The intent of the bill, however, is admirable. The spread of noxious weeds causes economic and environmental damage on state and private lands. Improved coordination and more effective control of noxious weeds in Washington State are needed. To accomplish these goals, we must work with federal agencies to build a stronger partnership.

I strongly encourage the State Noxious Weed Control Board to work with all stakeholders as they prepare their recommendations for the 1997 Legislature. I am confident that these efforts will lead to improved effectiveness and to better coordination in the control of noxious weeds in Washington State.

For these reasons, I have vetoed Substitute Senate Bill No. 6692 in its entirety.

Respectfully submitted,  
MIKE LOWRY, Governor

#### FURTHER MESSAGE FROM THE SECRETARY OF STATE

The Honorable Joel Pritchard  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Mr. President:

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

Section 1, of Second Substitute Senate Bill No. 5053, the remainder of which has been designated Chapter 301, Laws of 1996 Regular Session;

Section 6, of Substitute Senate Bill No. 6173, the remainder of which has been designated Chapter 282, Laws of 1996 Regular Session;

Sections 109(4); 109(5); 112(1) beginning with the word "Of" on line 12, and ending with "January 1, 1997." On line 26; 112(2); 112 (4); 121(25); 132(lines 19-20); 132(3); 206(lines 34-35); 213(lines 24-28); 217(15); 217(16); 218(1)(f); 218(2)(c); 301(11); 503; and 706, of Engrossed Substitute Senate Bill No. 6251, the remainder of which has been designated Chapter 283, Laws of 1996 Regular Session;

Section 10, of Senate Bill No. 6253, the remainder of which has been designated Chapter 232, Laws of 1996 Regular Session;

Sections 6, 7, 8, and 13, of Substitute Senate Bill No. 6274, the remainder of which has been designated Chapter 275, Laws of 1996 Regular Session;

Section 1, of Substitute Senate Bill No. 6514, the remainder of which has been designated Chapter 240, Laws of 1996 Regular Session;

Section 4, of Substitute Senate Bill No. 6583, the remainder of which has been designated Chapter 120, Laws of 1996 Regular Session;

Sections 3 and 5, of Substitute Senate Bill No. 6637, the remainder of which has been designated Chapter 325, Laws of 1996 Regular Session;

Section 4, Substitute Senate Bill No. 6656, the remainder of which has been designated Chapter 173, Laws of 1996 Regular Session;

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, and 14, of Engrossed Substitute Senate Bill No. 6680, the remainder of which has been designated Chapter 317, Laws of 1996 Regular Session;

Section 8, of Engrossed Senate Bill No. 6702, the remainder of which has been designated Chapter 318, Laws of 1996 Regular Session;

IN TESTIMONY WHEREOF, I have hereunto set my hand,  
and affixed the Seal of the state of Washington,  
this 13th day of January, 1997.

(Seal) RALPH MUNRO

Secretary of State

#### **PARTIALLY VETOED BILLS**

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SECOND SUBSTITUTE SENATE BILL NO. 5053

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Second Substitute Senate Bill No. 5053 entitled:  
"AN ACT Relating to real estate disclosure;"

Second Substitute Senate Bill No. 5053 clarifies and updates state residential real estate disclosure law. Under current law, sellers of real estate are required to make an extensive list of disclosures concerning their properties and to deliver the statements within five days of acceptance of a written purchase agreement. Following delivery of the disclosure statement, the purchaser has up to three business days to rescind the transaction.

Section 1 of Second Substitute Senate Bill No. 5053 would exempt new residential construction from these real estate disclosure requirements. This is unacceptable.

The residential real estate disclosure act is a basic consumer protection law. Although it may duplicate some of the protections provided by the state and local permitting process, it places little burden on the seller and facilitates open and honest review of a transaction that represents, for most citizens, the single largest purchase in their lifetime.

Section 2 of Second Substitute Senate Bill No. 5053 makes a number of clarifications to the law and eliminates the question about whether property is in a designated flood hazard zone. Given the catastrophic floods of this past winter, eliminating a question of this kind might appear foolhardy. However, the question is ambiguous and in practice has caused sellers great difficulty in attempting to offer a clear and accurate answer. Section 2 further provides that the questions included in statute are the minimum to be included on the state disclosure form. The Washington Association of Realtors has authority to add additional questions that are substantially similar to the statewide form or to specialized, regional forms. I have asked the Growth Management Division of the state Department of Community, Trade and Economic Development to work with the Washington Association of Realtors and other interested parties to develop a question on this issue that will include a reference to sellers about where to find this information. Re-working this question will allow sellers to disclose clear, accurate information on this topic without becoming bogged down in technical ambiguities.

For these reasons, I have vetoed section 1 of Second Substitute Senate Bill No. 5053.  
With the exception of section 1, Second Substitute Senate Bill No. 5053 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6173

March 29, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Substitute Senate Bill No. 6173 entitled:  
"AN ACT Relating to motor vehicle dealers;"

Substitute Senate Bill No. 6173 makes a number of changes affecting motor vehicle dealers.

Section 6 of Substitute Senate Bill No. 6173 allows a vehicle dealer, in certain circumstances, to charge expenses or fees to purchasers of used cars previously taken as a trade-in or of new cars in which financing is arranged by the dealer. These costs should not be passed on to the consumer separate from the agreed price of the car but rather should simply be treated as another cost of doing business that dealers must consider when determining a price.

For this reason, I have vetoed section 6 of Substitute Senate Bill No. 6173.  
With the exception of section 6, Substitute Senate Bill No. 6173 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6251

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 109(4); 109(5); 112(1) beginning with the word "Of" on line 12, and ending with "January 1, 1997." on line 26; 112(2); 112(4); 121(25); 132 (lines 19-20); 132(3); 206 (lines 34-35); 213 (lines 24-28); 217(15); 217(16); 218(1)(f); 218(2)(c); 301(11); 503; and 706, Engrossed Substitute Senate Bill No. 6251 entitled:

"AN ACT Relating to fiscal matters;"

My reason for vetoing these sections are as follows:

**Section 109(4) and (5), page 10, Judgeship Proviso Reference (Administrator for the Courts)**

Section 109(4) provides funding for an additional Superior Court judgeship in Thurston County effective July 1, 1996; and section 109(5) provides funding for two additional Superior Court judgeships in Chelan and Douglas Counties effective January 1, 1997. However, both sections lapse funding for these judgeships without enactment of Senate Bill No. 6151 and Senate Bill No. 6495. Although the legislature did not approve either of these two bills, it did approve substantially similar legislation (Substitute House Bill No. 2446) to increase the number of judges in Thurston, Chelan, and Douglas

Counties. For this reason, I am vetoing the proviso language that ties the appropriation to the enactment of the two referenced senate bills, thereby making the funding available to the courts to carry out the intent of the legislature.

**Section 112(1), beginning with the word "Of" on line 12 and ending with "January 1, 1997." on line 26 and Section 112(2), page 12, Management Improvement Project for the Children and Family Services Division of the Department of Social and Health Services (Office of the Governor)**

Section 112(1) provides \$1,100,000 of a \$1,518,000 General Fund-State appropriation solely for allocation to the Public Policy Institute at The Evergreen State College to direct a management improvement project for the Division of Children and Family Services (DCFS). I wholeheartedly support this project and believe the legislature has taken an important step to assure that Washington State's system for delivery of child welfare services is a sound organization of which everyone can be proud. However, this subsection requires that the full \$1.1 million designated for the project be expended on a structural and process examination of DCFS. While such an examination should be the project's primary focus, I believe this amount could be used more effectively if some of the funds are also directed toward an examination of other key issues affecting DCFS and toward making immediate and tangible improvements in children and family services.

Therefore, I am vetoing part of section 112(1) in order to broaden the project's scope and to ensure that the state receives immediate and lasting results from the money designated for this project.

Specifically, I will broaden the scope of the project to include an examination of substance abuse and its impact on families and DCFS' delivery of services. I believe we, as a state, must come to grips with this problem, and I believe it is an important consideration of any review of the role and management of DCFS. In addition, I will direct that a portion of the money designated for the project be used to implement some of the strategies that experts have already identified as essential to improve our child welfare system. The most notable of these improvements is the creation of a separate licensing function with the Department of Social and Health Services to assure the health and safety of children in the department's care.

As intended by the legislature, the examination of DCFS' structure and processes by an objective, impartial expert will remain the central focus of the project. As set forth in section 112(1), this examination will include the study and development of DCFS' strategic plan, mission, goals, and performance-based outcome measures. I fully share the legislature's desire to improve DCFS' performance, strengthen its accountability, and increase public confidence in its work. The comprehensive examination outlined here will help us achieve this mutual goal.

Section 112(2) creates an oversight group for the management improvement project. While I agree with the need for this group, the membership outlined in this subsection is unnecessarily restrictive. I believe the examination of the DCFS' structure and processes would benefit from the inclusion of others, including experts outside state government. Therefore, I am vetoing section 112(2). While I will welcome input from the oversight group members outlined in this subsection, I plan to convene a broader group, including children's services experts from both the public and private sector, to assist in defining the scope of the management examination. I am retaining the requirement in section 112(3) involving a legislative advisory committee in the project and look forward to working with these members. I also believe there should be close collaboration between the project oversight group and the Legislative Budget Committee which was recently directed by the legislature to conduct a performance audit of Child Protective Services.

**Section 112(4), page 13, Office of the Family and Children's Ombudsman (Office of the Governor)**

Section 112(4) provides \$418,000 of the \$1,518,000 General Fund-State appropriation designated for establishing a new Office of the Family and Children's Ombudsman in the Governor's Office. This subsection requires the staff of the Office of Constituent Relations at the Department of Social and Health Services to be transferred to the Ombudsman's Office. These staff members perform an important function in the department and should remain there. Therefore, I am vetoing section 112(4); however, I will ensure that the Office of the Family and Children's Ombudsman will be established as intended by Second Substitute House Bill No. 2856.

**Section 121(25), page 29, Asian-Pacific Economic Conference (Department of Community, Trade, and Economic Development)**

Section 121(25) requires that \$180,000 from the General Fund-State appropriation be used by the Department of Community, Trade, and Economic Development (CTED) to supplement private funding for the Asian-Pacific Economic Conference (APEC). Because the legislature did not provide additional resources to support this expenditure, CTED would be forced to reduce funding for other valuable economic development programs to implement this budget language. While APEC's budget difficulties are very real, I cannot support a further erosion of CTED's economic development programs. Therefore, I am vetoing section 121(25).

**Section 132, lines 19-20, and Section 132(3), page 38, K-20 Technology Improvements (Department of Information Services)**

Section 132 appropriates \$54.3 million for the K-20 technology plan contained in Engrossed Second Substitute Senate Bill No. 6705. I applaud the legislature for addressing this very important need. Unfortunately, \$12 million of the \$54.3 million is appropriated from the Data Processing Revolving Account, a dedicated internal service fund used by the Department of Information Services (DIS) and other agencies to provide services on a cost-recovery basis. There are two technical problems with the use of this fund for the intended purpose. First, DIS' portion of the cash balance in this account is obligated for purchasing equipment and software needed to provide services to the contributing agencies. These services are not related to the K-20 technology plan. Second, dedicated state and federal revenues are merged in this account and using those outside sources to help finance the K-20 technology plan would be inappropriate. The largest contributors to the balance include funds of the Department of Social and Health Services and dedicated funds from the Departments of Labor and Industries, Licensing, and Transportation. Diverting these specific funds to a project not related to their intended use would ultimately result in having to pay back the original fund source.

As stated in Engrossed Second Substitute Senate Bill No. 6705, there is an initial requirement to prepare a design and implementation plan for K-20 technology improvements. This plan will create a better cost estimate as well as lay out the timing of the project. Although the higher education system is ready to proceed, K-12 is not expected to reach that stage prior to the next legislative session. Furthermore, the appropriation from the Data Processing Revolving Account was to be expended only after the entire K-20 Technology Account appropriation had been obligated. Since these funds are not expected to be needed prior to the 1997 Legislative Session, I will be looking toward making the required investment at that time through proper funding sources.

I commend the legislature for recognizing and addressing this vitally important need for technology improvements in our education system, but I cannot allow the improper use of the Data Processing Revolving Account. Therefore, I am vetoing the \$12 million appropriation, together with subsection (3) that relates to this appropriation.

**Section 206, lines 34-35, page 52, Aging and Adult Services Fiscal Year 1996 Appropriation (Department of Social and Health Services)**

The 1996 Legislative Session ended without passage of a supplemental capital budget. Without other action, the Department of Social and Health Services (DSHS) would have insufficient resources to replace the sewer system at the Maple Lane School or to move ahead with the reconstruction of Green Hill School, which is essential to continue to operate the institution and to meet growing demands for additional beds in the future. By vetoing the lines referenced above, the original higher appropriation level is restored, providing an additional \$9,917,000 in General Fund-State expenditure authority for DSHS in Fiscal Year 1996. These operating funds will be transferred to the Juvenile Rehabilitation and Mental Health institutional budgets to replace capital expenditures, thereby freeing up \$9.9 million in bond appropriations for capital projects. Of these funds, \$7 million will be allocated for reconstruction of Green Hill School and the remainder will be used to replace the Maple Lane sewer system.

**Section 213, lines 24-28, page 65, Discrimination Dispute Resolution (Human Rights Commission)**

This proviso directs \$100,000 General Fund-State to the Human Rights Commission to implement House Bill No. 2932, regarding discrimination dispute resolution. Since House Bill No. 2932 is not a necessary or appropriate prerequisite to providing alternative dispute resolution, I have vetoed it. I am also vetoing this proviso and directing the commission to use this \$100,000 to reduce its current backlog of discrimination cases.

**Section 217(15), pages 72-73, CHILD Profile (Department of Health)**

Subsection 15 appropriates \$210,000 General Fund-State solely for the purpose of stabilizing the existing CHILD Profile program in four counties and requires the development of a plan to expand the CHILD Profile immunization tracking system statewide by July 1, 1997. This is an extremely important effort, but I am concerned that the proviso appears to assume that the statewide planning effort can be implemented by July 1, 1997. Although the Department of Health is already engaged in determining statewide expansion of the program, implementation within this time frame is not feasible. Therefore, I am vetoing this subsection, but I am directing the Department of Health to expend the \$210,000 on the CHILD Profile program, proceed with its planning effort, and complete a report on its outcomes by July 1, 1997.

**Section 217(16), page 73, Domoic Acid (Department of Health)**

The Department of Health's (DOH) supplemental request to support testing for the presence of domoic acid, a harmful neural toxin in razor clams, blue mussels, and crabs was not funded. This proviso would require DOH to expend \$195,000 from existing general fund appropriations to conduct these tests. While domoic acid represents a public health threat to unsuspecting recreational harvesters of shellfish, the cost of these tests must be balanced against other important work being done by DOH. For this reason, I am vetoing this subsection and directing DOH to continue its testing program, to the degree possible, within existing resources.

**Section 218(1)(f), page 75, Supervision of Sex Offenders (Department of Corrections)**

Section 218(1)(f) provides \$78,000 to implement Substitute Senate Bill No. 6274, regarding the supervision of sex offenders. Substitute Senate Bill No. 6274, however, does not require the appropriation, but Substitute House Bill No. 2545, which was also approved by the legislature, does. For that reason, I am vetoing section 218(1)(f) so that the Department of Corrections can fulfill legislative intent.

**Section 218(2)(c), page 76, Life Skills Program (Department of Corrections)**

Section 218(2)(c) requires that, within the amounts appropriated, the Department of Corrections (DOC) fund the Life Skills program at the Washington State Correctional Center for Women in Fiscal Year 1997 at a level equal to or greater than that funded in Fiscal Year 1995. This directive is inconsistent with the educational requirements of Chapter 19, Laws of 1995, 1st Special Session, which require that DOC give a higher priority to basic and vocational education than to the Life Skills program. For this reason, I am vetoing Section 218(2)(c).

**Section 301(11), page 83, Water Quality Permit Fee Program (Department of Ecology)**

Section 301(11) requires the Department of Ecology to hire a consultant to develop a fee schedule for the water quality permit fee program. Although the proviso earmarks \$110,000 from the Water Quality Permit Fee Account for this study, the Department of Ecology's appropriation was not increased (and available revenue would not support an increased appropriation). Water quality efforts would need to be reduced to implement this proviso, which would result in fewer permit reviews.

In addition, a number of studies have already been conducted addressing the issues identified in the proviso. Among them are the 1994 Legislative Budget Committee study and the 1990-91 Efficiency Commission study. This new study would be redundant to those efforts. For these reasons, I am vetoing section 301(11).

**Section 503, pages 110-114, Basic Education Salaries (Superintendent of Public Instruction)**

Section 503 determines the level of state support for certificated salaries in basic education. The legislature added new language in 503(1)(b) to base 1996-97 school year allocated salaries on the experience and education (staff mix factor) of both basic education and special education certificated staff. By including special education staff in the calculation, the new language lowers the amount allocated to some school districts for basic education salaries in the 1996-97 school year. Because of state limits on school district salaries (the salary compliance law), some school districts would be required to pay lower salaries in 1996-97 than in 1995-96. Although I favor the concept of including special education staff in the salary allocation formula, I do not favor cutting any teacher's salary. For this reason, I am vetoing section 503. I will consider budget language and accompanying legislation for the 1997-99 Biennium to include special education and other staff in the salary allocation formula. I believe this can be accomplished without forcing salary cuts on certificated staff.

**Section 706, pages 154-157, Health Insurance Benefits**

Section 706 reduces the monthly contribution funding for health benefits for employees of state agencies and higher education institutions in Fiscal Year 1997 from \$314.51 to \$304.31 per month. This reduction would decrease the overall Public Employees Benefits Board funding by approximately \$11 million (all funds), which would have the effect of drawing down the current reserve.

I am vetoing this section because this reserve should be available to address unanticipated expenditures in the current biennium or to defer some of the increased funding which will most likely be required in the 1997-99 Biennium. This action should help protect the current benefits levels in the future for state employees.

I would like to take this opportunity to acknowledge that the 1996 Legislature took responsible action in recognizing some of the funding shortfalls due to congressional budget reductions. It is critical for our state to continue summer youth programs, to maintain the emergency food distribution programs, and to keep a commitment to salmon production. I would also like to remind members of the legislature that we may yet have to address other federal budget problems later this year. Since we no longer have predictable federal funding, it may be necessary to address serious budget shortfalls this fall, possibly even necessitating a special legislative session.

For these reasons, I have vetoed sections 109(4); 109(5); 112(1) beginning with the word "Of" on line 12, and ending with "January 1, 1997." on line 26; 112(2); 112(4); 121(25); 132 (lines 19-20); 132(3); 206 (lines 34-35); 213 (lines 24-28); 217(15); 217(16); 218(1)(f); 218(2)(c); 301(11); 503; and 706 of Engrossed Substitute Senate Bill No. 6251.

With the exception of sections 109(4); 109(5); 112(1) beginning with the word "Of" on line 12, and ending with "January 1, 1997." on line 26; 112(2); 112(4); 121(25); 132 (lines 19-20); 132(3); 206 (lines 34-35); 213 (lines 24-28); 217(15); 217(16); 218(1)(f); 218(2)(c); 301(11); 503; and 706, Engrossed Substitute Senate Bill No. 6251 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6253

March 28, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Senate Bill No. 6253 entitled:  
"AN ACT Relating to the sentencing guidelines commission;"

Senate Bill No. 6253 updates the powers and duties and expands the membership of the Sentencing Guidelines Commission (Commission). This legislation recognizes the need to assess the current status of adult felony sentencing as well as the need to reform disposition standards for juvenile offenders. In order to provide needed representation and perspective on the Commission, membership is increased to add a victim of crime or victims' advocate, a county elected official, a city elected official, a juvenile court administrator, and the head of the state agency responsible for juvenile corrections (currently the assistant secretary for the Juvenile Rehabilitation Administration of the Department of Social and Health Services). The chair of the Clemency and Pardons Board is removed from membership.

Section 10 of Senate Bill No. 6253 repeals these changes and restores the Commission's current membership structure effective June 30, 1999. Because the Commission's responsibilities are not expected to change at that time, there is no reason for repealing these changes. The need for this representation and variety of perspectives will be at least as great in 1999 as it is now. Further, the repeal would not provide a significant savings to taxpayers since Commission members serve part-time and receive only reimbursement of actual costs and, in the case of citizen members, per diem for meetings.

For these reasons, I have vetoed section 10 of Senate Bill No. 6253.  
With the exception of section 10, Senate Bill No. 6253 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6274

March 29, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6, 7, 8, and 13, Substitute Senate Bill No. 6274 entitled:

"AN ACT Relating to supervision of sex offenders;"

Substitute Senate Bill No. 6274 enhances public protection against sex offenders by making a number of changes. It extends the supervision period following an offender's release from incarceration and facilitates the Department of Corrections' imposition of sanctions for violations of supervision conditions. It also tightens the registration requirements for sex offenders so that law enforcement can better track their movements from community to community. In general, this legislation fine-tunes the laws enacted as part of the Community Protection Act of 1990.

The Community Protection Act of 1990 established a comprehensive approach for dealing with sex offenders. It authorized public officials to notify communities about potentially dangerous sex offenders when they are released from incarceration after serving their sentence. It also created a new sentencing alternative that permits first-time sex offenders, who have committed a non-serious offense, to remain in the community for treatment purposes. This treatment sentencing option is used only when the court -- after considering the recommendations of treatment experts, prosecutors, and the victim -- determines that the adult or juvenile offender does not pose a risk to the community and is amenable to treatment. Moreover, the offender is supervised by a probation officer during the treatment period. Because successful treatment is the best protection against recidivism, this sentencing alternative serves the interests of the community as well as the individual offender.



Sections 6, 7, and 8 of Substitute Senate Bill No. 6274 extend the public notification requirement to offenders who have been sentenced under the treatment option. Section 13 provides for immediate implementation of these provisions and has no effect on the remainder of the bill.

I wholeheartedly agree that public notification is appropriate when an offender returning to the community poses a potential public safety risk. However, I do not support extending the public notification requirement to first-time, non-serious juvenile offenders who remain in the community for treatment. Public notification serves no purpose in these cases where the courts have made a risk assessment, based on expert evaluations, and have found these juveniles to pose no threat to community safety. In addition, community notification could well jeopardize the purpose of this sentencing alternative, that is, to provide effective community-based treatment in order to prevent future reoffense. Past public notifications of juvenile sex offenders upon their release from confinement have sometimes resulted in their being prevented from attending school. Other juveniles have been harassed and even assaulted. If it results in public stigmatization, community notification will significantly undermine our efforts to rehabilitate juvenile offenders under the treatment sentencing option. This risk should therefore be avoided. With respect to adult offenders who are sentenced under the community treatment option, law enforcement already issues public notifications on these offenders.

For these reasons, I have vetoed sections 6, 7, 8, and 13 of Substitute Senate Bill No. 6274.

With the exception of sections 6, 7, 8, and 13, Substitute Senate Bill No. 6274 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6514

March 28, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 6514 entitled:

"AN ACT Relating to preservation services;"

Substitute Senate Bill No. 6514 authorizes the use of paraprofessional workers to provide support services to families receiving preservation services from the Department of Social and Health Services (DSHS) or its contractors. This bill also allows DSHS and its contractors, when using paraprofessionals, to serve more families and to provide preservation services for a longer period of time.

Section 1 of this measure states that it is the intent of the legislature to target preservation services to families "most at risk". This language suggests that DSHS must prioritize the provision of preservation services to families who are at high risk of having their children removed from their home due to abuse or neglect. More specifically, this language may be read as suggesting that the department serve high risk families before serving families who are at lower risk of an out-of-home placement, but who nevertheless have placed their children in danger and who could benefit from services designed to prevent the situation from escalating into a crisis resulting in an out-of-home placement.

While I agree that scarce resources should be targeted whenever possible, section 1 seems to be unduly restrictive and contrary to the prevention-oriented focus of Engrossed Substitute Senate Bill No. 5885. That important legislation, which was enacted last year and for which the legislature has appropriated funding this year, contained a clear expression of the legislature's intent to provide "up-front services" to strengthen families and to prevent out-of-home placements. Last year's measure also expanded preservation services to include less intensive services for families who are at lower risk of an out-of-home placement.

The 1996 supplemental operating budget, Engrossed Substitute Senate Bill No. 6251, expressly provides funding both for the existing intensive preservation services for high risk families and for the new preservation services established last year for lower risk families. Section 1 appears to be inconsistent with this legislative direction.

For these reasons, I have vetoed section 1 of Substitute Senate Bill No. 6514.

With the exception of section 1, Substitute Senate Bill No. 6514 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6583

March 21, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6583 entitled:

"AN ACT Relating to higher education;"

Substitute Senate Bill No. 6583 establishes definitions for full and part-time academic employees in the community and technical college system for the purpose of standardizing medical and retirement benefits and requires a task force to study, provide recommendations on, and implement best practices regarding academic employee benefits.

This legislation includes an emergency clause in section 4. Funding to implement the provisions of this bill is included in the supplemental budget and cannot be expended until fiscal year 1997. Since the bill without section 4 is otherwise effective 90 days following the close of the legislative session, which is before the start of fiscal year 1997, the emergency clause is without moment.

Moreover, the inclusion of an emergency clause prevents this bill from being subject to a referendum under Article II, section 1 (b) of the state Constitution and unnecessarily denies the people of this state their power, at their own option, to approve or reject this bill at the polls.

For these reasons, I have vetoed section 4 of Substitute Senate Bill No. 6583.  
With the exception of section 4, Substitute Senate Bill No. 6583 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6637

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 5, Substitute Senate Bill No. 6637 entitled:  
"AN ACT Relating to limitations on growth management hearings board discretion;"

Substitute Senate Bill No. 6637 clarifies the statutes dealing with the Growth Management Hearings Boards.

Sections 1 and 2 of this bill are simple clarifications of current law governing board actions and are not controversial. Section 4 provides for expedited judicial review of board actions in cases in which a board issues a determination of invalidity and such a determination is appealed. While the authority of the legislature to direct the courts to expedite review is not clear, it is reasonable to encourage prompt consideration by the courts of such board actions within their civil dockets given the significant impacts that may be involved in the invalidation of local land use ordinances.

Section 3 of this bill has two major elements, one changing provisions regarding invalidity, the other addressing how courts should review board decisions.

The legislature acted in 1995 to respond to uncertainty regarding the vesting status of projects in jurisdictions in which boards had found comprehensive plans or development regulations out of compliance with the Growth Management Act. Prior to 1995, there was concern that the result might be an effective moratorium on development. The legislature provided that projects vest under a local land use statute, even if it has been found out of compliance, unless and until a board issues a determination of invalidity. Such a determination must meet a higher standard than is needed to find noncompliance. For a board to issue a determination of invalidity, it must find that the continued validity of the plan or regulation would "substantially interfere with the fulfillment of the goals" of the act. After a determination of invalidity, new projects vest under whatever ordinance is eventually adopted in compliance with the act.

Since this change in 1995, there has been significant controversy regarding the use of this authority by the boards. Some have argued that boards have used the authority to respond to repeated refusal by a small minority of local governments to pass statutes that complied with the act. Others have argued that the use of this power has created temporary chaos rather than greater certainty and that the use of this power has altered the "bottom up" nature of growth planning. The legislature responded by revisiting the 1995 sections in this bill.

Substitute Senate Bill No. 6637 requires that when a board makes a determination of invalidity, it must specify the provisions to which the determination would apply and must wait ninety days before effectuating the order. Additional time must be granted to the local government if it is making "substantial progress" toward adopting a plan or regulations.

During this period, all projects vest to the local ordinance which has been found to substantially interfere with fulfillment of the goals of the act. After this period, the board may issue an order effectuating the determination of invalidity. When such an order is issued, it provides that divisions of land vest to new ordinances ultimately found in compliance by the boards. Other development continues to vest to the provisions which have been found invalid by the boards, until new ordinances have been enacted. The concept that projects should vest to provisions of law that substantially interfere with fulfillment of the goals of the act is not wise.

This was an honest attempt to develop a compromise in a difficult area of the law. I commend the legislature for its efforts, but as drafted, Substitute Senate Bill No. 6637 is not without significant flaws.

To permit vesting to a plan or regulation that has been found to substantially interfere with fulfillment of the goals of the act is an incentive for local governments to continue to remain out of compliance with legitimate board orders. Despite the local nature of growth planning, the act reflects statewide concerns. The boards are intended to ensure that local solutions remain within the requirements and goals of the act. If board determinations are ignored, the boards are nothing more than a time-consuming annoyance on the way to court. Meanwhile traffic congestion worsens, sprawl continues, air quality degrades, habitat is lost, the public's ability to pay for infrastructure is strained and frustration mounts.

The section also provides that in appeals of Growth Management Hearing Board decisions, the court is to conduct an independent review of the board's legal conclusions. It is unclear whether this merely clarifies the current court practice of independently reviewing the actions of quasi-judicial boards as to their legal conclusions or whether it directs the courts to grant no deference to the board's specialized expertise. At best, this lack of clarity makes the court's task in reviewing board decisions more difficult than would already be the case. At worst, these provisions render the decisions of the boards meaningless and prolong the resolution of underlying dispute.

I am aware of criticism of a few board actions, but in the vast majority of the appeals brought to the boards, they have been successful in achieving prompt resolution of the issues in dispute. The boards were established to resolve difficult land use planning disputes, including those between local governments, to reflect regional differences, to bring more expertise to these issues, and to resolve issues more quickly than court action would require.

I believe that this provision is a message by the legislature to the boards directing them to use discretion in their authority to invalidate local ordinances. I echo this message. There are some situations in which local actions are so far out of compliance with the requirements and goals of the act that severe action is appropriate. However, overuse of this authority will only serve to weaken both the authority of the boards and the act itself.

I am requesting that the Land Use Study Commission, established in 1995, make recommendations to the 1997 Legislature and to the governor proposing how to clarify and simplify the law in this area. Such recommendations should propose how to establish greater certainty in local growth planning and encourage local planning and actions to comply with the requirements and goals of the Growth Management Act.

Section 5 of Substitute Senate Bill No. 6637 recognizes the broad range of discretion that may be exercised by local governments under the Growth Management Act. In the act, the legislature specified a set of goals and a related series of procedural and substantive requirements towards achieving them. While requiring compliance, the legislature recognized the diversity of the state and the power inherent in local land use decision-making. Consistent with these requirements, local governments retain broad discretion.

However, local discretion must be exercised in a manner that is consistent with the requirements of the act. The boards have the difficult responsibility of interpreting the legislative meaning of the act in specific local disputes without substituting their judgment for that of local governments. This is among the most difficult challenges facing the boards and local governments. Section 5 of this bill states that the boards are not to prioritize, balance or rank the goals of the Growth Management Act. This provision appears to prevent the boards from evaluating whether local governments have been guided by the goals or whether, in meeting the requirements of the act, they have reflected the value content of the goals. Such a limitation would reduce the boards to a purely procedural role. If this provision were to become law, most local disputes would require court action for resolution. The boards can only function effectively if they have the authority, when resolving disputes, to ensure that local governments are complying with the requirements and not substantially interfering with fulfillment of the goals of the act.

This section also clarifies that in cases heard by Growth Management Hearings Boards, the burden of proof is on the petitioner. This principle was understood at the establishment of the boards. The boards have adopted rules which include this standard.

Section 5 of Substitute Senate Bill No. 6637 clarifies the standard of review to be used by the boards to judge cases. In matters of law, the bill directs the boards to find compliance unless they find that a state agency or local government erroneously interpreted the chapter. In issues of fact, compliance is to be found if the action of the state agency or local government is not supported by evidence that is substantial when reviewed in light of the whole record before the board.

In reviewing legal questions, the boards must determine whether local governments have been right or wrong in their legal interpretation of the provisions of the Growth Management Act as evidenced by their application of the act. The standard for reviewing questions of fact directs the boards to defer somewhat to local governments as long as they present enough evidence to allow a reasonable person to act. This is similar to the direction by the boards to local governments to "show your work", stating that local governments deserve deference if they establish a rational basis for making complex land use decisions.

I believe the boards should grant deference to local governments in how they plan for growth consistent with the requirements and goals of the act. Local comprehensive plans and development regulations require local governments to balance priorities and options for action in full consideration of local circumstances. While the act requires that local action take place within a state framework, the local land use process is not aimed at perfection but at allowing local communities to make choices about their future.

The legislature attempted to clarify the standard that boards must use to resolve disputes between local governments and affected parties. With one exception, I believe that they succeeded. However, the prohibition against board action regarding the goals of the act appears to prevent the boards from ensuring that the goals have their intended effect. I cannot approve this. After six years, implementation of the act is forcing us again to consider how to maintain local control within a framework of state goals and requirements. In many jurisdictions, plans have been adopted and many are fully involved in implementing their plans. In these jurisdictions, we can see the results of good planning. But in some jurisdictions, the distance between traditional development patterns and practices and the dramatic changes required by the act have divided communities and resulted in angry disputes between local governments and the boards.

People acting in good faith have come to very different conclusions about how best to manage growth. The state must revisit the issue of how to resolve these disputes. I am requesting that the Land Use Study Commission make recommendations to the legislature and to the governor regarding improvements to our dispute resolution structure.

For these reasons, I have vetoed sections 3 and 5 of Substitute Senate Bill No. 6637.

With the exception of sections 3 and 5, Substitute Senate Bill No. 6637 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6656

March 28, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6656 entitled:

"AN ACT Relating to sales and use tax exemptions for manufacturing machinery and equipment;"

Substitute Senate Bill No. 6656 provides an exemption from the sales and use taxes for repair and replacement parts with a useful life of one year or more, as well as a sales and use tax exemption for labor and service charges for repairing, cleaning, altering, or improving machinery and equipment.

I agree with the finding of the legislature that this measure would improve the ability of Washington State to compete with other states in our region for manufacturing investment. This type of legislation helps bring more family wage jobs to the state as well as enhance and solidify the state's competitive position. I further agree with the legislature's finding that the health, safety, and welfare of the people of the state of Washington are heavily dependent upon the continued development and expansion of the state's manufacturing industries. In that light, I am vetoing section 4 of Substitute Senate Bill No. 6656. This section establishes an effective date for the bill of January 1, 1997.

The necessity and importance of this type of legislation dictates that it be put into effect as soon as possible so that the economic benefits of increased employment and family wage jobs for the people of the state of Washington can begin immediately rather than next year. In addition, allowing the bill to become law within the usual 90 days after adjournment of the legislature will provide an additional \$11.2 million in sales and use tax relief to manufacturers in the state.

For this reason, I have vetoed section 4 of Substitute Senate Bill No. 6656.

With the exception of section 4, Substitute Senate Bill No. 6656 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6680

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, and 14, Engrossed Substitute Senate Bill No. 6680 entitled:

"AN ACT Relating to the performance assessment of state government;"

Engrossed Substitute Senate Bill No. 6680, for the most part, creates a new legislative committee and office to conduct performance reviews of state agencies and programs. These reviews would determine whether agencies and programs should be strengthened, abandoned, or redirected and would evaluate whether there is still a valid purpose for them. They would also look at program costs, priorities, performance improvements, and strategic plans. These kinds of inquiries are valid and usually provide useful direction to state agencies. They also identify where state government programs should be cut back because of changing circumstances or should be expanded to meet new needs. I support these efforts and believe they should be strengthened.

However, the powers and duties given to the new Legislative Committee on Performance Review and to its staff office are unfunded and seriously overlap current responsibilities of the Legislative Budget Committee and its successor agency, the Joint Legislative Audit and Review Committee. This committee was created by Engrossed Second Substitute House Bill No. 2222.

While I strongly support any coordinated, well-planned, and properly funded effort to evaluate state agency performance, I am concerned that two legislative agencies with overlapping directives in this area would not be beneficial. Indeed, they could result in conflicting demands and directives on executive branch agencies that would be difficult and costly to fulfill. I cannot approve those sections of the bill relating to the powers and duties of the Legislative Committee on Performance Review and the Legislative Office of Performance Review.

On the other hand, section 10 of Engrossed Substitute Senate Bill No. 6680 provides reasonable and timely direction to state agencies and the Office of Financial Management (OFM) in a number of critical areas. It directs agencies to define their missions, goals, and objectives; to establish performance measures; and to adopt processes for continuous self-assessment and improvement. Section 10 also directs OFM to institute performance-based budgeting and to assist agencies in developing performance measurement systems. The supplemental appropriations act provides OFM with additional resources to accomplish these goals. These are useful steps that should be taken, and they build on work already done by agencies, OFM, and the Washington Performance Partnership Council. Section 10 should, therefore, be approved.

Section 12 of Engrossed Substitute Senate Bill No. 6680 repeals the enabling act for the Washington Performance Partnership Council. That organization and its staff contributed significantly to developing a workable Washington State management model, defined the role of state executives in strategically managing change, and began the process of incorporating continuous process improvement and performance measurement into our management culture. Since their work is done and they are no longer funded, the repealers in section 12 are appropriate.

For these reasons, I have vetoed sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, and 14 of Engrossed Substitute Senate Bill No. 6680.

With the exception of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, and 14, Engrossed Substitute Senate Bill No. 6680 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6702

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Engrossed Senate Bill No. 6702 entitled:

"AN ACT Relating to clarifying and streamlining procedures of the joint administrative rules review committee;"

The Joint Administrative Rules Review Committee (JARRC) plays an important role in providing a bipartisan forum for selective review of agency rules. This legislation clarifies a number of JARRC's procedures. I commend the members of the legislature for their continuing hard work.

However, section 8 of Engrossed Senate Bill No. 6702 includes language that I have vetoed from two other bills in prior legislative sessions. This section would give JARRC the ability, by a simple majority vote of committee members, to establish a rebuttable presumption in judicial proceedings that a rule does not comply with the legislature's intent. The burden of proof to establish that a rule was within legislative intent would be shifted to the state agency rather than placed on the

individual bringing the challenge. This would mean that five legislators out of a total of 147 could determine legislative intent. These five individual legislators would have this ability regardless of their participation in the policy committees that developed the underlying legislation upon which the rule is based.

I have serious concerns about the constitutionality of this kind of authority. Article II, section 22 and Article III, section 12 of the state constitution require that legislative acts be passed by a majority of the members elected to each house of the legislature, with presentment to the governor for approval. This section violates these provisions. Moreover, section 8 of Engrossed Senate Bill No. 6702 violates the separation of powers doctrine in that it intrudes unduly into those constitutional powers reserved for the executive and judicial branches of government.

For these reasons, I have vetoed section 8 of Engrossed Senate Bill No. 6702.

With the exception of section 8, Engrossed Senate Bill No. 6702 is approved.

Respectfully submitted,  
MIKE LOWRY, Governor

#### MOTION

On motion of Senator Johnson, the Messages from the Secretary of State regarding the bills that the Governor vetoed and partially vetoed in the 1996 Session were held on the desk.

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Benton, Brown, Patterson, Jacobsen, Stevens and Horn appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Long and Thibaudeau appeared before the bar of the Senate and reported that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8400, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

#### MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 192, originally filed with this office on April 4, 1996. On January 3, 1997, the sponsor of the proposed initiative filed 10,629 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 189,087 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 192 to you at this time. We expect to complete verification of signatures no later than February 11, 1997, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the Seal of the state of Washington,  
this 10th day of January, 1997.

(Seal) RALPH MUNRO

Secretary of State

#### INITIATIVE 192

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 192 to the Legislature is a true and correct copy as it was received by this office.

AN ACT Relating to health plans; adding a new section to chapter 48.43 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The purpose of section 2 of this act is to expand access to health care providers so that Washington state residents, not the government or health insurance companies, select health care providers for themselves and their families.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

Every health plan delivered, issued for delivery, or renewed by a health carrier on and after July 1, 1998:

(1)(a) Shall permit every individual doctor, as defined below, to provide health services or care for conditions to the extent that:

(i) The provision of such health services or care is within the doctor's scope of practice; and

(ii) The doctor agrees to abide by standards related to:

(A) Provision, utilization review, and cost containment of health services;

(B) Management and administrative procedures; and

(C) Provision of cost-effective and clinically efficacious health services; and,

(iii) The plan covers the condition or provides the service.

(b) For purposes of this section, the term "doctor" means doctor of podiatric medicine and surgery licensed under chapter 18.22 RCW, doctor of chiropractic licensed under chapter 18.25 RCW, doctor of naturopathy licensed under chapter 18.36A RCW, doctor of optometry licensed under chapter 18.53 RCW, doctor of osteopathic medicine and surgery licensed under chapter 18.57 RCW, doctor of pharmacy or pharmacist licensed under chapter 18.64 RCW, doctor of medicine licensed under chapter 18.71 RCW, and doctor of psychology licensed under chapter 18.83 RCW. This subsection (1) shall not apply to a health maintenance organization to the extent that it directly employs doctors.

(2) May include patient cost-sharing requirements, gatekeeper or referral requirements, or any other managed care provisions, only to assure efficient delivery of health care services. Such requirements or provisions may not discriminate unfairly against any category of provider included in the plan and must be written and applied on a substantially fair and uniform basis among all health care providers included in the plan.

#### MOTION

On motion of Senator Johnson, the message on Initiative to the Legislature No. 192 was held on the desk.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fourth order of business.

#### MESSAGES FROM THE HOUSE

January 13, 1997

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 13, 1997

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4400 by Representatives Lisk, Chopp and Mason

Calling a Joint Session for the State of the State address.

HOLD.

HCR 4401 by Representatives Lisk, Chopp, Mason and L. Thomas

Convening a Joint Session to hear the Chief Justice.

HOLD.

#### MOTIONS

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.  
HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted by voice vote.

#### MOTIONS

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.  
HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted by voice vote.

#### MOTION

At 1:45 p.m., on motion of Senator Johnson, the Senate adjourned until 11:30 a.m., Tuesday, January 14, 1997.

JOEL PRITCHARD, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

#### **JOURNAL OF THE SENATE**

#### **FIRST DAY, JANUARY 13, 1997**

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#### **SECOND DAY**

#### ----- **MORNING SESSION** -----

Senate Chamber, Olympia, Tuesday, January 14, 1997

The Senate was called to order at 11:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Rasmussen.

The Sergeant at Arms Color Guard, consisting of Pages Ryan Horsman and Kevin Goodspeed, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

#### MOTION

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

#### MOTION

On motion of Senator Franklin, Senator Rasmussen was excused.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

January 10, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Sue Batali, appointed January 10, 1997, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

MOTION

On motion of Senator Johnson, the Gubernatorial Appointment was held on the desk.

MESSAGE FROM SECRETARY OF STATE

January 13, 1997

The Honorable Joel Pritchard  
President of the State Senate  
State of Washington  
Olympia, Washington

Dear Mr. President:

I respectfully transmit the attached Report on Petitions for the Formation of New Counties as requested by the Chief Clerk of the House of Representatives and the Secretary of the Senate during the previous session of the Washington State Legislature.

Sincerely,  
RALPH MUNRO, Secretary of State

The Report on Petitions for the Formation of New Counties is on file in the Office of the Secretary of the Senate.

The Secretary of State will distribute a copy of the Report on Petitions for the Formation of New Counties to the office of each member.

MESSAGE FROM THE HOUSE

January 13, 1997

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8400.

INTRODUCTION AND FIRST READING

SB 5069 by Senators McCaslin and Haugen

AN ACT Relating to the powers of initiative and referendum within counties that are not home rule charter counties; and adding new sections to chapter 36.01 RCW.  
Referred to Committee on Government Operations.

SB 5070 by Senators Haugen and McCaslin

AN ACT Relating to development regulations for reasonable use exceptions; amending RCW 36.70B.080 and 36.70B.080; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; creating a new section; providing an effective date; and providing an expiration date.  
Referred to Committee on Government Operations.

SB 5071 by Senators Stevens, Haugen and Hochstatter (by request of Board of Education)

AN ACT Relating to school district territory included in city and town boundary extensions; and amending RCW 28A.315.250.  
Referred to Committee on Education.

SB 5072 by Senators Kohl, Roach, Fairley, Hargrove, Haugen, Goings, McCaslin, Long, Winsley and Oke

AN ACT Relating to providing liquor to persons under age twenty-one; amending RCW 66.44.270 and 66.44.300; creating a new section; prescribing penalties; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5073 by Senators Swecker, Snyder, Newhouse, Loveland and Winsley



AN ACT Relating to the community economic revitalization board; amending RCW 43.160.080 and 82.16.020; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5074 by Senators Sellar and Snyder

AN ACT Relating to increasing interstate trade through tax incentives for warehouse and grain elevator operations; amending RCW 81.104.170; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 46.87 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.14 RCW; creating new sections; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5075 by Senators Swecker and Rasmussen

AN ACT Relating to shoreline management; adding a new section to chapter 90.58 RCW; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5076 by Senators Morton, Rasmussen and Hochstatter

AN ACT Relating to business and occupation tax on the cubing of hay or alfalfa for sale at wholesale; amending RCW 82.04.120; and reenacting and amending RCW 82.04.260.  
Referred to Committee on Agriculture and Environment.

SB 5077 by Senators Morton, Rasmussen, Newhouse and Loveland

AN ACT Relating to integrated pest management; and adding a new chapter to Title 17 RCW.

Referred to Committee on Agriculture and Environment.

SB 5078 by Senators Swecker, Fraser, Heavey and Patterson

AN ACT Relating to retirement credit for merchant marines who served in war zones; and amending RCW 41.40.170.  
Referred to Committee on Ways and Means.

SB 5079 by Senator Swecker

AN ACT Relating to permit processing; adding new sections to chapter 90.48 RCW; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5080 by Senators Kohl, Franklin, Haugen, Hargrove, Fairley, Rasmussen, Bauer, Sheldon, Winsley, Goings, Brown, Patterson and Zarelli

AN ACT Relating to sales and use tax exemptions for the replacement of property damaged during extreme weather conditions; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency  
Referred to Committee on Ways and Means.

SB 5081 by Senators Kohl, McCaslin, Long, Hargrove, Franklin, Winsley, Goings and Patterson

AN ACT Relating to persons who patronize prostitutes; adding a new section to chapter 9A.88 RCW; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5082 by Senators Hargrove, Long, Franklin, Oke and Winsley

AN ACT Relating to mental health and chemical dependency treatment for minors; amending RCW 71.34.010, 71.34.020, 71.34.025, 71.34.030, 71.34.040, 70.96A.095, and 70.96A.097; reenacting and amending RCW 70.96A.020; adding new sections to chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 5083 by Senators Roach and Winsley

AN ACT Relating to a civil action as a remedy for coercion in the making of sexually explicit films or videos; adding new sections to chapter 9.68 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5084 by Senators Roach, Schow, Benton, Swecker, Zarelli, Morton, Hochstatter, Johnson, McCaslin, Winsley, Stevens and Oke

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state; adding a new section to chapter 4.84 RCW; and creating new sections.  
Referred to Committee on Government Operations.

SB 5085 by Senators Roach, Swecker, McCaslin and Winsley

AN ACT Relating to criminal conspiracy; and amending RCW 9A.28.040.  
Referred to Committee on Law and Justice.

SB 5086 by Senators Roach, McDonald, Schow, Swecker, Johnson, McCaslin, Oke and Long

AN ACT Relating to prohibiting mandatory child support for postsecondary education of adult children; amending RCW 26.09.170, 26.09.225, 26.18.210, 26.19.035, and 26.19.075; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.19.090.  
Referred to Committee on Law and Justice.

SB 5087 by Senators Roach, Swecker, Schow and Oke

AN ACT Relating to interviews of children conducted by the department of social and health services; amending RCW 26.44.030; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 9A.44 RCW.  
Referred to Committee on Law and Justice.

SB 5088 by Senators Roach, Zarelli, Swecker, McCaslin and Winsley

AN ACT Relating to injunctive relief; reenacting and amending RCW 9A.46.060; and adding a new section to chapter 7.40 RCW.  
Referred to Committee on Law and Justice.

SB 5089 by Senators Roach, Zarelli, Swecker and Hochstatter

AN ACT Relating to failure to appear at a court proceeding; and adding a new section to chapter 10.01 RCW.  
Referred to Committee on Law and Justice.

SB 5090 by Senators Roach, Zarelli, Schow, Swecker, Hochstatter, McCaslin, Winsley, Goings and Oke

AN ACT Relating to residential burglary; reenacting and amending RCW 9.94A.030; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5091 by Senators Roach, Swecker and Winsley

AN ACT Relating to the jurisdiction of district and superior courts over real property; adding a new section to chapter 59.18 RCW; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5092 by Senators Roach, Swecker, Zarelli, Schow, Hochstatter, Bauer, McCaslin, Oke and Long

AN ACT Relating to disarming a law enforcement officer; adding new sections to chapter 9A.76 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5093 by Senator Roach

AN ACT Relating to capital punishment sentencing; and amending RCW 10.95.130 and 10.95.140.  
Referred to Committee on Law and Justice.

SB 5094 by Senator Roach

AN ACT Relating to the release of offenders; and amending RCW 9.95.062 and 10.64.025.  
Referred to Committee on Human Services and Corrections.

SB 5095 by Senator Roach

AN ACT Relating to a municipal court defendant incarcerated at a jail facility in the county but outside the city limits; and amending RCW 35.20.100.  
Referred to Committee on Law and Justice.

SB 5096 by Senator Roach

AN ACT Relating to contempt of court; and amending RCW 7.21.020.  
Referred to Committee on Law and Justice.

SB 5097 by Senators Roach and Swecker

AN ACT Relating to no-contact restrictions on sentences; reenacting and amending RCW 9.94A.120; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5098 by Senators Loveland, Sheldon, Snyder, Fairley and Kohl

AN ACT Relating to general obligation bond debt service payments from the community and technical college capital projects account; amending RCW 28B.50.360; and repealing 1995 2nd sp.s. c 16 s 810 (uncodified).  
Referred to Committee on Higher Education.

SB 5099 by Senators Loveland, Wojahn, Fairley, Rasmussen, Winsley and Kohl

AN ACT Relating to sales and use tax exemptions for medical records; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.  
Referred to Committee on Ways and Means.

SJM 8000 by Senator Hochstatter

Encouraging teacher literacy.

Referred to Committee on Education.

SJR 8204 by Senators McCaslin and Haugen

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

Referred to Committee on Government Operations.

#### MOTIONS

On motion of Senator Johnson, the Committee on Government Operations was relieved of further consideration of Senate Joint Resolution No. 8201.

On motion of Senator Johnson, Senate Joint Resolution No. 8201 was referred to the Committee on Education.

#### MOTION

At 11:44 a.m., Senator Johnson moved that the Senate be at ease to retire to the House of Representatives for the purpose of a Joint Session.

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "We will gather, but before we do I have just a short--I would like to take a moment to thank Vic Yelle, Mary Wiley, Marty Brown--who is not here--Tony Cook, Mike O'Connell, Brad Hendrickson, and all the other people on the rostrum--that have been so good and so helpful to me. I think all of us are delighted for Marty--the appointment he got--and it will be good for the Governor and it will be good for the Senate and the legislative process. So, we want to congratulate Marty even though he is not here. While I am looking, there is Dick and Karen; this is a two camera day today. They are both up here, but I think all of you know that. I appreciate--I certainly do--the wonderful support that I have had as

I wander along and thrash around and they keep me straight. They are such fine people; they make us all proud. I thank them all and we are going to applaud them right now. Now, we will all adjourn to the back. Senator Snyder."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Well, Governor, I would like to take this opportunity to thank you for the eight years that you have been here. I have only been around six of them, but you had a long and distinguished career, starting in 1959 in the House of Representatives and then you were over here and then spent twelve years in Congress. You kept your word when you said that you wouldn't be there longer than twelve years. You probably could have still been back--"

#### REPLY BY PRESIDENT PRITCHARD

President Pritchard: "I would have been in all that mess back there if I had been."  
Senator Snyder: "Well, you have done an outstanding job throughout your political career and we want to wish you the very best in the future."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Well, thank you. Now, let's all adjourn to the back of the room, so we can--oh, Senator Sellar."

#### REMARKS BY SENATOR SELLAR

Senator Sellar: "Well, Mr. President, it wouldn't be fair if we didn't pass on those remarks to you from this side of the aisle, too. It has been a real pleasure and privilege for all of us to serve in the same body as Joel Pritchard. Thank you very much."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "That is very kind. We don't dare be late to this."

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: "I just want to add one thing. I want to thank you for your levity in creating an atmosphere of fun within these Chambers when it became very somber. Thank you very much."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Well, thank you very much. Now, if you--yes, Senator."

#### REMARKS BY SENATOR PRINCE

Senator Prince: "Governor Pritchard, beings that we came at the same time--I had to work for you then--but I did not expect to still be here when you left. It has been a joy and I want to add my personal thanks."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Oh, thank you. We don't dare be late to the House, because they are going to blame us for holding up their schedule. You know they have TV and everything over there, so any of these kinds of remarks, Senator Loveland, let's hold them up, because seriously we've got to get over there or we are going to be in trouble."

#### REMARKS BY SENATOR LOVELAND

Senator Loveland: "Mr. Governor, this is on a different subject, but I would also like to thank you. For the good of the order, Senator Pelz is standing in the wings and we would all like to wish him well. He was formally sworn in as a King County Councilperson. We are going to miss all his levity and I would like to acknowledge him."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "That's right. We are delighted that he won that very difficult battle up there. It is not easy to win any kind of a battle in King County these days. All right, now we are going to--yes--Senator--"

#### REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Mr. President, I would like to take one more opportunity to wear my collar open before the new Lieutenant Governor gets here."

#### REPLY BY PRESIDENT PRITCHARD

President Pritchard: "If you can get away with it over in the House, go to it."

Senator Hargrove: "I really have appreciated your consideration for all of our antics out here. It has been a great place to work. Thank you."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Thank you. Now, let's get to the back here, so that we get over there. We are five minutes late now."

At 11:48 a.m., the members of the Senate retired to the House of Representatives for the purpose of a Joint Session.

#### JOINT SESSION

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

The Speaker instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tem Irv Newhouse, Majority Leader Dan McDonald and Minority Leader Sid Snyder to seats on the rostrum.

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

The Speaker declared the Joint Session to be in order.

The Clerk of the House called the roll of members of the House.

The Secretary of the Senate called the roll of members of the Senate.

#### WELCOME BY SPEAKER CLYDE BALLARD

Speaker Ballard: "This Joint Session has more than one purpose. It has been called to hear the State of the State Address of the Governor. This occasion also provides the Legislature with the most appropriate opportunity to recognize the retiring state officials for their long and effective service to the state of Washington. The Joint Session also complies with the constitutional requirement of canvassing the vote for and against referendums and initiatives, and for the constitutional elective officers. Having discharged the constitutional requirements imposed upon the Speaker of the House, it is now my pleasure to call upon the President of the Senate to preside over the Joint Session."

EDITOR'S NOTE: The Messages from the Secretary of State canvassing the vote for and against referendums and initiatives, and for the constitutional elective officers were read in the Senate the First Day of the Session.

The Speaker presented the gavel to President Pritchard.

#### APPOINTMENT OF SPECIAL COMMITTEES

The President appointed Representatives Sterk, McDonald, Constantine and Lantz and Senators Johnson, Roach, Heavey and Hargrove to escort the Supreme Court Justices to the House Chamber. The President introduced the Justices: Chief Justice Barbara Durham, Associate Chief Justice James M. Dolliver, Justice Charles Z. Smith, Justice Richard P. Guy, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Gerry L. Alexander, Justice Philip A. Talmadge and Justice Richard B. Sanders.

The President appointed Representatives Dyer, Sump, Morris and Doumit and Senators Rossi, Wood, Fraser and Deccio to escort the State Elected Officials to the House Chamber. The President introduced the elected officials: Secretary of State, Ralph Munro; State Treasurer, Daniel K. Grimm; State Auditor; Brian Sonntag; Attorney General, Christine Gregorie; Commissioner of Public Lands, Jennifer M. Belcher; Superintendent of Public Instruction, Judith A. Billings; and Insurance Commissioner, Deborah Senn.

The President appointed Representatives Mitchell and Veloria and Senators Zarelli and McAuliffe to notify Governor Mike Lowry that the Joint Session has assembled and to escort him to the House Chamber. The President introduced the Governor, Mike Lowry.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed United States Congresswoman Linda Smith, Superintendent of Public Instruction-Elect Terry Bergeson, Her Majesty's Consul of Britain, The Honorable Michael Upton and Mrs. Upton; The Consul General of Canada, The Honorable Thomas Beem; The Consul General of Japan, The Honorable Naotoshi Sugiuchi and Mrs. Sugiuchi; The Consul General of Mexico, The Honorable Hugo Abel Castro and his wife Rebecca. The President also welcomed The Reverend Sam McKinney.

## REMARKS BY THE PRESIDENT

President Pritchard: "As the Speaker has announced, this occasion provides all of us with the opportunity to recognize old friends who are leaving office. Secretary Munro, will you do the honor of introducing our friends?"

## INTRODUCTION OF RETIRING STATE TREASURER DANIEL GRIMM

Secretary Munro: "I would like to begin with our State Treasurer, Dan Grimm. Twenty four years ago he began his career in this building as a clerk for the Higher Education Committee for the House of Representatives. Three years later he was elected as a Representative from the Twenty-fifth Legislative District, serving Puyallup, North Tacoma, Bonney Lake and Sumner. Representative Grimm served with distinction in the House for twelve years.

"During that time, he had the privilege of chairing the House Higher Education Committee, the Democratic Caucus and the House Ways and Means Committee which he led for six years. Dan Grimm was elected State Treasurer in 1988 and reelected in 1992. There is no question that he is considered the father of our beautiful new State Historical Society Building in Tacoma. Dan, we thank you for your service and the leadership you have provided. Ladies and Gentlemen, State Treasurer Dan Grimm."

The President and Speaker presented retiring State Treasurer Dan Grimm with a photograph of the Legislative Building.

## REMARKS BY STATE TREASURER DANIEL GRIMM

State Treasurer Grimm: "Thank you. Mr. Governor, Mr. Speaker, Mr. President, ladies and gentlemen. As I stand here, I am reminded of the day about twenty years ago when I sat for the first time in the back of this Chamber. I want to say to those of you who are new to this legislative body, that if you, during your time here, are as blessed as I have been with as many acts of personal kindnesses as I have received, and with as many friends as I have been able to make, then you will have been truly fortunate. I want to thank you for your dedication and your commitment to public service. I also, as a former legislator, want to take this opportunity to thank and to ask you to thank your predecessors who have made it possible to make the contributions that we have made.

"There are many. Tom Copeland who made it possible for us to have our own offices; Bob Shafer who made it possible for us to have our own secretarial assistants; Len Sawyer who made it possible for all of us to truly have independent and professional staff, so that you can exercise your constitutional obligations to be an independent branch of government equal among the three. To Bud Shinpoch--every time you look at budget documents, every time you look at numbers from LEAP, every time you look at the books of the bill reports, you can thank Bud Shinpoch. I hope in doing so, that I will convey to you a commitment and enduring obligation that you have to this institution and through it to the people of the state.

"As State Treasurer, I want to thank Governor Mike Lowry. No one has done more and adhered to higher standards of fiscal integrity, in the twenty some years that I have been here, than Governor Mike Lowry. If you as a Legislature sustain those standards in this session and in the years to come, you will have served well the people of this state. Finally, I want to say thank you to the one person who, since 1985, has been the constant source of support and love and inspiration. This person is my daughter, Whitney K. Grimm. Whitney K., I love you biggest much. Thank you."

## INTRODUCTION OF RETIRING SUPERINTENDENT OF PUBLIC INSTRUCTION JUDITH BILLINGS

Secretary Munro: "Superintendent of Public Instruction Judith Billings, has served her state with the deep understanding of the value of our public schools. She has been a constant vocal outspoken advocate for kids across our state. Superintendent Billings realizes that in this rapidly changing world, public education plays a vital role as the great equalizer--the opportunity for children to advance beyond their parents station in life. She is constantly reminding all of us what the constitution says, 'It is our paramount duty to provide for ample education for all children.' Today we thank our Superintendent of Public Instruction, Judith Billings."

The President and Speaker presented retiring Superintendent of Public Instruction Billings with a photograph of the Legislative Building.

## REMARKS BY SUPERINTENDENT OF PUBLIC INSTRUCTION JUDITH BILLINGS

Superintendent of Public Instruction Billings: "Thank you. It is as I always say, when one of my staff is retiring, a bitter sweet time, because we always cherish the times that we have had with the people with whom we work. At the same time, there is some anticipation of what is to come beyond where we are now in terms of new challenges. I certainly have in

my professional life. There is nothing that equals the challenge and enjoyment of running for office and serving in office. Of course, I might add that nothing equals the frustration either. That goes along with the office. It has been a wonderful eight years, with the associations that have been made here at the state level, with the agency officials, with other elected statewide officials and with the Legislature.

“One of the things that I have been so delighted with in working with the Legislature in this state is that although we have not always agreed on issues, we have always been civil personally with one another. That is something that I think is extremely important to continue. I cannot leave without reminding you one more time, each year we give rewards to outstanding teachers and principals and school boards members in these Chambers and I always look at them and say, 'Wouldn't it be fun if you were the ones sitting here making the laws and appropriating the dollars that fund public education?' I can't leave without that one gentle reminder that it is the paramount duty of the state to make ample provisions for the education of all children residing within our borders regardless of gender, race, religion or ethnicity. I hope you take that charge seriously with you through this session and I wish you all the very best. Thank you.”

#### INTRODUCTION OF RETIRING LIEUTENANT GOVERNOR JOEL PRITCHARD

Secretary Munro: “Most of us in this room were not born or cannot remember World War II and when we do read or see documentaries of the war, they often focus on the European Theater. The last few months of the war were in the Pacific and were terrible. Tens of thousands of our young GIs were maimed or killed in action. Joel Pritchard of Queen Anne Hill was an infantryman in the American New Caledon division, the famed Amercals. They sloughed and fought their way north toward the long sought victory in the Pacific. Pritchard was a lucky one. He came home to Seattle and entered public service, representing the Thirty-sixth District--Queen Anne Hill and Magnolia.

“He came to the Capitol in 1958 and served until 1966 in the House of Representatives and from 1967 to 1971, in the Washington State Senate. He will long be remembered for his fight to win open housing for all citizens and for a womans' right to choose. In 1972, it was off to Congress where he served until 1984, representing the First Congressional District. His record on the Foreign Relations Committee bringing a closure to the war in Viet Nam and his service as a delegate to the United Nations General Assembly for the United States of America is still talked about today.

“He was elected our Lieutenant Governor in 1988, and has served with dignity and distinction, frankness and fairness. Ladies and gentlemen, fifty-four years of public service--Lieutenant Governor Joel Pritchard.”

The Speaker presented Lieutenant Governor Joel Pritchard with a photograph of the Legislative Building.

#### REMARKS BY LIEUTENANT GOVERNOR JOEL PRITCHARD

Lieutenant Governor Pritchard: “If I get started, we will really get off track. Ralph did get to me. I didn't think he could, but he did. Thank you. No one has enjoyed this capitol or the national capitol in service as much as I did. I enjoyed it. It is a great experience and a wonderful honor by the citizens in your communities to send you here. This business of democracy is a wonderful form of government, but it is not easy--it is not easy. It is always difficult and you are right in the middle of it where it is going to be so important what you do in the coming years. I intend to watch it with keen interest, and maybe write a few letters to you, but I am going to watch all of you and enjoy your efforts.

“I know that the future should be better. In fact for the first time in America's history, there are people who seriously doubt whether tomorrow is going to be as good as today. Through all our years, people have taken it for granted that tomorrow will be better. We have some serious challenges. You have them and I am going to watch your efforts with great interest because I know you are going to live up to the responsibilities that you have.

“I thank you for what you are doing and I thank you for the friendships so many of you have had with me, and the kindnesses you have shown me in the last eight years in Olympia. Thank you very much.”

#### INTRODUCTION OF RETIRING GOVERNOR MIKE LOWRY

Secretary Munro: “In some ways, the old high school at Endicott High School is like this building. On the top floor, there are pictures of each class year by year, decade by decade. There is no question that the class of 1957, and their most known graduate, Mike Lowry, is a point of pride for this rural country school. His story epitomizes the long held belief in Washington State that it doesn't really matter whether your parents are farmers on the Palouse or shipyard workers on the Sound. Each of us has a chance at the golden ring.

“One of his first jobs, after graduating from WSU, was as a committee clerk in the basement of this building, 'workin' for Durkin' as they used to say. He went on to serve as a King County Councilman and as Chair of the Council in 1979. He was elected President of the Washington Association of Counties and returned to this Capitol as their spokesman on many occasions. He became an outspoken member of Congress from the Seventh Congressional District--a blue collar lunch bucket area in South Seattle, Renton, White Center and Auburn, constantly speaking up for the poor, the unemployed, the less fortunate of our citizens.

“He was elected as our Governor in 1992, and in these tumultuous times of change, he has helped to steer our state into an era of prosperity. Through it all, his watch words have been 'Kids, Jobs and the Environment.' I think the thing I have appreciated most about Governor Lowry is that he has never forgotten the poor. Regardless of his own station in life, he has not spent his time scheming or dreaming of ways to improve his own lot, but has instead concentrated his efforts on assisting the lives of our less fortunate. Ladies and gentlemen, today we thank our Governor, Governor Mike Lowry.”

The President and Speaker presented retiring Governor Mike Lowry with a photograph of the Legislative Building.

#### REMARKS BY SPEAKER BALLARD

Speaker Ballard: "Governor Lowry, it is my pleasure to say thank you for your commitment. The one observation I have made about you, and it is good for all of us to remember in this Chamber, particularly for our new members, that when Mike Lowry says something or Mike Lowry states a belief, you know exactly where he is. That is a quality that I think is paramount upon us as legislators--that we speak clearly to what we believe and for what we stand for, and when we say it, people can understand and believe it. It has been a pleasure serving with you. Thank you."

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Thank you, Ralph. As always, you did a wonderful job. I would also like to introduce Mary Lowry and ask her to stand and be recognized.

"The purpose of the Joint Session is to receive a message from his excellency, Mike Lowry.

#### STATE OF THE STATE ADDRESS

Governor Lowry: "Thank you, Mr. President, Mr. Speaker, distinguished members of the Supreme Court, distinguished state elected officials, members of the Legislature, Consular Corps, and citizens of the great state of Washington.

"Before I begin, I want to thank you for the honor and privilege of serving as Governor. Also, I would like to express my gratitude to Mary and Diane for their support. I have always believed that one of life's most challenging and thankless roles is that of the families of people in public service. Mary and Diane have long served in that role with courage and grace, and I am grateful and proud.

"I congratulate Governor-elect Locke, who will be an excellent Governor, and each and every one of you in this Chamber, who I'm sure will endeavor to serve the state well.

"To the elected officials who served so well with me, thank you. And to this excellent new team of elected officials, I have high hopes and expectations. The voters chose you for your integrity and ability. Thank you for your willingness to serve.

"To my staff and cabinet, and all state employees and educators--you did a great job, and I thank you.

"Today, our state is in excellent shape. Our economy is strong, our business climate has improved significantly, our commitments to education and the environment are intact, and our quality of life has magazine editors consistently naming Washington cities among the most livable and the best places to do business.

"There are challenges ahead, yet we have good reason to be optimistic. We are on the right track. Over the past four years, the state's economy has improved dramatically. Independent, private studies continue to show our economy as one of the strongest in the nation. Tens of thousands more people have jobs. Many of our state's cornerstone industries, which have for years been the backbone of our economy, are choosing to stay here, to expand and grow in Washington, rather than move elsewhere. Other world-class companies are joining them, building an even stronger, more diversified economy and we have opened the doors of international trade to large and small businesses alike.

"Over the past four years, our state's unemployment rate has dropped from 8.4 percent to 5.8 percent--more than a thirty percent decrease. The state budget has gone from a record \$1.7 billion shortfall to a healthy reserve. Every business day, more than one hundred people on public assistance enter the workforce. For the first time since the early 1980s, state government is growing at a rate well below the state's population and during the coming biennium, state general fund taxes are already lower than they were four years ago. Over the past four years, we have turned our economy around and we have greatly improved the state budget. I am proud of those accomplishments.

"But I wouldn't be speaking from my heart if I didn't tell you what I am most proud of is that we have accomplished those goals without turning our backs on the needs of children--or on those for whom a stronger economy doesn't always mean more food on the table, or those who don't yet have the skills to apply for one of the new jobs. We have improved our economy and our business climate without weakening our commitment to the environment. Today, fewer families have to choose between paying rent and seeing a doctor when their children get sick, because nearly 195,000 children in low-income working families now have health care coverage. And more than 143,000 adults who might otherwise have been shut out of the health care system altogether now receive benefits through the state's very successful Basic Health Plan.

"More children are going to class ready to learn, because thousands more kids are receiving free or low-cost breakfast in school. More young adults are able to attend college, and thousands of at-risk youth are learning valuable job skills through the Washington Service Corps. Thousands of low-income working parents are able to keep their jobs without worrying about whether they can afford child care, because during these four years, we have eliminated the statewide waiting list for subsidized child care. We have given businesses a reason to move here and to stay here, and we have taken steps to help more people benefit from our economy and our quality of life.

"Today, all of us in this Chamber, and those watching or listening elsewhere, can be very proud to live in a state where we share a commitment to improving what we can, preserving what we must, and never losing sight of the belief that Washington is a great place to live, to work, to raise a family, and to enjoy life. Today, the state of our state is clearly very good. The challenge, over the coming months and years, is to continue that prosperity without losing sight of the reasons why all of us live here, and to go forward without leaving behind those who have been denied the tools they need to keep up.

"In the face of tighter budget constraints and even deeper cuts coming from the federal government, that task will not be simple. Keeping our state on the right track will require continued vision and courage--especially by all of you in this Chamber. One thing is certain, however, there are a few guaranteed ways of not keeping our state on track for the future.

"We will not continue to prosper if we let go of our commitment to education. A business is only as good as its workforce. Unless we take steps to ensure that our educational system--both K-12 and higher education--can keep pace with a growing demand and meet the needs of tomorrow's employers, our economy and our quality of life will pay the price.

"We will not continue to prosper if we sacrifice our magnificent environment for short-term gain. Over the past four years, we have proven that a healthy environment is good for business. Time and again, officials of companies that



locate here have told me how important it is for them to settle in a place where their employees will want to live. In the state of Washington, good environmental policy is good economic policy.

"We will not continue to prosper if our transportation system fails to keep pace with the state's growth. In fact, our growing transportation problem is one of the few obstacles that could reverse our economic prosperity. We will not continue to prosper if we weaken our commitment to good growth management. During the decade of the 1990s alone, our state's population is expected to grow by more than a million people --the fastest rate of growth since the war years of the 1940s. That growth will put tremendous pressure on our roads, our land, our watersheds, and our environment. The state's Growth Management Act is one of the best ways to ensure that we think about how and where we want to grow before it is too late--and before unplanned development destroys even more of the natural drainage systems that are so vital to flood control efforts.

"We will not continue to prosper if we fail to recognize that some parts of the state's population are growing faster than others, that our budget laws need the flexibility to adjust to those population demographics, to federal cutbacks that are much harder on individuals than perhaps earlier anticipated, to natural disasters and emergencies, and to remove disincentives for efficient management. I am, of course, referring to Initiative 601. It is important state policy, and I know the Legislature will honor its intent, but Initiative 601 was not carved in stone and brought down from the mountain. Across-the-board spending limits that do not account for growing needs will create across-the-board problems long into the future--problems that can be avoided with minor amendments that stay consistent with the voters' intent.

"Speaking of initiatives with unintended consequences, it is time we took another look at term limits. A mandatory six-year limit for legislators takes the power of our democracy out of the hands of voters and puts it into the hands of people who were never elected by anyone. That is not a democratic ideal.

"We will not continue to prosper if we turn our backs on our state's commitment to diversity. The strength of our state lies in the contributions of every single person who lives here. We must stay committed to equal opportunity, equal rights, and respect for diversity. To those who would bring hate and intolerance of any person, belief, lifestyle or circumstance into our state, I say 'hands off.'

"We will not continue to prosper if we forget about the needs of children in our pursuit of affluence. Today, nearly a quarter of the nation's children live in poverty. We're doing a little bit better in our state, but even our statistic of one-in-six is far too high. Building America's future on a foundation of one quarter of our kids growing up in poverty is just plain dangerous. We simply must, as a society, make our children a higher priority.

"We also must not duplicate, here at home, the breadth of cutbacks the federal government is making, by making even deeper cuts in critical state services. Adjusting to the upcoming federal cutbacks and new state responsibilities is one of our greatest challenges. The worst of all possible solutions is for the state to act oblivious to those changes, make even deeper cuts, pass responsibility onto others - and force people into the streets.

"Here in our state, the new federal welfare law, along with other cost-cutting measures approved by Congress, is expected to reduce federal dollars by \$619 million over the next biennium. Those cutbacks will affect everything from food stamps and food banks to housing assistance and environmental protection programs. In our state, more than 200,000 low-income families will face cutbacks in food stamps and other food subsidy programs. That includes about 38,000 legal immigrants--many of them working parents with children--who will be dropped from the Food Stamp Program entirely. About 11,000 legal immigrants who are blind, elderly or disabled will lose eligibility for the federal Supplemental Security Income program, which provides about \$470 a month to low-income people who can't work. Our state's legal immigrants are people who have always played by the rules.

"In addition, nearly 1,000 non-immigrant children with severe behavioral disorders will lose disability benefits they had received through the federal SSI program. Most are in foster homes. We have both the financial resources and the moral obligation to ensure that low-income children, families, and senior citizens affected by federal cutbacks are not left out in the cold.

"If we think that a few dollars a month in tax cuts for the average Washingtonian is more important than keeping food on the table for tens of thousands of low-income people in our state, we are a society in trouble. In my budget proposal, I have asked the Legislature to replace some of the deepest federal cuts with \$220 million to help our neediest neighbors. That commitment might require a minor adjustment in Initiative 601, and that you forego some of your additional desired tax cuts.

"Most of the problems we count on government to deal with would be solved if everyone had a living-wage job. Today, especially, the fallout from families that are torn apart by poverty, or those who have simply lost hope, affects everyone. All of us must come to terms with a new reality--that helping people enter the workforce is in everyone's best interest, and punitive proposals that pass judgment on a person's inability to find a job have never put anyone to work.

"I have been fortunate. I grew up in a healthy environment, with two parents who loved my sisters and me, and loved each other. There were no drugs, there was no abuse, there was no violence. Most of the kids I went to school with came from the same background. In fact, most of the people in my generation grew up with those values and advantages. When we were old enough, nearly all of us got jobs and became productive members of society. That is what our parents had done and that is the path they helped create for us. The cards were never stacked against us, as they are for so many people today.

"Today, thousands of children grow up in an environment where there is physical violence, mental abuse, or neglect, an environment where--at best--only one parent plays a role in a child's life, where handguns are a tragic ticket to respect on the streets, where peer pressure is unlike anything any of us have ever known. When some of these kids become young adults, their troubled lives are in the hands of many who still believe that what worked when they were young--tighter boot straps, their parents' expectations, a little help from mom and dad--ought to be enough for anyone. They believe that telling someone to 'get a job' is enough to help them overcome a lack of job skills, a history of abuse, a lifetime of disadvantages. It's just not that simple. Like it or not, the world has changed. We all share the goal of getting able-bodied people into the workforce. In our state, we have programs in place that are doing exactly that in record numbers.

"Our success is proof that the vast majority of people on welfare want to work, and if they are given the right tools, they will not only join the workforce, they will stay in the workforce. Choosing to believe otherwise, to justify politically popular rhetoric, is self-defeating fantasy, and it simply will not work. And unless we continue to take steps that address today's reality rather than yesterday's expectations; unless we base our policy decisions on something more substantial and

more compassionate than an attitude of, 'I did it, why can't they,' a huge number of people will fail in our society--and that will mean we will fail.

"We will fail, because most people who are driven into the workforce without job skills end up in minimum wage jobs--if they can find jobs at all--and minimum-wage jobs do not pay enough for single-parent families to make it on their own. A single parent with two small children who works full time, earning minimum wage, pays about seventy-two percent of his or her salary in child care expenses, and takes home about \$74 a week. That adds up to \$300 a month, out of which a working parent must pay the rent, put food on the table, pay utility bills and transportation costs--and just plain hope that no one gets sick. We will fail because forcing people into minimum-wage jobs or onto the street will do nothing to solve the many problems that have kept them from self sufficiency--the lack of job skills needed to earn a living wage, an inability to afford basic medical care, the need for quality, affordable child care. We will fail because a growing gap between those who have much and those who have little will continue to tear at the fabric of our society until the only thing that unites our communities is a sense of fear, anger, resentment, and hate. We are better than that.

"Those who call our state 'home' are some of the most generous and giving people in the world. We help each other when we can. During the holidays, we hear more stories of people who are having a rough time, and our instinct is to help make things right. During the recent winter storms, I heard dozens of examples of people looking out for each other; clearing tree branches out of neighbor's driveways, delivering groceries to people who couldn't leave their homes, pulling cars out of piles of snow. I heard about workers staying on the job past midnight to help drivers who needed tire chains, and I met utility crews who were working around the clock--day after day. There are countless other examples, but whether we give blankets to the homeless or help push cars out of snowbanks, when someone needs help, most of us are eager to lend a hand.

"Yet despite our generosity, the greatest problem facing America today is the growing number of people in our society who are truly in need. Whether they are workers who have been downsized out of a job, people who have never had the skills needed to keep up, or those whose circumstances have just taken a turn for the worse, thousands of people in our state wake up every single day facing challenges every bit as difficult as a winter storm. Their stories are compelling. Over the past year, I've met dozens of people in our state who have left public assistance and entered the workforce. Almost to a person, they have told me, sometimes with tears in their eyes, about how desperately they wanted to get off welfare, just to have a measure of self respect, and how grateful they were to finally be earning a living. I learned of a single mother who just wanted to earn enough money to afford to live in a house or apartment, so her children could go to school without having to lie about the place they call home.

"I met a man who had grown up on public assistance, who told me that as a child, the greatest wealth his family ever knew was the day the food stamps arrived. For him, as for so many others, the difference between continuing that cycle of desperation and becoming self-sufficient was the chance to learn, the tools to advance, the opportunity to succeed, and a job. I am certain the people of our state will step forward to help those who are in real trouble, if given the chance. Today, more than ever before, it is absolutely critical that we not turn back from the progress we have made, and that we commit ourselves to ensuring that all people have an opportunity to work and to share in our prosperity.

"We live in the wealthiest country on earth. We pay lower taxes than nearly any other industrialized nation. Only Turkey and Australia pay less. In Washington State, we are now enjoying one of the nation's strongest economies and greatest qualities of life. Over the past four years, we have made significant strides in making government more efficient. We can do more, certainly. No government, including ours, should ever be beyond reproach. Few exist that could not be improved upon.

"But we're kidding ourselves if we choose to believe that in today's world, government is not important to a good economy and a higher quality of life. In a democracy, government is not the enemy. It is what we, the people, choose to make of it. In our state, we have worked hard to create a balanced approach to government that recognizes the need for tax and regulatory policies that help businesses prosper without compromising our environment, our health and safety, or our children's future--a balanced approach that recognizes that today's prosperity carries with it a responsibility to invest in our future, support education and workforce training, build a transportation network that helps get people to work and products to market, and preserve our quality of life.

"A strong economy gives us both the capability and the responsibility to do more than widen the gap between those who have much and those who have little. It allows us the flexibility to decide what we value as a society, and the freedom to invest in policies and practices that help close that gap. We are, today, at a crossroads. One path divides us, denies the common good, and closes the door of prosperity to all but a few. The other path unites us, seeks the common good, and opens the door of opportunity to everyone. Our decision to follow the path of least resistance and political expediency, or the path of right decisions and political courage, will determine our future - and that of our children and grandchildren.

"Let it be our quest to seek the greater good, to choose justice over inequity, possibility over privilege, hope over despair. Let us take the road less traveled, if that is where fairness lies and let us end our days with promises kept--that we fought for hard-working people, that we were good stewards of the earth, that we stood against discrimination, that we gave all people a chance to work and to prosper--and most important, that we took care of the children. Thank you."

The President thanked Governor Lowry for his comments and instructed the special committee to escort the Governor from the House Chamber.

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

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

#### MOTION

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

The President returned the gavel to the Speaker of the House of Representatives.

The Speaker instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tem Irv Newhouse, Majority Leader Dan McDonald and Minority Leader Sid Snyder from the House Chamber.

The House and Senate Sergeants at Arms escorted the Senators from the House Chamber.

The Senate was called to order at 1:11 p.m. by President Pritchard.

#### MOTION

At 1:11 p.m., on motion of Senator Johnson, the Senate adjourned until 11:30 a.m., Wednesday, January 15, 1997.

JOEL PRITCHARD, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### **JOURNAL OF THE SENATE**

#### **SECOND DAY, JANUARY 14, 1997**

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#### **THIRD DAY**

#### MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 15, 1997

The Senate was called to order at 11:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Andy Pelz and Julie Flynn, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 2, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert E. Quoidbach, reappointed January 2, 1997, for a term ending January 1, 2003, as a member of the Forest Practices Appeals Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

January 13, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Thomas F. Sanquist, appointed January 13, 1997, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

January 14, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe Taller, appointed January 14, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

January 14, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joan K. Thomas, appointed January 14, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark Brown, appointed January 15, 1997, for a term ending December 31, 1999, as a member of the Investment Board.

Sincerely,  
MIKE LOWRY, Governor

HOLD.

#### MOTION

On motion of Senator Johnson, the Gubernatorial Appointments were held on the desk.

#### MESSAGES FROM THE HOUSE

January 14, 1997

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 14, 1997

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 15, 1997

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401.

#### INTRODUCTION AND FIRST READING

SB 5100 by Senators Oke and Strannigan

AN ACT Relating to professional service corporations; and amending RCW 18.100.030, 18.100.090, 18.100.095, 18.100.110, and 18.100.116.

Referred to Committee on Law and Justice.

SB 5101 by Senators Oke, Winsley and Sheldon

AN ACT Relating to juror privacy; adding new sections to chapter 4.44 RCW; creating new sections; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5102 by Senators Oke and Winsley

AN ACT Relating to an annual recreational surcharge on personal use food fish licenses; and amending RCW 75.54.140.  
Referred to Committee on Natural Resources and Parks.

SB 5103 by Senators Oke and Winsley

AN ACT Relating to commercial fishery licenses; and amending RCW 75.28.030 and 75.28.046.  
Referred to Committee on Natural Resources and Parks.

SB 5104 by Senators Oke, Loveland, Hale, Morton, Swecker, Rossi, Snyder, West, Bauer, Haugen and Rasmussen

AN ACT Relating to game birds; adding new sections to chapter 77.12 RCW; and creating new sections.  
Referred to Committee on Natural Resources and Parks.

SB 5105 by Senators Deccio, McCaslin, Hale, Goings, Johnson, Haugen, West, Winsley, Oke, Schow and Roach

AN ACT Relating to administrative rule making; amending RCW 34.05.380; and adding a new section to chapter 34.05 RCW.  
Referred to Committee on Government Operations.

SB 5106 by Senators McAuliffe, Wood, Kohl, Prince, Patterson, Hochstatter, Bauer, Sheldon, Brown, Rasmussen, Long, Goings, Haugen, Franklin, Thibaudeau, Loveland, Snyder, Winsley and Oke

AN ACT Relating to the Washington advanced college tuition payment program; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5107 by Senators Roach and Johnson

AN ACT Relating to consent provisions under the Washington business corporation act; and amending RCW 23B.02.020, 23B.07.040, and 23B.19.040.  
Referred to Committee on Law and Justice.

SB 5108 by Senators Roach and Johnson

AN ACT Relating to the transfer of a community property interest in an individual retirement account at death; and amending RCW 6.15.020.  
Referred to Committee on Law and Justice.

SB 5109 by Senators Roach and Johnson

AN ACT Relating to the dissolution of limited liability companies caused by the loss of members; and amending RCW 25.15.270.  
Referred to Committee on Law and Justice.

SB 5110 by Senators Johnson and Roach

AN ACT Relating to probate; amending RCW 11.02.005, 11.07.010, 11.28.240, 11.28.270, 11.28.280, 11.40.010, 11.40.020, 11.40.030, 11.40.040, 11.40.060, 11.40.070, 11.40.080, 11.40.090, 11.40.100, 11.40.110, 11.40.120, 11.40.130, 11.40.140, 11.40.150, 11.42.010, 11.42.020, 11.42.030, 11.42.040, 11.42.050, 11.42.060, 11.42.070, 11.42.080, 11.42.090, 11.42.100, 11.42.110, 11.42.120, 11.42.130, 11.42.140, 11.42.150, 11.44.015, 11.44.025, 11.44.035, 11.44.050, 11.44.070, 11.44.085, 11.44.090, 11.48.130, 11.68.050, 11.68.060, 11.68.080, 11.68.090, 11.68.110, 11.76.080, 11.76.095, 11.86.041, 11.95.140, 11.98.070, 11.98.240, 11.96.070, 11.104.010, 11.104.110, 11.108.010, 11.108.020, 11.108.025, 11.108.050, and 11.108.060; adding new sections to chapter 11.40 RCW; adding new sections to chapter 11.42 RCW; adding new sections to chapter 11.68 RCW; adding a new section to chapter 11.104 RCW; adding a new chapter to Title 11 RCW; and repealing RCW 11.40.011, 11.40.012, 11.40.013, 11.40.014, 11.40.015, 11.42.160, 11.42.170, 11.42.180, 11.44.066, 11.52.010, 11.52.012, 11.52.014, 11.52.016, 11.52.020, 11.52.022, 11.52.024, 11.52.030, 11.52.040, 11.52.050, 11.68.010, 11.68.020, 11.68.030, and 11.68.040  
Referred to Committee on Law and Justice.

SB 5111 by Senators Winsley and Loveland

AN ACT Relating to the preparation of maps by county assessors for listing of real estate; and amending RCW 84.40.160.  
Referred to Committee on Government Operations.

SB 5112 by Senators Oke and Winsley

AN ACT Relating to interest on property tax refunds; amending RCW 84.69.100; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5113 by Senator Oke

AN ACT Relating to license fees; and amending RCW 46.68.010 and 88.02.055.  
Referred to Committee on Transportation.

SB 5114 by Senator Oke

AN ACT Relating to including solid waste collection in the taxation of retail sales of tangible personal property; and amending RCW 35.21.710.  
Referred to Committee on Ways and Means.

SB 5115 by Senator Oke

AN ACT Relating to renewal of salon/shop or booth renter's licenses; and amending RCW 18.16.110.  
Referred to Committee on Commerce and Labor.

SB 5116 by Senators Snyder, Hargrove, Bauer and Rasmussen

AN ACT Relating to natural area preserves; and adding a new section to chapter 79.70 RCW.  
Referred to Committee on Natural Resources and Parks.

SB 5117 by Senators Hochstatter, Fraser, Johnson and Winsley

AN ACT Relating to schools with special standards; and amending RCW 28A.320.140.  
Referred to Committee on Education.

SB 5118 by Senators McAuliffe, Hargrove, Winsley, Long and Sheldon

AN ACT Relating to truancy petitions; and reenacting and amending RCW 28A.225.035.  
Referred to Committee on Education.

SB 5119 by Senators Swecker, Snyder and Roach

AN ACT Relating to compensating members of the forest practices appeals board; amending RCW 76.09.220; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources and Parks.

SB 5120 by Senator Morton

AN ACT Relating to fish enhancement with remote site incubators; adding a new chapter to Title 75 RCW; and creating new sections.  
Referred to Committee on Natural Resources and Parks.

SB 5121 by Senators Johnson, Newhouse and Winsley

AN ACT Relating to the waiver or cancellation of interest or penalties for certain estate tax returns; and amending RCW 83.100.070.  
Referred to Committee on Ways and Means.

SB 5122 by Senators West, Oke, Hargrove, Swecker, Haugen, Snyder, Anderson, Morton, Sellar, Strannigan, Bauer, Winsley and Rasmussen

AN ACT Relating to county excise tax on harvesters of timber; and amending RCW 84.33.051, 84.33.035, 84.33.040, and 84.36.473.  
Referred to Committee on Ways and Means.

SB 5123 by Senators Kohl, Long, Hargrove, Franklin, Zarelli, Winsley, Goings, Oke and Schow

AN ACT Relating to the placement of sexually aggressive youth; adding a new section to chapter 13.40 RCW; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 5124 by Senators Kohl, Roach, Long, Fairley, Hargrove, Haugen and Winsley

AN ACT Relating to assessments for the prostitution prevention and intervention account; amending RCW 9.68A.105 and 9A.88.120; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5125 by Senators Deccio, Wojahn and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to statutory authority to revise medical assistance managed care contracting under federal demonstration waivers granted under section 1115; amending RCW 74.09.522; repealing RCW 48.46.150; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5126 by Senators Deccio, Wojahn and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to delegation of lien and subrogation rights to medical health care systems by contract; and amending RCW 74.09.180 and 43.20B.060.  
Referred to Committee on Health and Long-Term Care.

SB 5127 by Senators Wojahn, Deccio, Thibaudeau, Wood, Oke, Loveland, Sellar, Snyder, Fairley, Spanel, Sheldon, McCaslin, West, Bauer, Winsley, Goings and Schow

AN ACT Relating to funding trauma care services; amending RCW 70.168.040, 46.16.060, 46.16.606, 63.14.010, and 63.14.130; adding a new section to chapter 70.168 RCW; and adding a new section to chapter 46.70 RCW.  
Referred to Committee on Health and Long-Term Care.

#### MOTIONS

On motion of Senator Johnson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5074.

On motion of Senator Johnson, Senate Bill No. 5074 was referred to the Committee on Commerce and Labor.

#### MOTION

At 11:38 a.m., on motion of Senator Johnson, the Senate retired to the House Chamber for the purpose of a Joint Session.

#### JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Joel Pritchard, President Pro Tempore Irv Newhouse, Majority Leader Dan McDonald, and Minority Leader Sid Snyder to seats on the rostrum.

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

The Speaker presented the gavel to the President of the Senate, Joel Pritchard.

The President declared the Joint Session to be in order.

The Clerk of the House called the roll of the members of the House.

The Secretary of the Senate called the roll of the members of the Senate.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Representatives Mastin and Kenney, and Senators Winsley and Bauer as a special committee to advise Governor-elect Gary Locke that the Joint Session had assembled, and to escort him and Mrs. Locke to the House Chamber.

The President appointed Representatives Van Luven, Skinner, Sullivan and Gardner, and Senators Kohl, Finkbeiner, Goings and Hochstatter as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Representatives Sehlin, McMorris, Butler and Kastama, and Senators Oke, Schow, Spanel and Haugen as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced the Supreme Court Justices, the State Elected Officials and United States Senator Patty Murray, and Congresswoman Linda Smith.

The President called on Secretary of State Ralph Munro to introduce the visiting dignitaries, delegates and diplomats.

#### INTRODUCTIONS BY SECRETARY OF STATE MUNRO

Secretary of State Munro: "Mr. President, Mr. Speaker, member of the Legislature and distinguished guests all. Washington State's relationship with our neighbors abroad is immensely important. Today, we are pleased that a number of our major trading partners have sent representatives to this occasion. On the floor of the House of Representatives are esteemed members of the Consular Corps. They are: the Dean of the Consular Corps of Washington and Consul General of the Russian Federation, the Honorable Georgi Vlaskin; Her Majesty's Consul of Britain, The Honorable Michael Upton; The Consul General of the People's Republic of China based in San Francisco, the Honorable Song Zeng Shou; Consul General Song is here today as the official representative of Ambassador Li Daoyu of the Embassy of the People's Republic of China in Washington, D. C.; the Consul of the Federal Republic of Germany, the Honorable Irene Plank; The Acting Consul General of the Republic of Korea, the Honorable Duck-bo Shim; The Consul General of Japan, the Honorable Naotoshi Sugiuchi; the Consul of Mexico, the Honorable Hugo Abel Castro; and The Vice Consul of Spain, the Honorable Luis Fernando Esteban.

"In the North Gallery, other guests we are pleased to welcome are: The Honorable Dr. Jason Hu, Representative of Taipei Economic and Cultural Representative Office in Washington, D.C.; The Honorable Allan Lii-shang Jiang, Director General of the Taipei Economic and Cultural Representative Office in Washington, D.C.; The Honorable Katharine Chang, Director General of the Taipei Economic and Cultural Office in Seattle; The Honorable Dr. Kuen-chen Fu, a member of the Legislative Yuan of Taipei; and in the South Gallery, we wish to welcome from Spain, Ms. Mercedes Sala, a trustee of the Mira Foundation. Please give a warm welcome to these distinguished guests who contribute so much to our economy, our culture and our quality of life. We thank all of our friends for being here with us today."

The President welcomed Linda Owen, wife of Lieutenant Governor-elect Brad Owen, who was seated on the rostrum, and distinguished guests, former Governor and Mrs. Al Rosellini, the reigning Miss Washington, Janet Reasons and Mr. Charlie Hodde, former Speaker of the House.

The Sergeant at Arms announced the arrival of Governor-elect Gary and Mrs. Mona Locke. The President introduced them and asked that they be escorted to a place on the rostrum.

The flag was escorted to the rostrum by the Washington State Patrol Honor Guard.

The National anthem was sung by Doris Clark.

The prayer was offered by Rabbi Richard Rosenthal of Temple Beth El Tacoma.

#### REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "The purpose of this Joint Session is to administer the Oath of Office to the constitutionally elected state officials of the state of Washington and to receive the Inaugural Address of Governor Gary Locke. At this point, I will call forward the elected officials to take their oaths of office."

#### OATH OF OFFICE TO ELECTED OFFICIALS



Justice Barbara Madsen administered the oath of office to Deborah Senn, Insurance Commissioner, and the President of the Senate presented her the Certificate of Office.

Justice Charles Z. Smith administered the oath of office to Jennifer Belcher, Commissioner of Public Lands, and the President of the Senate presented her the Certificate of Office.

Justice Richard B. Sanders administered the oath of office to Terry Bergeson, Superintendent of Public Instructions, and the President of the Senate presented her the Certificate of Office.

Justice Richard Guy administered the oath of office to Christine Gregoire, Attorney General, and the President of the Senate presented her the Certificate of Office.

Justice Charles W. Johnson administered the oath of office to Brian Sonntag, State Auditor, and the President of the Senate presented him the Certificate of Office.

Justice Gerry Alexander administered the oath of office to Mike Murphy, Treasurer, and the President of the Senate presented him the Certificate of Office.

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

Justice Phillip Talmadge administered the oath of office to Brad Owen, Lieutenant Governor, and the President of the Senate presented him the Certificate of Office.

Former President of the Senate Joel Pritchard passed the gavel to President of the Senate Brad Owen.

#### REMARKS BY LIEUTENANT GOVERNOR BRAD OWEN

President Owen: "Thank you, Mr. President. Over the last year, as I traveled from town to town, appeared before a dozen editorial boards and spoke to numerous organizations your name, Mr. President, regularly came up followed by comments like 'a man of integrity,' and 'he served with distinction,' and 'he's sure a darn nice guy.'

"All of us who have had the privilege of serving with you, Mr. President, of course know that all of these descriptions are very accurate and very deserving. Should any of us here leave office with anywhere near the same level of respect that you have acquired over your years of service, we can claim success in our careers.

"Mr. President--Joel--thank you for thirty-eight years of public service.

"Our single greatest privilege is to serve the people we live, work and socialize with. It is a great responsibility. I feel it most when I sit alone in the House or the Senate Chambers, leaning back in my chair and stare at the magnificence of these great chambers. I see not just the beauty and grandeur of the architecture, but the phenomenal history that has been written here. Sometimes, I step outside at night and look at the capitol building whose lights dramatically outline it against the dark blue sky, making it appear even more awesome than it already is. I do this and if you do this as I do, I believe it will help you realize the magnitude of the importance of the job that you have been given us the honor to come here and do for the citizens of our great state.

"With this great honor comes great expectations, which create great challenges for us all. I believe the greatest of these challenges for our nation, for our state, and our communities is to reverse the skyrocketing increase of drug and alcohol use and abuse by our kids. Please do not forget them.

"If I and my office can help you to meet these great challenges, please ask. I am here to work with you. To the citizens of our great state, thank you for this tremendous honor. I will do my best to uphold the dignity of the office.

"I would like to say how much I appreciate the tremendous support I have received--and for all of you that are in politics know how important it is to receive the support of your wife--and I would like to say 'thank you' to Linda for all the years that she has been there with me. Finally, to my mother, I would like to say 'thank you' for your tremendous support and for giving me the, 'Things are tough, but don't give up' work ethic that got me here today. Thank you."

Chief Justice Barbara Durham administered the oath of office to Gary Locke, Governor, and the President of the Senate presented him the Certificate of Office.

#### INTRODUCTION OF GOVERNOR GARY LOCKE

President Owen: "Ladies and gentlemen of the House and Senate, Honorable Elected Officials, distinguished guests, it is a great honor for my first official responsibility to be introducing our new Governor on this historic occasion. He has had a distinguished career as an assistant prosecuting attorney, Appropriation Chair in the House of Representatives, and King County Executive.

"You will find him to be a tough negotiator, yet a compassionate person with a vision for Washington State.

"Ladies and gentlemen, Governor Gary Locke."

#### INAUGURAL ADDRESS BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speaker, Madam Chief Justice, distinguished Justices of the Supreme Court, statewide elected officials, members of the Washington State Legislature, other elected officials, members of the Consular Corps, fellow citizens, and friends of Washington State across America and around the world.

"I am deeply humbled by this honor of being this state's twenty-first Governor. And I am deeply grateful to all those who have made this day possible, and to all those who made our American tradition of freedom and democracy possible.

"I also want to express my gratitude to members of my family, and with your permission, I'd like to introduce them to you. First I'd like you to meet my father, Jimmy Locke, who fought in World War II and participated in the Normandy invasion. I'd like you to meet my mother, Julie, who raised five children, learned English to become a United States citizen at the same time that I was learning English in kindergarten, and who went back to community college when she was almost

sixty years old, my mom Julie Locke. I'd like to introduce my brothers and sisters. First my older sister, Marian Monwai, and her family; and my sister, Jannie Chow, who traveled from Sacramento, and her family; my younger brother, Jeffrey Locke, and his family, and my kid sister, whose son I have always borrowed shamelessly for those pictures, Rita Yoshihara, and her husband, Joseph. I also would like to introduce you to Mona's mother and father, my mother and father-in-law, Mr. and Mrs. Larry Lee. In fact, we should just have all the relatives stand up. Will all the relatives stand up--who have come long and far? Those are just the aunts and uncles; the cousins are downstairs.

"Finally, it is my greatest pleasure to introduce to you a person who made tremendous sacrifices, who has really, according to many of you, changed my life completely, who has just been a great confidant, a great campaigner, a true partner, Washington's new First Lady, Mona Lee Locke."

"This truly is a wonderful day for the Locke family and it is great to see so many relatives return to Olympia for this celebration, because our family has its roots in Olympia. One of my ancestors--a distant cousin--actually was a merchant who immigrated to Olympia in 1874, and became a leader of the Chinese-American community just a few blocks from this state capitol. He acted as a bridge between the Chinese and white communities, and became friends with the other downtown merchants, and with the sheriff, William Billings.

"In 1886, an anti-immigrant, anti-Chinese mob threatened to burn down the Chinese settlement here, but what happened next is a story that every Washington resident ought to know. Sheriff Billings deputized scores of Olympia's merchants and civic leaders and those citizen deputies stood between the angry mob and the Chinese neighborhood. Faced by the sheriff and the leading citizens of Olympia, the mob gradually dispersed. Not a single shot was fired, nor a single Chinese house burned.

"For the Locke family, that incident helped establish a deep faith in the essential goodness of mainstream American values: The values that reject extremism and division, and embrace fairness and moral progress; the value of working together as a community; and the values of hard work, hope, and opportunity.

"Just a few years after that Olympia show of courage, my grandfather came to America to work as a 'house boy' for the Yeager family, who lived in a house that's still standing, less than a mile from here. His purpose was to get an education, and so the Yeager family agreed to teach him English in return for work. Like everyone else in our family, my grandfather studied and worked hard, and he eventually became the head chef at Virginia Mason Hospital in Seattle.

"So, while I may be standing less than a mile from where our family started its life in America, we've certainly come a long, long way--one hundred years to travel one mile. Our journey was possible because of the courage of Sheriff Billings and the heroes of Olympia history. And our journey was successful because the Locke family embraces three values: Get a good education; work hard; and take care of each other.

"Our family history is more the norm than the exception. There is Governor Rosellini, this state's first Italian-American Governor, whose parents migrated to America at the beginning of this century; there is Representative Paul Zellinsky, whose grandfather was a Russian sea captain; there is Senator Dan McDonald, whose ancestors were among the pioneer families of this state; and there is Senator Rosa Franklin, whose family rose from slavery in South Carolina to civic leadership in Tacoma.

"There are millions of families like mine, and millions of people like me; people whose ancestors dreamed the American Dream and worked hard to make it come true. Today, on Martin Luther King Jr.'s birthday, we are taking another step toward that dream. This is a historic day. I'm humbled and honored to be the first Asian-American Governor in the continental United States and I am humbled and honored to be the first person of color to be Governor of this great state of Washington. These honors are a testament to how great our state is and how far we have progressed.

"In the one hundred and eight years since Washington became a state, we have gone from riding horses to flying in jets; from sending telegrams to sending e-mail; and from cooking on wood stoves to cooking in microwave ovens. Can anyone even guess what the next hundred years will bring? We already know that people are developing computers that actually think, that telephones and television will merge, and that biotechnology will reveal the secrets of our genetic code that will cure many of today's diseases. Many of our children will produce goods and services that haven't even been invented yet.

"Our challenge then is to embrace change rather than to fear it. We have no time to waste. To keep the American Dream alive in a high-tech and unpredictable future, we have to raise our sights and our standards. We must raise our sights above the partisanship, the prejudice, and the arrogance that keep us from acknowledging our common humanity and our common future. We must raise our standards of academic achievement, of government productivity and customer service, of preserving our environment, and of protecting the well-being of Washington's working families.

"The principles that will guide me in this quest for higher standards and the principles that will guide my response to legislative proposals are clear and simple. My first principle is that education is the great equalizer that makes hope and opportunity possible. That's why I am passionately committed to developing a world-class system of education. In the last century, the drafters of our Constitution made education of our children the 'paramount duty' of the state, but learning is not just for kids anymore. For the next century, the paramount duty of this state will be to create an education system for lifelong learning--a system that every person regardless of age can plug into for basic skills, professional advancement or personal enrichment.

"My second principle is to promote civility, mutual respect and unity, and to oppose measures that divide, disrespect, or diminish our humanity. I want our state to build on the mainstream values of equal protection and equal opportunity, and to reject hate, violence and bigotry. I want our state to be known as a place where elected officials lead by example.

"My third principle is to judge every public policy by whether it helps or hurts Washington's working families. Everyone who works hard and lives responsibly ought to be rewarded with economic security, the opportunity to learn and to advance in their chosen field of work, and the peace of mind that comes from knowing that the essential services their families need like health care, insurance, and child care will be affordable and accessible. Every senior citizen who has spent a lifetime contributing to the freedom and prosperity we enjoy, deserves dignity and security.

"My fourth principle is to protect our environment, so that future generations can enjoy the same natural beauty and abundance we cherish today. These principles require self-discipline, and a commitment not to settle for quick fixes, band-aids, or political expediency. To help us live up to these principles, I intend to set clear, challenging goals, and to measure

our progress toward achieving those goals. Everyone in state government will be held accountable for achieving results--not for convening meetings, creating commissions, or following reams of clumsy regulations.

"I want to liberate the creativity and expertise of state employees, and to make working for government as respectable as building airplanes, designing software, or inventing new medical technologies. I call on every state employee to search for new and better ways of doing our work, to strive toward a higher level of customer service to citizens, and to show greater respect for every hard-earned tax dollar that we collect.

"In fact, let's take a moment to thank both state and local government employees for the truly heroic work they've done during the storms of the past few weeks. They made visible something too many of us often don't see, that we truly can't live without basic government services, and that these services are provided by people--our dedicated public employees. In the storm and its aftermath, those public employees focused on helping citizens and solving problems and they achieved results.

"Now it's time to harness that same energy and sense of urgency to solve problems and achieve results in our education system. We have to do a better job of making our schools safe, and ensuring that students respect their teachers, and each other. Let's hold our schools and students accountable for learning, not just for following all the rules or sitting through the required number of classes. We will not break our promise to raise academic standards. Every third grader must read at the third grade level, and every high school graduate must master basic academic skills and knowledge. To meet these ambitious goals, our schools need a stable base of funding, including the ability to pass school levies with the same simple majority that it takes to pass bond measures to build other public facilities.

"But, money alone is not the answer. Greater accountability, coupled with more local control and more flexibility are also essential to school improvement. To meet the growing demand for education in our colleges and universities, my administration will present a proposal to increase enrollments, to improve quality, and to provide more management flexibility while insisting on greater productivity and accountability.

"To do all this, we will make education the first priority in every budget we write. That will not be easy. Developing a quality education system depends on the soundness of our fiscal and tax policies. That's why it's so important to write budgets that are sustainable beyond the current biennium and that's why we must maintain a prudent reserve, so we'll have funds to see us through a recession without cutting schools or vital services.

"This year, a balanced approach to budgeting will also include tax relief. In the last biennium, we gave almost a billion dollars in tax breaks to business. Isn't it time to help working families? That means property tax relief for middle-class homeowners. Of course, I also support rolling back the business and occupation tax to pre-1993 levels. We raised that tax in a time of fiscal emergency. That emergency has passed, and it's important that we keep faith with the business community by repealing the increase.

"We also have a host of other problems that urgently need our attention. We need to agree on a bipartisan, comprehensive plan to invest in our transportation system, on which all our jobs and our economic growth depend. Our farmers need good highways and rail systems to get their crops to market. Our commuters need transit and car pool lanes, so they can spend more time with their children and less time stuck in traffic. Our ports need a transportation system that supports the growth of our international trade, which generates so many of our new jobs.

"There is a great deal our state can and must do to increase our competitive position in the world economy. We have an opportunity to improve Washington's international trade climate. I'm committed to establishing strong personal relationships with overseas governments and business leaders to help Washington companies expand existing export markets and establish new ones.

"It's also time to break the stalemate and make some tough decisions about how to use and protect our water resources, which have been tangled in a web of conflicts and controversies year after year. It's time to fine-tune and also re-affirm our commitments to manage growth, to protect fish and wildlife, and to preserve the vitality of our farms and our forests.

"As a result of last year's federal welfare reform legislation, we have a once-in-a-lifetime chance to redesign our social safety net, so that it reflects our mainstream values of hard work, hope and opportunity. If we do this right, we can reduce poverty and protect children and that ought to be our purpose. So, I will propose a system that puts work first--a system designed to help people in need build on their strengths rather than be paralyzed by their problems.

"To make welfare reform succeed, we need to become partners with the business community to find jobs and to improve training programs, so that every entry-level job in Washington is the first step on a career ladder rather than a treadmill that keeps the poor stuck in place. And to make work the solution to poverty, we need to make sure that work pays more than being on public assistance. At the same time, we have a duty to ensure that the ill, elderly and disabled live with dignity, and that legal immigrants who have paid local, state and federal taxes are not denied equal treatment and equal protection.

"And finally, we have waited too long to fix our juvenile justice system--a system that lets kids get away with too much--that misses too many opportunities to turn kids around and that leaves too many of us vulnerable to violent and dangerous young criminals. To procrastinate on any one of these issues from education to water to juvenile justice is to court disaster. The clock is ticking. A new century is coming at us like a bullet train. And it's up to us to either rise to these challenges, or watch as that train rushes by.

"If we cultivate a habit of genuine partnership entered into with a commitment to solving problems and achieving results we can accomplish all of our goals. Students, parents and teachers can create the best schools in the world. Community leaders, local and state officials can build a transportation system that meets all our needs. Farmers, city-dwellers, tribal governments and developers can, if they work as real partners, untangle the web of water disputes and find ways to protect this very precious resource.

"We must all come together, work together, and stay together until we have accomplished our goals. Let's work as hard as our parents and grandparents did. Let's match their record of accomplishment, and their level of responsibility to the next generation.

"As most of you already know, Mona and I are expecting our first child in March, so in very rapid succession, I will be blessed with two titles--two titles that carry immense responsibility and immense honor--Governor and Dad. That's

the thing my folks really want--forget this Governor business--Dad. As the advent of fatherhood gets closer, I am more and more conscious that everything I do as Governor and everything that we do together, we do for our children.

"Our child will be a child of the Twenty-first Century. He or she will come of age in a world that we can scarcely imagine, but it is his or her world that we must now work together to create. For our children and yours, I want to foster a new century of personal responsibility, of community, and of hope and optimism. Please help me carry on the Locke family tradition of focusing on those three crucial values: get a good education, work hard, and take care of each other.

"With your hand in partnership, and with an abiding belief in the essential goodness of the people of the great state of Washington, I want to devote the next four years to making the American Dream come true for children whose faces we have yet to see. Thank you very much and God bless you all."

#### REMARKS BY SPEAKER BALLARD

Speaker Ballard: "Thank you, Governor Locke--it is going to take a little while to get used to that--for those remarks and those challenges. Congratulations on your new position and God's speed as you begin to assume the responsibility in tackling the duties of your new job. Having begun our political careers together, when we first took the oath of office as State Representatives in 1983, we share a lot of history. I dare say that when we first set out fourteen years ago neither one of us dreamed that the other would be standing here today in our respective positions, yet here we are. I am very excited about the opportunity that we now have to embark on a new chapter in our personal relationship. While we have, on rare occasions, taken somewhat different approaches to the issues we have been working on, we share common hopes and desires. Our commitment to serve what we sincerely believe to be in the best interest of our constituents and to serve them to the best of our abilities was the same--just as it is for every member of this new Legislature, you and I now have the opportunity to work with.

"I know for an absolute fact that both of us have felt challenged as we carried out our respective duties and our responsibilities over the years, but the greatest challenge of all is ours today as we begin to work together in the roles we never expected to have together and that challenge is to generate a spirit of cooperation and goodwill that enables us to reach the objectives we have in common. Most of all, I look forward to your friendship as we move together."

#### PRESENTATION OF GIFT

Senator McDonald presented Governor and Mrs. Locke with a cradle for the State's new First Baby due in March.

The closing prayer was offered by Pastor Joseph Yoshihara, Governor Locke's brother-in-law, and pastor of the Cornerstone Christian Fellowship in Bellevue.

The President of the Senate instructed the special committee to escort Governor and Mrs. Locke from the House Chamber.

The President of the Senate appointed Senators McDonald, Newhouse and Snyder to escort Lieutenant Governor Joel Pritchard from the House Chamber.

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

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

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

#### MOTION

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

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

The Senate was called to order at 1:24 p.m. by President Owen.

#### MOTION

At 1:24 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, January 16, 1997.

MIKE O'CONNELL, Secretary of the Senate

BRAD OWEN, President of the Senate

#### JOURNAL OF THE SENATE

THIRD DAY, JANUARY 15, 1997

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**FOURTH DAY**  
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**NOON SESSION**  
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Senate Chamber, Olympia, Thursday, January 16, 1997

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**MESSAGE FROM THE GOVERNOR  
CONDITIONAL COMMUTATION ORDER**

January 15, 1997

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

In compliance with the provision of Section 11 of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1996 Regular Session of the Fifty-Fourth Legislature, copy of which is attached.

Respectfully submitted,  
KENT CAPUTO, Legal Counsel to the Governor

CONDITIONAL COMMUTATION ORDER  
FOR  
KERRI KIRKENDALL

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

On March 15, 1996, 28 year old Kerri Kirkendall was sentenced by King County Superior Court to a term of two years seven months in prison after a plea of guilty to Vehicular Homicide. She is currently incarcerated at the Washington Corrections Center for Women, having a time start of May 2, 1996.

On the evening of May 2, 1995, Ms. Kirkendall had gone to a pub in the community of Ballard to perform an Irish dance. While there, she consumed alcoholic cider. She drove back toward her home on that clear night feeling very tired, but did not feel intoxicated to the point of impairment. In order to remain awake, she turned the radio on loud and opened the window vent. While driving, her car wandered to the right shoulder striking Mr. Eliapo Taoipu who was standing beside his car which had run out of fuel. Mr. Taoipu was thrown approximately 85 feet down the shoulder and his jeep damaged. Another driver who observed the accident pulled up next to Kirkendall and told her she had just struck another car. Ms. Kirkendall claimed to have fallen asleep, but put her jeep in reverse and returned to the scene of the accident and began administering cardio-pulmonary resuscitation on Mr. Taoiup, who was pronounced dead at the scene.

Kerri Kirkendall admitted to officers she had fallen asleep while driving and that she had three pints of alcoholic cider that evening and two bottles of alcoholic cider earlier in the afternoon. She had a blood ethanol level of 0.15 per 100 milliliters.

Mr. Taoipu's father, Mativa Taoipu, told the pre-sentence investigator the family is not interested in revenge or retribution for the loss of their son. He feels Ms. Kirkendall has learned her lesson of drinking and driving and does not feel a period of imprisonment would benefit anyone.

Ms. Kirkendall appears to demonstrate remorse for her behavior and takes full responsibility, stating she was willing to accept whatever sanction the court imposed. She said she would like to be required to give something back to the community.

Ms. Kirkendall's life pattern has been law abiding and responsible. She has been employed for eight years as a training administrator for the Boeing Company. She volunteered for the National Trust for Historic Preservation, the Seattle Architectural Foundation and Habitat for Humanity. She recently graduated with honors from Bellevue Community College with an Associate of Arts degree. Her plans were to attend a university in Rhode Island to study historic preservation. Her friends and co-workers describe her as a hard worker, a responsible and dependable person with good morals and values, someone who puts the needs of others ahead of her own. They note a weakness as working too hard and burning the candle at both ends.

Ms. Kirkendall is an offender who had a rare lapse of responsibility at an inopportune time. She has taken responsibility for her actions. She has had an alcohol evaluation which indicates she does not have an alcohol problem. She states she has quit drinking. She has a sleeping disorder which contributed to the accident. The condition is now controlled by medication.

At its June 7, 1996 meeting, the Clemency and Pardons Board reviewed and discussed her petition for clemency and recommended she be granted a conditional commutation. The Board was particularly impressed with Ms. Kirkendall's response to this tragedy by volunteering with DUI victims' families and survivors panels and speaking against drinking and driving.

This is an extraordinary case and justice is served by granting conditional clemency. Ms. Kirkendall appears to be a responsible, hard-working, dependable individual. Since her incarceration, she has worked full-time for Correctional Industries. Prior to incarceration, she was an active participant in positive community activities, such as Habitat for Humanity and the National Trust for Historic Preservation. Her alcohol evaluation indicates that she does not have an alcohol problem. She showed compassion and responsibility by returning to the accident scene and administering cardio-pulmonary resuscitation. She recognizes the seriousness of her offense, takes full, personal responsibility for Mr. Taoipu's death and accepts the punishment imposed by the court. Therefore, by this order, I hereby grant Kerri Kirkendall conditional clemency to an approved plan.

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

1. Remain at the Washington Corrections Center for Women for 42 days from the date of the order, to be followed by sixty days on pre-release status at Helen B. Ratcliff House and sixty days on work release status, also at Helen B. Ratcliff House.
2. After being released from work release, reside at the home of her mother, Bonnie Kirkendall, or an approved residence.
3. Commit no offenses for the term of this commutation and abide by all of these conditions until the maximum expiration date of the sentence.
4. Commit no major infractions while at Washington Corrections Center for Women, pre-release or work release.
5. Obey all rules at the Washington Corrections Center for Women, pre-release and work release and complete any programming recommended by the counselor or community corrections officer.
6. Attend alcohol education classes as approved by the community corrections officer.
7. Complete four years of community service in the form of educating the public and the courts about alcohol abuse as ordered or approved by the community corrections officer.
8. Be employed and/or involved in an education program acceptable to the community corrections officer and obtain permission from the community corrections officer before changing residence, employment or educational programs.
9. Not use or possess drugs or alcohol without a prescription from a licensed physician and submit to testing for the use of alcohol/drugs as scheduled by the community corrections officer.
10. Possess no deadly weapons on her person and not own or possess a firearm.
11. Obey all laws.
12. Submit to the search of her person, resident, vehicle, and/or belongings when ordered to do so by the community corrections officer.
13. Obtain written permission from the community corrections officer before traveling outside of Washington State.
14. Pay supervision fees based upon ability to pay and at the direction of the community corrections officer.
15. Follow the directions of the community corrections officer in meeting any or all of the conditions imposed by the Department of Corrections to facilitate the carrying out of the conditions herein. These conditions include appearing, when directed, to meet with her community corrections officer, submitting monthly reports on how she is fulfilling the conditions and providing any information needed to assure compliance with the conditions.

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

1. The community corrections officer may detain Kerri Kirkendall in jail or prison and/or issue a warrant for her arrest upon a determination that there is probable cause to believe a violation of any of the conditions has occurred.
2. Violation of any of the above conditions shall result in sanctions conforming to the Division of Community Corrections Violations Sanctions Grid for community custody. PROVIDED that in the event Ms. Kirkendall uses any alcohol or in the event Ms. Kirkendall commits any offense classified as a felony or gross misdemeanor, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without benefit of sentence reduction credit, whereupon Ms. Kirkendall shall be immediately returned to the Washington Corrections Center for Women or such other facility as the Secretary of Corrections deems appropriate.

The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

The requirements of this conditional clemency shall remain in force until the expiration date of Ms. Kirkendall's entire 31 month sentence without benefit of earned early release credit. If she violates any of the conditions of this clemency, the Governor or the Governor's designee may sentence her to the remaining unserved portion of the prison term, approximately 25 months, which will be remaining upon her release, even though a revocation will extend her new release date beyond her original release date had she remained in prison for the whole term without being released on a conditional clemency. Any violation of this conditional clemency must occur prior to the expiration date of the original 31 month sentence for it to be a basis for revoking her conditional clemency.

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant conditional clemency for Kerri Kirkendall, Department of Corrections inmate number 746374 and commute her sentence subject and pursuant to the conditions set forth herein.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal  
of the state of Washington to be affixed at Olympia on this 19th day of  
September, A.D., nineteen hundred and ninety-six.

MIKE LOWRY,

BY THE GOVERNOR:

RALPH MUNRO  
Secretary of State

INTRODUCTION AND FIRST READING

SB 5128 by Senators Long, Hargrove, Franklin, Schow and Winsley

AN ACT Relating to fees charged to law enforcement agencies for death certificates of sex offenders; and amending RCW 70.58.107.  
Referred to Committee on Human Services and Corrections.

SB 5129 by Senators McAuliffe, Fairley, Prentice, Fraser, Kohl, Thibaudeau, Pelz, Wojahn, Sheldon, Spanel, Goings and Patterson

AN ACT Relating to access to firearms by minors; adding a new section to chapter 9.41 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5130 by Senators McAuliffe, Sheldon, Patterson and Oke

AN ACT Relating to motor vehicle excise tax exemptions; adding a new section to chapter 82.44 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 5131 by Senators Winsley, Oke and Patterson

AN ACT Relating to property tax reductions and exemptions for veterans and surviving spouses of veterans;  
Referred to Committee on Ways and Means.

SB 5132 by Senators Zarelli, Schow, Winsley and Oke

AN ACT Relating to school bus route stops as drug-free zones; and amending RCW 69.50.435.  
Referred to Committee on Law and Justice.

SB 5133 by Senators Zarelli and Schow

AN ACT Relating to censorship by school districts; and adding a new section to chapter 28A.230 RCW.  
Referred to Committee on Education.

SB 5134 by Senators Zarelli and Stevens

AN ACT Relating to sanctions for sex offenders who violate community custody conditions; amending RCW 9.94A.205 and 9.94A.207; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5135 by Senators Roach, Fairley, Johnson, Winsley and Oke

AN ACT Relating to the impoundment and immobilization of vehicles being operated by persons who have a suspended or revoked driver's license; amending RCW 46.55.113 and 46.55.120; adding a new section to chapter 46.20 RCW; creating a new section; and repealing RCW 46.20.344.  
HOLD.

SB 5136 by Senators Hargrove, Oke, Snyder and Morton

AN ACT Relating to increasing anadromous fish runs in the Elwha river; adding new sections to chapter 75.50 RCW; and making an appropriation.  
Referred to Committee on Natural Resources and Parks.

SB 5137 by Senators McAuliffe, Fairley, Fraser, Kohl, Snyder, Prentice and Oke

AN ACT Relating to vehicular assault; reenacting and amending RCW 9.94A.320; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5138 by Senators Oke, Snyder, Swecker and Winsley (by request of Parks and Recreation Commission)

AN ACT Relating to offenses committed in state parks or parkways; amending RCW 43.51.180; and prescribing penalties.  
Referred to Committee on Natural Resources and Parks.

SB 5139 by Senators Oke, Snyder, Swecker and Winsley (by request of Parks and Recreation Commission)

AN ACT Relating to the state parks and recreation commission fiscal matters; amending RCW 43.51.050, 43.51.052, 43.51.090, 43.51.685, and 70.88.070; providing an effective date; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5140 by Senators Long, Zarelli, Schow, Kohl, Franklin, Hargrove and Winsley (by request of Department of Corrections)

AN ACT Relating to community placement of offenders; and reenacting and amending RCW 9.94A.120.  
Referred to Committee on Human Services and Corrections.

SB 5141 by Senators Long, Hargrove, Franklin and Winsley (by request of Department of Corrections)

AN ACT Relating to siting of work release facilities; and amending RCW 72.65.210 and 72.65.220.  
Referred to Committee on Human Services and Corrections.

SB 5142 by Senators Roach, Loveland and Winsley

AN ACT Relating to the collection of judgments; and reenacting and amending RCW 36.18.190.  
Referred to Committee on Law and Justice.

SB 5143 by Senators Finkbeiner, West, Brown and Winsley (by request of Military Department)

AN ACT Relating to enhanced 911 excise taxes; amending RCW 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.060, 82.32.010, and 82.32.105; adding new sections to chapter 82.14B RCW; prescribing penalties; and providing an effective date.  
Referred to Committee on Energy and Utilities.

SB 5144 by Senator Roach

AN ACT Relating to the administration of county clerks' offices; amending RCW 6.36.035, 4.64.110, 7.68.290, 4.56.100, 4.64.030, 4.64.060, and 5.44.010; and repealing RCW 4.64.070.  
Referred to Committee on Law and Justice.

SB 5145 by Senators Stevens, Long, Schow and Anderson

AN ACT Relating to department of social and health services records of children who have died from abuse or neglect; and amending RCW 74.04.060.  
Referred to Committee on Human Services and Corrections.

SB 5146 by Senators Winsley, Fraser, Roach, Anderson and Patterson

AN ACT Relating to state investment board membership; and amending RCW 43.33A.020.  
Referred to Committee on Government Operations.

SB 5147 by Senators Winsley, Swecker, Sheldon, Haugen and Oke

AN ACT Relating to residential property tax exemptions; and amending RCW 84.36.381.  
Referred to Committee on Ways and Means.

SB 5148 by Senators Haugen and Oke

AN ACT Relating to production of game birds at game farms operated by the department of fish and wildlife; adding a new section to chapter 77.12 RCW; and creating new sections.



Referred to Committee on Natural Resources and Parks.

SB 5149 by Senators Long, Spanel, Horn and Kohl (by request of Legislative Ethics Board)

AN ACT Relating to mailings by legislators; amending RCW 42.17.132; adding a new section to chapter 42.52 RCW; and recodifying RCW 42.17.132.  
Referred to Committee on Law and Justice.

SB 5150 by Senators Roach, Johnson, Heavey, McCaslin, Loveland, Snyder and Winsley

AN ACT Relating to contempt of court; and amending RCW 7.21.020.  
Referred to Committee on Law and Justice.

SB 5151 by Senators Roach, Johnson, Heavey, McCaslin, Loveland, Snyder and Winsley

AN ACT Relating to civil jurisdiction of district courts; and amending RCW 3.66.020.  
Referred to Committee on Law and Justice.

SB 5152 by Senators Prince, Bauer, Wojahn, Horn, Oke, Winsley and Patterson (by request of Joint Legislative Audit and Review Committee)

AN ACT Relating to allowing the department of social and health services access to employment security department data on clients in the job opportunities and basic skills training program and any subsequent state welfare program; adding a new section to chapter 50.13 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5153 by Senators Sellar and Loveland

AN ACT Relating to prohibiting separate reporting and valuation of intangible personal property; and amending RCW 84.40.030 and 84.40.040.  
Referred to Committee on Ways and Means.

SB 5154 by Senators Horn, Heavey and Prince

AN ACT Relating to maximum gross weight of vehicles; and amending RCW 46.44.041.  
Referred to Committee on Transportation.

SB 5155 by Senators Horn, Heavey and Prince

AN ACT Relating to vehicle width; and amending RCW 46.44.010.  
Referred to Committee on Transportation.

SB 5156 by Senators Zarelli, Benton, Schow and Anderson

AN ACT Relating to requiring approval by a two-thirds vote of each house to amend Initiative 601; amending RCW 43.84.092 and 43.88.033; and adding a new section to chapter 43.135 RCW.  
Referred to Committee on Ways and Means.

SB 5157 by Senators Zarelli, Stevens and Kohl

AN ACT Relating to sales and use tax relief for victims of inclement weather that led to a declaration of a disaster area; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; providing an expiration date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5158 by Senators Kohl, Strannigan, Long, Hargrove, Franklin, Brown, Patterson, Zarelli, Spanel, Thibaudeau, Schow, Winsley, Anderson and Oke

AN ACT Relating to economic incentives for employer-sponsored child care benefits; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 82 RCW; and providing an effective date.  
Referred to Committee on Human Services and Corrections.

SB 5159 by Senators Kohl, Long, McAuliffe, Fairley, Hargrove and Winsley

AN ACT Relating to family support services for persons with developmental disabilities; and adding a new section to chapter 71A.12 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5160 by Senator McCaslin

AN ACT Relating to the presidential primary; and repealing RCW 29.19.010, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.070, 29.19.080, and 29.19.900.  
Referred to Committee on Government Operations.

SJM 8001 by Senators Hargrove, McCaslin, Snyder, Patterson and Oke

Petitioning for a plaque honoring veterans dying from war-related injuries received in the southeast Asia theater of operations.

Referred to Committee on Government Operations.

SJM 8002 by Senators Stevens, Benton, Zarelli, Roach, Hochstatter and Schow

Claiming state sovereignty under the Tenth Amendment.

Referred to Committee on Government Operations.

SJR 8205 by Senators Winsley, Oke and Patterson

Amending the Constitution to allow property tax relief to veterans.

Referred to Committee on Ways and Means.

SJR 8206 by Senators Zarelli and Benton

Encapsulating Initiative 601 into the Washington state Constitution.

Referred to Committee on Ways and Means.

SCR 8402 by Senators McDonald, Snyder, Loveland, Sellar, Johnson and Sheldon

Adopting cutoff dates.

HOLD.

MOTION

On motion of Senator Johnson, Senate Bill No. 5135 and Senate Concurrent Resolution No. 8402 were held on the desk.

MOTION

At 12:03 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, January 17, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FOURTH DAY, JANUARY 16, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different

from that in the original published version.

**FIFTH DAY**  
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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, January 17, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Esther Owen and Sara Van Doren, presented the Colors. Reverend Kathryn Everett, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5161 by Senators Swecker and Bauer

AN ACT Relating to mobile homes; and adding a new section to chapter 60.72 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5162 by Senators Deccio, Bauer, Benton, Winsley and McCaslin

AN ACT Relating to removal of vegetation; and adding a new section to chapter 64.12 RCW.  
Referred to Committee on Natural Resources and Parks.

SB 5163 by Senators Haugen and Schow

AN ACT Relating to the expiration of filed financing statements; and amending RCW 62A.9-403.  
Referred to Committee on Law and Justice.

SB 5164 by Senators Haugen, Long, Goings, Patterson, Franklin and Bauer

AN ACT Relating to mobile home park tenants and occupants; and amending RCW 59.20.030 and 59.20.080.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5165 by Senators Finkbeiner, Fraser, Swecker, Loveland, Sellar, Hargrove, Morton, Haugen, Snyder, Prince, Deccio, West, Bauer, Oke, Goings and Hale

AN ACT Relating to the implementation of the enhanced 911 excise tax study recommendations regarding 911 emergency communications system funding; amending RCW 82.14B.030 and 38.52.540; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Energy and Utilities.

SB 5166 by Senators Stevens, Hargrove, Zarelli, Hochstatter and Oke

AN ACT Relating to minors, requiring parental consent for health care services; amending RCW 70.02.080, 71.34.030, 71.34.040, and 71.34.050; adding a new section to chapter 7.70 RCW; and repealing RCW 70.24.110 and 70.96A.095.  
Referred to Committee on Health and Long-Term Care.

SB 5167 by Senators Stevens, Zarelli, Hochstatter and Schow

AN ACT Relating to prohibiting schools from presenting homosexuality as positive, normal behavior; adding a new section to chapter 28A.150 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Education.

SB 5168 by Senators Stevens, Rossi, Zarelli, Horn, Schow, Oke and Roach

AN ACT Relating to notice of traffic violations by minors; adding a new section to chapter 46.63 RCW; and adding a new section to chapter 46.64 RCW.  
Referred to Committee on Law and Justice.

SB 5169 by Senators Hargrove, Roach, Hochstatter, Schow, Long and Oke

AN ACT Relating to prohibiting mandatory child support for postsecondary education of adult children; amending RCW 26.09.170, 26.09.225, 26.18.210, 26.19.035, and 26.19.075; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.19.090.  
Referred to Committee on Law and Justice.

SB 5170 by Senators Roach, Hochstatter, Schow, Stevens, Oke, Zarelli and Benton

AN ACT Relating to false accusations of child abuse or neglect; amending RCW 26.09.191; adding new sections to chapter 26.44 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5171 by Senators Roach, Goings, McCaslin, Oke and Winsley (by request of Supreme Court)

AN ACT Relating to pro tempore judges; amending RCW 2.04.240, 2.04.250, 2.06.150, 2.06.160, and 2.10.030; reenacting and amending RCW 41.40.010; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5172 by Senators Fairley and Patterson

AN ACT Relating to offenders; amending RCW 5.60.060, 13.40.010, 13.40.045, 13.40.050, 13.40.060, 13.40.080, 13.40.110, 13.40.120, 13.40.125, 13.40.130, 13.40.150, 13.40.190, 13.40.210, and 35.20.030; reenacting and amending RCW 9.94A.030, 9.94A.360, 9.94A.390, 13.04.030, and 13.40.020; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 13.04 RCW; adding a new section to chapter 28A.225 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5173 by Senators Schow, Prentice and Horn (by request of Liquor Control Board)

AN ACT Relating to improving the liquor license schematic of the state of Washington; amending RCW 66.24.010, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.250, 66.24.270, 66.24.290, 66.24.310, 66.24.320, 66.24.330, 66.24.350, 66.24.360, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.24.550, 66.24.570, 66.04.010, 66.28.200, 66.24.210, 15.88.030, 19.126.020, 66.16.100, 66.20.300, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.44.310, 66.98.060, and 82.08.150; amending 1973 1st ex.s. c 204 s 3 (uncodified); reenacting and amending RCW 66.20.010, 66.20.310, and 66.28.010; adding new sections to chapter 66.24 RCW; creating a new section; repealing RCW 66.24.204, 66.24.260, 66.24.340, 66.24.370, 66.24.490, 66.24.500, 66.24.510, and 66.24.560; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5174 by Senators Prince, Loveland, Morton and Rasmussen (by request of Washington State University)

AN ACT Relating to transferring Lind property to Washington State University; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5175 by Senators Morton, Rasmussen, Hochstatter, Goings and Roach (by request of Department of Revenue)

AN ACT Relating to business and occupation tax on the handling of hay, alfalfa, and seed; amending RCW 82.04.120; reenacting and amending RCW 82.04.260; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5176 by Senators McCaslin and Haugen

AN ACT Relating to personal service contracts; amending RCW 39.29.003, 39.29.006, 39.29.011, 39.29.018, 39.29.025, 39.29.040, 39.29.055, 39.29.065, and 39.29.068; and repealing RCW 39.29.035.  
Referred to Committee on Government Operations.

SB 5177 by Senators Horn, Wood, Prince, Winsley, Deccio and Johnson

AN ACT Relating to proper lane travel for heavy vehicles; and amending RCW 46.61.100.

Referred to Committee on Transportation.

SB 5178 by Senators Wood, Wojahn, Deccio, Bauer, Fairley, Goings, Prince, Prentice, Franklin, Horn, Patterson and Winsley

AN ACT Relating to the enactment of the diabetes cost reduction act; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 5179 by Senators Deccio, Prentice and Wood

AN ACT Relating to nursing facility reimbursement; creating a new section; and providing an expiration date.  
Referred to Committee on Health and Long-Term Care.

SB 5180 by Senators Bauer, Wojahn, Prince, Horn, Stevens and Winsley (by request of Joint Legislative Audit and Review Committee)

AN ACT Relating to personal service contracts; and adding a new section to chapter 39.29 RCW.  
Referred to Committee on Government Operations.

SB 5181 by Senators Roach, Fairley, Prentice, Benton and Winsley

AN ACT Relating to a debtor's liability for a deficiency after default under a security agreement; and amending RCW 62A.9-501.  
Referred to Committee on Law and Justice.

SB 5182 by Senators Roach, Hochstatter and Zarelli

AN ACT Relating to state board of education membership; amending RCW 28A.305.010, 28A.305.030, and 28A.305.090; adding a new section to chapter 28A.305 RCW; and repealing RCW 28A.305.020, 28A.305.040, 28A.305.050, 28A.305.060, and 28A.305.070.  
Referred to Committee on Education.

SB 5183 by Senators Roach, Fairley and Winsley

AN ACT Relating to a municipal court defendant incarcerated at a jail facility in the county but outside the city limits; and amending RCW 35.20.100.  
Referred to Committee on Law and Justice.

SB 5184 by Senators Roach and Oke

AN ACT Relating to recreational fishing licenses; adding a new section to chapter 75.25 RCW; adding a new section to chapter 77.32 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5185 by Senators Horn, McCaslin, Long, Benton, Prince and Deccio

AN ACT Relating to growth management hearings boards; amending RCW 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.310, 36.70A.320, and 36.70A.340; recodifying RCW 36.70A.340; and repealing RCW 36.70A.330.  
Referred to Committee on Government Operations.

SB 5186 by Senators Goings, Roach, Haugen, Johnson, Winsley and Rasmussen

AN ACT Relating to the dissemination of medical information for use in emergency situations; and adding a new section to chapter 70.24 RCW.  
Referred to Committee on Law and Justice.

SB 5187 by Senators Goings, Roach, Haugen, Johnson, Winsley and Rasmussen

AN ACT Relating to the exchange of medical information in emergency situations; adding a new section to chapter 70.24 RCW; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5188 by Senators Goings, Long, Hargrove, Zarelli, Schow, Winsley and Rasmussen

AN ACT Relating to offenders; amending RCW 70.02.050; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5189 by Senators Goings, Long, Hargrove, Zarelli, Fairley, Schow, Patterson, Oke, Winsley, McCaslin, Rasmussen and Haugen

AN ACT Relating to sex offender registration violations; amending RCW 9A.44.130; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5190 by Senators Goings, Long, Hargrove, Zarelli, Bauer, Schow, Oke, Winsley, McCaslin, Rasmussen and Haugen

AN ACT Relating to health care services for offenders sentenced to death; and amending RCW 72.10.020.  
Referred to Committee on Human Services and Corrections.

SB 5191 by Senators Goings, Roach, Haugen, Schow, Oke, Winsley and Rasmussen

AN ACT Relating to crimes involving methamphetamine; amending RCW 69.50.401 and 69.50.440; reenacting and amending RCW 9.94A.030; and prescribing penalties.  
Referred to Committee on Law and Justice.

#### MOTION

On motion of Senator Johnson, Senate Bill No. 5135, which was introduced and held on the desk yesterday, January 16, 1997, was referred to the Committee on Law and Justice.

#### MOTION

At 10:07 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the first order of business.

#### REPORTS OF STANDING COMMITTEES

SB 5063 Prime Sponsor, Senator Roach: Clarifying naming conventions for corporations and units of government. Reported by Committee on Law and Justice January 16, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Jacobsen, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5065 Prime Sponsor, Senator Roach: Regulating naming of businesses. Reported by Committee on Law and Justice January 16, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Haugen, Jacobsen, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

#### MOTION

On motion of Senator Johnson, Senate Concurrent Resolution No. 8402, which was introduced and held on the desk yesterday, January 16, 1997, was advanced to second reading and placed on the second reading calendar.

EDITOR'S NOTE: The Senate Rules for 1997 have not been adopted, so suspension of the rules could not take place.

#### MOTION

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

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators McDonald, Snyder, Loveland, Sellar, Johnson and Sheldon

Adopting cutoff dates.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8402 was adopted by voice vote.

#### PERSONAL PRIVILEGE

Senator Deccio: "Thank you, Mr. President. I would like to speak to a point of personal privilege. On behalf of all the short people in this Senate Chamber, I want to welcome you in your new position as Lieutenant Governor. I think we are all very happy to have some aid and comfort from somebody that we can look in the eye without having to stand on our tip toes. We welcome you to your new position."

#### REPLY BY THE PRESIDENT

President Owen: "Thank you very much. Thank you. We are out recruiting new members for the short caucus at this time."

#### MOTION

At 11:38 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order by President Pro Tempore Newhouse at 5:05 p.m.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

#### REPORTS OF STANDING COMMITTEES

January 16, 1997

SB 5066 Prime Sponsor, Senator Roach: Regulating trademarks. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Jacobsen, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 16, 1997

SB 5067 Prime Sponsor, Senator Roach: Allowing facsimile filings with the secretary of state's office. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Jacobsen, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

January 17, 1997

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1037, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1037 by Representatives B. Thomas, Mulliken, Honeyford, Johnson, Mastin, Thompson, McMorris, Koster, DeBolt, Carlson, Boldt, Hickel, Alexander, Lambert, Buck, Schoesler, Sterk, Mitchell, D. Schmidt, Wensman, Sherstad, Carrell, Sheldon, Linville, Huff, Cooke, Bush, Smith, Dunn, Dyer, Van Luven, Mielke, Chandler, Cairnes, Talcott, Robertson and Backlund

Making the 4.7187% state property tax reduction permanent.

MOTION

On motion of Senator West, House Bill No. 1037 was advanced to second reading and placed on the second reading calendar.

EDITOR'S NOTE: The Senate Rules for 1997 have not been adopted, so suspension of the rules could not take place.

MOTION

At 5:06 p.m., on motion of Senator West, the Senate adjourned until 10:00 a.m. Monday, January 20, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FIFTH DAY, JANUARY 17, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, January 20, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Prentice and Rasmussen. On motion of Senator Franklin, Senators Prentice and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Cline and Joseph Deccio, presented the Colors. Reverend George Sheldon, pastor of St. Benedict's Episcopal Church of Olympia, offered the prayer.

MOTION



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

#### INTRODUCTION AND FIRST READING

SB 5192 by Senators Kohl, Wood, Haugen, Oke, Spanel, Sheldon and Prentice

AN ACT Relating to interest on retroactive compensation increases to marine employees; and amending RCW 47.64.120.  
Referred to Committee on Transportation.

SB 5193 by Senators Prentice, Newhouse, Sellar, Morton, Deccio, Rasmussen, Winsley and Hale (by request of Department of Revenue)

AN ACT Relating to sales and use tax exemptions for farmworker housing; amending RCW 82.08.02745 and 82.12.02685; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5194 by Senators Long, Haugen and Wood

AN ACT Relating to vehicles that have been rebuilt from salvage; amending RCW 46.32.005, 46.12.040, and 46.12.075; adding a new section to chapter 46.32 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 5195 by Senators Deccio and Newhouse (by request of Department of Revenue)

AN ACT Relating to the taxation of membership sales in discount programs; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5196 by Senators Strannigan, West, Bauer, Heavey, Prentice and Wood

AN ACT Relating to business and occupation taxation; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5197 by Senators Kohl, Wood, Winsley, Patterson, Bauer, Goings, Jacobsen and McAuliffe (by request of Higher Education Coordinating Board)

AN ACT Relating to undergraduate fellowships for needy and meritorious students; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5198 by Senators Wood, Kohl, Winsley, Bauer, Hale, Sheldon, Horn and Oke (by request of Higher Education Coordinating Board)

AN ACT Relating to financial aid account flexibility between state work study and state need grant programs; and adding a new section to chapter 28B.85 RCW.  
Referred to Committee on Higher Education.

SB 5199 by Senators Wood, Kohl, Winsley, Bauer, Hale, Sheldon, Horn and Oke (by request of Higher Education Coordinating Board)

AN ACT Relating to authorizing the higher education coordinating board to conduct pilot programs in alternative tuition setting for distance education, packaging tuition and fees, and enrollment agreements with other states; and adding new sections to chapter 28B.80 RCW.  
Referred to Committee on Higher Education.

SB 5200 by Senators Wood, Kohl, Winsley and Bauer (by request of Higher Education Coordinating Board)

AN ACT Relating to the state educational trust fund; and amending RCW 28B.10.821.  
Referred to Committee on Higher Education.

SB 5201 by Senators Roach, Kohl, Long, Fairley, Winsley and McAuliffe (by request of Sentencing Guidelines Commission)

AN ACT Relating to juvenile offender sentencing; amending RCW 13.40.0354, 13.40.0357, 13.40.077, 13.40.160, and 13.40.193; reenacting and amending RCW 13.40.020; adding a new section to chapter 13.40 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5202 by Senators Roach, Fairley, Johnson, Winsley, Benton, Oke and Haugen

AN ACT Relating to child support enforcement; and reenacting and amending RCW 74.20A.056.  
Referred to Committee on Law and Justice.

SB 5203 by Senators Roach, Johnson, Hargrove, Zarelli, Benton, Goings, Oke and Long

AN ACT Relating to capital punishment; reenacting and amending RCW 10.95.020; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5204 by Senators Roach, Fairley, Johnson, Winsley, Kohl and Oke

AN ACT Relating to restitution agreements between crime victims and offenders; amending RCW 7.69.030, 9.92.060, 9.94A.110, 9.94A.127, 9.94A.180, 13.40.135, 13.40.150, 13.40.190, and 43.43.754; reenacting and amending RCW 9.94A.030, 9.94A.120, and 13.40.020; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5205 by Senators Roach and Johnson

AN ACT Relating to disqualification of district judges; and amending RCW 3.34.110.  
Referred to Committee on Law and Justice.

SB 5206 by Senators Wood, Kohl, Bauer, Winsley, Sheldon, Prince, Patterson, Hale and Jacobsen

AN ACT Relating to tuition differential exemptions for medical students; and amending RCW 28B.15.225.  
Referred to Committee on Higher Education.

SB 5207 by Senators Swecker, Oke, Stevens, Hargrove, Snyder, Haugen, Morton, Rossi, Roach and Anderson

AN ACT Relating to habitat conservation plans; amending RCW 76.09.340; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5208 by Senators Morton, Loveland, Newhouse, Rasmussen, Swecker, Hochstatter and Hale

AN ACT Relating to environmental complaint handling; adding a new section to chapter 70.94 RCW; and adding a new section to chapter 90.48 RCW.  
Referred to Committee on Agriculture and Environment.

SB 5209 by Senators Fairley, Roach, Hargrove, Patterson, Goings, Rasmussen, Haugen, Wojahn, Franklin, Winsley and Oke

AN ACT Relating to standards of conduct for adult cabarets and adult theaters; adding new sections to chapter 9.68 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5210 by Senators Swecker, Fraser, Newhouse, Goings, Rasmussen, Snyder, Morton, Hochstatter, Zarelli, Oke and McAuliffe

AN ACT Relating to the taxation of coal-fired thermal electric generating facilities placed in operation before July 1, 1975; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; creating new sections; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5211 by Senators Newhouse, Wojahn and Schow

AN ACT Relating to including public hospital districts as authorized self-insurers; and amending RCW 51.14.150.  
Referred to Committee on Commerce and Labor.

SB 5212 by Senators Swecker, Hale, Zarelli, Johnson, McDonald, McCaslin, Deccio, West, Schow, Horn, Strannigan, Hochstatter, Benton, Sellar, Anderson and Oke

AN ACT Relating to limiting property taxes; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, 84.70.010, 84.55.005, 84.55.010, 84.55.020, 35.61.210, 70.44.060, and 84.08.115; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; and creating new sections.  
Referred to Committee on Ways and Means.

SB 5213 by Senators Deccio and Fairley

AN ACT Relating to confidentiality of information provided to the health care policy board and the interagency quality committee; reenacting and amending RCW 42.17.310; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5214 by Senators Sheldon, Snyder, Loveland, Spanel, Jacobsen, Fairley, McAuliffe, Brown, Goings, Heavey, Patterson, Wojahn, Franklin, Thibaudeau, Hargrove, Rasmussen, Haugen, Prentice, Fraser, Swecker, Kohl, Zarelli, Oke, Wood and Hochstatter

AN ACT Relating to property tax relief; amending RCW 84.52.080, 84.56.050, 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating a new section; repealing RCW 84.55.---; repealing 1997 c . . . s 9 (uncodified); prescribing penalties; providing a contingent effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5215 by Senators Sheldon, McAuliffe, Bauer and Loveland

AN ACT Relating to delivery of beer and wine in original, sealed packages; creating a new section; and providing an expiration date.  
Referred to Committee on Commerce and Labor.

SB 5216 by Senators Sheldon, McAuliffe, Loveland, Fairley, Spanel, Thibaudeau and Kohl

AN ACT Relating to adoption; and amending RCW 26.33.343, 26.33.350, and 26.33.380.  
Referred to Committee on Human Services and Corrections.

SB 5217 by Senators Bauer, Winsley, Franklin, Long, Fraser, Roach, Loveland, Rasmussen, Goings, Swecker, Kohl, Oke, Patterson and Haugen (by request of Joint Committee on Pension Policy)

AN ACT Relating to death benefits in the volunteer fire fighters' relief and pension system; amending RCW 41.24.160; adding a new section to chapter 41.24 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5218 by Senators Fraser, Winsley, Long, Bauer, Franklin, Roach and Loveland (by request of Joint Committee on Pension Policy)

AN ACT Relating to restrictions on postretirement employment; amending RCW 41.26.490, 41.32.010, 41.32.480, 41.32.570, 41.32.800, 41.32.860, 41.40.150, 41.40.690, and 41.50.130; reenacting and amending RCW 41.40.010 and 41.40.023; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; creating new sections; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5219 by Senators Winsley, Long, Fraser, Bauer and Franklin (by request of Joint Committee on Pension Policy)

AN ACT Relating to transferring prior service in the law enforcement officers' and fire fighters' pension system plan I; and adding a new section to chapter 41.26 RCW.  
Referred to Committee on Ways and Means.

SB 5220 by Senators Long, Fraser, Winsley, Bauer, Franklin and Patterson (by request of Joint Committee on Pension Policy)

AN ACT Relating to minimum benefits in the Washington state patrol retirement system; adding a new section to chapter 43.43 RCW; decodifying RCW 43.43.275 and 43.43.277; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5221 by Senators Long, Winsley, Fraser, Bauer, Franklin and Patterson (by request of Joint Committee on Pension Policy)

AN ACT Relating to eligibility for survivor benefits; amending RCW 41.32.520 and 41.40.270;  
Referred to Committee on Ways and Means.

SB 5222 by Senators Fraser, Winsley, Long, Bauer and Franklin (by request of Joint Committee on Pension Policy)

AN ACT Relating to retirement benefits based on the definition of excess compensation; and amending RCW 41.50.150.  
Referred to Committee on Ways and Means.

SB 5223 by Senators Roach, Winsley, Long, Loveland, Bauer, Franklin, Fraser and McAuliffe (by request of Joint Committee on Pension Policy)

AN ACT Relating to the teachers' retirement system plan III contribution rates; and amending RCW 41.32.8401 and 41.45.061.  
Referred to Committee on Ways and Means.

SB 5224 by Senators Bauer, Winsley, Franklin, Long, Fraser, Roach and Loveland (by request of Joint Committee on Pension Policy)

AN ACT Relating to receipt of the proportionate share of investment earnings by the pension funding account; amending RCW 43.84.092; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5225 by Senators Franklin, Winsley, Bauer, Long, Fraser and Loveland (by request of Joint Committee on Pension Policy)

AN ACT Relating to retirement credit for leave for legislative service; adding a new section to chapter 43.43 RCW; and adding a new section to chapter 28B.10 RCW.  
Referred to Committee on Ways and Means.

SB 5226 by Senators Wood, Loveland, Roach, Sellar, Sheldon, Johnson, Thibaudeau, Winsley, Jacobsen, Anderson, Oke and McAuliffe

AN ACT Relating to taxation of dental appliances, devices, restorations, and substitutes; amending RCW 82.04.120, 82.08.0283, and 82.12.0277; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5227 by Senators Deccio, Franklin, Patterson, Prentice, Benton, Wojahn and Long

AN ACT Relating to nonprofit hospital sales; adding a new chapter to Title 70 RCW; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5228 by Senators Deccio, Franklin, Prentice, Benton, Wojahn and Kohl

AN ACT Relating to prevention of workplace violence in health care settings; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 5229 by Senators Prince, Loveland, Morton, Oke, Stevens, Fraser, Swecker, Rasmussen, Hochstatter, Johnson, Bauer, Horn, Snyder, Winsley, Roach, McDonald and Haugen

AN ACT Relating to the property taxation of assembly halls or meeting places; and amending RCW 84.36.037.  
Referred to Committee on Ways and Means.

SB 5230 by Senators Rossi, Haugen, McCaslin, McDonald and Hale

AN ACT Relating to current use taxation provisions; amending RCW 84.33.120, 84.33.140, 84.33.145, and 84.34.108; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5231 by Senators Hochstatter, Finkbeiner, Goings, Long, Haugen, Rasmussen and Brown

AN ACT Relating to sales and use taxes on electrical energy imposed by the state, cities, and towns; amending RCW 82.16.010; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 35.21 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Energy and Utilities.

SB 5232 by Senators Wood, Prentice, Deccio, Franklin, Fairley, Thibaudeau, Kohl and McAuliffe

AN ACT Relating to completion of prescriptive authority for advanced registered nurse practitioners; amending RCW 18.79.050, 18.79.240, and 18.79.250; adding a new section to chapter 18.79 RCW; creating new sections; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 5233 by Senators Benton, Bauer, Winsley, Prentice, Schow, Swecker and Zarelli

AN ACT Relating to impact fees for mobile home parks; adding a new section to chapter 82.02 RCW; and adding a new section to chapter 36.70A RCW.  
Referred to Committee on Government Operations.

SB 5234 by Senators Benton, Johnson, Finkbeiner, Roach, Schow, Deccio, Morton, Rossi, McDonald, West, Oke and Hale

AN ACT Relating to dedicating revenue to K through 12 education through state lottery revenues; amending RCW 67.70.040, 67.70.190, and 67.70.240; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5235 by Senators Benton, Prentice, Roach, Finkbeiner, Winsley, Schow, Long, Horn, Deccio, Swecker, Morton, Rossi, McDonald, Stevens, West and Hale

AN ACT Relating to delegation of authority to county auditors by the director of licensing; and adding a new section to chapter 46.20 RCW.  
Referred to Committee on Transportation.

SB 5236 by Senators Benton, Finkbeiner, Stevens, Johnson and Jacobsen

AN ACT Relating to public baccalaureate institutions; and adding a new section to chapter 28B.10 RCW.  
Referred to Committee on Higher Education.

SB 5237 by Senators Benton, Finkbeiner, Schow, Horn and West

AN ACT Relating to reporting of blood alcohol levels by health care providers; amending RCW 70.02.020; and adding new sections to chapter 70.02 RCW.  
Referred to Committee on Law and Justice.

SB 5238 by Senators Benton, Finkbeiner, Schow and Swecker

AN ACT Relating to the sales tax on highway construction contracts; and adding a new section to chapter 82.32 RCW.  
Referred to Committee on Transportation.

SB 5239 by Senators Benton, West and Zarelli

AN ACT Relating to drunk driving; amending RCW 46.61.5055, 46.61.5058, and 46.20.391; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.12 RCW; adding a new section to chapter 46.16 RCW; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5240 by Senators West, Anderson, Hochstatter, Hale, Morton, Oke, Johnson, Benton, McDonald, Schow, Zarelli, Long, Swecker, Haugen, Finkbeiner, Stevens, Bauer and Goings

AN ACT Relating to rule making; and amending RCW 34.05.380.  
Referred to Committee on Government Operations.

SB 5241 by Senators West, McCaslin, Haugen, Swecker, Winsley, Morton, Hale, Bauer, Snyder, Goings and Fraser

AN ACT Relating to replacement of a county assessor or county auditor within counties that are not home rule charter counties; amending RCW 36.16.030; adding a new section to chapter 36.21 RCW; and adding a new section to chapter 36.22 RCW.

Referred to Committee on Government Operations.

SB 5242 by Senators Oke, McAuliffe, Snyder, Kohl, Sheldon, Winsley, Fairley, Long, Haugen, McDonald, Deccio, McCaslin, Sellar, Brown, Goings, Jacobsen and Patterson

AN ACT Relating to personal flotation devices; amending RCW 88.12.115; and prescribing penalties.  
Referred to Committee on Natural Resources and Parks.

SB 5243 by Senators Oke, Rasmussen, Winsley, Morton, Benton, Prince, Stevens, Horn, Zarelli, Long, Roach, Swecker, Deccio, McCaslin, Hale, Sellar, Johnson, Bauer, McAuliffe and Haugen

AN ACT Relating to exempting disabled veterans from reservation fees for state parks; and amending RCW 43.51.055.

Referred to Committee on Natural Resources and Parks.

SB 5244 by Senators Oke, Fairley, Winsley, Deccio, Prince, Horn, Benton, Swecker, Finkbeiner, Sellar, McDonald and McAuliffe

AN ACT Relating to disabled persons' parking permits; and amending RCW 46.16.381.  
Referred to Committee on Law and Justice.

SB 5245 by Senators Oke, Winsley, Sellar, Rasmussen, Anderson and Patterson

AN ACT Relating to school districts; amending RCW 28A.535.020, 28A.535.050, 84.52.053, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.  
Referred to Committee on Education.

SB 5246 by Senators Oke, Benton, Morton, Winsley, Zarelli, Hochstatter, Swecker, Finkbeiner and Stevens

AN ACT Relating to use of public facilities and resources; adding a new section to chapter 42.23 RCW; adding a new section to chapter 42.52 RCW; and prescribing penalties.  
Referred to Committee on Government Operations.

SB 5247 by Senators Oke, Rasmussen, Winsley, Prince, Horn, Zarelli, Benton, Schow, Hochstatter, Stevens, Rossi, Deccio, Hale, Johnson and Fraser

AN ACT Relating to proper lane travel for heavy vehicles; and amending RCW 46.61.100.  
Referred to Committee on Transportation.

SB 5248 by Senators Fraser, Winsley, Fairley, Goings, McAuliffe, Oke, Brown, Horn, Kohl, Roach, Thibaudeau, Prentice, Sheldon, Prince, Snyder, Haugen, Spanel, Rasmussen, Franklin, Hargrove, Johnson, Loveland, Deccio, Swecker, Bauer, Hochstatter, McDonald, Sellar, Long, Schow, Patterson, Wojahn and Jacobsen

AN ACT Relating to the women in military service for America memorial; and making an appropriation.  
Referred to Committee on Ways and Means.

SB 5249 by Senators Oke, Winsley and Patterson (by request of Governor Lowry)

AN ACT Relating to regulation and control of tobacco products; amending RCW 70.155.010, 70.155.030, 70.155.040, 70.155.050, 70.155.100, 70.155.110, 70.155.130, 82.24.500, and 82.24.550; adding a new section to chapter 70.155 RCW; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SJM 8003 by Senators Zarelli and Rasmussen

Honoring law enforcement officers.

Referred to Committee on Government Operations.

SJR 8207 by Senators Oke, Winsley, Sellar, Rasmussen, Patterson and Haugen

Amending the Constitution to provide for a simple majority of voters voting at a state general election to authorize school district levies.

Referred to Committee on Education.

REMARKS BY SENATOR FRANKLIN  
IN OBSERVATION OF MARTIN LUTHER KING DAY

Senator Franklin: "Martin Luther King, Jr. had hoped to be a Baptist preacher in a southern city. Instead, by the age of thirty-nine, he had been awarded the Nobel Peace Prize and had led millions of people in a nonviolent movement that changed our nation forever.

"His eloquent, passionate advocacy of civil and human rights rooted in the techniques of Mahatma Gandhi, brought a new dimension of dignity to people's lives and a new hope for freedom and the community of man. He asked to be remembered as a 'drum major' for peace. Seven areas of his concerns were The Community of Man, Racism, Civil Rights, Justice and Freedom, Faith and Religion, Nonviolence and Peace.

"I will share with you, briefly, from each area. The message these words convey is as inspiring and fundamental to life today as it was in Dr. King's lifetime.

"He said:

"1) The Community of Man - An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of humanity. We must accept finite disappointment, but we must never lose finite hope.

"2) Racism - A doctrine of black supremacy is as evil as a doctrine of white supremacy. There is little hope for us until we become tough minded enough to break loose from the shackles of prejudice, half truths, and downright ignorance.

"3) Civil Rights - I often wonder whether or not education is fulfilling its purpose. A great majority of the so-called education people do not think logically and scientifically. Even the press, the classroom, the platform and the pulpit in many instances do not give us objective and unbiased truths. Education must enable one to sift and weigh evidence, to discern the truth from false, the real from the unreal and the facts from fiction.

"4) Faith and Religion - When I speak of love, I am not speaking of some sentimental and weak response. I am speaking of that force which all of the great religions have seen as the unifying principle of life. Love is somehow the key that unlocks the door which leads to ultimate reality.

"5) Nonviolence - Compassion and nonviolence help us to see the enemy's point of view, to hear his questions, to know his assessment of ourselves. For from his view, we may indeed see the basic weakness of our own condition and if we are mature, we may learn and grow and profit from the wisdom of the brothers who are called the opposition.

"6) Peace - True peace is not merely the absence of tension, it is the presence of justice.

"7) Justice and Freedom - Freedom has always been an expensive thing. History is fit testimony to the fact that freedom is rarely gained without self denial.

"Thank you, Dr. King, for giving all of us a legacy of hope and 'Happy Birthday.'"

MOTION

At 10:11 a.m., on motion of Senator Johnson, the Senate recessed until 10:30 a. m. when all joined in the back of the Chamber to go to the House of Representatives for the purpose of a joint session.

JOINT SESSION

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

The Speaker asked the Sergeants at Arms of the House and Senate to escort President Pro Tempore Irv Newhouse, Majority Leader Dan McDonald and Minority Leader Sid Snyder to seats on the rostrum.

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

The Speaker passed the gavel to President Pro Tempore Irv Newhouse.

APPOINTMENTS OF SPECIAL COMMITTEES

The President Pro Tempore appointed Representatives Backlund, Sherstad, Cooper and Wood and Senators Goings and Benton to escort the State elected officials from the State Reception Room to the House Chamber.

The President Pro Tempore appointed Representatives Zellinsky, Mulliken, Gombosky and O'Brien and Senators Long, Strannigan, Wojahn and Spanel to escort the Supreme Court Justices to the House Chamber.

The President Pro Tempore appointed Representatives Hickel and Anderson and Senators Johnson and Brown to notify Chief Justice Barbara Durham that the Joint Session had assembled, and to escort her to the House Chamber.

## INTRODUCTIONS

The Sergeant at Arms announced that the State elected officials had arrived and the President Pro Tempore requested they be escorted to their seats in the front of the House Chamber. The President Pro Tempore greeted and introduced Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Attorney General Christine Gregoire, Superintendent of Public Instruction Terry Bergeson, State Auditor Brian Sonntag, Commissioner of Public Lands Jennifer Belcher, and Insurance Commissioner Deborah Senn.

The Sergeant at Arms announced that the Justices of the Supreme Court had arrived and the President Pro Tempore requested they be escorted to their seats in the front of the House Chamber. The President Pro Tempore greeted and introduced Associate Chief Justice James M. Dolliver, Justice Charles Z. Smith, Justice Richard P. Guy, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Gerry L. Alexander, Justice Philip A. Talmadge and Justice Richard B. Sanders.

The Sergeant at Arms announced that the Honorable Barbara Durham, Chief Justice of the State Supreme Court, had arrived. The President Pro Tempore requested that she be escorted to the rostrum and introduced her to the assembly.

The President Pro Tempore stated the purpose of the Joint Session was to receive a message from Chief Justice Barbara Durham.

## STATE OF THE JUDICIARY

Chief Justice Durham: "I feel very honored this morning to be speaking with you on the same day we honor the memory of Dr. Martin Luther King, Jr. During his life, Dr. King spoke eloquently and often about justice. In his famous letter from a Birmingham jail, he wrote, 'Injustice anywhere. . . is a threat to justice everywhere.' Shortly before his tragic death, he suggested to some friends the wording for his own eulogy. He said, in part, 'Yes, if you want to say that I am a drum major, say that I was a drum major for justice.'

"The question before us this morning is, what are we doing to make the justice system better for all our citizens? I am pleased to report that from Bellingham to Vancouver, Aberdeen to Pullman, our courts and our judges have been working hard to make our justice system efficient. Thanks to your support in the Legislature, and the voter's approval of Senate Joint Resolution No. 8210 two years ago, we have brought stability to judicial leadership. For more than one hundred years, chief justices in our state automatically rotated as chief justice for a single, two-year term. Today, I stand before you as the first chief justice who has been elected by the court to serve a four-year term. My colleague, Justice Jim Dolliver, our court's most senior member and a former chief justice, has become the court's first Associate Chief Justice, or second in command. Stabilizing judicial leadership will enable us to operate more efficiently as we sharpen our judicial vision and create our first statewide, long-range plan.

"Three of our justices have been working hard to make the courts more accessible, not only to litigants, but also to citizens, voters, and others who need our help. Justice Charles Z. Smith has served for eight years as Chair of the Washington Minority and Justice Commission. The commission has conducted groundbreaking cultural diversity studies and educational programs to ensure that all people are treated fairly and equally.

"Justice Charles Johnson chairs the Supreme Court Rules Committee, which is working on ways to streamline court procedures to make courts more 'user friendly.' Justice Johnson's efforts include revising the rule-making process to provide for more public participation.

"Associate Chief Justice Jim Dolliver presides over our court interpreter committee. We are one of the very few state judicial systems that train and certify foreign language interpreters to work in courts with those who speak little or no English.

"Let's now examine some of our judiciary's exciting innovations, in the areas of television and technology. In the past, very few people visited our court to observe cases being argued--until recently. Now, friends and utter strangers stop us on the street and tell us what they thought about a case we heard two days ago--or even that morning. That's the power of television. Our hearings, we understand, were the first gavel-to-gavel, appellate court proceedings televised live, anywhere in the world. This innovative educational tool is a two-way street--TVW takes the court to the people and it brings people to the court.

"In addition to having a presence on television, we are also taking advantage of the technology of the Internet. The Washington Court Home Page has become a popular web site. You can now find current Supreme Court opinions on-line. We also plan to put on-line the court's past opinions in cooperation with Gonzaga Law School. Besides judicial opinions, our web pages offer a wealth of general and technical information about the courts.

"Another successful project that combined technology and cooperation, was recommended by the Walsh Commission. That was the Judicial Voter's Pamphlet. Last year the Court directed distribution of the first, statewide judicial voter pamphlet ever published in Washington. Under the leadership of a committee chaired by Justice Gerry Alexander and



Justice Phil Talmadge, and the generous cooperation of our state's daily newspapers, we distributed nearly one and a quarter million pamphlets.

"Citizens received the pamphlets just before the September primary, the time when most judges are elected. Voters received thorough, helpful information about each judicial candidates' qualifications. By means of this public and private endeavor, we were able to print and deliver the pamphlets for only three-and-one-half-cents a copy. The response we received was overwhelmingly positive. Many voters asked us to produce the pamphlet regularly. We also posted voter information on the Internet. More than twelve hundred individuals accessed our Internet edition.

"Improving the information voters have about judicial candidates was only one of the recommendations of the Walsh Commission. At the core of that report is a recommendation that would change the way judges are selected in our state. I believe that judges--all judges--should be elected---that voters should have the right to cast a ballot about the competence of every judge. There are, of course, many ways to achieve that goal. During the next few years, I anticipate a healthy and vigorous debate on this subject.

"I would like to now turn to our criminal justice system. I am particularly proud of the leadership the judicial branch has demonstrated in dealing with the issue of domestic violence. Domestic violence is a crime that afflicts every community, and every racial, ethnic, and economic group. How large is the problem? In 1994, the courts in our state handled nearly 31,000 petitions for domestic violence and civil-harassment protection orders. That's about eighty-four cases a day, one every seventeen minutes. In the last legislative session alone, you considered thirty-four different measures, introduced to eliminate the problem of domestic violence. As judicial leaders, we firmly believe that domestic violence must be dealt with in a coordinated comprehensive way.

"Two years ago, Attorney General Christine Gregoire, Justice Richard Guy and I hosted the first domestic violence 'summit.' As a follow up, last month we called a second statewide summit. In that meeting, we continued to build relationships among organizations and to foster cooperation. We also heard encouraging reports from local leaders about their efforts to combat the problem. In the Tri-cities, for example, a summit was hosted by Craig Mattheson, a superior court judge in Benton-Franklin Counties who worked together with the Gender and Justice Commission. The Commission will use the Tri-cities' mini-summit as a model for other cooperative local events.

"Next July, we will complete a project that you initiated in 1995, authorizing us to create a statewide domestic violence tracking system. With this tracking system in place, chronic spouse abusers may still run, but they won't be able to hide their past. Arrest and conviction information will be instantly available to police, prosecutors, and judges across the state. We will know whether or not a civil protection order has been issued in any county in the state, no matter what type of proceeding.

"Violent crime is no longer confined to our streets. As you may recall, three women and an unborn child were shot and killed, two years ago, in the hallway outside a busy King County courtroom. I convened an emergency meeting of presiding judges to examine ways our courthouses could be made safer. Yakima County prosecutor, Jeff Sullivan, chaired an advisory group of county commissioners, lawyers, judges, law enforcement officers, and security experts. Together, they developed a set of safety guidelines. These guidelines form a 'blueprint for safety,' and are being adopted in many of our courts and courthouses. The personal well-being of the public is always a high priority.

"As every judge, county commissioner and each of you know, our state's jail and prison space is severely limited. Space is especially limited for juvenile detention. The professionals in juvenile court realize that they must act early, particularly with young, high-risk offenders. Our state's Early Intervention Program, which is in place in twelve juvenile courts, allows court officials to reach juvenile offenders early in their probation through the use of intensive monitoring.

"Our courts have worked hard to explore alternatives to incarceration. Today, throughout the state, courts are experimenting with aggressive electronic home-monitoring, weekend schooling, day-reporting-centers, and community-service work crews. Judges have long recognized the connection between crime, delinquency, and the state of health of our families. Judicial and legislative leaders are continuing to work together to help, reconcile troubled youth and their families. Last year, our courts handled more than 9,000 truancy petitions, compared to a statewide total the year before of just ninety-one. Superior court judges helped shape some of last session's most far-reaching juvenile measures. We will continue to work with you to deal with the challenges of our criminal justice system.

"Let's now turn to legislative and judicial cooperation. Because our functions sometimes overlap, we took another step last November, aimed at a more effective partnership with the Legislature. We sponsored a leadership workshop to discuss our mutual roles in establishing our state's laws. Important questions were explored. For example, 'What steps can the Legislature take to ensure that its intent is preserved when constitutional questions are raised?' and, 'How can we better assure that laws are interpreted the way the Legislature intended?' We will continue to explore these and other questions that affect both civil and criminal laws.

"Another challenge we all face is the way we manage our limited resources. Local courts have found new ways, and often new resources, to meet these budget challenges. A good example of how our judicial leaders are finding innovative ways to manage their limited resources is the 'courts helping courts' program. In order to stretch employee resources, staff members from one court visit another to lend help and expertise. And, to hold down expenses, host courts accommodate visitors in their own homes. Judges from the trial courts to the appellate courts are striving to maximize limited resources. The Supreme Court voted unanimously just last week to seek your support for a bill requiring appellate judges, upon leaving the bench, to complete their opinions within sixty days.

"Last month, Judge Faith Ireland, President of the Superior Court Judges' Association and Judge Robert McBeth, President of the District and Municipal Court Judges' Association, held four meetings across the state to discuss funding issues. Judges recognize the growing challenges you and county commissioners face in finding ways to keep pace with the rising costs of the criminal justice system. We pledge our cooperation in trying to find new and more efficient ways to allocate scarce dollars.

"Recently, we scrutinized our entire court budget. Under the leadership of Justices Phil Talmadge and Richard Guy, the Supreme Court initiated a zero-based budget process to take a hard look at where our departments could reduce expenses. We used this process to construct our budget proposal for the upcoming biennium. We have also just completed an

internal management review, coordinated by Justice Alexander. Our goal was to improve our internal communications and day-to-day operations. We have now reviewed all of our operations and evaluated our core functions. We will ask you to consider legislation to update some of our operations.

“These and others efforts will allow us to hold the line on expenses while keeping the wheels of justice turning. Another example of cooperation, is the state’s improved lawyer discipline system. The bench and the bar have been working together to improve the process by which lawyers are disciplined, and to make the process more responsive to the needs of the public. Based on recommendations made by a joint task force of judges, lawyers, and the public at large, the Washington State Bar Association significantly reorganized its discipline process. The bar underwrites the discipline system at a cost of two-point-three million dollars a year. And lawyers pay for it--no public tax money is involved.

“To do this, the state bar association has increased bar association dues; doubled the staff who review complaints; and created consumer affairs positions to serve the public. The bar may now cooperate with criminal investigations and the public can get more information on past sanctions. Already, we see dramatic improvements in the way complaints are handled. For the first time in years, more cases were closed last year than were opened. Later this month the Court will publish, for comment, these and other recommendations for improving the lawyer discipline system.

“Five individuals in particular have contributed their vision and leadership to this project. I would like to recognize their contributions. They are current bar president Tom Chambers; former chief justice Jim Andersen; former bar president Paul Stritmatter; chair of the board of Governor’s discipline committee, Peter Ehrlichman; and the association’s chief disciplinary counsel, Barrie Althoff.

“Let me share with you two examples of how we are using technology to make our courts more efficient. To make valuable court information more readily available, Judicial Information System terminals can be found in the Office of Support Enforcement, Department of Licensing, and in county prosecutor’s offices. The State Patrol and some local law enforcement offices also have access to our data. Last month a performance audit was conducted on our JIS by the National Center for State Courts in Virginia. Representative Ballard, you will be pleased with the results of the audit. The report states that our JIS staffing levels are among the most efficient in the country. We operate more efficiently, and reliably, and at less cost-per-user than comparable systems in other states, similar systems in Washington State, and even systems in the private sector. Chaired by Justice Phil Talmadge, JIS now handles six-hundred, seventy-five thousand transactions a day. This number will soon reach the million mark.

“And now for something different. Judges are not often perceived as 'warm and fuzzy,' but a unique program which brings judges into the classrooms to explain our legal system has received high marks. This isn’t a new program. When I came to the court twelve years ago, I was concerned that judges were isolated from the public. Having been raised by a mother who was an educator for forty years, this idea was a natural. Co-chaired by Justice Richard Sanders and myself, a group of judges, educators, lawyers and members of the public have developed lesson plans for students from kindergarten through college about our legal system. Judges who volunteer their time are partnered with teachers around the state to visit classrooms. Since the program’s beginning, over one hundred and thirty judges have educated more than 1,300 students.

“Just last week, a committee of judges chose public education as the theme for our annual fall judicial conference. In early September, some three hundred judges will arrive in Yakima. At least one hundred of them will have the opportunity to visit local schools from Zilla to Sunnyside. We even hope to visit one of the most exciting educational facilities in our state, Heritage College. Set on the Yakima Indian Reservation not far from Toppenish, Heritage College is led by Dr. Kathleen Ross, a Roman Catholic nun. Fifty percent of undergraduates at Heritage College are either Native-American or Hispanic-American. Eighty-five percent are the first in their families to attend college.

“Heritage College was established through the mutual efforts of Dr. Ross, Yakima community leaders and the Yakima Indian Nation. It is an unusual and outstanding institution and certainly one that would have pleased Dr. Martin Luther King, Jr. Dr. King closed his Birmingham letter saying, 'We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects us all indirectly.'

“Together let us continue to seek what is fair, what is right, and what is just for the citizens who have placed their trust in us. Thank you.”

The President Pro Tempore of the Senate instructed the special committee to escort Chief Justice Durham from the House Chamber and to the state reception room.

The President Pro Tempore of the Senate instructed the special committee to escort the state elected officials from the House Chamber and to the state reception room.

The President Pro Tempore of the Senate instructed the special committee to escort the Supreme Court Justices from the House Chamber and to the state reception room.

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

The President Pro Tempore of the Senate returned the gavel to the Speaker of the House.

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort President Pro Tempore Irv Newhouse, Majority Leader Dan McDonald, and Minority Leader Sid Snyder from the House Chamber.

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

The Senate was called to order at 11:27 a.m. by President Pro Tempore Newhouse.

MOTION

At 11:27 a.m., on motion of Senator Johnson, the Senate recessed until 3:45 p.m.

The Senate was called to order at 3:47 p.m. by President Pro Tempore Newhouse.

MOTION

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

SENATE RESOLUTION 1997-8605

By Senators Hochstatter and McAuliffe

WHEREAS, The Governor and Legislature have designated 1997 as the Year of the Reader to promote the joys and successes of reading at any age; and

WHEREAS, The Legislature recognizes that the ability to read with comprehension and skill is essential for success in school and future life, and that the ability to read is critical to personal, family, and the state's economic prosperity; and

WHEREAS, A year-long state-wide cooperative effort between schools, parents, literacy agencies, libraries, the media, businesses, government, and social and health services will recognize reading efforts and successes; and

WHEREAS, The Secretary of the Senate of the state of Washington shall be designated the "open book" of the Senate, distributing Year of the Reader stickers and other information to visitors; and

WHEREAS, Members of the Senate are encouraged to contribute to the state's effort in their home districts by using the logo and theme throughout the year and by lending their support to reading, literacy, and other educational efforts; and

WHEREAS, Citizens of the state of Washington are encouraged through a state-wide, coordinated year-long schedule of events to celebrate reading;

NOW, THEREFORE, BE IT RESOLVED, That the Senate declare the official beginning of the Year of the Reader in Washington State, and urge all citizens to open a book and read, today, throughout the year, and every day of their lives.

Senators Hochstatter and McAuliffe spoke to Senate Resolution 1997-8605.

MOTION

On motion of Senator Johnson, Senate Resolution 1997-8601 was held on the desk.

MOTION

At 3:52 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:01 p.m. by President Pro Tempore Newhouse.

MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1037, by Representatives B. Thomas, Mulliken, Honeyford, Johnson, Mastin, Thompson, McMorris, Koster, DeBolt, Carlson, Boldt, Hickel, Alexander, Lambert, Buck, Schoesler, Sterk, Mitchell, D. Schmidt, Wensman, Sherstad, Carrell, Sheldon, Linville, Huff, Cooke, Bush, Smith, Dunn, Dyer, Van Luven, Mielke, Chandler, Cairnes, Talcott, Robertson and Backlund

Making the 4.7187% state property tax reduction permanent.

The bill was read the second time.

MOTION

Senator Heavey moved that the following amendment by Senators Heavey and Hargrove be adopted: On page 1, line 8, after "reduced by" strike "4.7187" and insert "~~(4.7187)~~ ten" Debate ensued.

MOTION

Senator Snyder moved that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5214 and that the bill be placed on the second reading calendar.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be roll call on the motion by Senator Snyder to relieve the Committee on Ways of Means of Senate Bill No. 5214 and to place the bill on second reading.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 19. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Prentice and Rasmussen - 2.

#### MOTION

Senator Snyder moved that the Committee on Ways and Means be relieved of further consideration of Senate Joint Resolution No. 8200 and that the joint resolution be placed on the second reading calendar.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be roll call on the motion by Senator Snyder to relieve the Committee on Ways of Means of Senate Joint Resolution No. 8200 and to place the resolution on second reading.

#### ROLL CALL

The Secretary called the roll and the motion failed by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 19. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Prentice and Rasmussen - 2.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Heavey and Hargrove on page 1, line 8, to House Bill No. 1037.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Heavey and Hargrove on page 1, line 8, to House Bill No. 1037.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 19. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Prentice and Rasmussen - 2.

#### MOTION

Senator Sheldon moved that the following amendment by Senators Loveland, Snyder, Sheldon and Spanel be adopted:

On page 1, beginning on line 11, strike all material through line 17 and insert the following: "(2) The state property tax levy for collection in 1997 shall be reduced by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section. (3) The tax reductions provided in this section ~~(is)~~ are in addition to any other tax reduction legislation that may be enacted by the legislature. ~~((3))~~ (4) State levies for collection after ~~((1996))~~ 1997 shall be set at the amount that would be allowed otherwise under this chapter if the state levy for collection in ~~((1996))~~ each year had been set without the reductions under ~~((subsection (1) of))~~ this section." Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Loveland, Snyder, Sheldon and Spanel on page 1, beginning on line 11, to House Bill No. 1037.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 19. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Prentice and Rasmussen - 2.

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Heavey be adopted:

On page 2, beginning on line 1, after "**Sec. 2.**" strike all material through "**Sec. 3.**" on line 3, and insert "This act applies retroactively to taxes levied for collection in 1993 and thereafter. NEW SECTION. Sec. 3. If a property has been conveyed, the department of revenue, in consultation with the appropriate county officials, shall attempt to locate the appropriate recipient of any refund due as a result of this act. Persons who do not receive a refund but who believe they may be entitled to such a refund shall contact the department of revenue not later than September 1, 1997, to submit a claim for the refund. NEW SECTION. Sec. 4 By December 1, 1997, the department of revenue shall calculate the total amount of refunds due under this act and shall submit a report to the legislature. NEW SECTION. Sec. 5" Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Hargrove and Heavey on page 2, beginning on line 1, to House Bill No. 1037.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 18. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Excused: Senators Prentice and Rasmussen - 2. MOTION

Senator Heavey moved that the following amendment by Senators Heavey and Hargrove be adopted:

On page 2, after line 2, strike section 3 and insert the following: "**Sec. 3.** RCW 84.55.120 and 1995 c 251 s 1 are each amended to read as follows: A taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, shall hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts. If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter. No increase in property tax revenue may be authorized by a taxing district except by adoption of a separate ordinance or resolution specifically authorizing the increase. NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately." Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Heavey and Hargrove on page 2, after line 2, to House Bill No. 1037.

The motion by Senator Heavey failed and the amendment was not adopted.

#### MOTION

On motion of Senator Johnson, the rules were suspended, House Bill No. 1037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Heavey: "Senator West, given the recent decision by the Supreme Court concerning referendums and the emergency clause, this legislation creates an emergency clause which cuts off the right of the people to referendum, which under the Constitution can only be accomplished when it is for the immediate preservation of the public peace, health or safety or support of the state government and its existing public institutions and take effect immediately. Could you tell us what the emergency is?"

Senator West: "Thank you, Senator Heavey, it is now January 20. In less than thirty days, the county treasurers and assessors must mail and distribute the tax statements. A bill, normally, would take a thirty day period, before it would take effect. I would say that it is clearly in the interest of the public peace, because if this does not get out there promptly, there will be a tax increase. In addition for the orderly process of putting together those tax statements, it is necessary to get this bill out there as soon as possible."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1037.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1037 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl, Loveland, McAuliffe, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 18. Excused: Senators Prentice and Rasmussen - 2. HOUSE BILL NO. 1037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Anderson: "Thank you, Mr. President. I rise to a point of personal privilege. To Senator Benton and Senator Horn, you have been privileged today to make your maiden speeches on the floor of the Senate. Because all of the other Senators who are more senior have given you the courtesy of sitting through and listening intently to your maiden speech, you are now obligated to thank those senior Senators, because we did sit intently and listen to your maiden speeches. So, we will anticipate your thank you's within the next couple of days. If you need any guidance, any senior member will be able to help you."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. She said what I was going to say. The only thing that I can add to that is McCaslin accepts cash."

#### POINT OF INQUIRY

Senator Snyder: "Senator McDonald, we have had a lot of talk about meaningful tax reform and can we have your assurance that the majority party is going to work with the minority and try to come up with the best possible solution we can for the people in the state of Washington on a bipartisan basis?"

Senator McDonald: "Absolutely, Senator Snyder. You know we worked last year and had tremendous support on both sides of the aisle on a number of issues dealing with property tax. This is going to be no different and I think this is going to be very successful, given the high level of interest and high interest in reducing far beyond on this. Yes, this isn't the last of this issue."

#### MOTION

At 5:15 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, January 21, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### **JOURNAL OF THE SENATE**

**EIGHTH DAY, JANUARY 20, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### NINTH DAY

#### NOON SESSION

Senate Chamber, Olympia, Tuesday, January 21, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

SB 5018 Prime Sponsor, Senator Roach: Making technical corrections to the Revised Code of Washington. Reported by Committee on Law and Justice January 20, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Jacobsen, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5062 Prime Sponsor, Senator Roach: Streamlining registration and licensing of businesses. Reported by Committee on Law and Justice January 20, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5062 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Jacobsen, Long, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

SB 5064 Prime Sponsor, Senator Roach: Regulating the dissolution of limited partnerships. Reported by Committee on Law and Justice January 20, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Jacobsen, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5068 Prime Sponsor, Senator Roach: Regulating registration of charitable trusts. Reported by Committee on Law and Justice January 20, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Jacobsen, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 1037, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1037.

#### INTRODUCTION AND FIRST READING

SB 5250 by Senators Heavey and Winsley

AN ACT Relating to studded tires; amending RCW 46.37.420; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.37 RCW; and providing an effective date.  
Referred to Committee on Transportation.

SB 5251 by Senators Heavey, Sellar, Newhouse, Brown, Patterson and Franklin

AN ACT Relating to investment of state funds in corporations doing business in Northern Ireland; and adding new sections to chapter 43.84 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5252 by Senators Fairley, McAuliffe, Wojahn, Prentice, Franklin, Jacobsen, Kohl, Heavey, Brown, Snyder, Patterson, Bauer, Fraser, Hargrove, Sheldon, Thibaudeau and Winsley

AN ACT Relating to a food assistance program for legal immigrants; adding a new section to chapter 74.04 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5253 by Senators Strannigan, Oke, Hargrove, Roach, Morton, Swecker, Horn and Winsley

AN ACT Relating to nonresident juvenile fishing licenses; and amending RCW 77.32.101 and 77.32.230.  
Referred to Committee on Natural Resources and Parks.

SB 5254 by Senators Long, Roach, Haugen, Jacobsen, Fraser, Zarelli, Strannigan, Deccio, Thibaudeau, Wood, Fairley, Goings and Winsley

AN ACT Relating to the limitation of liability of owners or others in possession of land and water areas for injuries to recreational users; and amending RCW 4.24.210.  
Referred to Committee on Natural Resources and Parks.

SB 5255 by Senators Swecker, Hargrove, Zarelli, Stevens, Hochstatter, Morton, Schow, Roach, Anderson, Benton and Oke

AN ACT Relating to parental notification for abortions; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5256 by Senators Roach, Heavey, Hochstatter, Schow, Finkbeiner, Zarelli, Prince, Wood, Stevens, Horn, Hargrove, Morton, Newhouse, Sellar, Benton, Hale, Strannigan and Johnson

AN ACT Relating to motorcycle equipment; and amending RCW 46.37.530 and 46.37.535.  
Referred to Committee on Law and Justice.

SB 5257 by Senators Hochstatter, McAuliffe, Johnson, Zarelli, Finkbeiner, Rasmussen, Goings and Sheldon

AN ACT Relating to changing the name of the noncertificated employee category; amending RCW 28A.150.260, 28A.150.260, 28A.170.050, 28A.235.120, 28A.305.130, 28A.310.240, 28A.310.490, 28A.330.020, 28A.400.210, 28A.400.300, 28A.400.310, 28A.400.380, 28A.405.465, and 41.59.180; and providing a contingent effective date.  
Referred to Committee on Education.

SB 5258 by Senators Hochstatter, Zarelli, Finkbeiner, McAuliffe, Rasmussen and Goings

AN ACT Relating to medicinal and catheterization administration in public schools; and amending RCW 28A.210.260 and 28A.210.280.  
Referred to Committee on Education.

SB 5259 by Senators Anderson, Schow, West and Newhouse

AN ACT Relating to expansion of employer workers' compensation group self-insurance; amending RCW 51.14.080 and 48.62.011; adding a new chapter to Title 51 RCW; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5260 by Senators Schow, Wojahn, Haugen, Winsley, Roach, Sellar and Long

AN ACT Relating to urban stabilization; and adding a new chapter to Title 84 RCW.  
Referred to Committee on Commerce and Labor.

SB 5261 by Senators Hargrove, Winsley and Long

AN ACT Relating to utilizing drivers' licenses and identicards to prevent welfare fraud; adding a new section to chapter 74.04 RCW; and creating a new section.



Referred to Committee on Health and Long-Term Care.

SB 5262 by Senators Roach, Haugen, Oke, Goings, Winsley and Schow

AN ACT Relating to penalties for using drivers' licenses and identicards to commit fraud; amending RCW 46.20.336 and 46.20.091; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5263 by Senators Wood, Haugen, Oke, Goings and Winsley

AN ACT Relating to identification requirements for drivers' licenses and identicards; and amending RCW 46.20.035.  
Referred to Committee on Transportation.

SB 5264 by Senators Prentice, Haugen, Oke, Goings, Wood, Long, Hargrove, Sellar and Winsley

AN ACT Relating to driver's license and identicard security; amending RCW 46.20.091, 46.20.117, 46.20.118, 46.20.161, and 46.20.181; adding a new section to chapter 46.20 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 5265 by Senators Schow, Wojahn, Horn, Stevens and Benton

AN ACT Relating to approval of agreements between the state and Indian tribes; amending RCW 9.46.360; and adding a new section to chapter 39.34 RCW.  
Referred to Committee on Commerce and Labor.

SB 5266 by Senators Horn, Fraser, Newhouse and Schow (by request of Department of Licensing)

AN ACT Relating to regulating engineers and land surveyors; amending RCW 18.43.035, 18.43.110, and 18.43.130; adding a new section to chapter 18.43 RCW; and providing an effective date.  
Referred to Committee on Commerce and Labor.

SB 5267 by Senators Horn, Heavey, Schow and Newhouse (by request of Department of Licensing)

AN ACT Relating to real estate brokers and salespersons; amending RCW 18.85.010, 18.85.030, 18.85.060, 18.85.085, 18.85.095, 18.85.100, 18.85.110, 18.85.120, 18.85.130, 18.85.140, 18.85.150, 18.85.155, 18.85.165, 18.85.170, 18.85.180, 18.85.210, 18.85.230, 18.85.281, 18.85.317, 18.85.330, 18.85.340, 18.85.343, 18.85.345, 18.85.350, and 18.85.360; and repealing RCW 18.85.290 and 18.85.300.  
Referred to Committee on Commerce and Labor.

SB 5268 by Senators Roach, Heavey, Schow, Rasmussen and Johnson

AN ACT Relating to tax exemptions related to thoroughbred horses; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5269 by Senators Winsley and Snyder (by request of State Investment Board)

AN ACT Relating to the operation of the state investment board; amending RCW 43.33A.030; and adding a new section to chapter 43.33A RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5270 by Senators Winsley and Snyder (by request of State Investment Board)

AN ACT Relating to the operation of the state investment board; and adding new sections to chapter 43.33A RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5271 by Senators Horn, Spanel and Long (by request of Legislative Ethics Board)

AN ACT Relating to elected officials' guest editorials or columns in newspapers; and amending RCW 42.52.180.  
Referred to Committee on Government Operations.

SB 5272 by Senators Long, Spanel and Horn (by request of Legislative Ethics Board)

AN ACT Relating to the citizen members of the legislative ethics board; and amending RCW 42.52.380.  
Referred to Committee on Government Operations.

SB 5273 by Senators Morton, Fraser, Swecker, Prentice, Strannigan and Haugen

AN ACT Relating to compensatory mitigation; and adding a new chapter to Title 90 RCW.  
Referred to Committee on Agriculture and Environment.

SB 5274 by Senators Schow, Hochstatter, Zarelli, Stevens, Strannigan, Rasmussen, Deccio, Benton, Roach, Horn and Winsley

AN ACT Relating to disclosure of students' social security numbers; and adding a new section to chapter 28A.320 RCW.  
Referred to Committee on Education.

SB 5275 by Senator Swecker

AN ACT Relating to permit exemptions for small water withdrawals; and amending RCW 90.44.035 and 90.44.050.  
Referred to Committee on Agriculture and Environment.

SB 5276 by Senators Swecker, Roach and Oke

AN ACT Relating to water withdrawals; amending RCW 90.03.255 and 90.44.055; adding new sections to chapter 90.03 RCW; adding new sections to chapter 90.44 RCW; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5277 by Senators Winsley, Fraser, Prince, Long, Franklin, Loveland, Oke, Roach, Hochstatter, Swecker, Bauer and Patterson (by request of Joint Committee on Pension Policy)

AN ACT Relating to public employees' retirement system plan I members who separate from service without withdrawing their contributions from the retirement system; amending RCW 41.40.150; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5278 by Senators Patterson, Hargrove, Winsley, Wood, Benton, Goings, Prince, Bauer, Sheldon, Heavey, Long, Anderson, Haugen and Oke

AN ACT Relating to involuntary use of long-term pharmaceutical birth control for mothers who have given birth to a child with drug addiction; adding new sections to chapter 70.96A RCW; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 5279 by Senator Jacobsen

AN ACT Relating to financial aid; adding a new section to chapter 28B.10 RCW; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5280 by Senators Jacobsen, Heavey, Thibaudeau, Fraser and Patterson

AN ACT Relating to the office of student assistance; amending RCW 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.085, 28B.04.110, 28B.10.215, 28B.10.220, 28B.10.792, 28B.10.802, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, 28B.10.818, 28B.10.820, 28B.10.821, 28B.10.822, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.760, 28B.15.762, 28B.15.764, 28B.80.240, 28B.80.245, 28B.80.360, 28B.101.030, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, 28B.102.060, 28B.102.070, 28B.103.010, 28B.108.010, 28B.108.020, 28B.108.030, 28B.108.040, 28B.108.050, 28B.108.060, 28B.108.070, 28B.109.010, 28B.109.020, 28B.109.030, 28B.109.040, 28B.109.050, 28B.109.060, 28B.109.070, 28B.109.080, 28B.115.020, 28B.115.030, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.090, 28B.115.100, 28B.115.120, 28B.115.130, 28B.115.140, 28A.600.120, 28A.600.130, 28A.600.140, and 28A.600.150; reenacting and amending RCW 28B.115.110; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 28B RCW; creating a new section; and recodifying RCW 28B.80.240, 28B.80.245, 28B.80.246, and 28B.80.360.  
Referred to Committee on Higher Education.

SB 5281 by Senators Morton, Rasmussen and Stevens (by request of Department of Agriculture)

AN ACT Relating to noxious weeds; amending RCW 17.10.905, 17.10.010, 17.10.020, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.134, 17.10.140, 17.10.145, 17.10.154, 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.210, 17.10.235, 17.10.240, 17.10.250, 17.10.300, 17.10.310, 17.10.350, 17.10.890, and 17.10.900; adding new sections to chapter 17.10 RCW; recodifying RCW 17.10.905; and repealing RCW 17.10.005, 17.10.150, 17.10.200, 17.10.205, 17.10.320, 17.10.330, and 17.10.340.

Referred to Committee on Agriculture and Environment.

SB 5282 by Senators Long, Hargrove, Schow, Zarelli and Winsley

AN ACT Relating to hit and run involving death; amending RCW 46.52.020 and 13.40.0357; reenacting and amending RCW 9.94A.320; and prescribing penalties.  
Referred to Committee on Law and Justice.

#### MOTIONS

On motion of Senator Johnson, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 5098.

On motion of Senator Johnson, Senate Bill No. 5098 was referred to the Committee on Ways and Means.

#### MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, January 22, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### ***JOURNAL OF THE SENATE***

***NINTH DAY, JANUARY 21, 1997***

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### TENTH DAY

#### MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 22, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Piercy and Gina Leingang, presented the Colors. Reverend George Sheldon, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

#### MOTION

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

#### LETTER OF APPOINTMENT SENATOR, 37TH LEGISLATIVE DISTRICT

January 14, 1997 Introduced By: Jane Hague

Proposed No.: 97-045

#### MOTION NO. 10057

A MOTION appointing a replacement to the Washington State Senate,  
37th Legislative District, created by the resignation of Dwight Pelz.

WHEREAS, a vacancy has been created in the Washington State Senate, 37th District, due to the resignation of Dwight Pelz, a Democrat, and

WHEREAS, the 37th District Democrats have submitted the names of three well qualified nominees for the vacancy;  
NOW, THEREFORE BE IT MOVED by the Council of King County:  
ADAM KLINE is hereby appointed to the position of Washington State Senator for the 37th legislative district.  
PASSED by a vote of 9 to 2 this 21st day of January, 1997.

KING COUNTY COUNCIL,  
KING COUNTY, WASHINGTON  
Jane Hague  
Chair

ATTEST:  
Gerald A. Peterson  
Clerk of the Council

#### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Strannigan and Prentice to escort Adam Kline to the rostrum.

The Honorable Christine Pomeroy, Thurston County Superior Court Judge, who was seated on the rostrum, administered the oath of office to Adam Kline.

The President presented Senator Kline with a certificate of appointment.

The committee escorted Senator Kline to his seat in the Chamber and the committee was discharged.

#### REPORTS OF STANDING COMMITTEES

SB 5020 Prime Sponsor, Senator Fairley: Making certain sentencing conditions set by local judges enforceable county-wide. Reported by Committee on Law and Justice  
January 21, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Jacobsen, Long, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

SB 5085 Prime Sponsor, Senator Roach: Removing a defense to the crime of criminal conspiracy. Reported by Committee on Law and Justice  
January 21, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Jacobsen, Long, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

SB 5092 Prime Sponsor, Senator Roach: Penalizing disarming a law enforcement officer. Reported by Committee on Law and Justice  
January 21, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Jacobsen, Long, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5283 by Senators Hargrove and Long

AN ACT Relating to clarifying deductions from offender funds other than wages and gratuities; and amending RCW 72.09.480.

Referred to Committee on Human Services and Corrections.

SB 5284 by Senators Long, Strannigan, Haugen, McAuliffe and Wood

AN ACT Relating to superior court judges; amending RCW 2.08.064; and creating a new section. Referred to Committee on Law and Justice.

SB 5285 by Senators McCaslin and Haugen (by request of Military Department)

AN ACT Relating to emergency management; amending RCW 38.52.010, 38.52.030, 38.52.050, 38.52.070, 38.52.400, 38.52.420, 38.52.530, 38.54.020, 38.54.030, 38.54.040, and 38.54.050; and reenacting and amending RCW 38.54.010.

Referred to Committee on Government Operations.

SB 5286 by Senators Horn, Benton, West, McCaslin, Wood, Prince, Roach, McDonald, Hale, Sellar, Anderson, Deccio, Johnson, Oke, Morton, Zarelli, Swecker, Hochstatter, Schow and Strannigan

AN ACT Relating to intangible personal property; amending RCW 84.36.070, 84.40.030, and 84.48.080; and creating new sections.

Referred to Committee on Ways and Means.

SB 5287 by Senators Horn, McCaslin, Wood, Prince and Hale

AN ACT Relating to townships; and repealing RCW 45.04.010, 45.04.020, 45.04.030, 45.08.010, 45.08.020, 45.08.060, 45.08.070, 45.08.080, 45.08.090, 45.12.010, 45.12.020, 45.12.021, 45.12.030, 45.12.040, 45.12.050, 45.12.060, 45.12.070, 45.12.080, 45.12.090, 45.12.100, 45.12.110, 45.12.120, 45.12.130, 45.12.140, 45.12.150, 45.12.160, 45.12.170, 45.12.180, 45.12.190, 45.12.200, 45.12.210, 45.12.220, 45.12.230, 45.12.240, 45.16.010, 45.16.020, 45.16.030, 45.16.035, 45.16.040, 45.16.060, 45.16.070, 45.16.080, 45.16.090, 45.16.100, 45.16.110, 45.16.120, 45.20.010, 45.20.020, 45.24.010, 45.24.040, 45.24.050, 45.24.060, 45.28.010, 45.28.020, 45.28.030, 45.28.040, 45.28.050, 45.28.060, 45.28.070, 45.28.100, 45.32.010, 45.32.020, 45.32.030, 45.32.050, 45.32.060, 45.32.070, 45.32.080, 45.32.090, 45.36.010, 45.36.020, 45.36.030, 45.40.010, 45.40.030, 45.44.010, 45.48.010, 45.48.020, 45.48.030, 45.48.040, 45.52.010, 45.52.020, 45.52.030, 45.52.040, 45.52.050, 45.52.060, 45.52.070, 45.52.080, 45.52.090, 45.54.010, 45.54.020, 45.56.010, 45.56.040, 45.56.050, 45.56.070, 45.56.080, 45.64.010, 45.64.020, 45.64.030, 45.64.040, 45.64.050, 45.64.060, 45.64.070, 45.64.080, 45.72.010, 45.72.020, 45.72.030, 45.72.040, 45.72.050, 45.72.060, 45.72.070, 45.76.020, 45.76.030, 45.76.040, 45.76.050, 45.76.060, 45.76.070, 45.76.080, 45.76.090, 45.76.100, 45.80.010, 45.80.020, 45.80.030, 45.80.040, 45.80.050, 45.80.060, 45.80.070, 45.80.080, 45.80.100, 45.82.010, and 45.82.020.

Referred to Committee on Government Operations.

SB 5288 by Senator McCaslin (by request of Administrator for the Courts)

AN ACT Relating to superior court judges; amending RCW 2.08.061; and creating a new section.

Referred to Committee on Law and Justice.

SB 5289 by Senators Johnson, Wojahn, Goings and Oke (by request of Administrator for the Courts)

AN ACT Relating to superior court judges; amending RCW 2.08.061; and creating a new section.

Referred to Committee on Law and Justice.

SB 5290 by Senators West and Spanel (by request of Liquor Control Board)

AN ACT Relating to the liquor control board construction and maintenance account; amending RCW 43.84.092; adding a new section to chapter 43.79 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5291 by Senators McCaslin and Haugen

AN ACT Relating to indigent defense services; and amending RCW 10.101.020.

Referred to Committee on Law and Justice.

SB 5292 by Senators McCaslin, Oke, Haugen and Benton

AN ACT Relating to habitual criminals; reenacting and amending RCW 9.94A.120; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5293 by Senators McCaslin and Benton

AN ACT Relating to motor vehicle emission inspections; and amending RCW 70.120.170 and 46.16.015.

Referred to Committee on Agriculture and Environment.

SB 5294 by Senators McCaslin and Haugen

AN ACT Relating to refunds for liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Commerce and Labor.

SB 5295 by Senators Roach, Goings, Kohl, Wojahn, Zarelli, Schow and Patterson

AN ACT Relating to district court proceedings; amending RCW 12.40.030, 12.40.040, 12.40.080, 12.40.120, 4.14.010, 12.36.010, 12.36.020, 12.36.030, 12.36.050, 12.36.080, 12.36.090, and 2.24.040; adding a new section to chapter 12.40 RCW; adding a new section to chapter 12.36 RCW; and repealing RCW 12.36.040 and 12.36.070.  
Referred to Committee on Law and Justice.

SB 5296 by Senators Franklin, Kohl, Winsley, Prentice, Patterson, Long, Fairley, Hochstatter, McAuliffe, Hargrove, Oke and Wood

AN ACT Relating to record checks for private school employees; amending RCW 28A.195.010; adding a new section to chapter 28A.195 RCW; and creating a new section.  
Referred to Committee on Education.

SB 5297 by Senators Franklin, Winsley, Kohl, Patterson, Thibaudeau, Goings, Fraser, Heavey, Snyder, Loveland, Prentice, McAuliffe, Spanel, Rasmussen, Wojahn, Fairley, Sheldon, Wood, Brown and Haugen

AN ACT Relating to health insurance benefits for mastectomies; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5298 by Senators Franklin, Kohl, Prentice, Wood, Spanel, Winsley, Wojahn, Sheldon, Snyder, Patterson, Brown, Heavey, Rasmussen, McAuliffe, Fairley and Goings

AN ACT Relating to health insurance discrimination on the basis of genetic information; amending RCW 48.43.005; and adding a new section to chapter 48.43 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5299 by Senators Swecker, Fraser and Oke

AN ACT Relating to shoreline management permits; and amending RCW 90.58.180.  
Referred to Committee on Agriculture and Environment.

SB 5300 by Senators Hochstatter, Johnson and Zarelli

AN ACT Relating to education; amending RCW 28A.150.220, 28A.405.100, 41.56.030, and 41.59.935; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.640 RCW; repealing RCW 28A.305.140, 28A.305.145, and 28A.630.945; and providing a contingent expiration date.  
Referred to Committee on Education.

SB 5301 by Senators Thibaudeau, Anderson, Heavey, Wojahn and Kohl

AN ACT Relating to excessive charges for services because of the customer's gender; amending RCW 19.86.090; and adding a new section to chapter 19.86 RCW.  
Referred to Committee on Commerce and Labor.

SB 5302 by Senators Long, Anderson and Wood

AN ACT Relating to traffic deaths caused by falling asleep at the wheel; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5303 by Senators Sellar, Snyder, Anderson, Wojahn, McAuliffe, Kohl, Deccio and Schow

AN ACT Relating to the creation of a task force on tourism promotion and development; creating new sections; and providing an expiration date.  
Referred to Committee on Commerce and Labor.

SB 5304 by Senators Fairley, Hargrove, Sheldon, Haugen, Goings, Kohl, Winsley and Oke

AN ACT Relating to drug-induced rape; and amending RCW 9A.44.050.  
Referred to Committee on Law and Justice.

SB 5305 by Senators Fairley, Wojahn, Goings, McAuliffe, Patterson and Kohl

AN ACT Relating to controlling drugs used to facilitate rape; amending RCW 69.50.206 and 69.50.210; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 5306 by Senators Zarelli, Hargrove, Long, Stevens, Benton, Schow and Roach

AN ACT Relating to disclosure of offenders' HIV and other communicable disease test results to department of corrections and jail staff; amending RCW 70.24.105, 70.24.340, 70.24.360, 70.24.370, and 70.24.024; adding new sections to chapter 72.10 RCW; adding a new section to chapter 70.48 RCW; adding new sections to chapter 70.28 RCW; creating new sections; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5307 by Senators Rasmussen, Swecker and Finkbeiner

AN ACT Relating to regulation of public water systems; and amending RCW 43.70.195.  
Referred to Committee on Energy and Utilities.

SB 5308 by Senators Horn, Finkbeiner, Franklin, Fraser and Winsley (by request of Secretary of State Munro)

AN ACT Relating to electronic signatures; amending RCW 19.34.030, 19.34.040, 19.34.100, 19.34.110, 19.34.120, 19.34.200, 19.34.210, 19.34.240, 19.34.250, 19.34.260, 19.34.280, 19.34.300, 19.34.310, 19.34.320, 19.34.340, 19.34.350, 19.34.400, 19.34.500, and 19.34.901; adding new sections to chapter 19.34 RCW; adding a new section to chapter 43.105 RCW; prescribing penalties; and providing an effective date.  
Referred to Committee on Energy and Utilities.

SB 5309 by Senators Morton and Anderson

AN ACT Relating to excise tax exemptions related to horses; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5310 by Senators Finkbeiner, Haugen, Heavey, Benton, Franklin and Winsley

AN ACT Relating to the joint legislative committee on information technology; adding a new section to chapter 43.105 RCW; adding a new chapter to Title 44 RCW; and declaring an emergency.  
Referred to Committee on Energy and Utilities.

SB 5311 by Senators Finkbeiner, Haugen, Heavey, Benton, Winsley and Deccio

AN ACT Relating to the information services board; and amending RCW 43.105.032.  
Referred to Committee on Energy and Utilities.

SB 5312 by Senators Wood, Haugen and Prince (by request of Department of Transportation)

AN ACT Relating to sale of materials from department of transportation lands; and amending RCW 47.12.140.  
Referred to Committee on Transportation.

SB 5313 by Senators Wood, Haugen and Prince (by request of Department of Transportation)

AN ACT Relating to environmental mitigation of transportation projects; amending RCW 43.79A.040; adding new sections to chapter 47.12 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 5314 by Senators Newhouse, West, Snyder, Haugen, Loveland, Roach, Heavey, Finkbeiner, Winsley, Deccio, Long and Hale

AN ACT Relating to disposition of motor vehicle excise tax revenues; and reenacting and amending RCW 82.44.110.  
Referred to Committee on Ways and Means.

#### MOTIONS

On motion of Senator Johnson, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 5072.

On motion of Senator Johnson, Senate Bill No. 5072 was referred to the Committee on Law and Justice.

#### MOTIONS

On motion of Senator Johnson, the Committee on Government Operations was relieved of further consideration of Senate Bill No. 5233.

On motion of Senator Johnson, Senate Bill No. 5233 was referred to the Committee on Financial Institutions, Insurance and Housing.

#### MOTION

At 10:10 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:22 a.m. by President Owen.

#### MOTION

Senator Johnson moved that the Senate now consider Senate Resolution 1997-8601, which was held on the desk January 21, 1997.

#### SENATE RESOLUTION 1997-8601

By Senators McDonald and Sellar

BE IT RESOLVED, That the Rules of the Senate for the 1995 Regular Session of the 54th Legislature amended by Senate Resolution 1996-8601 be adopted, as amended, as the Rules for the 1997 Regular Session of the 55th Legislature, to read as follows:

**PERMANENT RULES  
OF THE  
SENATE  
(~~FIFTY-FOURTH~~) FIFTY-FIFTH LEGISLATURE  
(~~1996~~) 1997**

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- Rule 2** President Pro Tempore
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- Rule 62** Reading of Bills
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- Rule 66** Scope and Object of Bill Not to be Changed
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- Rule 68** Bills Committed for Special Amendment
- Rule 69** Confirmation of Gubernatorial Appointees

#### **SECTION I**

#### **OFFICERS-MEMBERS-EMPLOYEES**

### **Duties of the President**

**Rule 1.** 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

### **President Pro Tempore**

**Rule 2.** 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

### **Secretary of the Senate**

**Rule 3.** 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

### **Sergeant at Arms**

**Rule 4.** 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

### **Subordinate Officers**

**Rule 5.** The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

### **Employees**

**Rule 6.** 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

### **Conduct of Members and Officers**

**Rule 7.** 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

## **SECTION II**

### **OPERATIONS AND MANAGEMENT**

#### **Payment of Expenses - Facilities and Operations**

**Rule 8.** 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

#### **Use of Senate Chambers**

**Rule 9.** The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

#### **Admission to the Senate**

**Rule 10.** The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,  
Members of the house of representatives,  
State elected officials,  
Officers and authorized employees of the legislature,  
Honored guests being presented to the senate,  
Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,  
Representatives of the press,  
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

#### **Printing of Bills**

**Rule 11.** The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

## **Furnishing Full File of Bills**

**Rule 12.** Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

## **Regulation of Lobbyists**

**Rule 13.** All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

## **Security Management**

**Rule 14.** The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

## **SECTION III**

### **RULES AND ORDER**

#### **Time of Convening**

**Rule 15.** The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

#### **Quorum**

**Rule 16.** A majority of all members elected to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

#### **Order of Business**

**Rule 17.** After the roll is called and journal read and approved, business shall be disposed of in the following order:

- FIRST. Reports of standing committees.
- SECOND. Reports of select committees.
- THIRD. Messages from the governor and other state officers.
- FOURTH. Messages from the house of representatives.
- FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
- SIXTH. Second reading of bills.
- SEVENTH. Third reading of bills.
- EIGHTH. Presentation of petitions, memorials and floor resolutions.
- NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

#### **Special Order**

**Rule 18.** The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of

the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

### **Unfinished Business**

**Rule 19.** The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

### **Motion and Senate Floor Resolutions (How Presented)**

**Rule 20.** 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration.

### **Precedence of Motions**

**Rule 21.** When a motion has been made and stated by the chair the following motions are in order, in the rank named:

#### **PRIVILEGED MOTIONS**

Adjourn or recess  
Reconsider  
Demand for call of the senate  
Demand for roll call  
Demand for division  
Question of privilege  
Orders of the day

#### **INCIDENTAL MOTIONS**

Points of order and appeal  
Method of consideration  
Suspend the rules  
Reading papers  
Withdraw a motion  
Division of a question

#### **SUBSIDIARY MOTIONS**

1st Rank: To lay on the table  
2nd Rank: For the previous question  
3rd Rank: To postpone to a day certain  
                    To commit or recommit  
                    To postpone indefinitely  
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

### **Voting**

**Rule 22.** 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

### **Announcement of Vote**

**Rule 23.** The announcement of all votes shall be made by the president.

### **Call of the Senate**

**Rule 24.** Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

### **One Subject in a Bill**

**Rule 25.** No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

### **No Amendment by Mere Reference to Title of Act**

**Rule 26.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

### **Reading of Papers**

**Rule 27.** When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

### **Comparing Enrolled and Engrossed Bills**

**Rule 28.** Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

## **SECTION IV**

### **PARLIAMENTARY PROCEDURE**

#### **Rules of Debate**

**Rule 29.** When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be

limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

#### **Recognition by the President**

**Rule 30.** When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

#### **Call for Division of a Question**

**Rule 31.** Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

#### **Point of Order - Decision Appealable**

**Rule 32.** Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

#### **Question of Privilege**

**Rule 33.** Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

#### **Protests**

**Rule 34.** Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

#### **Adoption and Suspension of Rules**

**Rule 35.** 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

#### **Previous Question**

**Rule 36.** The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

#### **Reconsideration**

**Rule 37.** 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a

reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

### **Motion to Adjourn**

**Rule 38.** Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

### **Yeas and Nays - When Must be Taken**

**Rule 39.** The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

### **Reed's Parliamentary Rules**

**Rule 40.** The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

## **SECTION V**

### **COMMITTEES**

#### **Committees - Appointment and Confirmation**

**Rule 41.** The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture and ~~((Agricultural Trade and Development))~~ Environment 7
2. ~~((Ecology and Parks))~~ Commerce and Labor 7
3. Education 7
4. Energy~~((, Telecommunications))~~ and Utilities ~~((5))~~7
5. Financial Institutions, Insurance and Housing 7
6. Government Operations 7
7. Health and Long-Term Care ~~((9))~~7
8. Higher Education ~~((11))~~9
9. Human Services and Corrections ~~((14))~~7
10. ~~((Labor, Commerce and Trade - 9~~  
~~11-))~~ Law and Justice 11
- ~~((12))~~11. Natural Resources and Parks 11
- ~~((13))~~12. Rules 19
- ~~((14))~~13. Transportation ~~((13))~~15
- ~~((15))~~14. Ways and Means ~~((25))~~21

#### **Subcommittees**

**Rule 42.** Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

#### **Subpoena Power**

**Rule 43.** Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions



for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

### **Duties of Committees**

**Rule 44.** The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

### **Committee Rules**

**Rule 45.** 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

8. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

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

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

### **Committee Meetings During Sessions**

**Rule 46.** No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.

### **Reading of Reports**

**Rule 47.** The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

### **Recalling Bills from Committees**

**Rule 48.** Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

### **Bills Referred to Rules Committee**

**Rule 49.** All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

### **Rules Committee**

**Rule 50.** The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

### **Employment Committee**

**Rule 51.** The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

### **Committee of the Whole**

**Rule 52.** At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

### **Appropriation Budget Bills**

**Rule 53.** No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

## **SECTION VI**

### **BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS**

#### **Definitions**

**Rule 54.** "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.  
"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.  
"Majority" shall mean a majority of those members present unless otherwise stated.

#### **Prefiling**

**Rule 55.** Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

#### **Introduction of Bills**

**Rule 56.** All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint

memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

### **Amendatory Bills**

**Rule 57.** Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

### **Joint Resolutions and Memorials**

**Rule 58.** Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

### **Senate Concurrent Resolutions**

**Rule 59.** Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

### **Committee Bills**

**Rule 60.** Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

### **Committee Reference**

**Rule 61.** When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

### **Reading of Bills**

**Rule 62.** Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

### **First Reading**

**Rule 63.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

### **Second Reading/Amendments**

**Rule 64.** Upon second reading, the bill shall be read section by section, in full, and be subject to amendment. Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

### **Third Reading**

**Rule 65.** Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

### **Scope and Object of Bill Not to be Changed**

**Rule 66.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule.

### **Matters Related to Disagreement Between the Senate and House**

**Rule 67.** When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

- To concur
- To non-concur
- To recede
- To insist
- To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

### **Bills Committed for Special Amendment**

**Rule 68.** A bill may be committed with or without special instructions to amend at any time before taking the final vote.

### **Confirmation of Gubernatorial Appointees**

**Rule 69.** When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the elected. (Article 13 of the State Constitution.)

MOTION

On motion of Senator Johnson, the following amendment by Senators Johnson and Snyder was adopted:  
On page 21, add the following to Rule 66: "A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment."

MOTION

On motion of Senator Johnson, Senate Resolution 1997-8601, as amended, was adopted.

MOTION

On motion of Senator Johnson, the Senate returned to the fifth order of business.

MOTION

On motion of Senator Johnson, the rules were suspended and Senate Concurrent Resolution No. 8401, which was introduced and held on the desk January 13, 1997, was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators McDonald, Sellar and Johnson

Adopting procedures for joint bill sponsorship.

**SENATE CONCURRENT RESOLUTION 8401**

WHEREAS, The members of the legislature have recognized the importance of testing a system for the joint sponsorship of bills;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That during the 1997 legislative session twenty senate bills, memorials, or resolutions (hereinafter collectively referred to as "bills") may also be sponsored by a member or members of the House of Representatives; and twenty house bills may also be sponsored by a member or members of the Senate; and

BE IT FURTHER RESOLVED, That the jointly sponsored bills shall be allocated to the respective four caucuses as follows: Senate majority caucus, ten bills; Senate minority caucus, ten bills; House of Representatives majority caucus, eleven bills; and the House of Representatives minority caucus, nine bills. Each caucus may determine which of its members' bills are eligible to be jointly sponsored; and

BE IT FURTHER RESOLVED, That the course of Senate bills and House bills that are jointly sponsored is governed by the Permanent Rules of the Senate or House of Representatives as the case may be, the Joint Rules of the Senate and House of Representatives, and any concurrent resolution adopting cutoff dates; except (1) a jointly sponsored bill must be introduced by Tuesday, February 11, 1997, the thirtieth day of the 1997 Regular Session, and (2) members from the opposite house may not sign as sponsors of a jointly sponsored bill after the bill has been dropped into the hopper in the Office of the Code Reviser; and

BE IT FURTHER RESOLVED, That a jointly sponsored bill must be distinguishable from other bills by carrying a signature sheet and bill back of colors different than those used for other bills; and before producing a jointly sponsored bill, the Office of the Code Reviser must have received a written request signed by the Secretary of the Senate, Chief Clerk of the House of Representatives, and the leader of the caucus whose member is the first sponsor on the bill; and

BE IT FURTHER RESOLVED, That prefiled bills may be redrafted and introduced as jointly sponsored bills under the procedures described in this resolution.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of Senate Concurrent Resolution No. 8401.

## ROLL CALL

The Secretary called the roll on the adoption of Senate Concurrent Resolution No. 8401 and the concurrent resolution passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 1. Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 21. Excused: Senator Rasmussen - 1. SENATE CONCURRENT RESOLUTION NO. 8401, having received the constitutional majority, was declared passed.

## PERSONAL PRIVILEGE

Senator Horn: "I rise for a point of personal privilege. Thank you very much, Mr. President, and members of the Senate. On Monday, I was honored to be able to address this August body with my first floor speech on the Senate floor. I was impressed with the attention that you gave me--the honor that you gave me--and I want to share with you a little token of my appreciation coming from my district--this small box of chocolates that you see on your desks here. These chocolates are hand-made and come from a shop on Mercer Island, owned and operated by Mr. Karl Krautheim. They are individually made and tailored to excite your palate. For those of you who are chocolate lovers, I am sure that you will appreciate that and for those of you who are not, we would like to get you in the chocolate-lover club.

"In 1985, when I was on the Mercer Island City Council, we were looking around trying to find businesses that would add to the quality of life for this island called Mercer, in the middle of Lake Washington. We were able to entice Mr. Krautheim from the twelfth district--their loss, our gain--who operated a restaurant and chocolate shop in Wenatchee to come to the island and concentrate on the chocolates. This emanated from a hobby of his wife when they lived in Hawaii and they got interested in the chocolate business. Since that time, his wife passed away last November, but he continues to operate the shop and he has added to the quality of life on Mercer Island and been so successful that he has opened up a second chocolate shop over in Bellevue, next to the Hyatt Regency Hotel. So, I hope that you will enjoy a token of my appreciation and that when you are in the Island of Mercer or in the city of Bellevue, stop by his shop and tickle your palate a second time. Thank you very much."

## REPLY BY THE PRESIDENT

President Owen: "Thank you, Senator Horn. We appreciate you helping us begin the normal expansion process that takes place in the Legislature every year."

## CHANGE IN STANDING COMMITTEE ASSIGNMENT

The President appointed Senator Kline to the Law and Justice Committee replacing Senator Jacobsen.

## MOTION

At 11:51 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, January 23, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

## **JOURNAL OF THE SENATE**

### **TENTH DAY, JANUARY 22, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

## **ELEVENTH DAY**

### **NOON SESSION**

Senate Chamber, Olympia, Thursday, January 23, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

## MOTION

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

MESSAGE FROM THE GOVERNOR  
VETO OF HOUSE BILL NO. 1037

January 22, 1997

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1037 entitled:  
"AN ACT Relating to making the 4.7187% state property tax levy reduction permanent;"

House Bill No. 1037 converts the temporary 4.7 percent reduction in the state property levy which expired on December 31, 1996 to a permanent tax reduction. As I have explained in my conversations with legislative leadership and the news media, I am vetoing the bill because making the 4.7 percent property tax reduction permanent would preclude more substantial relief for homeowners. Of the \$159 million in tax reduction provided by this measure through June 1999, only 58 percent benefits single family homeowners.

Moreover, in the last two years, the state has granted approximately one billion dollars of tax relief--virtually none of it to the hard-working families of Washington State. While I support additional tax relief for businesses by rolling back the remainder of the 1993 Business and Occupation Tax increase, I believe we should adjust the balance between tax relief for businesses and families.

Our state's ability to provide tax relief is not unlimited; we must set priorities. My priority for property tax relief is an approach that maximizes the benefits for middle-class homeowners and those of moderate means. Extending the 4.7 percent property tax indefinitely for both businesses and homeowners takes away dollars for more substantial tax relief for homeowners.

I remain committed to signing a one-year extension of the temporary reduction, and will send executive request legislation on that matter to you today under separate cover. While we continue to work on the form and scope of meaningful long-term tax relief for homeowners, I urge you to pass the one-year extension of the property tax relief measure quickly and without complicating provisions. County officials have informed my office that they still have time to revise 1997 tax statements. I hope that we can work together to ensure that the property tax relief secured through the hard work of both parties over the past two years is not lost.

Respectfully submitted,  
GARY LOCKE, Governor

The Governor's Veto Message on House Bill No. 1037 was held on the desk.

MESSAGE FROM THE HOUSE

January 22, 1997

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8402, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8402.

INTRODUCTION AND FIRST READING

SB 5315 by Senators Anderson, Snyder, Loveland, Swecker, Wojahn, Morton, Oke and Rasmussen

AN ACT Relating to taxation of property improvements used for fish and wildlife habitat restoration and protection and water quantity and quality improvement programs; amending RCW 84.40.030; adding a new section to chapter 84.36 RCW; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5316 by Senators West, Strannigan, Winsley, Wood, Hale, Horn, Kohl, Prince, Oke, Patterson, Roach, Deccio, Schow, Hochstatter, Bauer, Sheldon and Heavey

AN ACT Relating to parking fees of the state convention and trade center; and amending RCW 67.40.020.  
Referred to Committee on Ways and Means.

SB 5317 by Senators Haugen, Long, Goings and Kohl

AN ACT Relating to inmate funds; and amending RCW 72.09.480.

Referred to Committee on Human Services and Corrections.

SB 5318 by Senators Haugen, Winsley and Goings

AN ACT Relating to writs of restitution; and amending RCW 59.18.390.  
Referred to Committee on Law and Justice.

SB 5319 by Senators Hochstatter, Rasmussen, Swecker, Bauer, Sheldon, Goings, McAuliffe, Benton and Oke

AN ACT Relating to vocational student leadership organizations; adding a new section to chapter 28A.300 RCW; creating a new section; and making appropriations.  
Referred to Committee on Education.

SB 5320 by Senators McCaslin, Haugen and Hargrove

AN ACT Relating to interception, transmission, recording, or disclosure of communications; adding a new section to chapter 9.73 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5321 by Senators Deccio, Thibaudeau, Wood, Fairley, Strannigan, Kohl, Oke and Winsley

AN ACT Relating to improving access for oral health care services for rural and underserved populations; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.185 RCW; adding a new section to chapter 28B.115 RCW; creating new sections; and making an appropriation.  
Referred to Committee on Health and Long-Term Care.

SB 5322 by Senators Deccio, Thibaudeau and Kohl

AN ACT Relating to removing regulatory barriers to the provision of oral health care services to rural, remote, and underserved populations; amending RCW 18.29.050 and 18.29.056; and repealing 1993 c 323 s 6 (uncodified).  
Referred to Committee on Health and Long-Term Care.

SB 5323 by Senators Deccio, Thibaudeau, Wood, Strannigan and Kohl

AN ACT Relating to the certification of public health dental hygienists practicing among underserved populations; adding new sections to chapter 18.29 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5324 by Senators Hargrove, Morton and Rossi

AN ACT Relating to hunters; and adding a new section to chapter 77.12 RCW.  
Referred to Committee on Natural Resources and Parks.

SB 5325 by Senators Hargrove, Morton, Stevens, Rossi, Snyder and Loveland

AN ACT Relating to transfer of state forest lands back to counties; and adding a new section to chapter 76.12 RCW.  
Referred to Committee on Natural Resources and Parks.

SB 5326 by Senators Hargrove, Zarelli, Loveland, Snyder, Schow, Rasmussen and Benton

AN ACT Relating to carrying a firearm; and amending RCW 9.41.050.  
Referred to Committee on Law and Justice.

SB 5327 by Senators Hargrove, Morton, Loveland, Rossi, Stevens, Snyder and Oke

AN ACT Relating to fish and wildlife enhancement; adding a new section to chapter 75.08 RCW; adding a new section to chapter 77.12 RCW; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5328 by Senators Hargrove, Morton, Loveland, Snyder and Stevens



AN ACT Relating to raising the amount that must be exceeded by the cost of construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences for the construction to be considered substantial development under the shoreline management act of 1971; and amending RCW 90.58.030.  
Referred to Committee on Agriculture and Environment.

SB 5329 by Senators Hargrove, Morton, Rossi, Stevens, Snyder and Loveland

AN ACT Relating to the forest development account; and amending RCW 76.12.110 and 43.84.092.  
Referred to Committee on Natural Resources and Parks.

SB 5330 by Senators Sellar, Snyder and McCaslin

AN ACT Relating to golfing sweepstakes; and amending RCW 9.46.0341.  
Referred to Committee on Commerce and Labor.

SB 5331 by Senators Swecker and Fraser (by request of Department of Ecology)

AN ACT Relating to solid waste permit renewal; amending RCW 70.95.030 and 70.95.180; and repealing RCW 70.95.190.  
Referred to Committee on Agriculture and Environment.

SB 5332 by Senators Finkbeiner, Strannigan, Schow and Benton

AN ACT Relating to multimedia kiosks of the Washington information network; amending RCW 43.105.290; adding a new section to chapter 43.105 RCW; repealing 1995 2nd sp.s. c 16 s 166 (uncodified); and declaring an emergency.  
Referred to Committee on Energy and Utilities.

SB 5333 by Senators Stevens, Zarelli, Roach, Oke, Hochstatter, Hargrove, Johnson, Prince, Swecker, Rossi, Schow and Benton

AN ACT Relating to prohibiting discrimination against students educated in private, parochial, and home-based instruction; and adding a new section to chapter 28A.200 RCW.  
Referred to Committee on Education.

SB 5334 by Senators Winsley, Heavey, Finkbeiner, Benton, Rasmussen, Hale and West

AN ACT Relating to credit against the premium tax for guaranty association assessments paid by insurers; and amending RCW 48.32.145 and 48.32A.090.

SB 5335 by Senators Swecker, Morton and Rasmussen

AN ACT Relating to tax rate modifications for animal health products; reenacting and amending RCW 82.04.050; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5336 by Senators Horn and Haugen

AN ACT Relating to clarifying and harmonizing provisions affecting cities and towns; amending RCW 19.16.500, 39.30.010, 41.04.190, 35.27.070, 35.07.040, 9.41.050, and 35A.12.010; adding a new section to chapter 35.23 RCW; and repealing RCW 35.07.030, 35.17.160, 35.23.390, and 35.23.400.  
Referred to Committee on Government Operations.

SB 5337 by Senators Stevens, Deccio and Swecker

AN ACT Relating to formation of less than county-wide port districts; amending RCW 53.04.023; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5338 by Senators Horn, Heavey and Schow

AN ACT Relating to the restricted use of spirituous liquor at no charge; and amending RCW 66.28.040, 66.28.150, and 66.28.155.

Referred to Committee on Commerce and Labor.

SB 5339 by Senators Schow, Rasmussen, Horn, Anderson, Newhouse and Haugen

AN ACT Relating to expanding claims management authority for industrial insurance retrospective rating programs; and adding a new section to chapter 51.16 RCW.  
Referred to Committee on Commerce and Labor.

SB 5340 by Senators Hochstatter, Johnson, Zarelli, Oke and Finkbeiner

AN ACT Relating to the probationary period for certificated educational employees; amending RCW 28A.405.100; creating a new section; and providing an expiration date.  
Referred to Committee on Education.

SB 5341 by Senators Roach, Sheldon and Rasmussen

AN ACT Relating to the Washington economic finance authority; and amending RCW 43.163.210.  
Referred to Committee on Ways and Means.

SB 5342 by Senators Sellar and Prentice

AN ACT Relating to procedures after vehicle impoundment; and amending RCW 46.55.105, 46.55.110, 46.55.120, and 46.55.130.  
Referred to Committee on Transportation.

SB 5343 by Senators Sellar and Prentice

AN ACT Relating to the determination of where a retail sale of towing services occurs for tax purposes; and amending RCW 82.14.020.  
Referred to Committee on Ways and Means.

SB 5344 by Senators Kohl, Long, Brown, Wood, Thibaudeau, Hargrove, McAuliffe, Winsley and Sheldon

AN ACT Relating to training for child care providers; amending RCW 74.13.090; adding new sections to chapter 74.13 RCW; creating new sections; making an appropriation; and providing an effective date.  
Referred to Committee on Human Services and Corrections.

SB 5345 by Senators Wojahn, Wood, Fairley, McCaslin, Bauer, Rasmussen, Kohl and Oke

AN ACT Relating to sales and use tax exemptions for medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5346 by Senators Thibaudeau and Prentice (by request of Governor Lowry)

AN ACT Relating to prohibiting gender discrimination in the granting of civil marriage licenses; amending RCW 26.04.010, 26.04.020, and 26.04.210; adding a new section to chapters 4.08, 4.20, 5.60, 6.13, 6.15, 6.27, 9A.16, 9A.76, 11.02, 11.04, 11.80, 26.04, 26.09, 26.16, 26.20, 26.33, 41.16, 41.18, 41.24, 41.28, 41.44, 42.17, 43.20B, 51.32, 59.20, 60.04, 64.04, 64.28, 65.12, 70.123, 71.09, 72.01, 72.36, 74.13, 74.42, 87.03, 89.12, and 91.08 RCW; creating new sections; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5347 by Senators Roach, Oke, Winsley, Snyder, Bauer, Swecker, Morton, Schow, Zarelli, Rossi, Strannigan and Rasmussen

AN ACT Relating to increasing fishing opportunities for juveniles; adding new sections to chapter 77.32 RCW; and creating new sections.  
Referred to Committee on Natural Resources and Parks.

SB 5348 by Senators Roach, Long, Zarelli, Wood, Bauer, McCaslin, Johnson, Oke, Rossi, Swecker, Benton, Anderson, Hargrove, Patterson, Goings, Heavey, Snyder, Winsley, Strannigan, Schow and Rasmussen

AN ACT Relating to aggravating circumstances for aggravated first degree murder; reenacting and amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5349 by Senators Roach, Rasmussen, Winsley, Swecker, Zarelli, Finkbeiner, Morton, Stevens, Schow and Oke

AN ACT Relating to high school graduation requirements; amending RCW 28A.230.090; adding a new section to chapter 28A.320 RCW; and creating a new section.  
Referred to Committee on Education.

MOTION

On motion of Senator Johnson, Senate Bill No. 5334 was held on the desk.

MOTIONS

On motion of Senator Johnson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5073.

On motion of Senator Johnson, Senate Bill No. 5073 was referred to the Committee on Commerce and Labor.

MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, January 24, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**ELEVENTH DAY, JANUARY 23, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**TWELFTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, January 24, 1997

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Anna Bruitt and Erin Tribe, presented the Colors. Reverend George Sheldon, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5008 Prime Sponsor, Senator Long: Modifying the adoption support reconsideration program. Reported by Committee on Human Services and Corrections  
January 22, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl and Stevens.

Passed to Committee on Rules for second reading.

SB 5009 Prime Sponsor, Senator Long: Authorizing interstate agreements to provide adoption assistance for special needs children. Reported by Committee on Human Services and Corrections  
January 22, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove and Kohl.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gregory Barlow, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Adjutant General of the Military Department.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A. J. "Beau" Bergeron, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Veterans Affairs.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John L. Bley, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Financial Institutions.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Financial Institutions and Housing.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Charles, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Retirement Systems.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Ways and Means.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas C. Fitzsimmons, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Ecology.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Agriculture and Environment.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jim Jesernig, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Agriculture.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Agriculture and Environment.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis Karras, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Personnel.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Steve Kolodney, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Information Services.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Energy and Utilities.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Merritt Long, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Lottery Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce Miyahara, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Secretary of the Department of Health.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

January 15, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Moore, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Labor and Industries.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor.

January 15, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Lyle Quasim, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Secretary of the Department of Social and Health Services.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 15, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Annette Sandberg, reappointed January 15, 1997, for a term ending at the pleasure of the Governor as Chief of the Washington State Patrol.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 15, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Richard Thompson, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Office of Financial Management.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Ways and Means.

January 15, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Evelyn P. Yenson, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of Licensing.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

January 15, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Marsha Tadano Long, appointed January 15, 1997, for a term ending at the pleasure of the Governor as Director of the Department of General Administration.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

MESSAGES FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, WA 98504-5000

January 14, 1997

Mr. Mike O'Connell  
Secretary of the Senate  
P. O. Box 40482  
Olympia, WA 98504-0482

Dear Secretary O'Connell:

Enclosed is the status report of the Telecommunications Access Service. This report is required by RCW 43.20A.725.

Please call Leon Curtis at (360) 902-0850 if you have questions about the report.

Sincerely,  
LYLE QUASIM, Secretary

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, WA 98504-5000

January 14, 1997

Mr. Mike O'Connell  
Secretary of the Senate  
P. O. Box 40482  
Olympia, WA 98504-0482

Dear Secretary O'Connell:

I am pleased to provide you with the report "Decline of Youth in Police Custody" which was mandated under RCW 13.32A.060.

If we can provide you with additional information, please contact Tammi Erickson at (360) 902-7936.

Sincerely,  
LYLE QUASIM, Secretary

The Reports from the Department of Social and Health Services are on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5350 by Senators Swecker, Fraser, Fairley, Spanel, Winsley and Rasmussen

AN ACT Relating to watercraft excise tax; amending RCW 82.49.030 and 88.12.375; adding a new section to chapter 88.12 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5351 by Senators Benton, Strannigan, Oke, Anderson, Swecker, Zarelli and Rossi

AN ACT Relating to small scale prospecting and mining; amending RCW 75.20.100; adding a new section to chapter 75.20 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5352 by Senators Benton and Hargrove

AN ACT Relating to sexual battery; adding a new section to chapter 9A.44 RCW; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5353 by Senators Benton, Wood, Brown, Rossi, Stevens and Winsley

AN ACT Relating to limiting a tax exemption for motor vehicles; and amending RCW 82.12.0251.  
Referred to Committee on Ways and Means.

SB 5354 by Senators Benton, Anderson, Rossi and Rasmussen

AN ACT Relating to the capitol committee; and amending RCW 43.34.010 and 43.34.015.  
Referred to Committee on Government Operations.

SB 5355 by Senators Benton, Brown, Swecker, Finkbeiner, Patterson, Rossi and Winsley

AN ACT Relating to tangible personal property donated to charitable organizations; and amending RCW 82.12.02595.  
Referred to Committee on Ways and Means.

SB 5356 by Senators Patterson, McAuliffe, Strannigan, Roach, Brown, Oke, Sheldon, Bauer, Franklin, Benton, Wojahn, Kline, Winsley, Rasmussen and Schow

AN ACT Relating to excise tax exemptions for school construction projects; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5357 by Senators Franklin, Schow, Goings, Long, Prentice, Fraser, Winsley, Loveland, McAuliffe, Spanel, Strannigan, Sheldon, Wood, Kohl, Patterson, Brown, Snyder, Bauer, Kline and Oke

AN ACT Relating to trauma care services for individuals who are unable to pay; and creating new sections.  
Referred to Committee on Health and Long-Term Care.

SB 5358 by Senators Swecker, Benton, Hochstatter, Finkbeiner, Rossi, Long, Johnson, Zarelli and Oke

AN ACT Relating to a prohibition on the use of public funds to support or oppose ballot propositions; and amending RCW 42.17.130.  
Referred to Committee on Government Operations.

SB 5359 by Senators Swecker, Fraser, West and Winsley

AN ACT Relating to clarifying the exemption from sales and use taxation of the materials used by small companies in the design and development of aircraft parts, auxiliary equipment, and aircraft modification; amending RCW 82.08.02566 and 82.12.02566; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5360 by Senators Hargrove, Anderson, Spanel, Swecker, Haugen, Oke, Snyder and Kline

AN ACT Relating to the renewal of commercial fishery and salmon charter licenses; amending RCW 75.28.110 and 75.28.095; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5361 by Senators Wood, Haugen, Prince, Goings, Horn, Patterson, Benton and Winsley

AN ACT Relating to the charter use of Washington state ferries for transporting hazardous materials; adding a new section to chapter 47.60 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 5362 by Senators Hochstatter, McAuliffe, Finkbeiner, Bauer and Oke (by request of Superintendent of Public Instruction Bergeson)

AN ACT Relating to disposal of surplus educational property; and amending RCW 28A.335.180.  
Referred to Committee on Education.

SB 5363 by Senators Snyder, Haugen and Hargrove

AN ACT Relating to contracting by public officers; and amending RCW 42.23.030.  
Referred to Committee on Government Operations.

SB 5364 by Senator Snyder

AN ACT Relating to local government unclassified employees; and amending RCW 41.14.070.  
Referred to Committee on Government Operations.

SB 5365 by Senators Snyder, West, Loveland, Brown, Rasmussen, Fairley, Spanel, Hargrove, Sheldon, Roach, Fraser, Wojahn, Franklin, Kline, Oke and Schow

AN ACT Relating to disability retirement benefits resulting from criminal conduct; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5366 by Senators Snyder, Hargrove and Wojahn

AN ACT Relating to contractor surety bonds; and amending RCW 18.27.040.  
Referred to Committee on Commerce and Labor.



SB 5367 by Senators Snyder, McAuliffe, Prince, Hargrove and Winsley

AN ACT Relating to student counts for state general apportionment funding; and adding a new section to chapter 28A.630 RCW.  
Referred to Committee on Education.

SB 5368 by Senators Snyder and Hargrove

AN ACT Relating to providing supplemental appropriation authority for the development loan fund; amending 1995 2nd sp.s. c 16 s 108 (uncodified); creating a new section; making an appropriation; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5369 by Senators McCaslin, Haugen and Winsley

AN ACT Relating to extending to local agencies the same authority now authorized for state agencies to protect taxpayer information under public records; and reenacting and amending RCW 42.17.310.  
Referred to Committee on Government Operations.

SB 5370 by Senators Finkbeiner, Brown, Hochstatter, Strannigan, Rossi, Sheldon, Patterson and Winsley (by request of Utilities and Transportation Commission)

AN ACT Relating to reducing the time required for public notice of telecommunications rate reductions; and reenacting and amending RCW 80.36.110.  
Referred to Committee on Energy and Utilities.

SB 5371 by Senators Rossi, Brown, Hochstatter, Strannigan and Winsley (by request of Utilities and Transportation Commission)

AN ACT Relating to exempting regulated utilities from seeking commission preapproval of some short-term notes having a maturity of twelve or fewer months; and adding a new section to chapter 80.08 RCW.  
Referred to Committee on Energy and Utilities.

SB 5372 by Senators Finkbeiner, Brown, Hochstatter, Strannigan and Rossi (by request of Utilities and Transportation Commission)

AN ACT Relating to low-level radioactive waste disposal sites; and amending RCW 81.108.050.  
Referred to Committee on Energy and Utilities.

SB 5373 by Senators Morton, Hargrove, Winsley, Snyder, Zarelli, Sellar, Stevens, Newhouse, Swecker, Benton, Hochstatter, Schow, Roach, Hale, Deccio and Rossi

AN ACT Relating to purchase of land by state agencies; and adding a new section to chapter 79.01 RCW.  
Referred to Committee on Natural Resources and Parks.

SB 5374 by Senators Morton, Snyder, McDonald, Stevens and Rasmussen

AN ACT Relating to funding for conservation districts to address nonpoint source pollution water quality problems; reenacting and amending RCW 70.146.060; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5375 by Senators Rossi, Hargrove, Sellar, Winsley, Strannigan, Morton, Finkbeiner, Oke, Hochstatter and Long

AN ACT Relating to charitable donations for children; and amending RCW 70.200.010.  
Referred to Committee on Law and Justice.

SB 5376 by Senators Long and Winsley

AN ACT Relating to interest on past due child support; and amending RCW 26.23.030.  
Referred to Committee on Human Services and Corrections.

SB 5377 by Senators Wood, Haugen, Oke, Prentice, Sellar and Rasmussen

AN ACT Relating to sales and use tax exemption for labor and property used in relation to railroad property and fuel used in rail transportation; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5378 by Senators Loveland, Sheldon, Snyder, Patterson, Kline, Heavey, Goings, Haugen, Franklin, Jacobsen, Brown, Rasmussen and Spanel (by request of Governor Locke)

AN ACT Relating to extending the 4.7187 percent state property tax levy reduction; amending RCW 84.55.012; creating a new section; and declaring an emergency.

HOLD.

SB 5379 by Senators Schow, West, Long, Heavey, Goings, Anderson, Strannigan, Swecker, Horn, Bauer, Sheldon, Johnson and Rasmussen

AN ACT Relating to reimbursing sellers for sales tax collection costs; amending RCW 82.08.050; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5380 by Senators Horn, Haugen, Benton, Franklin, Zarelli and Bauer

AN ACT Relating to boundary review board members' per diem; and amending RCW 36.93.070.  
Referred to Committee on Government Operations.

SB 5381 by Senators Winsley, Franklin, Schow, Wojahn, Oke, Goings and Roach

AN ACT Relating to local public health financing; amending RCW 70.05.125 and 82.14.200; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5382 by Senators Swecker, Rasmussen, Rossi, Hargrove and Strannigan

AN ACT Relating to the landowner contingency forest fire suppression account; and amending RCW 76.04.630 and 43.84.092.

Referred to Committee on Ways and Means.

SB 5383 by Senators Winsley and Prentice

AN ACT Relating to the collection of sales tax on manufactured housing; creating a new section; repealing RCW 82.08.065; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5384 by Senators Prentice and Jacobsen (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

AN ACT Relating to condominium and cooperative leasehold interests in state-owned aquatic land; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources and Parks.

SB 5385 by Senators Oke and Prentice (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

AN ACT Relating to eliminating the pooling of the resource management cost account and removing reference to agricultural college lands; amending RCW 79.64.030; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources and Parks.

SB 5386 by Senators Oke, Prentice, Patterson, Kline, Haugen, Kohl, Winsley, Franklin and Rasmussen (by request of Department of Fish and Wildlife, Commissioner of Public Lands Belcher and Department of Natural Resources)

AN ACT Relating to the jobs for the environment program; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources and Parks.

SB 5387 by Senators McDonald, Prentice, Kline, Oke and Spanel (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

AN ACT Relating to the creation of the trust land transfer program; and adding a new chapter to Title 79 RCW. Referred to Committee on Natural Resources and Parks.

SB 5388 by Senators Horn, Hargrove and Swecker

AN ACT Relating to marine recreation lands; amending RCW 43.99.080; and declaring an emergency. Referred to Committee on Natural Resources and Parks.

SB 5389 by Senators Horn, Hargrove, Morton and Swecker

AN ACT Relating to the recreation resource account; amending RCW 43.99.080; and declaring an emergency. Referred to Committee on Natural Resources and Parks.

SB 5390 by Senators West and Spanel (by request of Office of Financial Management)

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1997, and ending June 30, 1999; amending RCW 43.08.250; creating new sections; providing an effective date; and declaring an emergency. Referred to Committee on Ways and Means.

SB 5391 by Senators Strannigan, Fraser, West, Spanel and Deccio (by request of Office of Financial Management)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; adding a new section to chapter 28B.25 RCW; creating new sections; and declaring an emergency. Referred to Committee on Ways and Means.

SB 5392 by Senators Strannigan, Fraser, West and Spanel (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 70.146.030, 39.42.060, 43.99I.020, 43.99I.040, 43.99I.090, 43.99K.010, and 43.99K.020; adding new chapters to Title 43 RCW; repealing RCW 43.99I.050; and declaring an emergency. Referred to Committee on Ways and Means.

SB 5393 by Senators West and Spanel (by request of Office of Financial Management)

AN ACT Relating to assessments for forest fire protection; amending RCW 76.04.610; and declaring an emergency. Referred to Committee on Ways and Means.

SB 5394 by Senators Hochstatter, West and Spanel (by request of Office of Financial Management)

AN ACT Relating to school audits; and adding a new section to chapter 28A.300 RCW. Referred to Committee on Ways and Means.

SB 5395 by Senators West, Hochstatter and Spanel (by request of Office of Financial Management)

AN ACT Relating to the formula for determining certificated instructional staff salaries in basic education and special education programs; and amending RCW 28A.150.410 and 28A.400.200. Referred to Committee on Ways and Means.

SB 5396 by Senators West, Hochstatter and Spanel (by request of Office of Financial Management)

AN ACT Relating to school levies; and amending RCW 28A.500.010, 84.52.0531, and 28A.320.150. Referred to Committee on Education.

SB 5397 by Senators Hochstatter, West and Spanel (by request of Office of Financial Management)

AN ACT Relating to modifying the timelines for development and implementation of the student assessment system; reenacting and amending RCW 28A.630.885; repealing 1995 c 335 s 803 (uncodified); and providing an expiration date. Referred to Committee on Education.

SB 5398 by Senators Swecker, Zarelli, Oke and Schow

AN ACT Relating to reaffirming and protecting the institution of marriage; amending RCW 26.04.010 and 26.04.020; and creating new sections.  
Referred to Committee on Law and Justice.

SB 5399 by Senators Roach and Strannigan

AN ACT Relating to juvenile hunting, fishing, shellfish, and seaweed licenses; and amending RCW 77.32.101, 75.25.091, and 75.25.092.  
Referred to Committee on Natural Resources and Parks.

SB 5400 by Senators Stevens, Zarelli and Schow

AN ACT Relating to reaffirming and protecting the institution of marriage; amending RCW 26.04.010 and 26.04.020; creating new sections; and providing for submission of this act to a vote of the people.  
Referred to Committee on Law and Justice.

SB 5401 by Senators Sellar, Snyder and Haugen

AN ACT Relating to compensation for public utility district commissioners; and amending RCW 54.12.080.  
Referred to Committee on Government Operations.

SB 5402 by Senators Roach, Johnson, Sheldon, Bauer, Patterson and Haugen

AN ACT Relating to tax exemptions for nonprofit camps and nonprofit conference centers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5403 by Senators Morton, Roach, Haugen and Winsley

AN ACT Relating to distribution of estates; amending RCW 11.04.015, 11.12.051, 11.36.010, and 11.36.021; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5404 by Senators Morton, Rossi, Long, Oke, Hochstatter, Schow, Hargrove, Benton, Stevens and Swecker

AN ACT Relating to anatomical gifts; and amending RCW 46.20.113, 68.50.540, and 68.50.570.  
Referred to Committee on Health and Long-Term Care.

SB 5405 by Senators West, Deccio, Wojahn, Loveland, Hale and Bauer

AN ACT Relating to public health financing through the county sales and use tax equalization account; amending RCW 70.05.125 and 82.14.200; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5406 by Senators McAuliffe, Spanel, Kohl, Goings, Prentice, Thibaudeau, Bauer, Patterson, Fairley, Kline, Jacobsen and Brown (by request of Governor Lowry)

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.  
Referred to Committee on Education.

SB 5407 by Senators Kohl, Sheldon, Thibaudeau, Wojahn, Fairley, Kline and Spanel (by request of Governor Lowry)

AN ACT Relating to access to firearms by minors; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9.41 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5408 by Senators Kohl, Sheldon, McAuliffe, Franklin, Patterson, Wojahn, Fairley, Kline, Winsley and Spanel (by request of Governor Lowry)

AN ACT Relating to domestic violence; amending RCW 5.60.060, 9A.16.060, 9A.36.041, 10.31.100, and 9.94A.040; reenacting and amending RCW 9.94A.320 and 9.94A.120; adding a new section to chapter 40.24 RCW; adding a new section to chapter 70.58 RCW; prescribing penalties; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5409 by Senators Long, Thibaudeau, Kohl, Wojahn, Kline and Winsley (by request of Governor Lowry)

AN ACT Relating to child death review and prevention; amending RCW 70.05.170; adding a new section to chapter 42.17 RCW; and adding a new chapter to Title 70 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5410 by Senator Long (by request of Governor Lowry)

AN ACT Relating to the indeterminate sentence review board; and amending RCW 9.95.0011 and 9.95.003.  
Referred to Committee on Human Services and Corrections.

SB 5411 by Senators Fairley and Kohl (by request of Governor Lowry)

AN ACT Relating to prohibiting smoking in public places and worksites; amending RCW 70.160.010, 70.160.020, 70.160.030, 70.160.040, and 70.160.070; adding a new section to chapter 70.160 RCW; creating a new section; repealing RCW 70.160.050, 70.160.060, 70.160.080, and 70.160.100; prescribing penalties; and providing for submission of this act to a vote of the people.  
Referred to Committee on Commerce and Labor.

SB 5412 by Senators Thibaudeau and Kohl (by request of Governor Lowry)

AN ACT Relating to the confidentiality of child welfare records; and adding new sections to chapter 74.13 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5413 by Senators Kohl, Bauer and Patterson (by request of Governor Lowry)

AN ACT Relating to the Washington advanced college tuition payment program; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5414 by Senators Prentice, McAuliffe and Kohl (by request of Governor Lowry)

AN ACT Relating to employment and training funds; creating a new section; and making an appropriation.  
Referred to Committee on Commerce and Labor.

SB 5415 by Senator Kohl (by request of Governor Lowry)

AN ACT Relating to sentencing requirements for nonviolent offenders who violate drug laws; amending RCW 9.94A.137; reenacting and amending RCW 9.94A.320 and 9.94A.120; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5416 by Senators Goings and Patterson (by request of Governor Lowry)

AN ACT Relating to the elimination and consolidation of boards and commissions; amending RCW 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.300, 18.39.800, 68.05.020, 68.05.095, 68.05.105, 68.05.175, 68.05.195, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.46.010, 68.46.040, 68.46.090, 68.46.110, 68.46.130, 68.50.165, 68.50.230, 68.60.030, 68.60.050, 68.60.060, 18.135.030, 19.16.100, 19.16.360, 19.16.380, 19.16.420, 43.43.705, 43.43.785, and 43.43.800; reenacting and amending RCW 18.39.145; adding a new section to chapter 18.39 RCW; creating new sections; repealing RCW 68.05.040, 68.05.050, 68.05.060, 68.05.080, 68.05.100, 19.16.280, 19.16.290, 19.16.300, 19.16.310, 19.16.320, 19.16.330, 19.16.340, 19.16.351, 28C.20.010, 28C.20.020, 28C.20.030, 43.43.790, 43.43.795, and 42.17.261; providing an effective date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5417 by Senator McAuliffe (by request of Governor Lowry)

AN ACT Relating to juveniles; amending RCW 5.60.060, 9.94A.130, 13.40.010, 13.40.070, 13.40.265, 13.40.0354, 13.40.0357, 13.40.045, 13.40.050, 13.40.060, 13.40.077, 13.40.080, 13.40.110, 13.40.120, 13.40.130, 13.40.160, 13.40.193, 13.40.210, and 13.40.220; reenacting and amending RCW 9.94A.360, 13.04.030, and 13.40.020;

adding new sections to chapter 13.40 RCW; creating a new section; repealing RCW 13.40.025 and 13.40.030; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5418 by Senators Swecker, Snyder, Winsley, Franklin and Rasmussen (by request of Governor Lowry)

AN ACT Relating to economic and employment impact of natural resources harvest variation in rural communities; amending RCW 43.31.601, 43.31.611, 43.31.621, 43.63A.021, 43.31.641, 43.63A.440, 43.160.020, 43.160.076, 28B.50.030, 28B.80.570, 28B.80.580, 50.12.270, 43.131.385, and 43.131.386; amending 1995 c 226 s 7 (uncodified); amending 1995 c 226 s 8 (uncodified); amending 1995 c 226 s 9 (uncodified); reenacting and amending RCW 50.22.090 and 43.20A.750; creating a new section; repealing RCW 43.31.651; providing an effective date; providing expiration dates; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5419 by Senators Prentice, Kohl, McAuliffe, Spanel, Sheldon, Franklin, Wojahn, Fairley and Winsley (by request of Governor Lowry)

AN ACT Relating to the work force employment and training trust fund; amending RCW 50.24.018; repealing RCW 43.131.377 and 43.131.378; repealing 1993 c 226 s 20 (uncodified); and repealing 1993 c 226 s 10, 1993 c 226 s 12, and 1993 c 226 s 14.  
Referred to Committee on Commerce and Labor.

SB 5420 by Senators Fraser, Franklin, Kohl and Fairley (by request of Governor Lowry)

AN ACT Relating to financing watershed planning and implementation; amending RCW 86.26.007, 86.26.007, 82.24.027, 82.26.025, and 70.146.030; adding a new section to chapter 39.42 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 43.21A RCW; adding a new chapter to Title 90 RCW; providing an effective date; providing for submission of certain sections of this act to a vote of the people; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SJR 8208 by Senators McAuliffe, Spanel, Kohl, Goings, Prentice, Thibaudeau, Patterson, Fairley, Kline, Jacobsen and Bauer (by request of Governor Lowry)

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

MOTION

On motion of Senator Johnson, Senate Bill No. 5334, which was held on the Introduction and First Reading calendar yesterday, January 23, was referred to the Committee on Financial Institutions, Insurance and Housing.

MOTION

Senator Johnson moved all the bills on today's Introduction and First Reading Calendar be referred as listed.

MOTION

Senator Sheldon moved that the rules be suspended and Senate Bill No. 5378 be advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Johnson, the motion by Senator Sheldon was held to permit the Senate to consider Senate Resolution 1997-8606.

MOTION

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

SENATE RESOLUTION 1997-8606

By Senator West, Anderson, McCaslin, Horn, Oke, Snyder, Prince, Franklin, Sheldon, Wojahn, Bauer, Swecker, Zarelli, Hochstatter, Roach, Haugen, Kohl and Spanel

WHEREAS, Over eight thousand men and women of the Washington National Guard, consisting of the Army National Guard and the Air National Guard, continue to serve the country as a key part of our national defense; and

WHEREAS, The Guard is active in promoting positive activities for the youth of our state through active involvement in the Guard's helicopter outreach programs, drug demand reduction presentations at local schools, and Camp Minuteman, a motivational summer youth experience at Camp Murray; and

WHEREAS, The Guard makes a major contribution to our state's counter drug effort by providing over sixty soldiers and airmen on duty throughout the year in thirty-five different local, state, and federal law enforcement agencies; and

WHEREAS, In communities throughout the state, the Guard continues to be an essential source of social support for our communities by making armories available for public use as classrooms, food banks, and centers for community and youth activities; and

WHEREAS, These soldiers and airmen sacrifice their time, comfort, and energies to protect and preserve the lives and property of their fellow citizens; and

WHEREAS, The Washington National Guard is composed of citizen soldiers and airmen who, in the noble and time-honored tradition of the Minutemen from the Massachusetts Bay Colony in 1636, stand ready at a moment's notice to answer the call of need from their state or country to protect and guarantee the blessings of liberty and providence or to respond to calamity or natural disaster;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its appreciation to the families and employers of our Guard soldiers and airmen for their support without which the Guard's mission could not be successful; and

BE IT FURTHER RESOLVED, That the Senate specifically and particularly recognize the value of a strong Washington National Guard to the economy and well-being of this state, both through the performance of its state disaster relief mission, and through the ongoing benefit to local communities by the presence of productively employed, drug free, and efficiently trained Guard members and the armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable William J. Clinton, President of the United States; the Honorable Gary Locke, Governor of the state of Washington; the Adjutant General of the Washington National Guard; the Secretary of the Army; and the Secretary of the Air Force.

Senators West, Haugen, Oke, Anderson, Deccio and Hochstatter spoke to Senate Resolution 1997-8606.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington National Guard, who were seated in the gallery.

#### MOTION

At 10:19 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:00 a.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fifth order of business.

The President declared the question before the Senate to be the pending motion by Senator Sheldon to suspend the rules and place Senate Bill No. 5378 on the second reading calendar.

Debate ensued.

The motion by Senator Sheldon carried and Senate Bill No. 5378 was advanced to second reading and placed on the second reading calendar.

All the other bills on today's Introduction and First Reading calendar were referred as listed.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5378. by Senators Loveland, Sheldon and Snyder (by request of Governor Locke)

Extending the 4.7187 percent state property tax levy reduction.

The bill was read the second time.

#### MOTION

Senator West moved that the following amendment be adopted:

On page 1, strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 84.55.012 and 1995 2nd sp.s. c 13 s 2 are each amended to read as follows: (1) The state property tax levy for collection in 1996 shall be reduced

by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section or any other tax reduction legislation enacted in 1995. (2) ~~((The tax reduction provided in this section is in addition to any other tax reduction legislation that may be enacted by the legislature. (3)))~~ State levies for collection after ~~((1996))~~ 1997 shall be set at the amount that would be allowed otherwise under this chapter if the state ~~((levy))~~ levies for collection in 1996 and 1997 had been set without the reduction under subsection (1) of this section. NEW SECTION. Sec. 2. A new section is added to chapter 84.55 RCW to read as follows: The state property tax levy for collection in 1998 shall be reduced by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section. NEW SECTION. Sec. 3. Section 1 of this act applies to taxes levied for collection in 1997. NEW SECTION. Sec. 4. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. NEW SECTION. Sec. 5. The secretary of state shall submit section 2 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation." Debate ensued.

Senator Loveland requested a democratic caucus.

#### MOTION

At 11:09 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:21 a.m. by President Owen.

There being no objection, the Senate resumed consideration of the striking amendment by Senator West to Senate Bill No. 5378.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator West to Senate Bill No. 5378.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 21.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1997-8607

By Senators McDonald and Snyder

WHEREAS, In late November, 1996, the eastside of Washington State suffered devastatingly from winter snow and ice storms; and

WHEREAS, On the days after Christmas 1996, the eastside watched with empathy and compassion as the westside endured its turn facing the full fury of nature's forces; and

WHEREAS, The savage winter weather caused thirty-seven of the state's thirty-nine counties to be declared disaster areas and created a significant disruption to power and communication lines leaving thousands isolated and without electricity; and

WHEREAS, Local, state and federal agencies and organizations came together in an unprecedented effort to combat the worst winter storm in one hundred-fifteen years allowing an expedited application of personnel and material; and

WHEREAS, Restoring the operation of these critical systems required an extraordinary commitment from utility personnel that far exceeded previous challenges, many of whom left families during the holidays to work around-the-clock and in dangerous situations to assist others in need; and

WHEREAS, Mr. Jimmie Dean lost his life performing the duties of his job exemplifying the very best traditions of his chosen profession; and

WHEREAS, Those heroic efforts, so well-accomplished, prevented or reduced personal suffering and reduced economic loss for so many; and

WHEREAS, Such efforts deserve the acknowledgment, respect, and admiration of all;

NOW, THEREFORE, BE IT RESOLVED, That, on behalf of this state's residents, the members of the Washington State Senate wish to express our heartfelt gratitude to all who contributed to maintaining and restoring power and communication services throughout this winter's storms; and

BE IT FURTHER RESOLVED, That copies of this resolution be communicated by the Department of Community, Trade and Economic Development, to the family of Mr. Jimmie Dean, and to those who truly went the extra mile to help their fellow citizens during this time of need. To each of you, we say "thank you for a job well done."



Senators McDonald and Snyder spoke to Senate Resolution 1997-8607.

The President welcomed and introduced utility personnel, women and men, who were seated in the gallery.

MOTION

At 11:32 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:37 p.m. by President Owen.  
There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

January 24, 1997

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1417, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 24, 1997

MR. PRESIDENT:

The Speaker has signed SENATE RESOLUTION NO. 8402, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1417 by Representatives B. Thomas, Carrell, Cairnes, Dyer, L. Thomas, Mulliken, Sheldon, Robertson, Thompson, Cooke, Mielke and Van Luven

Reducing total state levy amounts by 4.7187 percent.

MOTION

On motion of Senator Sellar, Engrossed House Bill No. 1417 was held on the desk.

MOTION

At 4:39 p.m., on motion of Senator Sellar, the Senate adjourned until 10:00 a.m., Monday, January 27, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**TWELFTH DAY, JANUARY 24, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTEENTH DAY**  
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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, January 27, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Marina Dodd and Jake Farris, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 23, 1997

SB 5048 Prime Sponsor, Senator Morton: Changing the SR 2 spur to SR 41. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Goings, Haugen, Heavey, Horn, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

January 24, 1997

SB 5102 Prime Sponsor, Senator Oke: Revising the provision imposing an annual recreational surcharge on certain personal use food fish licenses. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5102 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

January 24, 1997

SB 5138 Prime Sponsor, Senator Oke: Changing provisions relating to offenses committed in state parks or parkways. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 24, 1997

SB 5139 Prime Sponsor, Senator Oke: Regarding enterprise activities of the state parks and recreation commission. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

**MOTION**

A 10:06 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:38 a.m. by President Owen.

MESSAGE FROM THE GOVERNOR  
WITHDRAWAL OF GUBERNATORIAL APPOINTMENTS

January 24, 1997

TO THE HONORABLE, THE MEMBERS  
OF THE WASHINGTON STATE SENATE

Ladies and Gentlemen:

My predecessor, the Honorable Mike Lowry, submitted to you a number of boards and commission appointments for your confirmation.

I respectfully request the appointments now before the Senate be returned to me. See the list attached. I will expeditiously submit nominations to you to ensure continuous operations of the boards and commissions.

Thank you for your cooperation with this request.

Sincerely,  
GARY LOCKE, Governor

UNCONFIRMED AND INTERIM APPOINTMENTS PRIOR TO 1997 SESSION

GA 9000 KAY ADAMSON, reappointed July 10, 1996, for a term ending July 1, 2001, as a member of the Board of Trustees for the State School for the Deaf.

GA 9001 CHARLES ALEXANDER, appointed July 27, 1995, for a term ending July 26, 2001, as a member of the Personnel Appeals Board.

GA 9002 KENNETH ALHADEFF, appointed October 1, 1996, for a term ending September 30, 2002, as a member of the Board of Regents for Washington State University.

GA 9003 CONNIE L. AMBROSE-HOSMAN, appointed June 24, 1996, for a term ending April 3, 2000, as a member of the State Board for Community and Technical Colleges.

GA 9004 DR. LOREN ANDERSON, reappointed August 7, 1996, for a term ending March 26, 2000, as a member of the Higher Education Facilities Authority.

GA 9005 DARRELL BEERS, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

GA 9006 DENISSE F. BARRY, appointed February 27, 1996, for a term ending December 5, 1998, as a member of the Eastern Washington State Hospital Advisory Board.

GA 9007 TOM BORGAILA, appointed April 1, 1996, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Deaf.

GA 9008 JOE BOWEN, appointed November 18, 1996, for a term ending June 17, 2000, as a member of the Human Rights Commission.

GA 9009 GEORGE BRADLEY, appointed January 19, 1995, for a term ending January 19, 1999, as a member of the Board of Pharmacy.

GA 9010 NANCYLYNN BRIDGES, appointed August 26, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

GA 9011 LISA BRODOFF, appointed July 1, 1996, for a term ending June 30, 2001, as Chief Administrative Law Judge for the Office of Administrative Hearings.

GA 9012 SCOTT BRUNDAGE, appointed October 11, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

GA 9013 PAUL D. BURTON, appointed November 26, 1996, for a term ending September 30, 1999, as a member of the Board of Trustees for Shoreline Community College District No. 7.

GA 9014 ELIZABETH M. CALVIN, appointed July 18, 1996, for a term ending August 2, 1997, as a member of the Sentencing Guidelines Commission.

GA 9015 PHYLLIS J. CAMPBELL, reappointed October 1, 1996, for a term ending September 30, 2002, as a member of the Board of Regents for Washington State University.

GA 9016 DR. KENNETH CASAVANT, appointed January 15, 1995, for a term ending January 15, 1998, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

GA 9017 KATHLEEN Q. CASEY, appointed September 6, 1996, for a term ending June 30, 1997, as a member of the Gambling Commission.

GA 9018 GREGORY COSTELLO, appointed January 25, 1996, for a term ending January 1, 1999, as a member of the Forest Practices Appeals Board.

GA 9019 REV. BERNARD J. COUGHLIN, appointed April 23, 1996, for a term ending September 30, 2000, as a member of the Spokane Joint Center for Higher Education.

GA 9020 BERNADINE DOCHNAHL, reappointed October 14, 1996, for a term ending January 4, 1997, as a member of the Personnel Resources Board.

GA 9021 RICKY DOCKTER, appointed October 31, 1994, for a term ending December 31, 1999, as a member of the Board of Trustees for the State School for the Deaf.

GA 9022 NANCY J. DONIGAN, reappointed February 8, 1996, for a term ending December 5, 1999, as a member of the Western Washington State Hospital Advisory Board.

GA 9023 CAROL DOTLICH, appointed October 29, 1996, for a term ending December 5, 1999, as a member of the Western Washington State Hospital Advisory Board.

GA 9024 JOHN M. EMERSON, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Highline Community College District No. 9.

GA 9025 MICKEY FEARN, reappointed January 1, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

GA 9026 JOSEPH FRAM, reappointed July 19, 1996, for a term ending July 1, 2001, as a member of the Board of Trustees for the State School for the Blind.

GA 9027 BILL FRANK, JR, appointed June 26, 1996, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

GA 9028 RICARDO R. GARCIA, reappointed October 11, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

GA 9029 JUANITA M. GARRISON, appointed July 9, 1996, for a term ending June 30, 2002, as a member of the Gambling Commission.

GA 9030 THOMAS A. GREEN, appointed August 12, 1996, for a term ending June 30, 2000, as a member of the Transportation Commission.

GA 9031 KATHLEEN GUTIERREZ, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Everett Community College District No. 5.

GA 9032 ELLING B. HALVORSON, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

GA 9033 RUSS HAUGE, appointed August 15, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

GA 9034 GARY HEALEA, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

GA 9035 SHERYL S. HERSHEY, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

GA 9036 PATTY HILL-VOTH, appointed February 16, 1996, for a term ending December 5, 1998, as a member of the Eastern Washington State Hospital Advisory Board.

GA 9037 BETTY HOGAN, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Pierce Community College District No. 11.

GA 9038 J. C. JACKSON, appointed October 11, 1996, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellevue Community College District No. 8.

GA 9039 DONALD JACOBSON, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Renton Technical College District No. 27.

GA 9040 CHRIS JENSEN, appointed July 18, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

GA 9041 RONALD W. JOHNSON, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Peninsula Community College District No. 1.

GA 9042 VELTRY JOHNSON, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

GA 9043 CAPTAIN IOANNIS A. KARAKOULAKIS, appointed October 11, 1996, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.

GA 9044 RICHARD C. KELLY, reappointed May 10, 1996, for a term ending June 30, 2002, as a member of the Pollution Control/Shorelines Hearings Board.

GA 9045 JOE KING, appointed September 20, 1996, for a term ending September 30, 2000, as a member of the Board of Regents for Washington State University.

GA 9047 TOM KNEESHAW, appointed November 26, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.

GA 9048 BISHOP LOWELL E. KNUTSON, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.

GA 9049 MIKE B. KREIDLER, reappointed March 15, 1996, for a term ending January 15, 1999, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

GA 9050 CAPTAIN ROBERT N. KROMANN, appointed October 11, 1996, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

GA 9051 DAVID LAMB, appointed October 10, 1996, for a term ending September 30, 2002, as a member of the Board of Trustees for The Evergreen State College.

GA 9052 LINDA LANHAM, appointed February 26, 1996, for a term ending January 4, 1999, as a member of the Personnel Resources Board.

GA 9053 JOHN E. LANTZ, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Tacoma Community College District No. 22.

GA 9054 FRAN LEWIS, appointed February 8, 1996, for a term ending December 5, 1999, as a member of the Western State Hospital Advisory Board.

GA 9055 DR. HUBERT LOCKE, reappointed August 15, 1996, for a term ending August 2, 1999, as Chair of the Sentencing Guidelines Commission.

GA 9056 GABRIEL C. LOVE, appointed March 28, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

GA 9057 PAM LUCAS, reappointed February 16, 1996, for a term ending December 5, 1998, as a member of the Eastern Washington State Hospital Advisory Board.

GA 9058 ROBERT J. MARGULIS, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Bellevue Community College District No. 8.

GA 9059 DONNA MASON, reappointed December 12, 1996, for a term ending December 31, 1999, as a member of the Interagency Committee for Outdoor Recreation.

GA 9060 MARY McKNEW, appointed February 15, 1996, for a term ending January 15, 2001, as a member of the Liquor Control Board.

GA 9061 GUY McMINDS, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

GA 9062 PATRICK R. McMULLEN, reappointed April 18, 1996, for a term ending January 19, 2001, as a member of the Fish and Wildlife Commission.

GA 9063 ROBERT D. McVICARS, appointed November 4, 1996, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

GA 9064 JUDITH M. MERCHANT, appointed July 1, 1996, for a term ending July 26, 1997, as a member of the Personnel Appeals Board.

GA 9065 GARY MOORE, appointed April 27, 1996, for a term ending at the Governor's pleasure, as Commissioner of the Employment Security Department.

GA 9066 WILLIAM G. MORRIS, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Clark Community College District No. 14.

GA 9067 EDITH L. NELSON, appointed June 27, 1996, for a term ending September 30, 1997, as a member of the Board of Trustees for Shoreline Community College District No. 7.

GA 9068 GREGORY NICKELS, appointed July 18, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

GA 9069 JEFFREY W. NITTA, appointed November 4, 1996, for a term ending June 30, 1999, as a member of the Housing Finance Commission.

GA 9070 EILEEN O'NEILL ODUM, appointed June 24, 1996, for a term ending April 3, 2000, as a member of the State Board for Community and Technical Colleges.

GA 9071 ROBERT L. PARLETTE, appointed March 12, 1996, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation.

GA 9072 JEANNE A. PELKEY, appointed August 31, 1995, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Blind.

GA 9073 JULIA L. PETERSON, appointed August 26, 1996, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

GA 9074 KATHLEEN M. PHILBRICK, appointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

GA 9075 JOSEPH J. PINZONE, appointed August 16, 1996, for a term ending June 30, 1999, as a member of the Work Force Training and Education Coordinating Board.

GA 9076 PHYLLIS PULFER, reappointed September 12, 1996, for a term ending June 17, 2001, as a member of the Human Rights Commission.

GA 9077 NAOMI K. PURSEL, appointed November 26, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Olympic Community College District No. 3.

GA 9078 FELIX RAMON, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Big Bend Community College District No. 18.

GA 9079 MARY H. ROBERTS, appointed February 16, 1996, for a term ending September 30, 1998, as a member of the Board of Trustees for Edmonds Community College District No. 23.

GA 9080 WILLIAM ROBINSON, appointed April 23, 1996, for a term ending September 30, 2000, as a member of the Spokane Joint Center for Higher Education.

GA 9081 BOB ROYER, reappointed July 17, 1996, for a term ending June 13, 2000, as a member of the Washington Public Power Supply System Executive Board of Directors.

GA 9082 FRANK RUSSELL, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Bates Technical College District No. 28.

GA 9083 ROGER F. SANFORD, appointed September 3, 1996, for a term ending July 26, 1999, as a member of the Personnel Appeals Board.

GA 9084 MARILYN G. SAYAN, appointed February 5, 1996, for a term ending September 8, 2000, as a member of the Public Employment Relations Commission.

GA 9085 CARIN S. SCHIENBERG, appointed October 28, 1994, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Deaf.

GA 9086 JUDY SCHURKE, appointed August 19, 1996, for a term ending June 17, 1999, as a member of the Industrial Insurance Appeals Board.

GA 9087 GAY V. SELBY, reappointed June 18, 1996, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.

GA 9088 PHYLLIS S. SELF, appointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Whatcom Community College District No. 21.

GA 9089 DAVID SHAW, reappointed June 18, 1996, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.

GA 9090 JAMES E. SHERRILL, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Centralia Community College District No. 12.

GA 9091 ALISON W. SING, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Edmonds Community College District No. 23.

GA 9092 LOIS SMITH, appointed July 18, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

GA 9093 DR MARK E. SOELLING, reappointed February 8, 1996, for a term ending December 5, 1999, as a member of the Western Washington State Hospital Advisory Board.

GA 9094 CHANG MOOK SOHN, appointed June 18, 1996, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.

GA 9095 DENNIS F. STEFANI, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Cascadia Community College District No. 30.

GA 9096 DR. ALEXANDER SWANTZ, reappointed October 30, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Walla Community College District No. 20.

GA 9097 MARY SWENSON, reappointed September 12, 1996, for a term ending September 30, 2002, as a member of the Board of Trustees for Western Washington University.

GA 9098 LINDA G. THOMPSON, appointed July 1, 1996, for a term ending June 30, 2002, as a member of the Transportation Commission.

GA 9099 J. F. TRUEBENBACH, reappointed October 1, 1996, for a term ending September 30, 2001, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

- GA 9100 JOLENE UNSOELD, appointed September 25, 1995, for a term ending December 31, 2000, as a member of the Fish and Wildlife Commission.
- GA 9101 CYRUS R. VANCE, JR, reappointed August 15, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.
- GA 9102 CHRISTINE WAKEFIELD, appointed January 1, 1997, for a term ending December 31, 1999, as a member of the Interagency Committee for Outdoor Recreation.
- GA 9103 CAPTAIN BENJAMIN L. WATSON, reappointed October 11, 1996, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.
- GA 9104 JENNY WEILAND, appointed July 18, 1996, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.
- GA 9105 DAVID WILLIAMS, reappointed June 16, 1996, for a term ending June 15, 2001, as a member of the Marine Employees' Commission.
- GA 9106 ARTHUR E. YEOMAN, appointed April 30, 1993, for a term ending January 21, 1997, as a member of the Board of Pharmacy.
- GA 9107 SUE BATALI, appointed January 10, 1997, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Deaf.
- GA 9108 MARK BROWN, appointed January 15, 1997, for a term ending December 31, 1999, as a member of the Investment Board.
- GA 9109 ROBERT E. QUOIDBACH, reappointed January 2, 1997, for a term ending January 1, 2003, as a member of the Forest Practices Appeals Board.
- GA 9110 DR. THOMAS F. SANDQUIST, appointed January 13, 1997, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.
- GA 9111 JOE TALLER, appointed January 14, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.
- GA 9112 JOAN K. THOMAS, appointed January 14, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

EDITOR'S NOTE : See Reappointment of GA 9046, Steve Klodonay, Director of the Department of Information Systems on the Twelfth th Day, January 24, 1997.

#### MOTION

On motion of Senator Johnson, the Senate granted the request of Governor Locke to withdraw the gubernatorial appointments made by Governor Lowry, with the exception of Gubernatorial Appointment No. 9062, Patrick R. McMullen, as a member of the Fish and Wildlife Commission.

Gubernatorial Appointment No. 9062, Patrick R. McMullen, as a member of the Fish and Wildlife Commission, was held on the desk.

#### INTRODUCTION AND FIRST READING

SB 5421 by Senators Schow, Newhouse, Prentice and Horn (by request of Gambling Commission)

AN ACT Relating to the seizure and forfeiture of gambling-related property; and amending RCW 9.46.231. Referred to Committee on Commerce and Labor.

SB 5422 by Senators Schow, Newhouse, Prentice and Horn (by request of Gambling Commission)

AN ACT Relating to professional gambling definitions; amending RCW 9.46.0269, 9.46.220, and 9.46.221; and prescribing penalties. Referred to Committee on Commerce and Labor.



SB 5423 by Senators Winsley and Prentice

AN ACT Relating to the bank statement rule; and amending RCW 62A.4-406.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5424 by Senators West, Wojahn, Winsley, Hale, Franklin, Jacobsen and Rasmussen

AN ACT Relating to international services; adding new sections to chapter 82.04 RCW; and adding a new section to chapter 48.14 RCW.  
Referred to Committee on Ways and Means.

SB 5425 by Senators Strannigan, Fraser, Prince, Deccio, Loveland, McAuliffe, Jacobsen, Spanel, Winsley, Rasmussen, Oke and Horn (by request of Interagency Committee for Outdoor Recreation)

AN ACT Relating to including additional projects contained in LEAP CAPITAL DOCUMENT NO. 5 in the list of Washington wildlife and recreation program projects authorized in section 327, chapter 16, Laws of 1995 2nd sp. sess.; amending 1995 2nd sp.s. c 16 s 327 (uncodified); creating a new section; authorizing expenditures; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5426 by Senator McCaslin

AN ACT Relating to making technical changes by deleting references to the former judicial council; amending RCW 1.08.025, 2.56.030, 3.34.020, 7.75.020, 10.101.020, 13.34.102, 26.12.177, and 36.22.210; reenacting and amending RCW 43.10.067; and repealing RCW 2.56.035 and 13.70.005.  
Referred to Committee on Law and Justice.

SB 5427 by Senators Swecker, Fraser, Deccio, Morton, Hale, Jacobsen, Hochstatter, McAuliffe, Finkbeiner, Rasmussen, Kohl, Kline, Oke and Roach

AN ACT Relating to exempting from taxation remedies and remedial actions regarding hazardous waste; reenacting and amending RCW 82.04.050 and 82.04.190; and adding a new section to chapter 82.04 RCW.  
Referred to Committee on Agriculture and Environment.

SB 5428 by Senators Zarelli, Roach, Benton, Stevens and Oke

AN ACT Relating to juvenile dispositions; amending RCW 13.40.0357, 13.40.038, 13.40.040, 13.40.070, 13.40.077, 13.40.080, 13.40.150, 13.40.160, 13.40.190, 13.40.193, 13.40.210, 13.40.230, 13.40.320, 13.50.050, and 9.94A.040; reenacting and amending RCW 13.40.020; repealing RCW 13.40.0354 and 13.40.125; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5429 by Senators Hochstatter, McCaslin, Benton, Hale, Schow, Oke, Strannigan, Haugen, McDonald, Swecker, Zarelli, Roach, Morton, Rossi, West and Sellar

AN ACT Relating to administrative rule making; adding a new section to chapter 34.05 RCW; and creating a new section.  
Referred to Committee on Government Operations.

SB 5430 by Senators West, Benton, Haugen, McCaslin, Heavey, Morton, Hale, Oke and Goings

AN ACT Relating to the authority of a public transportation benefit area to contract with cities and counties for the construction, maintenance, or repair of roads, streets, or sidewalks utilized by the public transportation benefit area; and amending RCW 36.57A.090.  
Referred to Committee on Transportation.

SB 5431 by Senators Finkbeiner, Brown, Rossi, Strannigan and Long

AN ACT Relating to mandatory measured telecommunications service; and amending RCW 80.04.130.  
Referred to Committee on Energy and Utilities.

SB 5432 by Senators Horn, Bauer, Jacobsen, Finkbeiner, Winsley and Oke (by request of Washington State Library)

AN ACT Relating to electronic information access for public libraries; adding new sections to chapter 27.04 RCW; creating new sections; and providing an expiration date.  
Referred to Committee on Energy and Utilities.

SB 5433 by Senators Stevens, Anderson, Rasmussen, Newhouse, Rossi, Benton, Hargrove, Goings, Finkbeiner and Zarelli

AN ACT Relating to flood damage reduction; amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 43.21C.020, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 86.15.030, 86.15.050, 86.15.160, 86.26.105, 90.58.180, 86.12.200, and 90.58.030; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; adding a new section to chapter 86.12 RCW; creating a new section; repealing RCW 79.90.325; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5434 by Senators Stevens, Hargrove, Anderson, Rasmussen, Rossi and Benton

AN ACT Relating to mineral resource land designation; adding a new section to chapter 36.70A RCW; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5435 by Senators Stevens, Hargrove, Anderson, Benton, Rossi and Rasmussen

AN ACT Relating to surface mining; amending RCW 78.44.011, 78.44.020, 78.44.040, 78.44.050, 78.44.085, and 36.70A.060; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5436 by Senators Stevens, Hargrove, Anderson, Benton, Rossi and Rasmussen

AN ACT Relating to surface mining; and amending RCW 78.44.310.  
Referred to Committee on Natural Resources and Parks.

SB 5437 by Senators Stevens, Hargrove and Benton

AN ACT Relating to surface mining; and amending RCW 78.44.131.  
Referred to Committee on Natural Resources and Parks.

SB 5438 by Senators Morton, Rasmussen, Stevens, Benton, Anderson and Hargrove

AN ACT Relating to surface mining; and amending RCW 78.44.151, 78.44.171, and 78.44.910.  
Referred to Committee on Natural Resources and Parks.

SB 5439 by Senators Morton, Hargrove, Stevens and Benton

AN ACT Relating to small public works surface mines; and amending RCW 78.44.031.  
Referred to Committee on Natural Resources and Parks.

SB 5440 by Senators Stevens, Hargrove, Benton and Rasmussen

AN ACT Relating to surface mining; and amending RCW 78.44.087.  
Referred to Committee on Natural Resources and Parks.

SB 5441 by Senators Stevens, Hargrove, Swecker, Hochstatter, Oke, Roach, McCaslin, Zarelli, Schow, West and Benton

AN ACT Relating to abortions; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and providing for submission of this act to a vote of the people.  
Referred to Committee on Law and Justice.

SB 5442 by Senators Swecker, Loveland, Anderson, Stevens, Haugen, Prince, Hale, Franklin, Sheldon, Benton, Rasmussen and Zarelli

AN ACT Relating to flood damage reduction; amending RCW 75.20.100 and 86.26.007; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5443 by Senators Horn, Wood, Jacobsen, Kohl, Prince, Bauer, West, Finkbeiner, Sheldon and Rasmussen

AN ACT Relating to the advanced technology research initiative; adding a new chapter to Title 28B RCW; creating a new section; and making appropriations.  
Referred to Committee on Higher Education.

SB 5444 by Senators Roach, Long, Fairley, Kohl, Zarelli, Kline and Goings

AN ACT Relating to lesser included offenses; and amending RCW 10.61.006.  
Referred to Committee on Law and Justice.

SB 5445 by Senators Deccio, Wojahn, Wood, Fairley and Winsley

AN ACT Relating to making technical corrections to statutes administered by the department of health; reenacting and amending RCW 18.71.210, 18.130.040, and 18.35.080; and reenacting RCW 18.35.060 and 18.35.090.  
Referred to Committee on Health and Long-Term Care.

SB 5446 by Senators Winsley, McCaslin, Haugen and Loveland

AN ACT Relating to alternative public works contracting procedures; amending RCW 39.10.030, 39.10.050, 39.10.060, 39.10.110, 39.10.120, and 39.10.902; adding a new section to chapter 39.10 RCW; repealing 1996 c 18 s 17 (uncodified); providing an effective date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5447 by Senators Deccio, Wojahn, Wood and Fairley

AN ACT Relating to the disclosure of information obtained by the department of health related to meeting licensing standards in hospitals; and amending RCW 70.41.150.  
Referred to Committee on Health and Long-Term Care.

SB 5448 by Senators Deccio, Wojahn, Wood and Fairley

AN ACT Relating to the merger of the health professions account and the medical disciplinary account; amending RCW 18.71.310; adding a new section to chapter 18.71 RCW; creating new sections; repealing RCW 18.71.400 and 18.71.410; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5449 by Senators Horn, McDonald, Fraser, Swecker, Haugen, Hale, Sellar, Franklin and Wood (by request of Secretary of State Munro)

AN ACT Relating to the state voters' pamphlet; adding new sections to chapter 29.81 RCW; and repealing RCW 29.80.010, 29.80.020, 29.80.030, 29.80.040, 29.80.050, 29.80.060, 29.80.070, 29.80.080, 29.80.090, 29.81.010, 29.81.011, 29.81.012, 29.81.014, 29.81.020, 29.81.030, 29.81.040, 29.81.042, 29.81.043, 29.81.050, 29.81.052, 29.81.053, 29.81.060, 29.81.070, 29.81.080, 29.81.090, 29.81.100, 29.81.110, 29.81.120, 29.81.130, 29.81.140, 29.81.150, 29.81.160, and 29.81.180.  
Referred to Committee on Government Operations.

SB 5450 by Senators Wojahn, Deccio, Prentice, Thibaudeau, Kline, Fairley, Sheldon, Patterson, Brown, Spanel, McAuliffe, Snyder, Kohl, Winsley and Rasmussen

AN ACT Relating to domestic violence; amending RCW 9.41.040; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5451 by Senators Wojahn, Deccio, Fairley, Prentice, Thibaudeau, Fraser, Benton and Kohl

AN ACT Relating to domestic relations; and amending RCW 26.04.160.  
Referred to Committee on Health and Long-Term Care.

SB 5452 by Senators Hale, Loveland, West, Winsley, Rasmussen and Oke

AN ACT Relating to the property taxation of nonprofit cancer clinics; amending RCW 84.36.800, 84.36.805, and 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5453 by Senators Rasmussen, Hochstatter, Finkbeiner and Goings

AN ACT Relating to procedures for annexation of school district property; and amending RCW 28A.315.250.  
Referred to Committee on Education.

SB 5454 by Senators Wood, Kohl, West and Winsley

AN ACT Relating to higher education tuition; and amending RCW 28B.15.067.  
Referred to Committee on Higher Education.

SB 5455 by Senators Wood, Kohl and Winsley

AN ACT Relating to higher education tuition; amending RCW 28B.15.067; and creating a new section.  
Referred to Committee on Higher Education.

SB 5456 by Senators Wood, Kohl and Winsley

AN ACT Relating to higher education tuition; amending RCW 28B.15.067; adding a new section to chapter 28B.15 RCW; and creating a new section.  
Referred to Committee on Higher Education.

SB 5457 by Senators Wood, Kohl, West and Winsley

AN ACT Relating to higher education tuition; amending RCW 28B.15.067; adding a new section to chapter 28B.15 RCW; and creating a new section.  
Referred to Committee on Higher Education.

SB 5458 by Senators Goings, McAuliffe, Winsley, Kohl, Bauer, Hochstatter, Patterson, Wood, Finkbeiner, Newhouse, Hale, Deccio, Sheldon, McCaslin, Spanel, Loveland, McDonald, Strannigan, Rasmussen, Jacobsen, Fairley, Snyder, Johnson, Franklin, Kline, Brown and Oke

AN ACT Relating to authorizing school levies for periods not exceeding four years; amending RCW 84.52.053; and providing a contingent effective date.  
Referred to Committee on Education.

SB 5459 by Senators McCaslin and Deccio

AN ACT Relating to campaign contributions by members of educational employee bargaining units; and adding a new section to chapter 42.17 RCW.  
Referred to Committee on Government Operations.

SB 5460 by Senators McCaslin, Deccio and Zarelli

AN ACT Relating to the use of public funds; and amending RCW 42.17.130, 36.32.350, and 36.47.040.  
Referred to Committee on Government Operations.

SB 5461 by Senators Hale, Anderson, Haugen, Loveland, Goings, Patterson, McCaslin, Winsley, Oke and Roach

AN ACT Relating to regulatory coordination; and adding a new section to chapter 34.05 RCW.  
Referred to Committee on Government Operations.

SB 5462 by Senators Hale, Anderson, Haugen, Patterson, Goings, McCaslin and Winsley

AN ACT Relating to local government permit timelines; and amending RCW 36.70B.110 and 36.70C.040.  
Referred to Committee on Government Operations.

SB 5463 by Senators Kohl, Long, Fairley, McAuliffe, Kline and Winsley

AN ACT Relating to protecting the developmentally disabled; adding a new section to chapter 4.16 RCW; and creating new sections.  
Referred to Committee on Law and Justice.

SB 5464 by Senators Kohl, Wood, Jacobsen, Winsley, Bauer, Hale, Patterson, Prince, Brown, Spanel, Sheldon, McAuliffe, Wojahn, Franklin, Thibaudeau, Snyder and Kline

AN ACT Relating to gender equity in higher education; amending RCW 28B.15.455, 28B.15.460, 28B.15.465, 28B.15.470, and 28B.110.040; repealing RCW 28B.15.480; providing an effective date; and declaring an emergency. Referred to Committee on Higher Education.

SB 5465 by Senators Jacobsen, Wood and Prentice

AN ACT Relating to treatment to restore physical function; and amending RCW 48.20.395, 48.21.230, 48.44.330, and 48.46.280. Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5466 by Senators Jacobsen and Kline

AN ACT Relating to electric and hybrid vehicles; and amending RCW 82.44.010. Referred to Committee on Ways and Means.

SB 5467 by Senators Morton, Swecker and Newhouse

AN ACT Relating to water transfers; and adding a new chapter to Title 90 RCW. Referred to Committee on Agriculture and Environment.

SB 5468 by Senators Rasmussen, Morton, Fraser, Newhouse, Oke and Jacobsen

AN ACT Relating to apiaries; amending RCW 7.48.310; adding a new section to chapter 15.60 RCW; and creating new sections. Referred to Committee on Agriculture and Environment.

SJR 8209 by Senators Goings, McAuliffe, Winsley, Kohl, Hochstatter, Spanel, Wood, Bauer, Newhouse, Patterson, Finkbeiner, Hale, Deccio, McCaslin, Sheldon, Loveland, McDonald, Strannigan, Rasmussen, Jacobsen, Fairley, Snyder, Franklin, Kline and Brown

Authorizing school levies for up to a four-year period of support.

Referred to Committee on Education.

SCR 8403 by Senators Schow, Wood, Bauer, Prince, Kohl, Heavey, Horn and Winsley

Approving the recommendations of the 1996 update of the Work Force Training and Education Coordinating Board's comprehensive plan.

Referred to Committee on Commerce and Labor.

#### MOTIONS

On motion of Senator Johnson, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5163.

On motion of Senator Johnson, Senate Bill No. 5163 was referred to the Committee on Financial Institutions, Insurance and Housing.

#### MOTIONS

On motion of Senator Johnson, the Committee on Financial Institutions, Insurance and Housing was relieved of further consideration of Senate Bill No. 5334.

On motion of Senator Johnson, Senate Bill No. 5334 was referred to the Committee on Ways and Means.

#### MOTIONS

On motion of Senator Johnson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5341

On motion of Senator Johnson, Senate Bill No. 5341 was referred to the Committee on Commerce and Labor.

#### MOTIONS

On motion of Senator Johnson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5368.

On motion of Senator Johnson, Senate Bill No. 5368 was referred to the Committee on Commerce and Labor.

#### MOTIONS

On motion of Senator Johnson, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 5376.

On motion of Senator Johnson, Senate Bill No. 5376 was referred to the Committee on Law and Justice.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1997-8603

By Senators Goings, Wojahn, McAuliffe, Long, Spanel, Loveland, Heavey, Kohl, Fraser, Haugen, Winsley, Rasmussen, Snyder, Patterson, Jacobsen, Franklin, Bauer, Kline, Thibaudeau, Fairley and Sheldon

WHEREAS, The members and staff of the Washington State Senate have lost a friend and colleague with the passing of Jimmy W. Cason; and

WHEREAS, The citizens of the state of Washington have lost a tireless public servant who, as a firefighter, an advocate for firefighters, a member of the State Investment Board, and as a citizen activist, contributed so much to the well-being of our state; and

WHEREAS, Jimmy W. Cason, contributed more to his community in his forty-eight years than most do in a lifetime; and

WHEREAS, He was also a dedicated husband, father, and grandfather; and

WHEREAS, We share the sense of loss and grief felt by his family, friends, and co-workers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby formally convey our most sincere condolences to the family of Jimmy W. Cason; we thank them for sharing him with us in his all-too-brief time among us; and we hereby urge all citizens of the state of Washington to join us in recognizing and honoring his life of service, and his commitment to the safety and well-being of each and every one of us; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the family of Jimmy W. Cason.

#### INTRODUCTION OF SPECIAL GUESTS

The President introduced members of the Jimmy Cason family, who were seated in the gallery

#### POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. Can the Senate conduct business without a quorum?"

#### REPLY BY THE PRESIDENT

President Owen: "A quorum is assumed unless challenged, Senator Heavey."

#### MOTION

At 11:45 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, January 28, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**FIFTEENTH DAY, JANUARY 27, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SIXTEENTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, January 28, 1997  
The Senate was called to order at 12:00 noon by President Pro Tempore Newhouse. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 27, 1997  
SB 5002 Prime Sponsor, Senator Wood: Creating the cross-sector network advisory committee to advise on K-20 educational telecommunications network technical and policy planning. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

January 27, 1997  
SB 5033 Prime Sponsor, Senator Roach: Providing a rebuttable presumption that the possessor of stolen access devices, checks, or drafts has knowledge that they are stolen. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 27, 1997  
SB 5089 Prime Sponsor, Senator Roach: Requiring previous bail jumpers to post bail. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 27, 1997  
SB 5150 Prime Sponsor, Senator Roach: Extending authority to cite for contempt of court. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

January 27, 1997  
SB 5151 Prime Sponsor, Senator Roach: Adjusting the jurisdictional amount for district courts. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 5469 by Senators Rossi, Benton and Prince

AN ACT Relating to disclosure of branded titles to vehicle purchasers; amending RCW 46.70.101; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5470 by Senators Rossi, Hargrove, Benton, Sellar, Morton, Winsley, Finkbeiner, Oke, Hochstatter, Long, Swecker, Johnson, Zarelli and Strannigan

AN ACT Relating to passing school buses; amending RCW 46.61.370 and 46.37.193; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5471 by Senators Wojahn, Deccio, Thibaudeau, Winsley, Bauer, Long, Franklin, Kline, Loveland, Jacobsen, Snyder, Kohl, Spanel, Fraser, Fairley, McAuliffe and Brown

AN ACT Relating to osteoporosis health services coverage; adding a new section to chapter 41.05 RCW; adding new sections to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating new sections.  
Referred to Committee on Health and Long-Term Care.

SB 5472 by Senators West, Spanel, McDonald, Kohl, Long, Sheldon, Strannigan, Oke and Winsley

AN ACT Relating to state caseload forecasts; amending RCW 41.06.087 and 43.88.160; reenacting and amending RCW 43.88.030; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5473 by Senators Long, Hargrove, Swecker, West, Oke and Winsley

AN ACT Relating to the retail sales and use taxation of emergency service vehicles purchased or used by public agencies; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5474 by Senators Hargrove, Morton, Snyder and Winsley

AN ACT Relating to recycled products; and amending RCW 43.19A.010 and 43.19A.020.  
Referred to Committee on Agriculture and Environment.

SB 5475 by Senators Brown, Kohl, Benton, Long, Patterson, Goings, Oke and Winsley

AN ACT Relating to excise taxation of college textbooks; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5476 by Senators Wood, Franklin, Deccio, Oke, Jacobsen, Fairley, Kline, Wojahn, Patterson, Thibaudeau, McDonald, Fraser, Kohl, McAuliffe, West and Goings

AN ACT Relating to bicycle safety; amending RCW 46.61.750, 28A.220.050, 46.20.095, 46.82.430, and 46.83.040; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 5.40 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 5477 by Senators Benton, Hargrove, Zarelli, Hochstatter, Stevens, Schow and Swecker

AN ACT Relating to permanent concealed pistol licenses; and amending RCW 9.41.070 and 9.41.090.  
Referred to Committee on Law and Justice.

SB 5478 by Senators Benton, Zarelli, Stevens, Oke and Winsley



AN ACT Relating to allowable blood alcohol concentration; amending RCW 46.61.502, 46.61.504, and 88.12.025; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5479 by Senators Benton, West, Hochstatter, Swecker, McDonald and Oke

AN ACT Relating to time periods for provisional status of certificated employees; and amending RCW 28A.405.220.  
Referred to Committee on Education.

SB 5480 by Senators Wood, Haugen, Horn, Prentice, Sellar, Oke and Winsley

AN ACT Relating to city and town transportation funding; amending RCW 84.52.010, 84.52.043, 82.80.020, 82.80.060, 82.80.070, 82.80.080, and 41.16.060; adding a new section to chapter 82.14 RCW; creating new sections; and repealing RCW 82.80.050.  
Referred to Committee on Transportation.

SB 5481 by Senators Swecker, Sheldon, Kohl, Strannigan, Stevens, Oke and Winsley

AN ACT Relating to the taxation of physical fitness services; reenacting and amending RCW 82.04.050; adding a new section to chapter 43.135 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5482 by Senators Oke, Hargrove, Swecker, Snyder and Haugen

AN ACT Relating to the water-dependent rental formula for leasing state aquatic lands; creating new sections; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5483 by Senators Johnson, Oke, Snyder, Prentice, Kohl, Rossi, Spanel, Swecker and Schow

AN ACT Relating to licensing whitewater river outfitters; amending RCW 88.12.010, 88.12.235, 88.12.245, 88.12.255, 88.12.265, 88.12.275, and 19.02.050; adding new sections to chapter 88.12 RCW; and prescribing penalties.  
Referred to Committee on Natural Resources and Parks.

SB 5484 by Senators Hale and Loveland

AN ACT Relating to water recreation facilities; and amending RCW 70.90.120.  
Referred to Committee on Health and Long-Term Care.

SB 5485 by Senators West, Roach, Heavey, Prentice, Bauer, Zarelli, Schow, Goings, Winsley, Hargrove, Oke, Benton, Franklin, Strannigan, Brown, Swecker, Stevens, Morton, Prince, Snyder, Hale, Horn, Kohl and Sheldon

AN ACT Relating to law enforcement officers for the state parks and recreation commission and the state liquor control board; reenacting and amending RCW 41.26.030; and adding new sections to chapter 41.40 RCW.  
Referred to Committee on Ways and Means.

SB 5486 by Senators Morton, Snyder and Prince (by request of County Road Administration Board)

AN ACT Relating to eligibility for the rural arterial program; and amending RCW 36.79.010, 36.79.020, 36.79.040, 36.79.050, 36.79.060, and 36.79.140.  
Referred to Committee on Transportation.

SB 5487 by Senators Prince, Bauer, Wood, Kohl and Winsley

AN ACT Relating to police forces at institutions of higher education; and amending RCW 28B.10.550.  
Referred to Committee on Higher Education.

SB 5488 by Senators Roach, Rasmussen, Goings, Spanel, Winsley, Haugen and Oke

AN ACT Relating to admitting fish and wildlife enforcement officers into the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5489 by Senators Winsley, Fraser, Haugen and Kohl

AN ACT Relating to bereavement leave for state employees; and amending RCW 41.06.150.  
Referred to Committee on Ways and Means.

SB 5490 by Senators Stevens, Swecker, Hochstatter, Schow, Strannigan and Zarelli

AN ACT Relating to investigations and proceedings pertaining to child dependency and abuse or neglect; amending RCW 26.44.020, 26.44.030, 26.44.035, 26.44.160, and 74.15.030; reenacting and amending RCW 26.44.050 and 13.34.130; adding a new section to chapter 13.34 RCW; adding new sections to chapter 26.44 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Human Services and Corrections.

SB 5491 by Senators Stevens, Swecker, Strannigan, Schow and Hochstatter

AN ACT Relating to termination of the parent and child relationship; amending RCW 13.34.190; and reenacting and amending RCW 13.34.180.  
Referred to Committee on Law and Justice.

SB 5492 by Senators Loveland, Sellar, Prince and Hale (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to a rural development council; adding new sections to chapter 43.31 RCW; providing an effective date; providing an expiration date; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5493 by Senators Spanel, Deccio, Wojahn, Wood, Franklin, Strannigan and Fairley

AN ACT Relating to coverage for cranial hair prostheses for alopecia areata; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5494 by Senators Deccio, Wojahn, Fairley, Wood and Prentice

AN ACT Relating to clinical laboratory science practitioners; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SJM 8004 by Senators Stevens, Swecker, Rossi, West, Schow, Strannigan, Hochstatter, Horn, Zarelli and Oke

Requesting that the Congress pass and the President sign parental rights legislation.

Referred to Committee on Human Services and Corrections.

#### MOTIONS

On motion of Senator Johnson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5466.

On motion of Senator Johnson, Senate Bill No. 5466 was referred to the Committee on Transportation.

#### MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, January 29, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**SIXTEENTH DAY, JANUARY 28, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SEVENTEENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, January 29, 1997

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Andrew Patrick and Danielle Bates, presented the Colors. Reverend Kenneth Bates, pastor of the Napavine Baptist Church, and a guest of Senator Val Stevens and Senator Joseph Zarelli, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 28, 1997

SB 5029 Prime Sponsor, Senator Morton: Eliminating obsolete references in the water code. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

**MESSAGE FROM THE HOUSE**

January 27, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1022,  
HOUSE JOINT MEMORIAL NO. 4001,  
HOUSE JOINT MEMORIAL NO. 4006, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

**MOTION**

At 10:09 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 10:18 a.m. by President Owen.

**MESSAGE FROM THE HOUSE**

January 24, 1997

MR. PRESIDENT:

The House has passed SENATE CONCURRENT RESOLUTION NO. 8401 with the following amendment:  
On page 2, line 3, after "Reviser" insert ", and (3) before a jointly sponsored bill may be dropped into the hopper it must be available for one day in the Secretary of the Senate's office, in the case of a House bill, and the Chief Clerk's office, in the case of a Senate bill, for members to sign as cosponsors. The Secretary and Chief Clerk shall establish procedures for notifying members of the bill's availability for sponsorship", and the same are herewith transmitted. TIMOTHY A. MARTIN, Chief Clerk

**MOTION**

On motion of Senator Johnson, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 8401.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8401, as amended by the House.

SENATE CONCURRENT RESOLUTION NO. 8401, as amended by the House, was adopted by voice vote.

## INTRODUCTION AND FIRST READING

SB 5495 by Senator Heavey

AN ACT Relating to adverse possession not under claim of title; and adding a new section to chapter 7.28 RCW.  
Referred to Committee on Law and Justice.

SB 5496 by Senators Hochstatter, Swecker and Schow

AN ACT Relating to volunteer school bus monitors; and adding a new section to chapter 28A.300 RCW.  
Referred to Committee on Education.

SB 5497 by Senators Hochstatter, Schow and Oke

AN ACT Relating to public assistance; amending RCW 74.12.340; reenacting and amending RCW 74.15.020; adding new sections to chapter 74.12 RCW; creating new sections; repealing RCW 74.12.420; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 5498 by Senators Hochstatter, McAuliffe, Oke and Kohl

AN ACT Relating to teacher assessment for certification; adding a new section to chapter 28A.410 RCW; creating a new section; and repealing RCW 28A.410.020.  
Referred to Committee on Education.

SB 5499 by Senators Roach, Johnson, Goings, Jacobsen, Haugen, Horn, Zarelli, McCaslin, Long, Franklin, Winsley, Oke and Rasmussen

AN ACT Relating to assault on bus drivers; amending RCW 9A.36.031; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5500 by Senators Rasmussen, Winsley and Goings

AN ACT Relating to early retirement benefits; reenacting and amending RCW 28A.400.212; creating new sections; providing expiration dates; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5501 by Senator Morton

AN ACT Relating to surface mining; and amending RCW 78.44.085.  
Referred to Committee on Natural Resources and Parks.

SB 5502 by Senators Haugen, Rasmussen, Prince and Oke (by request of County Road Administration Board)

AN ACT Relating to the submittal date for county six-year transportation programs; and reenacting and amending RCW 36.81.121.  
Referred to Committee on Transportation.

SB 5503 by Senators Anderson, Kohl, Winsley, Bauer, Hale, Wood, McAuliffe, Goings, Spanel and Patterson (by request of State Board for Community and Technical Colleges)

AN ACT Relating to the merger of technical and community colleges; amending RCW 28B.50.215; and reenacting and amending RCW 28B.50.140.  
Referred to Committee on Higher Education.

SB 5504 by Senators Prince, Hochstatter and Morton

AN ACT Relating to electrical installation; and amending RCW 19.28.610.  
Referred to Committee on Commerce and Labor.

SB 5505 by Senators Morton, Rasmussen and Swecker

AN ACT Relating to water supply and growth management; amending RCW 43.21A.064; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5506 by Senators McCaslin, Hargrove, Anderson, Hochstatter, Schow and Oke

AN ACT Relating to increasing flexibility for counties and cities in implementing growth management; amending RCW 36.70A.040 and 36.70A.110; and adding a new section to chapter 36.70A RCW.  
Referred to Committee on Government Operations.

SB 5507 by Senators Prince, Hochstatter, Morton and Rasmussen

AN ACT Relating to traffic safety education for juvenile agricultural drivers; and amending RCW 46.20.070.  
Referred to Committee on Transportation.

SB 5508 by Senators Hochstatter, Oke, Morton, Swecker, Finkbeiner, Horn, Stevens and Schow

AN ACT Relating to reading accountability; amending RCW 28A.630.886; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.630 RCW; creating new sections; and making an appropriation.  
Referred to Committee on Education.

SB 5509 by Senators Rossi, Roach, Zarelli, Winsley, Long, Morton, Goings, Finkbeiner, Oke, Hochstatter, Benton, Johnson, Stevens, McCaslin and Rasmussen

AN ACT Relating to definitions regarding offenders; and reenacting and amending RCW 9.94A.030.  
Referred to Committee on Law and Justice.

SB 5510 by Senator Swecker

AN ACT Relating to the division of land; and amending RCW 58.17.040.  
Referred to Committee on Government Operations.

SB 5511 by Senators Stevens, Hargrove, Zarelli, Haugen, Benton, Strannigan, Rasmussen, Hochstatter, Schow and Goings

AN ACT Relating to child abuse and neglect information; amending RCW 26.44.100 and 74.15.030; and adding a new section to chapter 26.44 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5512 by Senators Stevens, Hargrove, Benton, Haugen, Strannigan, Hochstatter, Rasmussen, Schow and Oke

AN ACT Relating to admittance of guilt in child abuse and neglect; and amending RCW 26.44.140.  
Referred to Committee on Human Services and Corrections.

SB 5513 by Senators Oke, Spanel, Wood and Horn

AN ACT Relating to exceptions from vessel registration; amending RCW 88.02.030; and providing an expiration date.  
Referred to Committee on Transportation.

SB 5514 by Senators Morton, Rasmussen and Swecker (by request of Department of Agriculture)

AN ACT Relating to authorizing fees for commodity commissions and the department of agriculture; amending RCW 15.86.070; adding a new section to chapter 15.65 RCW; adding a new section to chapter 15.28 RCW; adding a new section to chapter 43.23 RCW; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5515 by Senators Morton, Rasmussen and Swecker (by request of Department of Agriculture)

AN ACT Relating to pesticide registration and licensing; amending RCW 15.58.040, 15.58.070, 15.58.170, 15.58.180, 15.58.200, 15.58.210, 15.58.220, 15.58.420, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.132, 17.21.220, and 17.21.350; adding a new section to chapter 15.58 RCW; repealing RCW 15.58.245, 17.21.910, 15.58.415, and 17.21.360; and providing an effective date.  
Referred to Committee on Agriculture and Environment.

SB 5516 by Senators Horn, West and Schow

AN ACT Relating to exempting goodwill of businesses from property taxation; amending RCW 84.36.070; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5517 by Senators Wood, Kohl, Bauer, Patterson, Winsley, Brown, Goings, Fraser, Loveland, Benton, Sellar, Franklin and Oke

AN ACT Relating to the membership of the governing boards of the state's institutions of higher education; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.  
Referred to Committee on Higher Education.

SB 5518 by Senators McCaslin, Hale, Horn, Winsley and Oke

AN ACT Relating to unfair practices with respect to real estate transactions, facilities, or services; and amending RCW 49.60.222.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5519 by Senators Sellar and Oke

AN ACT Relating to assuring compliance with sentence conditions; and reenacting and amending RCW 9.94A.030 and 9.94A.120.  
Referred to Committee on Human Services and Corrections.

SB 5520 by Senator McCaslin

AN ACT Relating to intimidation of witnesses; and amending RCW 9A.72.110.  
Referred to Committee on Law and Justice.

SB 5521 by Senator Haugen

AN ACT Relating to county research services; amending RCW 82.14.200, 43.88.114, 43.110.030, and 43.110.010; adding a new section to chapter 36.32 RCW; and adding a new section to chapter 43.110 RCW.  
Referred to Committee on Government Operations.

SB 5522 by Senator Heavey

AN ACT Relating to gambling; amending RCW 9.46.0241, 9.46.215, 9.46.310, and 9.46.903; adding a new section to chapter 9.46 RCW; prescribing penalties; and providing a contingent effective date.  
Referred to Committee on Commerce and Labor.

SB 5523 by Senators Wood, McDonald, Deccio, Hale, Hochstatter, Rossi, Oke, Morton, Swecker, Finkbeiner, Anderson and Horn

AN ACT Relating to higher education services contracts; and amending RCW 41.06.382.  
Referred to Committee on Higher Education.

SB 5524 by Senators Haugen, Horn, Jacobsen, Hale and Winsley

AN ACT Relating to competitive bidding procedures for emergency public works; and adding new sections to chapter 39.04 RCW.  
Referred to Committee on Government Operations.

SB 5525 by Senators Haugen, Horn, Jacobsen and Hale

AN ACT Relating to exemptions from formal competitive bidding procedures for goods and services; and adding a new chapter to Title 39 RCW.  
Referred to Committee on Government Operations.

SB 5526 by Senators McDonald, Sellar and Anderson

AN ACT Relating to exempting certain diversions of surface waters from the permit process; amending RCW 90.03.250; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture and Environment.

SB 5527 by Senators McDonald, Rasmussen, Sellar, Fraser and Anderson

AN ACT Relating to incentives for water-efficient irrigation systems; amending RCW 90.03.380; adding a new chapter to Title 90 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Environment.

SB 5528 by Senators Kohl, Long, Thibaudeau, Franklin, Patterson, Fairley, Winsley, Oke and Rasmussen

AN ACT Relating to protecting children and vulnerable adults by using background checks; amending RCW 28A.400.303, 28A.400.320, 28A.400.330, 28A.410.090, 28A.410.110, 28A.405.470, 28A.195.010, 9.96A.020, and 41.06.150; reenacting and amending RCW 18.130.040; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 2.04 RCW; adding a new section to chapter 2.06 RCW; adding a new chapter to Title 70 RCW; creating new sections; repealing RCW 41.06.475, 43.43.815, 43.43.832, 43.43.834, 43.43.838, and 43.43.842; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 5529 by Senators Kohl, Horn, Heavey, Schow, Fairley, Winsley and Oke

AN ACT Relating to requiring a landlord to provide a rent receipt if requested; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Law and Justice.

SJM 8005 by Senators Hale, Loveland, Rasmussen, Bauer, Haugen, Oke, Horn, Morton and Deccio

Petitioning for use of the Fast Flux Test Facility to meet critical national needs.

HOLD.

SJR 8210 by Senator Heavey

Prohibiting gambling devices.

Referred to Committee on Commerce and Labor.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1022 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Johnson, Mitchell, McMorris, Talcott, Hickel, Chandler, Mastin, Lambert, Sheldon, Schoesler, Hatfield, Kessler, Mulliken, Honeyford, Thompson, Koster, DeBolt, D. Sommers, Carrell, L. Thomas, Dunn, Mielke, Clements, O'Brien and Doumit)

Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval.

Referred to Committee on Natural Resources and Parks.

HJM 4001 by Representatives Buck, Cairnes, Sheldon, L. Thomas, Carlson, Talcott, Doumit, Johnson, Mitchell, Hankins, Lisk, McMorris, Clements, Kessler, Schoesler, Grant, Dunn, Alexander, Mastin, Hatfield, D. Sommers, DeBolt, Mulliken, Honeyford, Thompson and Mielke

Petitioning and directing the commissioner of public lands to not sign an implementation agreement for a habitat conservation plan.

Referred to Committee on Natural Resources and Parks.

HJM 4006 by Representatives Mitchell, Ogden, Sehlin, Robertson, Pennington, Lambert, Carrell, Ballasiotes, Radcliff, Delvin, Conway, Hankins, K. Schmidt, Zellinsky, Dyer, Sterk, Sump, Thompson, D. Sommers, Dickerson, Kenney, Cody, Mason, Mielke, Boldt, Costa, Scott, Cole, Johnson, Parlette, Cairnes, O'Brien, Lantz, Hickel, Anderson, Poulsen, Van Luven, Backlund, D. Schmidt, Romero, Alexander, Constantine, Morris, Fisher, Quall, Murray, Hatfield, Kessler, Blalock, DeBolt, L. Thomas, Carlson, Keiser, Wensman, Butler,

Cooke, Linville, Sheldon, Gardner, Sullivan, Wolfe, Talcott, Cooper, Chopp, Gombosky, Regala and Doumit

Encouraging greater federal funding of research into finding the cause, prevention, and cure for breast cancer.

HOLD.

#### MOTION

On motion of Senator Johnson, the rules were suspended and Senate Joint Memorial No. 8005 and House Joint Memorial No. 4006 were advanced to second reading and placed on the second reading calendar.

#### MOTION

On motion of Senator Johnson, the rules were suspended and Engrossed House Bill No. 1417, which was held on the Introduction and First Reading Calendar January 24, 1997, was advanced to second reading and placed on the second reading calendar.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1417, by Representatives B. Thomas, Carrell, Cairnes, Dyer, L. Thomas, Mulliken, Sheldon, Robertson, Thompson, Cooke, Mielke and Van Luven

Reducing total state levy amounts by 4.7187 percent.

The bill was read the second time.

#### MOTION

At 10:23 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 10:59 a.m. by President Owen.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1417 which was under consideration before the Senate went at ease.

#### MOTION

Senator Loveland moved that the following amendments by Senators Loveland, Spanel and Snyder be considered simultaneously and be adopted:

Beginning on page 2, line 1, strike all of section 2 Renummer the remaining sections consecutively and correct any internal references accordingly. On page 2, after line 11, strike all of section 5 Debate ensued.

#### POINT OF INQUIRY

Senator Goings: "Thank you, Senator McDonald. You've talked a lot about the folks out there being the final arbiters of the decision and that this tax cut is just the beginning. I agree, too, that the people should have that decision. Can we have your word and the word of your caucus that if we truly want the people to decide, that you will allow Senate Bill No. 6118, the two hundred and five dollar middle-class tax cut, also to go to the people in the referendum and allow the people to make the real decision? Will you allow that to happen?"

Senator McDonald: "Well, you know, Senator Goings, I don't exactly have complete control over that. I'll tell you what--what comes out of the Ways and Means Committee and goes to this floor and what goes off this floor and goes down to the Governor--if the Governor does not choose to sign something that we can get out of the Legislature, then yes, we will probably have that go to the final arbiter which would be the people. So, I have no idea what the final outcome will be out of the Ways and Means Committee, but I want to see something happen.

"I will tell you this, I don't think there is any bad idea out here. I think the fact that what Senator West has offered is going to give eight thousand people--eight thousand dollars--to a person who has an average home in this state, is a lot better than the one that the Governor has proposed which would give them two thousand over the same twenty year period. I think that is better for them and what I want to see and what I will vote for out of the Ways and Means Committee is what does the best for those residential home owners. So, absolutely, Senator Goings, what comes out of the process and comes out of the committee--if it can't come out of the Governor's office--then I really think that I will join with you in making sure that it gets to the final arbiters, the people."

Senator Goings: "Thank you majority leader McDonald. I agree, you can't control all members of your caucus, but I am glad to have--and I don't want to misrepresent what you've said--but it sounds like we have your word that you will have the opportunity to allow that and you will support our issue of going forward and let the people decide in a referendum? You did not say that, then? All right, thank you, Mr. President."

Further debate ensued.



Senator Sheldon demanded a roll call and the demand was sustained.  
The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Loveland, Spanel and Snyder, beginning on page 2, line 1, and page 2, after line 11, to Engrossed House Bill No. 1417.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, Snyder, Spanel and Thibaudeau - 20. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Absent: Senator Wojahn - 1.

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed House Bill No. 1417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Heavey, Senator Wojahn was excused.  
Further debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1417.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1417 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Sheldon, Snyder, Spanel and Thibaudeau - 17. Excused: Senator Wojahn - 1. ENGROSSED HOUSE BILL NO. 1417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Heavey: "A point of personal privilege, Mr. President. I personally have suffered greatly and I am sure most of you have suffered through the pain and suffering of the lady from Spokane and the gentleman from southeast Seattle through their first speeches to this floor. I think it is only appropriate after this gut-wrenching, painful experience that they tender some sort of gift or remuneration to the body for having to go through this experience. Thank you."

#### MOMENT OF SILENCE

At the request of Senator McDonald, the Senate stood for a moment of silence in memory of Milton Swecker, the father of Senator Dan Swecker, who passed away this morning.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8005, by Senators Hale, Loveland, Rasmussen, Bauer, Haugen, Oke, Horn, Morton and Deccio

Petitioning for use of the Fast Flux Test Facility to meet critical national needs.

The joint memorial was read the second time.

#### MOTIONS

On motion of Senator Hale, the following amendments were considered simultaneously and were adopted:  
On page 1, line 4, after "AND TO" strike "HAZEL R. O'LEARY," On page 2, line 24, after "States," strike "Hazel R. O'Leary," On motion of Senator Hale, the rules were suspended, Engrossed Senate Joint Memorial No. 8005 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8005.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8005 and the engrossed joint memorial passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley and Wood - 38. Voting nay: Senators Heavey, Jacobsen, Kline, Kohl, McAuliffe, Spanel and Thibaudeau - 7. Absent: Senators Prince and Zarelli - 2. Excused: Senator Wojahn - 1. ENGROSSED SENATE JOINT MEMORIAL NO. 8005, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4006, by Representatives Mitchell, Ogden, Sehlin, Robertson, Pennington, Lambert, Carrell, Ballasiotes, Radcliff, Delvin, Conway, Hankins, K. Schmidt, Zellinsky, Dyer, Sterk, Sump, Thompson, D. Sommers, Dickerson, Kenney, Cody, Mason, Mielke, Boldt, Costa, Scott, Cole, Johnson, Parlette, Cairnes, O'Brien, Lantz, Hickel, Anderson, Poulsen, Van Luven, Backlund, D. Schmidt, Romero, Alexander, Constantine, Morris, Fisher, Quall, Murray, Hatfield, Kessler, Blalock, DeBolt, L. Thomas, Carlson, Keiser, Wensman, Butler, Cooke, Linville, Sheldon, Gardner, Sullivan, Wolfe, Talcott, Cooper, Chopp, Gombosky, Regala and Doumit

Encouraging greater federal funding of research into finding the cause, prevention, and cure for breast cancer.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, House Joint Memorial No. 4006 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4006.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4006 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Absent: Senators Prince and Swecker - 2. Excused: Senator Wojahn - 1. HOUSE JOINT MEMORIAL NO. 4006, having received the constitutional majority, was declared passed.

#### MOTION

At 11:57 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 6:36 p.m. by President Owen.

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

#### REPORTS OF STANDING COMMITTEES

January 28, 1997

SB 5011 Prime Sponsor, Senator Prentice: Changing the financial and reporting requirements of health care service contractors and health maintenance organizations. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5011 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Prentice.

Passed to Committee on Rules for second reading.

January 28, 1997

SB 5012 Prime Sponsor, Senator Winsley: Filing certain insurance related corporate documents. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Prentice.

Passed to Committee on Rules for second reading.

January 28, 1997

SB 5071 Prime Sponsor, Senator Stevens: Changing provisions relating to territory included in city and town boundary extensions. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5071 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 1997

SB 5140 Prime Sponsor, Senator Long: Revising provisions relating to community placement of offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

January 28, 1997

SB 5141 Prime Sponsor, Senator Long: Revising the procedure for siting work release facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

January 29, 1997

SB 5212 Prime Sponsor, Senator Swecker: Limiting property taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5212 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Fraser, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE CONCURRENT RESOLUTION NO. 8401.

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

MESSAGES FROM THE HOUSE

January 29, 1997

MR. PRESIDENT:

The House has adopted ENGROSSED SENATE JOINT MEMORIAL NO. 8005, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 29, 1997

MR. PRESIDENT:

The Speaker has signed HOUSE JOINT MEMORIAL NO. 4006, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 29, 1997

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 1417, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SENATE JOINT MEMORIAL NO. 8005.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED HOUSE BILL NO. 1417.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE JOINT MEMORIAL NO. 4006.

MESSAGE FROM THE HOUSE

January 29, 1997

MR. PRESIDENT:

The Speaker has signed ENGROSSED SENATE JOINT MEMORIAL NO. 8005, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

At 6:38 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, January 30, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SEVENTEENTH DAY, JANUARY 29, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTEENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 30, 1997

The Senate was called to order at 12:00 noon by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Bauer. On motion of Senator Franklin, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Nicole Ewing and Tracey Denoyelles, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

#### MOTION

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

#### PERSONAL PRIVILEGE

Senator Schow: "A point of personal privilege, Mr. President. As all of you know, for about the last nine months, my wife has been fighting the battle of cancer. I just want, on her behalf, to say thank you to all of you for your tremendous support--your cards, your letters, phone calls and most of all, your prayers. Yesterday, we received some more bad news. The cancer has spread to her lungs, so we have a new battle to fight. But, I want you to know how much it has meant to her and to me to know that we have friends like you who have us in your prayers and your thoughts. I just want to say 'thank you' to all of you. We are going to whip this thing. We had a long talk last night and we are going to whip it--we are going to keep fighting. We'll know in a few days what the procedures are, but I just want you to know how much she appreciates each and every one of you. Thank you."

#### MOTION

At 12:09 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 1:58 p.m. by President Owen.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 27, 1997

TO THE HONORABLE, THE MEMBERS  
OF THE WASHINGTON STATE SENATE

Ladies and Gentlemen:

I am pleased to resubmit for Senate confirmation the attached list of boards and commission appointments. Thank you for your cooperation with this request.

Sincerely,  
GARY LOCKE, Governor

#### GOVERNOR LOCKE GUBERNATORIAL APPOINTMENTS

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Kay Adamson, reappointed January 28, 1997, for a term ending July 1, 2001, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Kenneth Alhadeff, reappointed January 28, 1997 for a term ending September 30, 2002, as a member of the Board of Regents for Washington State University.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Connie L. Ambrose-Hosman, reappointed January 28, 1997, for a term ending April 3, 2000, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Loren Anderson, reappointed January 28, 1997, for a term ending March 26, 2000, as a member of the Higher Education Facilities Authority.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Sue Batali, reappointed January 28, 1997, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Denisse F. Barry, reappointed January 28, 1997, for a term ending December 5, 1998, as a member of the Eastern Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Darrell Beers, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Tom Borgaila, reappointed January 28, 1997, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Joe Bowen, reappointed January 28, 1997, for a term ending June 17, 2000, as a member of the Human Rights Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George Bradley, reappointed January 28, 1997, for a term ending January 19, 1999, as a member of the Board of Pharmacy.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancylynn Bridges, reappointed January 18, 1997, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Scott Brundage, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul D. Burton, reappointed January 28, 1997, for a term ending September 30, 1999, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth M. Calvin, reappointed January 28, 1997, for a term ending August 2, 1997, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phyllis J. Campbell, reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Regents for Washington State University.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Kenneth Casavant, reappointed January 28, 1997, for a term ending January 15, 1998, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Energy and Utilities.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Gregory Costello, reappointed January 28, 1997, for a term ending January 1, 1999, as a member of the Forest Practices Appeals Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Reverend Bernard J. Coughlin, S.J., reappointed January 28, 1997, for a term ending September 30, 2000, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Bernadene Dochnahl, reappointed January 28, 1997, for a term ending January 4, 2003, as a member of the Personnel Resources Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Ricky Dockter, reappointed January 28, 1997, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Nancy J. Donigan, reappointed January 28, 1997, for a term ending December 5, 1999, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Carol Dotlich, reappointed January 28, 1997, for a term ending December 5, 1999, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
John M. Emerson, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Highline Community College District No. 9.



Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Mickey Fearn, reappointed January 28, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Joseph Fram, reappointed January 28, 1997, for a term ending July 1, 2001, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Bill Frank, Jr., reappointed January 28, 1997, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Ricardo R. Garcia, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Kathleen Gutierrez, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Elling B. Halvorson, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

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

Russell D. Hauge, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Healea, reappointed January 28, 1997, and ending September 30, 2001, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sheryl S. Hershey, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patty Hill-Voth, reappointed January 28, 1997, for a term ending December 5, 1998, as a member of the Eastern Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Hogan, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. C. Jackson, reappointed January 28, 1997, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald Jacobson, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Chris Jensen, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald W. Johnson, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Veltry Johnson, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain Ioannis (John) A. Karakoulakis, reappointed January 28, 1997, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe King, reappointed January 28, 1997, for a term ending September 30, 2000, as a member of the Board of Regents for Washington State University.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Kneeshaw, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain Robert N. Kromann, reappointed January 28, 1997, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Lamb, reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Linda Lanham, reappointed January 28, 1997, for a term ending January 4, 1999, as a member of the Personnel Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John E. Lantz, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Hubert Locke, reappointed January 28, 1997, for a term ending August 2, 1999, as Chair of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gabriel C. Love, reappointed January 28, 1997, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pam Lucas, reappointed January 28, 1997, for a term ending December 5, 1998, as a member of the Eastern Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert J. Margulis, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Donna M. Mason, reappointed January 28, 1997, for a term ending December 31, 1999, as Chair of the Interagency  
Committee for Outdoor Recreation.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Guy McMinds, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of  
Trustees for Grays Harbor Community College District No. 2.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Robert D. McVicars, reappointed January 28, 1997, for a term ending June 30, 1999, as a member of the Housing  
Finance Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Financial Institutions, Insurance and Housing.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Judith M. Merchant, reappointed January 28, 1997, for a term ending July 26, 1997, as a member of the Personnel  
Appeals Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Greg Nickels, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing  
Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Jeffrey W. Nitta, reappointed January 28, 1997, for a term ending June 30, 1999, as a member of the Housing  
Finance Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Financial Institutions, Insurance and Housing.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Eileen O'Neill Odum, reappointed January 28, 1997, for a term ending April 3, 2000, as a member of the State  
Board for Community and Technical Colleges.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Robert L. Parlette, reappointed January 28, 1997, for a term ending December 31, 1998, as a member of the  
Interagency Committee for Outdoor Recreation.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Jeanne A. Pelkey, reappointed January 28, 1997, for a term ending July 1, 2000, as a member of the Board of  
Trustees for the State School for the Blind.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Julia L. Petersen, reappointed January 28, 1997, for a term ending July 1, 2000, as a member of the Board of  
Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Kathleen M. Philbrick, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the  
Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Joseph J. Pinzone, reappointed January 28, 1997, for a term ending June 30, 1999, as a member of the Work Force  
Training and Education Coordinating Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Phyllis Pulfer, reappointed January 28, 1997, for a term ending June 17, 2001, as a member of the Human Rights  
Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

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

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

Naomi K. Pursel, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Felix Ramon, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Helen Roberts, reappointed January 28, 1997, for a term ending September 30, 1998, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William Robinson, reappointed January 28, 1997, for a term ending September 30, 2000, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bob Royer, reappointed January 28, 1997, for a term ending June 13, 2000, as a member of the Washington Public Power Supply System Board of Directors.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Energy and Utilities.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank Russell, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roger F. Sanford, reappointed January 28, 1997, for a term ending July 26, 1999, as a member of the Personnel Appeals Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Marilyn Glenn Sayan, reappointed January 28, 1997, for a term ending September 8, 2000, as Chair of the Public Employment Relations Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Carin S. Schienberg, reappointed January 28, 1997, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Gay V. Selby, reappointed January 28, 1997, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Phyllis S. Self, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
David Shaw, reappointed January 28, 1997, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
James E. Sherrill, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Alison Wo Sing, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.



January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Lois Smith, reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Mark E. Soelling, reappointed January 28, 1997, for a term ending December 5, 1999, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Chang Mook Sohn, reappointed January 28, 1997, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dennis F. Stefani, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Alexander Swantz, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Mary Swenson, reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Western Washington University.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Linda G. Tompkins, reappointed January 28, 1997, for a term ending June 30, 2002, as a member of the Transportation Commission.

Sincerely,

Referred to Committee on Transportation

GARY LOCKE, Governor

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
J. F. Truebenbach, reappointed for a term January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Cyrus R. Vance, Jr., reappointed January 28, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Christine Wakefield, reappointed January 28, 1997, for a term ending December 31, 1999, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Captain Benjamin L. Watson, reappointed January 28, 1997, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Jenny Wieland, reappointed January 28, 1997, for a term ending August 2, 1999, as member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

January 28, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
David Williams, reappointed January 28, 1997, for a term ending June 15, 2001, as a member of the Marine Employees' Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

January 28, 1997

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

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

Arthur E. Yeoman, reappointed January 28, 1997, for a term ending January 21, 2001, as a member of the Board of Pharmacy.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Fran Lewis, reappointed January 28, 1997, for a term ending December 5, 1999, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce W. Hilyer, reappointed January 28, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard C. Kelley, reappointed January 28, 1997, for a term ending June 30, 2002, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Agriculture and Environment.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mike B. Kreidler, reappointed January 28, 1997, for a term ending January 15, 1999, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Energy and Utilities.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joan K. Thomas, reappointed January 28, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jolene Unsoeld, reappointed January 28, 1997, for a term ending at the pleasure of the Governor, as a member of the Fish and Wildlife Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

MOTIONS

On motion of Senator Johnson, the Gubernatorial Appointments were referred to the committees as listed.  
On motion of Senator Johnson, Gubernatorial Appointment No. 9062, Patrick McMullen, as a member of the Fish and Wildlife Commission, which was held on the desk January 27, 1997, was referred to the Committee on Natural Resources and Parks.

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

#### REPORT OF STANDING COMMITTEE

January 29, 1997

SB 5049 Prime Sponsor, Senator Wood: Providing vehicle owners' names and addresses to commercial parking companies.  
Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Oke, Prentice, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senators Morton and Patterson.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

January 30, 1997

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5530 by Senators Morton and Rasmussen

AN ACT Relating to defining agriculture; amending RCW 49.17.020; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5531 by Senators West, Wood, Finkbeiner, Bauer, Jacobsen, Hale, Patterson, Oke and Winsley

AN ACT Relating to a business and occupation or public utility tax credit for persons making contributions to public institutions of higher education in this state; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Higher Education.

SB 5532 by Senators McCaslin, Haugen and Winsley

AN ACT Relating to mediation in land-use decisions involving conditional or special use permits; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; and adding a new section to chapter 36.32 RCW.  
Referred to Committee on Government Operations.

SB 5533 by Senators Haugen and Jacobsen

AN ACT Relating to revising certain competitive bid dollar amounts to account for inflation; and amending RCW 35.22.620 and 35.23.352.  
Referred to Committee on Government Operations.

SB 5534 by Senators Wood, Kohl, Patterson, Spanel, Bauer, Prince, Hale, Winsley and Haugen

AN ACT Relating to faculty salary increments for community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.  
Referred to Committee on Higher Education.

SB 5535 by Senators Thibaudeau and Prentice

AN ACT Relating to the provision of services by dental hygienists; amending RCW 18.29.021, 18.29.045, 18.29.060, 18.29.071, 18.29.100, 18.29.110, 18.29.120, 18.29.130, 18.29.140, 18.29.150, 18.29.160, 18.29.180,

18.29.190, and 18.29.210; adding new sections to chapter 18.29 RCW; repealing RCW 18.29.050 and 18.29.056; providing an effective date; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5536 by Senators Stevens, Zarelli, Morton, Benton and Hochstatter

AN ACT Relating to education program funding; and adding a new section to chapter 28A.300 RCW.  
Referred to Committee on Education.

SB 5537 by Senators Stevens, Rasmussen, Zarelli, Brown, Morton and Oke

AN ACT Relating to an ex-offender transitional work program; adding a new section to chapter 50.62 RCW; creating a new section; and making appropriations.  
Referred to Committee on Commerce and Labor.

SB 5538 by Senators Long, Hargrove, Zarelli, Oke and Winsley

AN ACT Relating to child victims and witnesses; amending RCW 7.69A.030; adding a new section to chapter 7.69A RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5539 by Senators Oke and Horn (by request of Washington State Patrol)

AN ACT Relating to accident reports; and amending RCW 46.52.030.  
Referred to Committee on Transportation.

SB 5540 by Senators Rasmussen, Thibaudeau and Winsley (by request of Washington State Patrol)

AN ACT Relating to the delegation of authority by the chief of the Washington state patrol; and amending RCW 43.43.020, 43.43.040, 43.43.060, 43.43.070, 43.43.080, 43.43.090, 43.43.100, 43.43.370, 43.43.550, 43.43.650, and 43.43.710.  
Referred to Committee on Transportation.

SB 5541 by Senators Wood, Goings and Winsley (by request of Washington State Patrol)

AN ACT Relating to restricting the distance a vehicle may travel in a two-way left turn lane; and reenacting and amending RCW 46.61.290.  
Referred to Committee on Transportation.

SB 5542 by Senators Long, Hargrove, Schow and Kohl (by request of Department of Corrections)

AN ACT Relating to the alien offender camp; and repealing RCW 72.09.560.  
Referred to Committee on Human Services and Corrections.

SB 5543 by Senators Snyder, West, Bauer, Zarelli, Oke and Fraser (by request of Department of Revenue)

AN ACT Relating to sales and use tax deferrals for rentals of machinery and equipment used in the installation and construction of investment projects in distressed areas; and amending RCW 82.60.020.  
Referred to Committee on Ways and Means.

SB 5544 by Senators Strannigan, West, Heavey, Anderson, Haugen, Johnson, Rasmussen, Wood, Sellar, Prince, McDonald, Hale, Oke and Schow

AN ACT Relating to use of motor vehicle excise taxes for transportation purposes; amending RCW 82.44.150; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5545 by Senators McCaslin, Benton, Morton, Zarelli, Horn, Bauer, Stevens, Hale, Anderson, Oke and Schow

AN ACT Relating to procedures for fees for governmental services; adding a new section to chapter 34.05 RCW; and adding a new section to chapter 19.85 RCW.  
Referred to Committee on Government Operations.

SB 5546 by Senators Jacobsen, Prentice, Prince, Fraser and Winsley

AN ACT Relating to the Hispanic American endowed scholarship program; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5547 by Senators Jacobsen and Horn

AN ACT Relating to computing the time within which an act is to be done; and amending RCW 1.12.040.  
Referred to Committee on Law and Justice.

#### MOTION

At 2:00 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 3:00 p.m. by President Owen.

#### PERSONAL PRIVILEGE

Senator Fairley: "Thank you, Mr. President. I rise to a point of personal privilege. While the Senate was at ease for caucus, the chair of Law and Justice, Senator Pam Roach, went over to the committee meeting and there falsely stated that the ranking minority member, Senator Darlene Fairley, a Democrat, was not willing to come over and listen to what they had to say. Now, I am hurt; I feel that Senator Roach has impugned my reputation as a Senator and has impugned my willingness to do the job. I would ask, and I hope, that Senator Roach finds a way to make this extremely unfair accusation right. Thank you."

#### REMARKS BY SENATOR ROACH

Senator Roach: "If I may rise to respond. I think that we can get a transcript of what was said. Senator Fairley was not there to hear what I said. All right, fine, we can get a transcript. What I said was the truth. I felt that I should tell the people that flew over from Spokane, the people who drove from Camas and the people in a carpool who drove down from Everett--to let them know that we were certainly willing to have the hearing, because the Democrats didn't want to--these folks over here. I am sorry that is what happened. You rose up and said, 'No, we don't want to do it; we want to caucus.' So, I said fine to that and walked over to let them know that we were not, in fact, going to be holding a hearing. Now, I am sorry if someone thinks that it is wrong for me to go over and tell those citizens of the state of Washington that we were having the Democrats in caucus and Republicans were, therefore, prohibited from having a hearing--because, in fact, that is what happened.

"I enjoy Senator Fairley's company. She sits next to me in the Law and Justice Committee and I have regarded the friendship that we have developed to this point as being a very warm one. I like her as an individual and I respect her as an individual and I apologize if I have hurt her feelings, but what I did do was try and explain to the public what the political circumstance of that occasion today was. Senator Goings was in the room. He came over and explained to the people, a little further, that the Democrats were in caucus on a very important issue of property taxes and we were, as two caucuses, debating which way would be the best. I think that was a fair presentation to the public. I think they deserve that. We just canceled, apparently, hearings all afternoon for people across this state. If there is anyone here that wants to tell me that they don't think that those people should have an explanation--besides just a staff member walking in and saying, 'The committee has been dismissed for the afternoon.' Give me a break folks. We are here as their servants."

#### POINT OF ORDER

Senator Heavey: "A point of order. Mr. President, isn't it the rule that no hearing can take place while the Senate is in session and isn't it the reason that we are in session is because of the majority party's request? I would just like a simple answer yes or no to the question, Mr. President."

#### REPLY BY THE PRESIDENT

President Owen: "I believe that the rule is that no committee hearings can take place while the Senate is in session."

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5212, by Senators Swecker, Hale, Zarelli, Johnson, McDonald, McCaslin, Deccio, West, Schow, Horn, Strannigan, Hochstatter, Benton, Sellar, Anderson and Oke

Limiting property taxes.

## MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5212 was substituted for Senate Bill No. 5212 and the substitute bill was placed on second reading and read the second time.

Senator Spanel moved that the following amendments by Senators Spanel, Haugen, Goings, Brown, Loveland, Wojahn, Sheldon, McAuliffe, Fairley, Thibaudeau, Franklin, Patterson, Kline, Snyder, Kohl, Rasmussen, Hargrove, Prentice and Fraser be considered simultaneously and be adopted:

On page 27, line 10, after "payable;" strike all material down through "(2)" on line 11 and insert the following: "(2) 'Limit factor' means: (a) For the state, the lesser of one hundred six percent or one hundred percent plus inflation; (b) For all other districts, one hundred six percent; and (3)" On page 27, line 18, after "shall not exceed" strike all material down through "lower, of" on line 19 and insert "((one hundred six percent of)) the limit factor multiplied by" On page 27, line 33, after "shall not exceed" strike all material down through "lower, of" on line 34 and insert "((one hundred six percent of)) the limit factor multiplied by" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Spanel, Haugen, Goings, Brown, Loveland, Wojahn, Sheldon, McAuliffe, Fairley, Thibaudeau, Franklin, Patterson, Kline, Snyder, Kohl, Rasmussen, Hargrove, Prentice and Fraser on page 27, lines 10, 18, and 33, to Substitute Senate Bill No. 5212.

## ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 1; Excused, 1.

Voting yea: Senators Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Absent: Senator McCaslin - 1. Excused: Senator Bauer - 1. MOTION

Senator Wood moved that the following amendments by Senators Wood, Winsley, Deccio, Long and Prince be considered simultaneously and be adopted:

On page 27, line 10, after "payable;" strike all material down through "(2)" on line 11 and insert the following: "(2) 'Limit factor' means: (a) For taxing districts with a population of less than ten thousand in the calendar year prior to the assessment year, one hundred six percent; (b) For taxing districts for which a one hundred six percent limit is authorized under section 204 of this act, one hundred six percent; (c) For all other districts, the lesser of one hundred six percent or one hundred percent plus inflation; and (3)" On page 27, line 18, after "shall not exceed" strike all material down through "lower, of" on line 19 and insert "((one hundred six percent of)) the limit factor multiplied by" On page 27, line 33, after "shall not exceed" strike all material down through "lower, of" on line 34 and insert "((one hundred six percent of)) the limit factor multiplied by" On page 28, after line 5, insert the following: "NEW SECTION. Sec. 204. A new section is added to chapter 84.55 RCW to read as follows: Upon a finding of substantial need, the legislative authority of a taxing district, by majority vote plus one additional vote, may provide for the use of a limit factor under this chapter of one hundred six percent instead of the lesser of one hundred six percent or one hundred percent plus inflation. The new limit factor shall be effective for taxes collected in the following year only." Renumber the remaining sections and correct any internal references accordingly. Debate ensued.

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

## MOTIONS

On motion of Senator Franklin, Senator Hargrove was excused.

On motion of Senator Hale, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Wood, Winsley, Deccio, Long and Prince on page 27, lines 10, 18, and 33, and page 28, after line 5, to Substitute Senate Bill No. 5212.

## ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 19. Excused: Senators Bauer, Hargrove and McCaslin - 3.

## MOTION

On motion of Senator Winsley, the following amendments by Senators Winsley, Long and Wood were considered simultaneously and were adopted:

On page 27, line 22, after "multiplying" strike all material down through "property," on line 26 and insert "the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property" On page 28, line 2, after "multiplying" strike "fifty percent of"

MOTION

Senator Heavey moved that the following amendment by Senators Heavey, Goings and West be adopted:

On page 33, after line 7, insert the following: "**Sec. 208.** RCW 84.55.120 and 1995 c 251 s 1 are each amended to read as follows: A taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, shall hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts. If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter. No increase in property tax revenue, other than that resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, may be authorized by a taxing district except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance shall specifically state for each year the dollar increase and percentage change in the levy from the previous year." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Heavey, Goings and West on page 33, after line 7, to Substitute Senate Bill No. 5212.

The motion by Senator Heavey carried and the amendment was adopted.

MOTION

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On page 1, on line 8 of the title, strike "and 84.08.115" and insert "84.08.115, and 84.55.120" On page 1, line 9 of the title, after "84.40 RCW;" insert "adding a new section to chapter 84.55 RCW;"

MOTION

On motion of Senator Johnson, Substitute Senate Bill No. 5212, as amended, was referred to the Committee on Rules for third reading.

MOTION

At 4:11 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, January 31, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**EIGHTEENTH DAY, JANUARY 30, 1997**

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**NINETEENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, January 31, 1997

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Prentice and Thibaudeau. On motion of Senator Franklin, Senators Brown, Prentice and Thibaudeau were excused.

The Sergeant at Arms Color Guard, consisting of Pages Troy Smith and Stefan Talman, presented the Colors. Reverend Lance Williamson, pastor of the Evergreen Presbyterian Church of Graham, offered the prayer.

MOTION



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

#### REPORTS OF STANDING COMMITTEES

SB 5016 Prime Sponsor, Senator McCaslin: Making local improvements. Reported by Committee on Government Operations January 30, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

SB 5017 Prime Sponsor, Senator Roach: Making technical corrections affecting the department of financial institutions. Reported by Committee on Financial Institutions, Insurance and Housing January 28, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Prentice.

Passed to Committee on Rules for second reading.

SB 5024 Prime Sponsor, Senator Winsley: Altering the definition of a used mobile home. Reported by Committee on Financial Institutions, Insurance and Housing January 30, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Winsley, Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Referred to Committee on Ways and Means.

SB 5028 Prime Sponsor, Senator Sellar: Modifying county treasury management. Reported by Committee on Government Operations January 30, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5028 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

Passed to Committee on Rules for second reading.

SB 5056 Prime Sponsor, Senator McCaslin: Limiting property assessments to permitted land use. Reported by Committee on Government Operations January 30, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5056 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

SJR 8204 Prime Sponsor, Senator McCaslin: Amending the Constitution to provide an alternative method of framing a county charter. Reported by Committee on Government Operations January 30, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has adopted HOUSE JOINT MEMORIAL NO. 4008, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

January 29, 1997

## INTRODUCTION AND FIRST READING

SB 5548 by Senators Oke, Prentice, Swecker and Haugen

AN ACT Relating to water-dependent uses; amending RCW 79.90.465, 79.90.480, and 79.90.495; and repealing RCW 79.90.485 and 79.90.490.  
Referred to Committee on Natural Resources and Parks.

SB 5549 by Senators Hochstatter, Hargrove, Zarelli, Finkbeiner, Strannigan, Johnson, Stevens and Schow

AN ACT Relating to business and occupation tax credits for educational expenses at private K-12 schools; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Education.

SB 5550 by Senators Deccio, Wood, Wojahn, Franklin, Fairley, Strannigan, Thibaudeau, Hochstatter, Long, Jacobsen, Kline, Kohl and Winsley

AN ACT Relating to health insurance; and adding a new section to chapter 41.04 RCW  
Referred to Committee on Health and Long-Term Care.

SB 5551 by Senators Prince, Fraser, Haugen, Jacobsen, McAuliffe and Winsley

AN ACT Relating to significant historic places; and amending RCW 27.34.220 and 27.34.270.  
Referred to Committee on Government Operations.

SB 5552 by Senators Winsley, Wojahn, Schow, Franklin, Rasmussen and Haugen

AN ACT Relating to county jail construction and depreciation costs; and amending RCW 82.14.350.  
Referred to Committee on Government Operations.

SB 5553 by Senators Wood, Patterson, Horn, Heavey and Winsley

AN ACT Relating to vehicle titling and licensing; and amending RCW 46.70.051, 46.12.170, 82.44.023, and 82.44.060.  
Referred to Committee on Transportation.

SB 5554 by Senators Johnson, Roach and Finkbeiner

AN ACT Relating to deeds of trusts; amending RCW 61.24.010, 61.24.040, 61.24.050, 61.24.070, 61.24.080, 61.24.090, 61.24.100, 61.24.110, and 61.24.130; adding a new section to chapter 61.24 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5555 by Senators Stevens, Hochstatter, Schow, Zarelli, Roach, Morton, Benton, McCaslin and Oke

AN ACT Relating to parents' rights in education; and adding a new chapter to Title 28A RCW.  
Referred to Committee on Education.

SB 5556 by Senators Rasmussen, Long and Winsley

AN ACT Relating to illegitimate autobody repair operations; creating new sections; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5557 by Senators Brown, Heavey, Patterson, Franklin, Sheldon, Fairley, Spanel, Kohl, Fraser, Goings and Thibaudeau

AN ACT Relating to private business entities supported by state economic development programs; amending 1994 c 302 s 1 (uncodified); and adding a new chapter to Title 43 RCW.  
Referred to Committee on Commerce and Labor.

SB 5558 by Senators Heavey, Franklin, Sheldon, Fairley, Patterson, Spanel, Kohl, Fraser, Goings, Thibaudeau and McAuliffe

AN ACT Relating to compensation during reconsideration or appeal of department of labor and industries' industrial insurance orders; amending RCW 51.52.050; and reenacting and amending RCW 51.52.060.  
Referred to Committee on Commerce and Labor.

SB 5559 by Senators Hale, West, Loveland and Anderson

AN ACT Relating to exempting unassisted self-service motor vehicle wash, wax, and vacuum services rendered through coin-operated devices from sales and use taxes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5560 by Senators Schow, Prentice, Snyder, Anderson and Horn

AN ACT Relating to social card games; and amending RCW 9.46.0281.  
Referred to Committee on Commerce and Labor.

SB 5561 by Senators Swecker and Snyder

AN ACT Relating to regulation of geoduck harvesting; amending RCW 75.10.190, 75.24.100, 75.30.050, 75.30.280, 79.96.085, 79.96.130, and 82.27.020; adding a new section to chapter 75.30 RCW; recodifying RCW 79.96.085; repealing RCW 79.96.906 and 79.96.080; and prescribing penalties.  
Referred to Committee on Natural Resources and Parks.

SB 5562 by Senators Long, Prentice, Wojahn and Deccio

AN ACT Relating to the involuntary commitment of mentally ill persons; amending RCW 71.05.010, 71.05.040, 71.05.050, 71.05.100, 71.05.110, 71.05.150, 71.05.160, 71.05.170, 71.05.180, 71.05.190, 71.05.200, 71.05.210, 71.05.215, 71.05.220, 71.05.230, 71.05.240, 71.05.260, 71.05.270, 71.05.280, 71.05.290, 71.05.300, 71.05.320, 71.05.330, 71.05.340, 71.05.350, 71.05.360, 71.05.370, 71.05.410, 71.05.460, 71.05.470, 71.05.490, 71.05.525, 9A.44.010, and 71.24.025; reenacting and amending RCW 71.05.020; adding a new section to chapter 71.05 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5563 by Senators Winsley, Prentice, Kohl and Kline

AN ACT Relating to credit unions; amending RCW 31.12.025, 31.12.035, 31.12.075, 31.12.085, 31.12.105, 31.12.185, 31.12.225, 31.12.235, 31.12.246, 31.12.255, 31.12.265, 31.12.275, 31.12.285, 31.12.326, 31.12.345, 31.12.365, 31.12.306, 31.12.145, 31.12.155, 31.12.295, 31.12.485, 31.12.317, 31.12.445, 31.12.465, 31.12.705, 31.12.715, 31.12.725, 31.12.516, 31.12.545, 31.12.215, 31.12.575, 31.12.585, 31.12.595, 31.12.605, 31.12.625, 31.12.655, 31.12.665, 31.12.675, 31.12.685, and 31.12.635; reenacting and amending RCW 31.12.005, 31.12.015, 31.12.055, 31.12.065, 31.12.115, 31.12.195, 31.12.335, 31.12.125, 31.12.136, 31.12.385, 31.12.406, 31.12.425, 31.12.435, 31.12.695, 31.12.526, 31.12.555, and 31.12.565; adding new sections to chapter 31.12 RCW; adding a new section to chapter 42.17 RCW; creating a new section; recodifying RCW 31.12.005, 31.12.015, 31.12.025, 31.12.035, 31.12.055, 31.12.065, 31.12.075, 31.12.085, 31.12.105, 31.12.115, 31.12.185, 31.12.195, 31.12.225, 31.12.235, 31.12.246, 31.12.255, 31.12.265, 31.12.275, 31.12.285, 31.12.326, 31.12.335, 31.12.345, 31.12.365, 31.12.306, 31.12.045, 31.12.145, 31.12.155, 31.12.295, 31.12.125, 31.12.136, 31.12.037, 31.12.039, 31.12.385, 31.12.485, 31.12.406, 31.12.317, 31.12.425, 31.12.435, 31.12.445, 31.12.465, 31.12.695, 31.12.705, 31.12.715, 31.12.526, 31.12.725, 31.12.516, 31.12.545, 31.12.555, 31.12.565, 31.12.215, 31.12.575, 31.12.585, 31.12.595, 31.12.605, 31.12.615, 31.12.625, 31.12.655, 31.12.665, 31.12.675, 31.12.685, 31.12.720, 31.12.740, 31.12.735, 31.12.635, and 31.12.902; repealing RCW 31.12.095, 31.12.165, 31.12.206, 31.12.315, 31.12.355, 31.12.376, 31.12.395, 31.12.415, 31.12.455, 31.12.475, 31.12.495, 31.12.506, 31.12.535, 31.12.645, 31.12.903, 31.12.904, 31.12.905, and 43.320.125; prescribing penalties; and providing effective dates.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5564 by Senators Stevens, Zarelli, Anderson, Swecker, Hochstatter and Schow

AN ACT Relating to petition for divorce; amending RCW 26.09.030, 4.24.130, 9A.44.010, 10.99.040, 11.07.010, 11.12.051, 13.64.060, 26.09.004, 26.09.010, 26.09.015, 26.09.050, 26.09.060, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.110, 26.09.138, 26.09.175, 26.09.194, 26.09.210, 26.09.240, 26.09.280, 26.16.205, 26.19.071, 26.27.020, 26.27.070, 26.50.160, 41.28.205, 41.28.207, 41.44.240, 41.32.530, 41.32.785, 41.40.188, 41.40.660, 51.32.050, 70.58.005, 74.20.220, and 75.30.250; reenacting and amending RCW 26.09.020 and 26.09.150; adding new sections to chapter 26.09 RCW; and repealing RCW 26.09.900 and 26.09.901.  
Referred to Committee on Law and Justice.

SB 5565 by Senators Winsley, Haugen and Hale (by request of Secretary of State Munro)

AN ACT Relating to review of county election procedures; and amending RCW 29.60.070.  
Referred to Committee on Government Operations.

SB 5566 by Senators Sheldon, Oke and Prince

AN ACT Relating to solid waste route collection vehicles; and amending RCW 46.61.660.  
Referred to Committee on Transportation.

SB 5567 by Senators Sheldon and Prince

AN ACT Relating to garbage and recycling trucks; and amending RCW 46.44.034.  
Referred to Committee on Transportation.

SB 5568 by Senators Finkbeiner, Sheldon, Strannigan, Brown, Jacobsen, Kline and Winsley

AN ACT Relating to public utility tax credits for weatherization and energy assistance programs; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Energy and Utilities.

SB 5569 by Senators Schow, Sellar and Wood

AN ACT Relating to overtime compensation for commissioned salespersons; amending RCW 49.46.130 and 49.46.010; adding a new section to chapter 49.46 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5570 by Senators Newhouse, Schow, Horn, Heavey, Franklin, Fraser and Oke (by request of Joint Task Force on Nonpayment of Employer Obligations)

AN ACT Relating to tax evasion; amending RCW 51.48.020; reenacting and amending RCW 9A.04.080; adding a new section to chapter 51.48 RCW; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5571 by Senators Newhouse, Schow, Anderson, Horn, Heavey, Franklin, Fraser, Long and Oke (by request of Joint Task Force on Nonpayment of Employer Obligations)

AN ACT Relating to reporting payments under unemployment insurance and industrial insurance; and amending RCW 50.12.070 and 51.16.060.  
Referred to Committee on Commerce and Labor.

SB 5572 by Senators Newhouse, Schow, Horn, Heavey, Franklin and Fraser (by request of Joint Task Force on Nonpayment of Employer Obligations)

AN ACT Relating to keeping records of unified business identifier account numbers; and amending RCW 39.06.010, 50.12.070, 51.16.070, and 82.32.070.  
Referred to Committee on Commerce and Labor.

SB 5573 by Senators Schow, Sheldon and Long

AN ACT Relating to vehicle identification number inspections on out-of-state vehicles; and adding a new section to chapter 43.43 RCW.  
Referred to Committee on Transportation.

SB 5574 by Senator Horn

AN ACT Relating to property tax reform; amending RCW 84.55.005, 84.55.010, 84.55.020, 35.61.210, 70.44.060, 84.08.115, 84.40.045, 84.56.050, 84.52.054, 84.56.020, 84.41.030, 84.41.041, and 84.40.0301; adding a new section to chapter 84.41 RCW; adding a new chapter to Title 84 RCW; creating new sections; repealing RCW 84.56.022; and prescribing penalties.  
Referred to Committee on Ways and Means.

SB 5575 by Senators Winsley, Prentice and Hale

AN ACT Relating to standards for licensing mortgage brokers; amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.030, 19.146.050, 19.146.060, 19.146.080, 19.146.200, 19.146.205, 19.146.210, 19.146.215,

19.146.220, 19.146.228, 19.146.235, 19.146.240, 19.146.245, 19.146.250, 19.146.260, 19.146.265, and 19.146.280; adding a new section to chapter 82.04 RCW; and repealing RCW 19.146.090.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5576 by Senators Wood, Sellar, Oke, Haugen, Goings and Kline (by request of Commute Trip Reduction Task Force)

AN ACT Relating to transportation demand management; amending RCW 70.94.521, 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.551, 46.74.010, 46.74.030, and 51.08.013; and reenacting and amending RCW 42.17.310.  
Referred to Committee on Transportation.

SB 5577 by Senators Hochstatter, Swecker, Heavey, Morton, Finkbeiner, Benton, McCaslin, Schow, Anderson, Johnson, Zarelli, Rossi, Stevens and Patterson

AN ACT Relating to tax exemptions for labor on construction and remodeling on real property; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5578 by Senators Long, Hargrove and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to technical clarifying changes to the family reconciliation act; and amending RCW 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.130, 13.32A.140, 13.32A.160, 13.32A.179, 13.32A.192, and 74.13.037.  
Referred to Committee on Human Services and Corrections.

SB 5579 by Senators Schow, Horn, Anderson, Newhouse, Oke and West

AN ACT Relating to benefits for occupational disease; and amending RCW 51.28.055.  
Referred to Committee on Commerce and Labor.

SB 5580 by Senators Anderson, Schow, Horn, Newhouse, Oke, Haugen and West

AN ACT Relating to determination of benefits for permanent partial disability by industrial insurance self-insurers; and amending RCW 51.32.055.  
Referred to Committee on Commerce and Labor.

SB 5581 by Senators Schow and Heavey

AN ACT Relating to defining gross receipts from activities under chapter 9.46 RCW; adding a new section to chapter 9.46 RCW; and providing an effective date.  
Referred to Committee on Commerce and Labor.

SB 5582 by Senators Roach, Goings, Schow, Stevens, Oke and Kline

AN ACT Relating to liquor sales to persons apparently under the influence of liquor; amending RCW 66.44.200; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5583 by Senator Fraser

AN ACT Relating to fees for water rights applications and changes; amending RCW 90.03.470; repealing RCW 90.03.471; providing an expiration date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5584 by Senator Fraser

AN ACT Relating to water permit processing; and amending RCW 90.03.290.  
Referred to Committee on Agriculture and Environment.

SB 5585 by Senator Fraser

AN ACT Relating to water rights for the use of water for instream purposes; amending RCW 90.03.380 and 90.42.080; and adding new sections to chapter 90.03 RCW.  
Referred to Committee on Agriculture and Environment.

SB 5586 by Senators Fraser and Spanel

AN ACT Relating to water supply regulation; and adding a new section to chapter 43.27A RCW.  
Referred to Committee on Agriculture and Environment.

SB 5587 by Senators Hochstatter, Zarelli, Stevens and Johnson

AN ACT Relating to the certificate of mastery; reenacting and amending RCW 28A.630.885 and 28A.630.885;  
and providing expiration dates.  
Referred to Committee on Education.

SB 5588 by Senators Hochstatter, Zarelli, Hargrove, Benton, Finkbeiner, Strannigan, Johnson, Stevens and Oke

AN ACT Relating to business and occupation tax credits for educational expenses at private K-12 schools;  
adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4008 by Representatives Zellinsky, K. Schmidt, Huff, Johnson, Sheldon, Lantz, Clements, Dyer, L. Thomas,  
Robertson, Hatfield, Chandler, O'Brien, Cooper, Wolfe, D. Schmidt, Wensman, Veloria, Butler, Tokuda,  
Costa, Linville, Conway, Hankins, Doumit, Morris, Ogden, Cody, Kessler, Chopp and Dunn

Preserving the U.S.S. Missouri.

HOLD.

#### MOTION

On motion of Senator Johnson, House Joint Memorial No. 4008 was held on the desk.

#### MOTION

At 10:09 a.m., on motion of Senator Johnson, the Senate recessed until 10:30 a.m.

The Senate was called to order at 10:30 a.m. by President Owen.

There being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:39 a.m. by President Owen.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5212, by Senators Swecker, Hale, Zarelli, Johnson, McDonald,  
McCaslin, Deccio, West, Schow, Horn, Strannigan, Hochstatter, Benton, Sellar, Anderson and Oke

Limiting property taxes.

The bill was read the third time.  
Debate ensued.

#### POINT OF INQUIRY

Senator Goings: "Thank you, Majority Leader McDonald. Just a simple yes or no answer will suffice. Will you allow Senate Bill No. 5214 to have a hearing?"

Senator McDonald: "I will tell you this, that is not within my power. I am not the chairman of the Ways and Means Committee or any other committee that may be a part of it. But I will tell you this, I have been listening to the Governor and the Governor has said that if we sent something down of that magnitude, he would veto it. He says that his proposal would be something like a hundred dollars. You know, I look at the cumulative effect of that and I have to say, Senator Goings, that it looks to me like fifteen thousand dollars in the pocket of somebody over a thirty-year mortgage, is a heck of a lot better than about three thousand dollars.

"Maybe I am stuck on math, but fifteen thousand sounds a heck of a lot better to me than does three thousand dollars. I think that is what it comes down to. It is not two hundred and five dollars. You haven't been listening to your Governor; he would veto that. If we sent it down there--if we agreed to have that and bring it out of committee--which I don't have the power over, he wouldn't do that. So, it is a hundred dollars a year that you are talking to. Talk about a pittance! I think that fifteen thousand dollars in the pocket of the average home owner in this state is one heck of lot better than three

thousand. I am sorry that I am hung up on math, but that is the way it pencils out to me. I hope that answers your question, Senator Goings."

Senator Goings: "Mr. President, will the majority leader yield to a further question? Senator, I appreciate your brief answer. I have a question and I hope you can help me with this. As the Majority Leader, if the Ways and Means Chairman was to ask your opinion, would you suggest that we have a hearing on Senate Bill No. 5214, with the possibility that if the Governor does veto that bill, there may be members of this side of the aisle that would join the majority in overriding that veto or attach a referendum clause to Senate Bill No. 5214?"

Senator McDonald: "I always encourage the Ways and Means Chairman to have hearings and lots of things and to listen to an awful lot of opinions. But, I will say this, that if the Legislature comes to a resolution, comes to a conclusion on the property tax, at some point, we are going to have to move on to the other issues such as welfare reform, juvenile justice, the B & O tax reductions, the whole issue of criminal justice and keeping the schools safe and making that a top priority. So, I think that we have to drive this debate to conclusion and then we have to put it behind us and get on to the remaining business. I hope that answers your question, Senator Goings."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5212.

#### ROLL CALL

The Secretary call the final passage of Engrossed Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 28. Voting nay: Senators Bauer, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel and Wojahn - 17. Excused: Senators Brown, Prentice and Thibaudeau - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. Their being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, Engrossed Substitute Senate Bill No. 5212 was immediately transmitted to the House of Representatives.

#### STANDING COMMITTEE APPOINTMENTS AND CHANGES

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

Senator Jacobsen was removed from the Committee on Government Operations and appointed to the Committees on Natural Resources and Parks; Energy and Utilities; and Transportation. Senator Adam Kline was appointed to the Committee on Financial Institutions, Insurance and Housing, and the Senate Appointee from the 35th District will be appointed to the Committees on Government Operations and Energy and Utilities.

#### MOTION

On motion of Senator Johnson, the appointments were confirmed.

#### MOTION

At 11:52 a.m, on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Monday, February 3, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### ***JOURNAL OF THE SENATE***

***NINETEENTH DAY, JANUARY 31, 1997***

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#### **TWENTY-SECOND DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, February 3, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Heavey, Jacobsen, Oke, Prentice and Schow. On motion of Senator Franklin, Senators Heavey, Jacobsen and Prentice were excused. On motion of Senator Hale, Senators Benton, Oke and Schow were excused.

The Sergeant at Arms Color Guard, consisting of Pages Carey Denniston and Shawn Findley, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center in Tumwater, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

SB 5104 Prime Sponsor, Senator Oke: Creating the Washington pheasant enhancement program. Reported by Committee on Natural Resources and Parks  
January 31, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

SB 5120 Prime Sponsor, Senator Morton: Providing for fish enhancement with remote site incubators. Reported by Committee on Natural Resources and Parks  
January 31, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5120 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Roach, Stevens and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Jacobsen and Spanel.

Referred to Committee on Ways and Means.

SB 5242 Prime Sponsor, Senator Oke: Requiring personal flotation devices for children on certain recreational vessels. Reported by Committee on Natural Resources and Parks  
January 31, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Jacobsen, Snyder, Spanel and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Hargrove.

Passed to Committee on Rules for second reading.

SB 5251 Prime Sponsor, Senator Heavey: Encouraging investment of state funds in corporations doing business in Northern Ireland that practice the MacBride principles. Reported by Committee on Financial Institutions, Insurance and Housing  
January 30, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Finkbeiner, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

SB 5269 Prime Sponsor, Senator Winsley: Authorizing the state investment board to delegate certain powers and duties. Reported by Committee on Financial Institutions, Insurance and Housing  
January 30, 1997



MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

January 31, 1997

SB 5347 Prime Sponsor, Senator Roach: Creating a program for juvenile fishing only waters. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5347 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 31, 1997

SJM 8001 Prime Sponsor, Senator Hargrove: Petitioning for a plaque honoring veterans dying from war-related injuries received in the southeast Asia theater of operations. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

Passed to Committee on Rules for second reading.

January 31, 1997

SJM 8003 Prime Sponsor, Senator Zarelli: Honoring law enforcement officers. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Anderson, Haugen and Horn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

January 27, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Tim Douglas, appointed January 27, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Community, Trade and Economic Development.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor.

January 29, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Frederick C. Kiga, appointed January 29, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Revenue.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Ways and Means.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000

January 27, 1997

Mr. Mike O'Connell  
Secretary of the Senate  
P. O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. O'Connell:

Enclosed is the status report of the Washington Telephone Assistance Program. This report is required by RCW 80.36.475(7).

Please call Grace Moy at (360) 413-3107 if you have questions about the report.

Sincerely,  
LYLE QUASIM, Secretary

The Report from the Department of Social and Health Services is on file in the Office of the Secretary of the Senate.

#### INTRODUCTION AND FIRST READING

SB 5589 by Senators Winsley, Prentice, Kline, Fairley and Fraser

AN ACT Relating to medicare supplemental insurance policies; and adding a new section to chapter 48.66 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5590 by Senators Newhouse, Fraser, Swecker, Morton, McAuliffe and Rasmussen

AN ACT Relating to funding of a state biosolids management program; amending RCW 90.48.465; and adding a new section to chapter 70.95J RCW.  
Referred to Committee on Agriculture and Environment.

SB 5591 by Senators Sheldon, Kohl, Wojahn, Goings, Jacobsen, Spanel, Fairley, McAuliffe, Bauer and Rasmussen

AN ACT Relating to small business innovation research awards; and adding a new section to chapter 82.04 RCW.  
Referred to Committee on Ways and Means.

SB 5592 by Senators Stevens, Hochstatter, Zarelli, Schow, Morton, Benton, Deccio, Rossi, Roach, Strannigan, West and Oke

AN ACT Relating to abstinence education; adding a new section to chapter 70.58 RCW; adding a new section to chapter 70.24 RCW; adding a new chapter to Title 70 RCW; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5593 by Senators Oke and Rasmussen (by request of Department of Revenue)

AN ACT Relating to the taxation of materials purchased by farmers to improve wildlife habitat or forage; reenacting and amending RCW 82.04.050; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5594 by Senators Hargrove and Roach

AN ACT Relating to the protection of livestock, domestic animals, private property, and the public safety from black bear, cougar, bobcat, and lynx by agents of the department of fish and wildlife; adding a new section to chapter 77.36 RCW; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5595 by Senators Haugen, Wood, Hale and Winsley

AN ACT Relating to competitive bidding procedures; and adding a new section to chapter 39.04 RCW.  
Referred to Committee on Government Operations.

SB 5596 by Senator Stevens

AN ACT Relating to a performance audit of the department of health's role in protecting the public from communicable diseases; creating a new section; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5597 by Senators Kohl, Kline, Fairley, Sheldon, Heavey, Snyder, Thibaudeau, Franklin, Patterson, Goings and McAuliffe

AN ACT Relating to juvenile justice and family services; amending RCW 13.40.010, 13.40.0357, 13.40.070, 13.40.160, 13.40.180, 13.40.185, 13.40.210, 13.40.460, 13.32A.140, and 13.32A.152; reenacting and amending RCW 13.04.030, 13.40.020, and 28A.225.035; adding a new section to chapter 13.40 RCW; prescribing penalties; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5598 by Senators Winsley, Rasmussen and Haugen

AN ACT Relating to the method of allocating state funds to cities and towns; and amending RCW 43.62.020.  
Referred to Committee on Ways and Means.

SB 5599 by Senators McCaslin and Haugen (by request of Attorney General Gregoire)

AN ACT Relating to training for state investigators; creating a new section; and providing an expiration date.  
Referred to Committee on Government Operations.

SB 5600 by Senators Hale, Haugen and Johnson

AN ACT Relating to internal matters for the operation of counties; amending RCW 2.08.100, 36.40.200, and 36.40.250; adding a new section to chapter 36.40 RCW; and repealing RCW 36.40.110.  
Referred to Committee on Government Operations.

SB 5601 by Senators Stevens and Finkbeiner

AN ACT Relating to construction of certain highway projects under a design-build procedure; creating a new section; and making an appropriation.  
Referred to Committee on Transportation.

SB 5602 by Senators Schow, Newhouse, Wood, Rasmussen, Heavey, Franklin, Horn and West

AN ACT Relating to charitable bingo games; and amending RCW 9.46.0205 and 9.46.120.  
Referred to Committee on Commerce and Labor.

SB 5603 by Senators Stevens, Zarelli, Johnson, Roach, Oke and Hochstatter

AN ACT Relating to student records; and adding a new section to chapter 28A.600 RCW.  
Referred to Committee on Education.

SB 5604 by Senators Prince, Kohl, Bauer and Wood

AN ACT Relating to higher education tuition; amending RCW 28B.15.067; and adding a new section to chapter 28B.15 RCW.  
Referred to Committee on Higher Education.

SB 5605 by Senators Deccio, Strannigan, Prentice, McAuliffe, Johnson, Heavey, Rasmussen, Benton, Patterson, Sellar, Fraser and Jacobsen

AN ACT Relating to sales and use taxes for public transportation systems operated by cities; and amending RCW 82.14.045.  
Referred to Committee on Transportation.

SB 5606 by Senators Rasmussen and Swecker

AN ACT Relating to standards for location of certain solid waste landfills; amending RCW 70.95.060; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5607 by Senators Rasmussen and Swecker

AN ACT Relating to financial responsibility requirements for operators of solid waste landfills; amending RCW 70.95.215; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5608 by Senators Rasmussen and Swecker

AN ACT Relating to solid waste handling; and amending RCW 35.21.120, 35.21.152, and 36.58.040.  
Referred to Committee on Agriculture and Environment.

SB 5609 by Senators Rasmussen, Hochstatter, McAuliffe, Swecker, Spanel, Goings and Bauer

AN ACT Relating to the recruitment, preparation, and continuing education of vocational agriculture teachers; adding a new section to chapter 28A.415 RCW; creating a new section; and making an appropriation.  
Referred to Committee on Education.

SB 5610 by Senators Rasmussen, Swecker and Haugen

AN ACT Relating to the water resources board; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.  
Referred to Committee on Agriculture and Environment.

SB 5611 by Senator Rasmussen

AN ACT Relating to the revocation of state certification of projects under federal water quality laws; and adding a new section to chapter 90.48 RCW.  
Referred to Committee on Agriculture and Environment.

SB 5612 by Senators Long, Wojahn, Hale and Horn

AN ACT Relating to the registration of architects; amending RCW 18.08.350; and providing an effective date.  
Referred to Committee on Commerce and Labor.

SJM 8006 by Senators Hochstatter, Hale, Winsley, Newhouse, Loveland, Deccio, Morton, Oke, Wood, Strannigan, Horn, Zarelli, Prince, Johnson, McCaslin, Sellar, Schow, West, Anderson, Rasmussen and Roach

Returning land within the Hanford control zone to agricultural and wildlife uses.

Referred to Committee on Energy and Utilities.

SJR 8211 by Senators Swecker, McAuliffe, Morton, Haugen and Oke

Authorizing public money derived from the sale of stormwater or sewer services to be used in financing stormwater and sewer conservation and efficiency measures.

Referred to Committee on Government Operations.

#### PERSONAL PRIVILEGE

Senator Brown: "A point of personal privilege, Mr. President. I wanted to alert everybody to something that is on your desk. I wanted to thank you for allowing me to speak to you, last week, for the first time on the Senate floor and I dare say it won't be the last time. Buckeye Beans and Herbs is a company based in Spokane and in 1996 they won the Small Business Award for Washington State Small Business. You might also notice that they make many different specialty pastas. They have valentine heart shaped pastas for Valentine's Day--Evergreen State pastas. Some of you were lucky enough to get the red, white and blue stars and others of you were lucky enough to get the sport's ball pasta. You can get baseball, football, soccer, etc. I thought with the emphasis on building sport's stadiums that we have had this last year, you might appreciate the fact that those of us in eastern Washington, why we may not always be as thrilled about the stadium, we like the sports. So, thank you very much."

Debate ensued.

#### PERSONAL PRIVILEGE

Senator Deccio: A point of personal privilege, Mr. President. I love all of this Italianism. One day we get salami; the next day we get pasta. Who is going to bring the sauce? Senator McAuliffe is ready to cook it up and we'll eat it right here on the floor. Thank you."

#### PERSONAL PRIVILEGE

Senator Kohl: "I rise for a point of personal privilege, Mr. President. I would like to announce that the University of Washington Womens' Softball Team will be here at eleven o'clock. The purpose of which is to read in a resolution honoring them, as well as the National Women and Girls' In Sport's Day which is Thursday. Because we were not going to be on the floor Thursday, we were going to do it today, as these athletes were going to be here today for a hearing this

afternoon. If anybody is around at eleven o'clock, I would appreciate it if you could be on the Senate floor, so that we can acknowledge the contributions of women in sports and the team from the University of Washington."

MOTION

At 10:10 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, February 4, 1997.

MIKE O'CONNELL, Secretary of the Senate

BRAD OWEN, President of the Senate

**JOURNAL OF THE SENATE**

**TWENTY-SECOND DAY, FEBRUARY 3, 1997**

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**TWENTY-THIRD DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 4, 1997

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Morton. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE

SB 5010 Prime Sponsor, Senator Prentice: Expanding the duties of the director of the Washington state pollution liability insurance agency. Reported by Committee on Financial Institutions, Insurance and Housing  
January 28, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Prentice.

Referred to Committee on Ways and Means.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

January 29, 1997

Mr. Michael O'Connell  
Secretary of the Senate  
P. O. Box 40482  
Olympia, WA 98504-0482

Dear Mr. O'Connell:

Enclosed is the status report entitled "Determining the Value of Opiate Substitution Treatment." This report is required by 70.96A.420.

If you have questions about the report, please call Doug Allen at 438-8060.

Sincerely,  
LYLE QUASIM, Secretary

The Report from the Department of Social and Health Services is on file in the Office of the Secretary of Senate.

INTRODUCTION AND FIRST READING

SB 5613 by Senators Winsley, Rasmussen, Haugen, Prince, Wood, Schow, Jacobsen, Heavey, Goings, Patterson and Finkbeiner

AN ACT Relating to parking places for persons living on or near an institution of higher education; and amending RCW 46.61.570.  
Referred to Committee on Government Operations.

SB 5614 by Senators Franklin, Winsley, Fraser, Kline, Fairley, Jacobsen, Brown, Patterson, Kohl, Heavey, Prentice, McAuliffe, Haugen, Wood, Thibaudeau, Bauer, Rasmussen, Spanel and Goings

AN ACT Relating to incorporating environmental health into the public health improvement plan; and amending RCW 43.70.520 and 43.70.580.  
Referred to Committee on Health and Long-Term Care.

SB 5615 by Senators Haugen and Oke

AN ACT Relating to commercial bottom trawling; and amending RCW 75.12.390.  
Referred to Committee on Natural Resources and Parks.

SB 5616 by Senators Haugen, Rasmussen, Goings and Schow

AN ACT Relating to unincorporated area councils; adding new sections to chapter 36.105 RCW; and repealing RCW 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, and 36.105.100.  
Referred to Committee on Government Operations.

SB 5617 by Senators Haugen and Winsley

AN ACT Relating to taxation of land owned by a fire company; and amending RCW 84.36.060.  
Referred to Committee on Ways and Means.

SB 5618 by Senators Haugen, Wood, Heavey, Winsley, Sheldon, Spanel, Oke and Kohl

AN ACT Relating to vehicles boarding ferries; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.60 RCW.  
Referred to Committee on Transportation.

SB 5619 by Senators Haugen, Brown, Jacobsen, Finkbeiner, Goings, Kline, Winsley and Wood

AN ACT Relating to acquiring and maintaining conservation areas; amending RCW 82.45.060; adding a new section to chapter 82.45 RCW; adding a new section to chapter 43.99 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5620 by Senators Haugen and McCaslin

AN ACT Relating to aquifer protection areas; and adding new sections to chapter 36.36 RCW.  
Referred to Committee on Government Operations.

SB 5621 by Senators Long, Winsley, Patterson, Benton and Oke

AN ACT Relating to registration of criminals who have victimized children; amending RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 70.48.470, and 72.09.330; creating a new section; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5622 by Senators Long, Strannigan and Winsley

AN ACT Relating to tax exemptions for new construction of alternative housing for youth in crisis; amending RCW 82.08.02915 and 82.12.02915; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5623 by Senators Prince, Wood, Spanel, Fraser and Winsley

AN ACT Relating to higher education; amending RCW 28B.15.012 and 28B.15.725; and creating a new section.  
Referred to Committee on Higher Education.

SB 5624 by Senators Morton and Snyder

AN ACT Relating to mining and milling operations; amending RCW 78.56.010, 78.56.020, 78.56.030, 78.56.050, 78.56.060, 78.56.070, 78.56.080, 78.56.090, 78.56.100, 78.56.110, 78.56.120, 78.56.130, 78.44.131, and 78.44.161; adding new sections to chapter 78.56 RCW; adding a new section to chapter 78.44 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Natural Resources and Parks.

SB 5625 by Senators Franklin, Deccio, Fairley, Winsley, Wood and Patterson

AN ACT Relating to health care quality protection; amending RCW 43.70.075; adding new sections to chapter 48.43 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 18.79 RCW; and adding a new section to chapter 70.44 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5626 by Senators Morton, Hargrove, Swecker, Hochstatter, Stevens, Schow, Strannigan and Anderson

AN ACT Relating to transport tags for game; and amending RCW 77.32.320 and 77.32.340.  
Referred to Committee on Natural Resources and Parks.

SB 5627 by Senators Morton, Hargrove, Swecker, Hochstatter, Stevens, Schow, Hale and Anderson

AN ACT Relating to the parks and recreation commission; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5628 by Senators Hochstatter, Deccio, Brown and Strannigan

AN ACT Relating to the regulation of securities issuances by electrical and natural gas companies; and adding a new section to chapter 80.08 RCW.  
Referred to Committee on Energy and Utilities.

SB 5629 by Senators Roach, Hargrove, Winsley, Long, Benton, Schow and Oke

AN ACT Relating to making domestic violence an aggravating circumstance for purposes of sentencing decisions; and reenacting and amending RCW 9.94A.390.  
Referred to Committee on Law and Justice.

SB 5630 by Senators Roach, Zarelli, Heavey, Schow, Stevens, Strannigan, Swecker, Morton, Anderson and Oke

AN ACT Relating to the reimbursement of incarceration costs; adding a new section to chapter 72.01 RCW; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5631 by Senators Wood, Jacobsen and Oke

AN ACT Relating to imposition of the business and occupation tax on education loan guarantee services; and amending RCW 82.04.367.  
Referred to Committee on Higher Education.

SB 5632 by Senators Fraser, Kline, McAuliffe, Patterson, Fairley, Kohl, Sheldon and Spanel

AN ACT Relating to protecting the marine environment and associated ecosystems through oil spill prevention, the protection, conservation, and enhancement of marine waters and of salmon habitat, and a ban on off-shore oil exploration and drilling; amending RCW 88.46.130, 82.23B.020, and 82.23B.030; adding new sections to chapter 90.71 RCW; adding new sections to chapter 43.211 RCW; adding a new section to chapter 43.143 RCW; adding new sections to chapter 84.34 RCW; adding a new section to chapter 90.56 RCW; adding a new chapter to Title 84 RCW; recodifying RCW 43.21A.705, 43.21A.710, 43.21A.715, and 43.21A.720; repealing RCW 88.46.921, 88.46.922, 88.46.924, 88.46.925, 88.46.926, and 88.46.927; creating new sections; making appropriations; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5633 by Senators Strannigan, Long, Patterson and Benton

AN ACT Relating to performance audit of the department of transportation; creating a new section; and making an appropriation.  
Referred to Committee on Ways and Means.

SB 5634 by Senators Wojahn, Deccio, Winsley, Long, Horn and Kohl

AN ACT Relating to osteoporosis prevention and treatment education; adding new sections to chapter 43.70 RCW; creating a new section; and making an appropriation.  
Referred to Committee on Health and Long-Term Care.

SB 5635 by Senators Fraser and Haugen

AN ACT Relating to compensation for members of air pollution control authorities; and amending RCW 70.94.130.  
Referred to Committee on Agriculture and Environment.

SB 5636 by Senators Oke, Swecker, Rossi and Horn

AN ACT Relating to health inspection warrants; and amending RCW 70.118.030.  
Referred to Committee on Natural Resources and Parks.

SB 5637 by Senators Haugen, Horn, Rasmussen and Winsley (by request of County Road Administration Board)

AN ACT Relating to the residency of the county road engineer; and amending RCW 36.80.010.  
Referred to Committee on Government Operations.

SB 5638 by Senators Fraser, Fairley, McCaslin and Kohl

AN ACT Relating to traffic infractions that result in a fatality; amending RCW 46.52.100, 46.52.120, and 46.20.322; reenacting and amending RCW 46.52.130; and providing an effective date.  
Referred to Committee on Law and Justice.

SB 5639 by Senators Finkbeiner, Strannigan, Rossi and Hochstatter

AN ACT Relating to the electric utility industry; amending RCW 80.12.020, 80.12.040, 80.24.010, 80.28.020, and 80.28.050; reenacting and amending RCW 42.17.310; and adding a new chapter to Title 80 RCW.  
Referred to Committee on Energy and Utilities.

SB 5640 by Senators Newhouse, Long, Fraser and Winsley

AN ACT Relating to a county administrative officer's membership in the public employees' retirement system; and reenacting and amending RCW 41.40.023.  
Referred to Committee on Ways and Means.

SB 5641 by Senators Roach, Heavey and Fraser

AN ACT Relating to motor vehicle warranties; and amending RCW 19.118.021.  
Referred to Committee on Commerce and Labor.

SB 5642 by Senators Spanel and Oke

AN ACT Relating to limiting the number of fishers eligible to commercially fish for Puget Sound dungeness crab; and amending RCW 75.30.130.  
Referred to Committee on Natural Resources and Parks.

SB 5643 by Senators McAuliffe, Jacobsen and Long

AN ACT Relating to authorizing educational agencies to rent, sell, or transfer assistive technology for the benefit of individuals with disabilities and authorizing the creation of interagency cooperative agreements for the purpose of providing assistive technology for children with disabilities; amending RCW 28A.335.180; adding a new section to chapter 28A.335 RCW; and adding a new section to chapter 28A.155 RCW.  
Referred to Committee on Education.



MOTIONS

On motion of Senator Johnson, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5491.

On motion of Senator Johnson, Senate Bill No. 5491 was referred to the Committee on Human Services and Corrections.

MOTIONS

On motion of Senator Johnson, the Committee on Government Operations was relieved of further consideration of Gubernatorial Appointment No. 9125, Annette Sandberg, reappointed as Chief of the Washington State Patrol.

On motion of Senator Johnson, Gubernatorial Appointment No. 9125, Annette Sandberg, reappointed as Chief of the Washington State Patrol, was referred to the Committee on Transportation.

MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, February 5, 1997.

MIKE O'CONNELL, Secretary of the Senate

BRAD OWEN, President of the Senate

**JOURNAL OF THE SENATE**

**TWENTY-THIRD DAY, FEBRUARY 4, 1997**

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**TWENTY-FOURTH DAY**

-----  
**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, February 5, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator McDonald. On motion of Senator Hale, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Pages Anne Luce and Gabe Martinez, presented the Colors. Reverend C. Edward Evans, pastor of the United Church of Christ of Vancouver, Washington, and a guest of Lieutenant Governor Brad Owen, offered the prayer.

MOTION

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

LETTER OF APPOINTMENT  
SENATOR, 35TH LEGISLATIVE DISTRICT

MASON COUNTY BOARD OF COUNTY COMMISSIONERS  
Mason County Courthouse Building 1  
411 North Fifth Street  
Shelton, WA 98584-3400

February 5, 1997

Secretary of State  
Attn: Keri Rooney  
416 14th Avenue, Legislative Bldg.  
Olympia, WA 98504

RE: 35th Legislative District Senate Appointment

The County Commissioners from the 35th Legislative District (Grays Harbor, Kitsap, Mason, and Thurston) met jointly on Monday, February 3, 1997, in Mason County to interview the three nominees from the Washington State Democratic Party for the vacant Senate position.

Lena Swanson was selected to fill the vacant Senate position with a vote of 7 to 5.

Sincerely,  
BOARD OF COUNTY COMMISSIONERS

Mary Jo Cady John A. Bolender Cynthia D. Olsen  
Chairperson Commissioner Commissioner

#### APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore appointed a committee of honor consisting of Senators Sheldon and Zarelli to escort newly appointed Lena Swanson to the rostrum.

The Honorable Terry McCluskey, Kitsap County Superior Court Judge, who was seated on the rostrum, administered the oath of office to Lena Swanson. Jack Jones, former Prisoner of War, held the Bible.

The President Pro Tempore presented Senator Swanson with a certificate of appointment.

The committee escorted Senator Swanson to her seat in the Chamber and the committee was discharged.

#### REPORTS OF STANDING COMMITTEES

February 4, 1997

SB 5030 Prime Sponsor, Senator Horn: Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser, McAuliffe and Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5079 Prime Sponsor, Senator Swecker: Providing an alternative means to comply with wastewater discharge permit requirements. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5163 Prime Sponsor, Senator Haugen: Filing financing statements. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5193 Prime Sponsor, Senator Prentice: Revising sales and use tax exemptions for farmworker housing. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5299 Prime Sponsor, Senator Swecker: Requiring that a petition of review be served upon local government. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5423 Prime Sponsor, Senator Winsley: Removing a termination date in the bank statement rule. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

January 28, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judy Schurke, reappointed January 28, 1997, for a term ending June 17, 1999, as member of the Board of Industrial Insurance Appeals.

Sincerely  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor

MESSAGE FROM THE HOUSE

February 3, 1997

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1002,  
SUBSTITUTE HOUSE BILL NO. 1003,  
SUBSTITUTE HOUSE BILL NO. 1007,  
HOUSE BILL NO. 1012,  
SUBSTITUTE HOUSE BILL NO. 1016,  
HOUSE BILL NO. 1019,  
HOUSE BILL NO. 1038,  
SUBSTITUTE HOUSE BILL NO. 1060,  
SUBSTITUTE HOUSE BILL NO. 1065,  
HOUSE BILL NO. 1067,  
HOUSE BILL NO. 1082, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5644 by Senators Stevens, Schow, Haugen, Rossi, Oke, Winsley and Roach

AN ACT Relating to coin-operated laundry facilities; and reenacting and amending RCW 82.04.050.  
Referred to Committee on Ways and Means.

SB 5645 by Senators Long, Kohl, Haugen, Schow, Stevens, Rossi, Benton and Roach

AN ACT Relating to business and occupation taxes; and reenacting and amending RCW 82.04.050.  
Referred to Committee on Ways and Means.

SB 5646 by Senators Prince, Hochstatter, Morton and Roach

AN ACT Relating to including land and structures used in farming operations in definition of "farm and agricultural land"; and amending RCW 84.34.020.  
Referred to Committee on Agriculture and Environment.

SB 5647 by Senators Wood, Snyder, Swecker, Bauer, Zarelli, Winsley and Kohl (by request of State Board for Community and Technical Colleges)

AN ACT Relating to building fee payments by community and technical colleges; and amending RCW 28B.50.360.

Referred to Committee on Higher Education.

SB 5648 by Senators Morton, McCaslin and West

AN ACT Relating to juvenile services; and amending RCW 13.04.035.  
Referred to Committee on Human Services and Corrections.

SB 5649 by Senators Deccio, Wood and Strannigan

AN ACT Relating to school district employee benefits; and amending RCW 28A.400.270.  
Referred to Committee on Health and Long-Term Care.

SB 5650 by Senator McDonald

AN ACT Relating to local government; amending RCW 35.13A.070 and 35.13A.080; and adding a new section to chapter 35.13A RCW.  
Referred to Committee on Government Operations.

SB 5651 by Senators Anderson, Newhouse, Schow, Horn and Oke

AN ACT Relating to restricting actions against employers under industrial insurance; and amending RCW 51.24.020.  
Referred to Committee on Commerce and Labor.

SB 5652 by Senators Stevens and Benton

AN ACT Relating to the creation of Freedom county, subject to the requirements of the state Constitution and statutes in respect to the establishment of new counties; amending RCW 36.04.310, 36.04.040, 2.08.064, and 3.34.010; adding a new section to chapter 36.04 RCW; creating new sections; providing an effective date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5653 by Senators Oke and Snyder (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

AN ACT Relating to the establishment of procedures for direct sale of timber from state-owned land; and amending RCW 79.01.132 and 79.01.184.  
Referred to Committee on Natural Resources and Parks.

SB 5654 by Senators Thibaudeau, Kline, Prince and Kohl

AN ACT Relating to recognizing and regulating the right of mentally competent terminally ill adults voluntarily to request and receive physician aid in dying; amending RCW 70.122.100 and 9A.36.060; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 5655 by Senators Winsley, Bauer, Swecker and Jacobsen

AN ACT Relating to conversion to the standard retirement allowance when spouse beneficiaries of the reduced retirement allowance have died; and amending RCW 41.26.460, 41.32.530, 41.32.785, 41.40.188, and 41.40.660.  
Referred to Committee on Ways and Means.

SB 5656 by Senators Zarelli, Kline, Hargrove, Stevens, McCaslin, Oke and Goings

AN ACT Relating to the crime of voyeurism; reenacting and amending RCW 9A.04.080; adding a new section to chapter 9A.44 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5657 by Senator Strannigan

AN ACT Relating to long-term leases of real estate on behalf of state agencies; and reenacting and amending RCW 43.82.010.  
Referred to Committee on Ways and Means.

SB 5658 by Senators Morton, Hale, Deccio, Anderson and Hochstatter

AN ACT Relating to water resources; adding new sections to chapter 90.03 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.27A RCW; adding a new sections to chapter 90.54 RCW; adding a new section to chapter 90.44 RCW; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5659 by Senator Morton

AN ACT Relating to the beef commission; and amending RCW 16.67.040 and 16.67.051.  
Referred to Committee on Agriculture and Environment.

SB 5660 by Senators Kohl, Long, Hargrove and Winsley

AN ACT Relating to out-of-home care; amending RCW 74.15.130 and 74.13.090; reenacting and amending RCW 74.15.020; adding new sections to chapter 74.15 RCW; creating new sections; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5661 by Senators Finkbeiner, Brown, Strannigan, Rossi, Hochstatter and Oke

AN ACT Relating to the electric utility industry; and adding a new chapter to Title 80 RCW.  
Referred to Committee on Energy and Utilities.

SB 5662 by Senators Prince, Haugen, Wood, Heavey, Oke, Prentice and Jacobsen

AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.  
Referred to Committee on Transportation.

SB 5663 by Senator Bauer

AN ACT Relating to lowering additional taxes on spirits; and amending RCW 82.08.150.  
Referred to Committee on Commerce and Labor.

SB 5664 by Senators Horn, Bauer, Sheldon and Schow

AN ACT Relating to credit and debit card purchases in state liquor stores; and amending RCW 66.08.026 and 66.16.041.  
Referred to Committee on Commerce and Labor.

SJM 8007 by Senators Oke, Benton and Roach

Petitioning Congress to maintain a viable combat-ready Armed Forces.

Referred to Committee on Government Operations.

SJM 8008 by Senators Oke, Winsley, Benton and Roach

Preserving the U.S.S. Missouri.

HOLD.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1002 by Representatives L. Thomas, Dyer and Mielke

Clarifying submission of insurance antifraud plans.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1003 by House Committee on Finance (originally sponsored by Representatives Pennington, Hatfield, Mielke, Thompson, Cole, DeBolt, D. Sommers, Conway, Boldt, Alexander, Schoesler, Kessler, Bush, Smith, Dyer and O'Brien)

Defining "local government" and "special assessment" for the purposes of tax deferrals for senior citizens and disabled persons.

Referred to Committee on Ways and Means.

SHB 1007 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas and Wolfe) (by request of Pollution Liability Insurance Agency)

Expanding the duties of the director of the Washington state pollution liability insurance agency.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1012 by Representatives Cairnes, Skinner, Hankins, Robertson, Chandler, Mitchell, B. Thomas, L. Thomas, Cooke and Mielke

Authorizing highway bonds.

Referred to Committee on Transportation.

SHB 1016 by House Committee on Capital Budget (originally sponsored by Representatives Schoesler, Honeyford, McMorris, Carlson, Boldt, Mason, Sheahan, Buck, Ogden, Huff, Grant, Chandler and Clements) (by request of Washington State University)

Transferring property to Washington State University Lind dryland research unit.

Referred to Committee on Natural Resources and Parks.

HB 1019 by Representatives Honeyford, Ogden, D. Sommers and Mason (by request of Public Works Board)

Implementing the public works board's recommendations for project loans.

Referred to Committee on Ways and Means.

HB 1038 by Representatives D. Schmidt, Scott and D. Sommers

Providing procedural requirements for recording documents in the office of the county auditor.

Referred to Committee on Government Operations.

SHB 1060 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Hankins, Grant, Keiser, Scott, Dickerson, Cole, Conway, Quall, Lantz, Cody, Murray, Costa, Morris, Linville, Anderson and Chopp) (by request of Interagency Committee for Outdoor Recreation)

Authorizing Washington wildlife and recreation program projects for fiscal year 1997.

Referred to Committee on Ways and Means.

SHB 1065 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Wolfe and Mason) (by request of Insurance Commissioner Senn)

Filing certain insurance related corporate documents.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1067 by Representatives Sterk, Thompson, Costa, Sheahan, Sherstad, Smith, Mielke and O'Brien

Extending the time limits for commencing a prosecution for certain traffic crimes where a death results.

Referred to Committee on Law and Justice.

HB 1082 by Representatives McDonald and Sheahan

Extending authority to cite for contempt of court.

Referred to Committee on Law and Justice.

#### MOTIONS

On motion of Senator Johnson, Senate Joint Memorial No. 8008 was held on the desk.

On motion of Senator Johnson, House Joint Memorial No. 4008, which was held on the desk January 31, 1997, was referred to the Committee on Government Operations.

#### MOTION

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

#### SENATE RESOLUTION 1997-8609

By Senators Swecker, Fraser and Franklin

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The sixty-seven members of the Yelm Prairie Elementary School Choral Group were invited to sing at the second inaugural address of President William J. Clinton; and

WHEREAS, The students performed an original piece, "If It Takes a Village," written by their music teacher, Lynn Roselle Kourehdar; and

WHEREAS, An ambitious fund raising project, which generated over one hundred thousand dollars in donations from people across the state, made the trip possible; and

WHEREAS, The students were excellent ambassadors of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate give honor to each member of the Yelm Prairie Elementary Choral Group, and to music teacher Lynn Roselle Kourehdar; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to each member of the Yelm Prairie Elementary Choral Group, and to Lynn Roselle Kourehdar.

Senators Swecker, Fraser, Rasmussen, Franklin and McAuliffe spoke to Senate Resolution 1997-8609.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the members of the Yelm Elementary School Choral Group and their music teacher, Lynn Roselle Kourehdar, seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1997-8610

By Senators Kohl, Jacobsen, Hale, McAuliffe, Prince, Brown, Zarelli, Thibaudeau, Bauer, Long, Winsley, Rasmussen, Wood, Swecker, Morton, Wojahn, Fairley, Johnson, Franklin, Fraser, Finkbeiner and Spanel

WHEREAS, Athletics is one of the most effective ways for women in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and women need both strong minds and strong bodies; and

WHEREAS, The communication and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, to the work place, and to society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, The bonds built among women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, The history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women; and

WHEREAS, The state of Washington has produced women athletic winners such as Olympic skier Debbie Armstrong; ice skater Rosalynn Summers; track stars Doris Heritage, Gail Devers, and Gitte Karloshoj; swimmer Mary Wayte; synchronized swimmer Tracie Ruiz-Conforto; marathon runner Lisa Weidenbach; soccer players Shannon Higgins and Michelle Akers; team handball player Dawn Allinger; rowers Roberta Blanda, Hana Dariusova, Sabrina Telenska, Jennifer Devine, Karen Kraft, Elizabeth McCagg, and Mary McCagg; kayaker Shelly Oates; discus thrower Aretha Hill; javelin thrower Erica Wheeler; cyclist Rebecca Twigg; basketball player Camille Thompson; and beach volleyball player Deb

Richardson; whose spirit, talent, and accomplishments distinguished them from others and were a source of inspiration and pride to all of us; and

WHEREAS, The Seattle Reign, one of eight teams from the American Basketball League, the premier womens' basketball league in the United States and Tara Davis and Rhonda Smith, two former University of Washington basketball players who are members of the Seattle Reign, provide a vital and necessary contribution to the state of Washington by serving as positive role models and mentors to young women and girls; and

WHEREAS, Women are underrepresented in the leadership positions of coaches, officials, and administrators, and there is a need for women to serve in these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, Although the athletic opportunities for female students at the college and high school level have improved because of federal and state gender equity laws, the participation rates of male and female athletes at the college and high school levels are still not equitable; and

WHEREAS, The number of funded research projects focusing on the specific needs of women athletes is limited, and the information provided by the projects is imperative to the health and performance of future women athletes;

NOW, THEREFORE, BE IT RESOLVED, That February 6, 1997, be designated as National Girls and Women in Sport's Day, and Governor Locke is authorized and requested to issue a proclamation calling upon local and state jurisdictions to observe the day with appropriate ceremonies and activities.

MOTION

At 10:29 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:57 a.m. by President Pro Tempore Newhouse.

MOTION

At 11:57 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, February 6, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**TWENTY-FOURTH DAY, FEBRUARY 5, 1997**

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**TWENTY-FIFTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Thursday, February 6, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 5, 1997  
SB 5059 Prime Sponsor, Senator McCaslin: Providing minimum standards for legal notices published in newspapers. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 5, 1997  
SB 5075 Prime Sponsor, Senator Swecker: Regulating use activities. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Rasmussen, Newhouse and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

February 5, 1997  
SB 5093 Prime Sponsor, Senator Roach: Prescribing procedures for capital punishment sentencing. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 5, 1997  
SB 5100 Prime Sponsor, Senator Oke: Allowing qualified trusts to hold shares in professional service corporations. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5100 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 1997  
SB 5108 Prime Sponsor, Senator Roach: Transferring certain interests in individual retirement accounts. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 1997

SB 5109 Prime Sponsor, Senator Roach: Dissolving limited liability companies. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 1997

SB 5110 Prime Sponsor, Senator Johnson: Updating probate provisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 1997

SB 5175 Prime Sponsor, Senator Morton: Revising the business and occupation tax on the handling of hay, alfalfa, and seed. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5175 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

February 5, 1997

SB 5183 Prime Sponsor, Senator Roach: Allowing an interlocal agreement between a county and municipality to transfer jurisdiction over a defendant. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5183 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5211 Prime Sponsor, Senator Newhouse: Authorizing public hospital districts to be self-insurers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5265 Prime Sponsor, Senator Schow: Requiring that agreements between the state and Indian tribes be approved by the senate. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5265 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5266 Prime Sponsor, Senator Horn: Regulating engineers and land surveyors. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1997

SB 5270 Prime Sponsor, Senator Winsley: Authorizing the state investment board to create public entities for the purposes of handling real estate and other investment assets. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 5, 1997

SB 5398 Prime Sponsor, Senator Swecker: Reaffirming and protecting the institution of marriage. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5398 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 5, 1997

SB 5468 Prime Sponsor, Senator Rasmussen: Promoting beekeeping operations. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

#### REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

February 4, 1997

GA 9127 EVELYN P YENSON, appointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Licensing.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5665 by Senators Strannigan, Wojahn, Fairley, Wood, Franklin, Deccio, Thibaudeau and Winsley

AN ACT Relating to mental health utilization review; and adding a new section to chapter 48.43 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5666 by Senators Schow, Prentice, Roach, Patterson, Goings, Swecker, Newhouse, Benton, Bauer, Horn, Loveland, Finkbeiner, Wood, Wojahn, Sellar, Rasmussen and Anderson

AN ACT Relating to permitting employers to accommodate indoor smoking in the workplace; adding a new section to chapter 49.17 RCW; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5667 by Senators Roach, Haugen and Kohl (by request of Secretary of State Munro)

AN ACT Relating to court appointed guardians; amending RCW 2.56.030 and 11.88.020; and adding a new section to chapter 11.88 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5668 by Senators Prentice, Deccio, Sellar, Newhouse, Hale, Anderson and Winsley

AN ACT Relating to temporary worker building codes; amending RCW 70.114A.080; and adding a new section to chapter 19.27 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5669 by Senator Morton (by request of Department of Revenue)

AN ACT Relating to the collection of the metals mining and milling fee; amending RCW 78.56.080; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5670 by Senators McCaslin, Haugen and Roach (by request of Utilities and Transportation Commission).

AN ACT Relating to state-issued solid waste collection certificates in cities and towns; amending RCW 35.02.160, 35.13.280, and 35A.14.900; and adding a new section to chapter 81.77 RCW.  
Referred to Committee on Government Operations.

SB 5671 by Senator McCaslin

AN ACT Relating to issuances by administrative agencies; amending RCW 34.05.010, 34.05.230, 34.05.570, 34.05.630, 34.05.640, 34.05.655, and 51.04.030; and reenacting and amending RCW 42.17.260.  
Referred to Committee on Government Operations.

SB 5672 by Senators Strannigan, Franklin, McCaslin, Benton, Wood, Winsley, Horn, Wojahn, Kline, Kohl and Oke

AN ACT Relating to drug-free zones in public housing projects; amending RCW 69.50.435; creating a new section; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5673 by Senators Jacobsen and Finkbeiner

AN ACT Relating to the K-20 telecommunications network; amending RCW 28D.02.010 and 28D.02.060; adding new sections to chapter 28D.02 RCW; providing effective dates; providing expiration dates; and declaring an emergency.  
Referred to Committee on Higher Education.

SB 5674 by Senators Wood, Haugen, Jacobsen, Prince, Winsley and Kohl

AN ACT Relating to governor's awards for excellence in teaching history; and adding a new section to chapter 27.34 RCW.  
Referred to Committee on Higher Education.

SB 5675 by Senators Wood, Fairley, Kline and Kohl

AN ACT Relating to medical rehabilitation services; and reenacting and amending RCW 70.47.060.  
Referred to Committee on Health and Long-Term Care.

SB 5676 by Senators Newhouse, Schow and Anderson

AN ACT Relating to real estate appraisers; amending RCW 18.140.010 and 18.140.020; providing an effective date; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5677 by Senators Deccio, Wood, Long, Rossi, Zarelli, Sellar, Stevens, Swecker, Anderson, Hale, Oke, Finkbeiner, Benton, Johnson, Winsley, Horn, McCaslin, Newhouse, Strannigan, Morton, Roach, Hochstatter, McDonald, Schow, Prince, West, Wojahn and Haugen

AN ACT Relating to implementing the federal personal responsibility and work opportunity reconciliation act of 1996; amending RCW 74.08.025, 74.08.340, 74.09.510, 74.04.515, 74.09.800, 74.08.331, 28A.630.876, 50.16.030,

41.06.380, 74.12.255, 74.04.0052, 26.16.205, 74.12.410, 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.08.350, 18.08.350, 18.11.160, 18.16.100, 18.27.060, 18.28.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.106.070, 18.130.150, 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130, 19.158.050, 19.166.040, 21.20.110, 66.20.320, 67.08.040, 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060, 19.146.220, 75.25.150, 75.28.010, 26.23.050, 26.18.100, 26.23.060, 74.20.040, 26.23.090, 74.20A.100, 26.23.045, 26.23.050, 26.23.030, 26.23.060, 74.20A.080, 26.23.120, 26.04.160, 26.09.170, 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580, 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330, 70.58.080, 26.26.040, 26.26.060, 74.20A.055, 26.23.040, 26.23.040, 26.26.130, 70.58.055, and 74.04.050; reenacting and amending RCW 74.04.005, 18.145.080, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056, and 26.09.020; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 50.62 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a new section to chapter 70.95B RCW; adding new sections to chapter 75.25 RCW; adding new sections to chapter 77.32 RCW; adding a new section to chapter 75.28 RCW; adding new sections to chapter 74.20 RCW; adding new sections to chapter 26.23 RCW; adding new sections to chapter 26.21 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.18 RCW; adding a new chapter to Title 74 RCW; creating new sections; repealing RCW 74.12.420, 74.12.425, 74.25.010, 74.25.020, 74.25.030, 74.25.040, 74.25.900, 74.25.901, 74.12.340, 74.04.770, 74.08.120, and 74.08.125; providing effective dates; providing expiration dates; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5678 by Senators Benton and Goings

AN ACT Relating to transporting students; amending RCW 28A.160.210; and creating a new section.  
Referred to Committee on Education.

\*SB 7900 by Senators Swecker, Fraser, Anderson, Rasmussen, Zarelli, Oke, Goings, Morton, Haugen, Hale, Spanel, Rossi, Johnson, Schow, Kohl, Sellar, Franklin, Horn, Kline, McAuliffe and Winsley

AN ACT Relating to implementing the model toxics control act policy advisory committee recommendations; amending RCW 70.105D.020, 70.105D.030, 70.105D.040, 70.105D.070, and 70.105D.080; and creating a new section.  
Referred to Committee on Agriculture and Environment.

\*EDITOR'S NOTE: Introduced with House sponsors; See SCR No. 8401.

#### MOTION

At 12:01 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, February 7, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**TWENTY-FIFTH DAY, FEBRUARY 6, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**TWENTY-SIXTH DAY**  
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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 7, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Zarelli. On motion of Senator Hale, Senator Zarelli was excused.

The Sergeant at Arms Color Guard, consisting of Pages Drew Cason and Tim Holt, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1997

SB 5022 Prime Sponsor, Senator Hochstatter: Increasing offender scoring while under supervision. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley and Kline.

Referred to Committee on Ways and Means.

February 5, 1997

SB 5035 Prime Sponsor, Senator Roach: Providing a rebuttable presumption that the possessor of stolen mail has knowledge that the mail is stolen. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

February 5, 1997

SB 5036 Prime Sponsor, Senator Roach: Prohibiting law enforcement officers and their immediate family members from purchasing seized property. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5380 Prime Sponsor, Senator Horn: Raising the maximum per diem for boundary review board members. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen and Horn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 5, 1997

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1087,  
HOUSE BILL NO. 1092, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

February 5, 1997

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5679 by Senators Johnson, Hale, Strannigan, Zarelli, Roach, Rossi, Finkbeiner, McDonald, Swecker, Schow, Deccio, Morton, Hochstatter and Stevens

AN ACT Relating to the joint select committee on education restructuring; and repealing RCW 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954.  
Referred to Committee on Education.

SB 5680 by Senators Strannigan, Heavey, Wood, Benton, Johnson, Deccio, Morton, Sellar, Rossi, Hargrove, Stevens, Zarelli, Swecker and Hochstatter

AN ACT Relating to restrictions on mailings by incumbents; amending RCW 42.17.132; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5681 by Senators McCaslin, Hargrove, Johnson, Haugen, McAuliffe, Long and Roach

AN ACT Relating to third degree assault of health care personnel; amending RCW 9A.36.031; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5682 by Senators Long, Hochstatter, Patterson, Schow, Rasmussen and Goings

AN ACT Relating to parent and other adult involvement incentives; adding a new section to chapter 28A.305 RCW; making appropriations; and declaring an emergency.  
Referred to Committee on Education.

SB 5683 by Senators Jacobsen, Goings, Thibaudeau, Franklin, Spanel and Patterson

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; creating new sections; and making appropriations.  
Referred to Committee on Higher Education.

SB 5684 by Senators Horn, Haugen and Wood

AN ACT Relating to prescribing procedures for decreasing fire protection district commissioners; and adding a new section to chapter 52.14 RCW.  
Referred to Committee on Government Operations.

SB 5685 by Senators Roach, Hargrove, Hochstatter, Schow, Strannigan and Johnson

AN ACT Relating to calculation of child support; and amending RCW 26.19.071.  
Referred to Committee on Law and Justice.

SB 5686 by Senator Hargrove

AN ACT Relating to forest fire protection; amending RCW 76.04.610 and 76.04.630; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5687 by Senators Schow, Heavey, Newhouse, Prentice and Horn

AN ACT Relating to making minor possession of tobacco a class 3 civil infraction and clarifying penalties for violation of current laws regarding youth access to tobacco; amending RCW 70.155.020, 70.155.080, 70.155.090, 70.155.110, and 70.155.120; adding new sections to chapter 70.155 RCW; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5688 by Senators Strannigan and Johnson

AN ACT Relating to business and occupation tax reimbursements and advances received by property management companies for the payment of wages to on-site employees; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5689 by Senator Deccio

AN ACT Relating to the imposition of sales and use taxes by cities for criminal justice purposes, for jails, and for courts; and amending RCW 82.14.340 and 82.14.350.  
Referred to Committee on Government Operations.

SB 5690 by Senators Sellar, Winsley, Haugen and Patterson

AN ACT Relating to distribution of motor vehicle excise tax funds used for equalization; amending RCW 82.14.210 and 82.44.155; and reenacting and amending RCW 82.44.110.  
Referred to Committee on Ways and Means.

SB 5691 by Senators Swecker, Rasmussen, Stevens, Rossi, Haugen, Anderson, Loveland, Sheldon and Finkbeiner

AN ACT Relating to sales tax credits for capital investments in ski areas; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5692 by Senators Hochstatter, Hargrove, Johnson, Strannigan, Stevens and Schow

AN ACT Relating to child support; and amending RCW 26.19.080.  
Referred to Committee on Law and Justice.

SB 5693 by Senators Roach, Heavey, Zarelli, Morton, Stevens, Swecker, Hochstatter and Finkbeiner

AN ACT Relating to the privacy of personal information; and adding new sections to chapter 9.73 RCW.  
Referred to Committee on Law and Justice.

SB 5694 by Senators Roach, McCaslin, Oke, Sellar, Zarelli, Benton, Schow, Swecker, Finkbeiner, Strannigan, Wood and McDonald

AN ACT Relating to capital punishment; amending RCW 10.95.030, 10.95.040, and 10.95.080; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5695 by Senators Roach, Long, Oke, Schow, Morton, Benton and Hochstatter

AN ACT Relating to crimes involving firearms; amending RCW 9.94A.310, 9.94A.400, and 9.94A.420; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5696 by Senators Roach, Swecker, Kline, Fairley, Schow, Oke, Anderson, Deccio, Zarelli, Morton, Sellar, McCaslin, Horn, Patterson, Hale, Johnson, Franklin, Rossi, Stevens and Hochstatter

AN ACT Relating to the commission on judicial conduct; amending RCW 2.64.030, 2.64.050, 2.64.060, 2.64.096, 2.64.113, and 2.64.120; creating a new section; and repealing RCW 2.64.080.  
Referred to Committee on Law and Justice.

SB 5697 by Senators Wood, Haugen, Rasmussen, Jacobsen, Horn and Oke (by request of Legislative Transportation Committee)



AN ACT Relating to special fuel tax; amending RCW 35A.82.010, 82.04.4285, 82.38.020, 82.38.030, 82.38.070, 82.38.080, 82.38.090, 82.38.100, 82.38.110, 82.38.120, 82.38.130, 82.38.150, 82.38.160, 82.38.170, 82.38.180, 82.38.190, 82.38.210, 82.38.220, 82.38.230, 82.38.235, 82.38.240, 82.38.260, 43.05.110, 82.47.010, and 82.80.010; reenacting and amending RCW 82.08.0255, 82.12.0256, and 82.38.140; adding new sections to chapter 82.38 RCW; creating new sections; repealing RCW 82.38.040, 82.38.082, and 82.38.086; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5698 by Senators Wood, Long, Haugen, Hale, Benton and Johnson

AN ACT Relating to cardiopulmonary resuscitation training for certificated teachers; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

SB 5699 by Senators Wood, Haugen, Rasmussen, Horn, Sellar, Jacobsen, Prince and Oke

AN ACT Relating to transportation planning; amending RCW 36.70A.040, 36.70A.070, 36.70A.200, 36.70A.210, 47.05.021, 47.05.030, 47.80.023, and 47.80.030; and adding a new section to chapter 47.06 RCW.

Referred to Committee on Transportation.

SB 5700 by Senators Brown, Fairley, Hargrove, McAuliffe, Kohl, Fraser, Kline, Spanel, Thibaudeau, Prentice, Swanson, Goings, Sheldon, Snyder, Loveland, Franklin, Bauer and Patterson

AN ACT Relating to extending family leave to cover medically necessary services for children, parents, and grandparents and children's school activities; amending RCW 49.78.010, 49.78.020, 49.78.030, and 49.78.040; and adding a new section to chapter 49.78 RCW.

Referred to Committee on Commerce and Labor.

SB 5701 by Senators Morton, Rasmussen and Swecker

AN ACT Relating to commercial soil amendments; amending RCW 15.54.270 and 70.95.240; and adding a new section to chapter 15.54 RCW.

Referred to Committee on Agriculture and Environment.

SB 5702 by Senators Morton, Rasmussen and Anderson

AN ACT Relating to animal cruelty; and amending RCW 16.52.185.

Referred to Committee on Agriculture and Environment.

SB 5703 by Senators Anderson and Morton

AN ACT Relating to granting water rights; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture and Environment.

SB 5704 by Senators Finkbeiner, Brown and Strannigan

AN ACT Relating to providing tax exemptions for nonnuclear thermal electric generating facilities; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5705 by Senators Long, Hargrove, Franklin, Zarelli and Kohl

AN ACT Relating to juvenile offenders; amending RCW 13.40.010, 13.40.030, 13.40.038, 13.40.040, 13.40.045, 13.40.050, 13.40.054, 13.40.060, 13.40.077, 13.40.080, 13.40.100, 13.40.120, 13.40.125, 13.40.130, 13.40.135, 13.40.150, 13.40.160, 13.40.185, 13.40.190, 13.40.193, 13.40.210, 13.40.230, 13.40.265, 5.60.060, 13.04.011, 13.32A.030, 13.32A.140, 13.32A.191, 13.32A.196, 13.32A.198, 13.34.030, 13.50.050, 13.70.010, 13.80.020, and 43.43.735; reenacting and amending RCW 13.40.020, 9.94A.030, and 13.04.030; adding new sections to chapter 13.40 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 2.08 RCW; adding a new section to chapter 36.67 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 43.330 RCW; creating new sections; repealing RCW 13.40.025; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5706 by Senators Long, Hargrove and Franklin

AN ACT Relating to juvenile offenders; amending RCW 13.40.010, 13.40.030, 13.40.070, 13.40.077, 13.40.110, 13.40.150, 13.40.160, 13.40.193, 13.40.230, 13.64.060, and 72.76.010; reenacting and amending RCW 13.40.020, 9.94A.030, 9.94A.360, 9.94A.390, and 13.04.030; adding new sections to chapter 13.40 RCW; creating new sections; repealing RCW 13.40.025, 13.40.0354, and 13.40.0357; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5707 by Senators Patterson, McCaslin, Goings, Kline, Anderson, Hale and Haugen

AN ACT Relating to requiring compliance with school attendance laws for minors to earn the privilege to drive; amending RCW 46.20.100; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 46.82 RCW; adding a new section to chapter 46.20 RCW; and creating a new section.  
Referred to Committee on Education.

SB 5708 by Senators Kohl, Long, Hargrove, Prentice, Brown and Winsley

AN ACT Relating to liability insurance for child day-care providers; adding a new section to chapter 74.15 RCW; and providing an effective date.  
Referred to Committee on Human Services and Corrections.

SJM 8009 by Senators Rasmussen, Roach, Hochstatter, Hargrove, Stevens, Wood, Long, Loveland, Winsley and Kohl

Promoting the use of the Eddie Eagle Gun Safety Program in our schools.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1087 by Representative Sheahan

Providing penalties for public consumption of liquor.

Referred to Committee on Law and Justice.

HB 1092 by Representatives Dyer, B. Thomas and Zellinsky

Defining "distributing organization" for charitable donations to children.

Referred to Committee on Law and Justice.

HCR 4404 by Representatives Pennington, Ogden, O'Brien, Zellinsky, Keiser, Scott, Kessler, Skinner, Hankins, Clements, D. Schmidt and Tokuda

Remembering former legislators.

#### MOTION

On motion of Senator Johnson, the rules were suspended and House Concurrent Resolution No. 4404 was advanced to second reading and placed on the second reading calendar.

#### MOTION

On motion of Senator Johnson, the rules were suspended and Senate Joint Memorial No. 8008, which was held on the First Reading Calendar, February 5, 1997, was advanced to second reading and placed on the second reading calendar.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Oke, Winsley, Benton, Roach, Horn, Swanson, Sheldon and Kohl

Preserving the U.S.S. Missouri.

The joint memorial was read the second time.

## MOTION

On motion of Senator Johnson, the rules were suspended, Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of Senate Joint Memorial No. 8008.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 48. Excused: Senator Zarelli - 1. SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed.

## PERSONAL PRIVILEGE

Senator Heavey: "A point of personal privilege, Mr. President. I know that along with many of you that we have just suffered a great deal of pain inflicted upon us by the lady from the thirty-fifth district. Her screeching and scratching cacophony of a speech unduly inflicted a great deal of pain and suffering upon myself, personally, and I hope that maybe she could just give us a token to help repay us for this pain that we have been through on her first speech to this body. I am sure she will get better in the future. Thank you very much."

## PERSONAL PRIVILEGE

Senator Benton: "I rise to a point of personal privilege. A couple of weeks ago I was guilty of the same charges that the fine gentleman, Senator Heavey, has accused of our new member, and as a token of my appreciation to the body for listening to me on my first speech on the floor of this great chamber, I have placed on the desks a gift of appreciation to you.

"I would just like to share with you some information about that. Fourteen years ago, Joe and Debbie Listek arrived in the small town of Camas, Washington, which is in the center of the Seventeenth Legislative District. They lived on the Washougal River and Joe's love of fishing brought him to meet a man by the name of Glenn--a man who had fished those rivers for forty years. Over the years, they became very good fishing buddies, but Glenn would never reveal to Joe his secret, mysterious brine for smoking salmon--a secret that Glenn claimed came from the Klickitat Indian Tribe and that an old wise Klickitat Indian had taught him about smoking salmon and how to bring out the proper color and the proper flavor. But, he would never reveal this secret, until one day when Glenn decided to follow his dream and move to Alaska permanently. He called Joe aside and said, 'I am going to share with you all the secrets the Klickitat Indians taught me about smoking salmon, but you must promise not to reveal this secret of this special curing brine until you pass the torch to the next generation.'

"Joe made the commitment and Glenn then shared with him the secret. For the last four years, Joe and Debbie Listek and their new company, the Pacific Northwest Best Premium Smoked Seafood Company, have been using this secret brine to smoke salmon. Now, in the great Northwest, many of us claim to be salmon connoisseurs, but I can assure you that you have never had a smoked salmon like this before. Even those of you who do not like fish will like this. I promise!

"So, again, I thank you for listening to me. I thank you for allowing me to speak to you my first week in this chamber and I hope you will enjoy the gift. I hope that you will sometime, in the future, call Joe and Debbie Listek and tell them how much you enjoyed it, too. Thank you."

## PERSONAL PRIVILEGE

Senator Swecker: "Thank you, Mr. President. I rise for a point of personal privilege. Mr. President, I think with the length and the blatantly commercial nature of that last speech, we all need another token of his--and I would like another one of these."

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Pennington, Ogden, O'Brien, Zellinsky, Keiser, Scott, Kessler, Skinner, Hankins, Clements, D. Schmidt and Tokuda

Remembering former legislators.

The concurrent resolution was read the second time.

## MOTION

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted. HOUSE CONCURRENT RESOLUTION NO. 4404 was adopted by voice vote.

#### MOTION

Senator Oke moved that the following resolution be adopted:

#### SENATE RESOLUTION 1997-8611

By Senators Oke and Horn

WHEREAS, The defense of our grand republic and the freedoms we have derived therefrom were purchased by the sacrifices of our armed forces of our nation; and

WHEREAS, Our military forces are trained to preserve and defend the Constitution of the United States and the citizens and be capable of accomplishing their mission to be successful in combat defending our inalienable rights as Americans; and

WHEREAS, Since the undeclared end of the Cold War, our armed forces have been drained to a potentially dangerous level by downsizing in personnel strengths and commitments to missions other than war, thereby decreasing our military capability to be prepared to confront a potential enemy or foe and to repel and deter their objectives on simultaneous fronts in our realm of economic, political, or defense posturing interests of the United States; and

WHEREAS, The number of nondeployable combat trained personnel is increasing at an alarming rate, thereby further decreasing our operational readiness capability for wartime preparedness, coupled with the reduction of our National Guard and Reserve strengths, two major contributing factors to our readiness; and

WHEREAS, The Congress is constitutionally empowered to raise, maintain, and appropriate funds for armies, navies, and militias including the Washington Military and Reserves, and provide for the defense of this nation and its international scopes of interest;

NOW, THEREFORE, BE IT RESOLVED, That the Senate is deeply concerned with the operational capabilities of our armed forces, their welfare, and the defense of this great nation, we recognize that the Congress must exercise to their fullest extent their constitutional mandate to retain, restore, and appropriate necessary funding to maintain a viable combat-ready Armed Forces, in a perpetual wartime posture and a secondary force capable of providing for operations other than war for humanitarian or peacekeeping missions around the globe; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Allied Veterans Council of Kitsap County.

#### PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry. Mr. President, is it proper for a Senate Resolution to express political comment, express criticism of the current state of the military, to express what the military should be or shouldn't be? Isn't that more appropriate for a concurrent resolution?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Newhouse: "The President thinks that the resolution is merely a statement of principle and thought and does not suggest any particular action and, therefore, would not be out of order. You may continue, Senator Oke."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 1997-8611.

The motion by Senator Oke carried and the resolution was adopted.

#### MOTION

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

#### SENATE RESOLUTION 1997-8612

By Senators Franklin, Heavey, Horn, Schow, Wood, Anderson, Hale, Newhouse, Winsley, Bauer, Kohl, Loveland, Patterson, Fraser, Sheldon, Snyder, Thibaudeau, Wojahn and Jacobsen

WHEREAS, Today we are honored to have in our presence Mr. Vernon J. Baker, the first and only living African American to receive America's highest military award, the Medal of Honor, for heroism under fire in the Second World War; and

WHEREAS, 1st Lieutenant Baker, on April 5th and 6th, 1945, leading his platoon of twenty-five soldiers, demonstrated tremendous courage and took it upon himself to remove several enemy threats that stood between his platoon and their objective; and

WHEREAS, He put his own life in extreme jeopardy for the sake of his platoon and their mission; and  
WHEREAS, Lt. Baker received the Distinguished Service Cross, the Bronze Star, the Purple Heart, as well as the Cross of Valor from the nation of Italy, and the Cross of Valor from the nation of Poland; and

WHEREAS, Despite the fact that 1.7 million African Americans served in the armed forces during the Second World War, they did not receive a single one of the four hundred thirty-two Medals of Honor awarded; and

WHEREAS, Upon review of this glaring fact nearly fifty years later, the United States Army determined that seven recipients of the Distinguished Service Medal truly were deserving of the military's highest honor, but had been denied it at the time most probably due to racial prejudice; and

WHEREAS, Of the seven new recipients of the Medal of Honor, Vernon J. Baker is the only survivor, and thus the only member of this illustrious group able to be so honored in person; and

WHEREAS, His service to his country in the United States Army continued for twenty-eight years;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor and extend our most heartfelt congratulations and thanks to Mr. Vernon J. Baker of St. Maries, Idaho, for his outstanding service to his country, his courageous sacrifice on behalf of his comrades, and his important role in liberating Nazi-occupied Italy and in defending the cause of liberty both in Europe and at home; and

BE IT FURTHER RESOLVED, That we do hereby urge all citizens of the state of Washington to join us in so honoring Mr. Vernon J. Baker; and that the Secretary of the Senate do hereby immediately transmit a copy of this resolution to Mr. Baker and his family.

Senators Franklin and Brown spoke to Senate Resolution 1997-8612.

#### MOTION

At 10:33 a.m., on motion of Senator Johnson the Senate adjourned until 10:00 a.m., Monday, February 10, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

#### **TWENTY-SIXTH DAY, FEBRUARY 7, 1997**

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#### **TWENTY-NINTH DAY**

#### **MORNING SESSION**

Senate Chamber, Olympia, Monday, February 10, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Kim Avalon and Sarah Erickson, presented the Colors. Senator Bob Morton offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 6, 1997

SB 5094 Prime Sponsor, Senator Roach: Prescribing procedures for release of offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

February 7, 1997

SB 5103 Prime Sponsor, Senator Oke: Increasing the number of alternate operators allowed under certain commercial fishery licenses. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5103 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 7, 1997

SB 5119 Prime Sponsor, Senator Swecker: Compensating members of the forest practices appeals board. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5154 Prime Sponsor, Senator Horn: Extending the vehicle gross weight schedule. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

February 7, 1997

SB 5174 Prime Sponsor, Senator Prince: Transferring property to Washington State University Lind dryland research unit. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5177 Prime Sponsor, Senator Horn: Facilitating smoother flow of traffic. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5189 Prime Sponsor, Senator Goings: Increasing penalties for sex offender registration violations. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

February 7, 1997

SB 5243 Prime Sponsor, Senator Oke: Exempting disabled veterans from reservation fees for state parks. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 5, 1997

SB 5400 Prime Sponsor, Senator Stevens: Reaffirming and protecting the institution of marriage. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5410 Prime Sponsor, Senator Long: Extending the existence of the indeterminate sentence review board. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

February 7, 1997

SB 5592 Prime Sponsor, Senator Stevens: Providing for abstinence education. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Without recommendation. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin and Wojahn.

Referred to Committee on Education.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 7, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Thomas A. Green, reappointed February 7, 1997, for a term ending June 30, 2000, as a member of the Transportation Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

February 7, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Edith L. Nelson, reappointed February 7, 1997, for a term ending September 30, 1997, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

February 7, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Robert E. Quidbach, reappointed February 7, 1997, for a term ending January 1, 2003, as a member of the Forest Practices Appeals Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources and Parks.

February 7, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Dr. Thomas F. Sandquist, reappointed February 7, 1997, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

February 7, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Barbara Shinpoch, reappointed February 7, 1997, for a term ending January 17, 2003, as a member of the Horse  
Racing Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor.

#### MESSAGE FROM THE HOUSE

February 7, 1997

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5709 by Senators Anderson, Schow, Horn, Oke and West

AN ACT Relating to disqualification from industrial insurance compensation for worker's intoxication or controlled substance use; and amending RCW 51.32.020.  
Referred to Committee on Commerce and Labor.

SB 5710 by Senators Hargrove, Long, Franklin, Stevens, Prentice, Zarelli and Schow

AN ACT Relating to reform of social and health services; amending RCW 41.06.076, 13.34.030, 13.50.010, 13.50.100, 26.44.015, 26.44.020, 26.44.030, 26.44.035, 26.44.040, 26.44.053, 26.44.060, 70.124.040, 70.129.030, 74.13.031, 74.15.030, 74.34.050, and 74.34.070; reenacting and amending RCW 13.34.130; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.20A RCW; adding new sections to chapter 13.34 RCW; creating a new section; repealing RCW 43.06A.040; making appropriations; providing an effective date; and providing expiration dates.  
Referred to Committee on Human Services and Corrections.

SB 5711 by Senator Hargrove

AN ACT Relating to bonuses for certain merchant marine veterans and their spouses; and adding a new section to chapter 73.04 RCW.  
Referred to Committee on Ways and Means.

SB 5712 by Senators Deccio, Patterson, Wood, Wojahn, Winsley, Fairley, Long, Fraser, Horn, Kohl, Swecker, Franklin, Brown, Kline and Rasmussen

AN ACT Relating to healthy children and families; amending RCW 74.09.790; adding a new section to chapter 74.09 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5713 by Senators Prentice, Winsley and Hale (by request of Housing Finance Commission)

AN ACT Relating to defining nonprofit corporation for purposes of the Washington state housing finance commission; and amending RCW 43.180.300.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5714 by Senators Rossi and Prentice (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

AN ACT Relating to the conversion of forest practices; and amending RCW 76.09.040, 76.09.050, 76.09.060, 76.09.065, 76.09.240, and 43.21C.037.  
Referred to Committee on Natural Resources and Parks.

SB 5715 by Senators Wood, Fairley, Franklin, Deccio and Winsley

AN ACT Relating to orthotic and prosthetic services; amending RCW 18.59.130; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.



SB 5716 by Senators Kline, Thibaudeau, Jacobsen, Patterson, Heavey, Fairley, Prince, Kohl, Wood and Wojahn

AN ACT Relating to discrimination in employment; and amending RCW 49.60.040, 49.60.180, 49.60.190, and 49.60.200.  
Referred to Committee on Law and Justice.

SB 5717 by Senators McCaslin, Prentice and Johnson

AN ACT Relating to public hospital district elections; amending RCW 70.44.040, 70.44.042, and 70.44.053; and adding new sections to chapter 70.44 RCW.  
Referred to Committee on Government Operations.

SB 5718 by Senators Wood, Newhouse, Haugen, Winsley and Oke (by request of Department of Licensing)

AN ACT Relating to restricting the release and use of certain personal information from state motor vehicle and driver records; amending RCW 46.12.370, 46.12.380, 46.52.060, and 46.52.120; reenacting and amending RCW 42.17.310, 46.52.130, and 46.63.020; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.  
Referred to Committee on Transportation.

SB 5719 by Senators Haugen, Wood, Newhouse and Winsley (by request of Department of Licensing)

AN ACT Relating to drivers' licenses; amending RCW 13.40.265, 46.20.118, 46.20.265, 46.20.285, 46.20.308, 46.20.355, 46.29.040, 46.61.503, and 46.61.5152; creating a new section; repealing RCW 46.61.5057; providing an effective date; and declaring an emergency.  
Referred to Committee on Transportation.

SB 5720 by Senators Benton, Roach, Swecker, Schow, Oke, Long, Johnson, Hale, Strannigan, Stevens, Zarelli, McCaslin, Sellar and Anderson

AN ACT Relating to the taxation of real estate brokers; adding a new section to chapter 82.04 RCW; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5721 by Senators Anderson, Spanel and McDonald

AN ACT Relating to bare-boat charters; amending RCW 19.138.021 and 84.12.200; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.  
Referred to Committee on Commerce and Labor.

SB 5722 by Senators Fraser and Kohl

AN ACT Relating to public school license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 28A.150 RCW.  
Referred to Committee on Transportation.

SB 5723 by Senator Swecker

AN ACT Relating to industrial insurance compensation for beneficiaries and dependents who are nonresident aliens; and amending RCW 51.32.140 and 51.08.050.  
Referred to Committee on Commerce and Labor.

SB 5724 by Senators Wood, Roach and Haugen

AN ACT Relating to limitation of actions; and reenacting and amending RCW 9A.04.080.  
Referred to Committee on Law and Justice.

SB 5725 by Senators Swecker and McDonald

AN ACT Relating to reclaimed water; amending RCW 70.105D.040; adding new sections to chapter 90.46 RCW; and adding a new section to chapter 90.48 RCW.  
Referred to Committee on Agriculture and Environment.

SB 5726 by Senators Roach, Fairley, Thibaudeau and Kohl

AN ACT Relating to health care assistants; and reenacting and amending RCW 18.135.020.  
Referred to Committee on Health and Long-Term Care.

SB 5727 by Senators Wood, Haugen, Jacobsen, Hargrove, Finkbeiner, Deccio, Heavey, Goings, McAuliffe, Patterson, Prentice, Winsley, Kohl and Rasmussen

AN ACT Relating to rearview mirrors on trucks; and amending RCW 46.37.400.  
Referred to Committee on Transportation.

SB 5728 by Senators Haugen, Oke, Prentice, Swecker, Rasmussen, Winsley and Kline

AN ACT Relating to the access to and use of tobacco by minors; amending RCW 70.155.080; reenacting and amending RCW 13.04.030; creating a new section; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5729 by Senators Haugen, Oke, Prentice, Swecker, Rasmussen, Winsley and Kline

AN ACT Relating to the access to and use of tobacco by minors; amending RCW 70.155.080 and 70.155.130; reenacting and amending RCW 13.04.030; creating a new section; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5730 by Senators McCaslin, Haugen, Hale, Patterson, Sellar, Thibaudeau and Wood

AN ACT Relating to new counties; amending RCW 36.09.010, 36.09.020, 2.06.030, 36.32.020, and 84.09.030; adding new sections to chapter 36.09 RCW; adding a new section to chapter 47.01 RCW; creating a new section; recodifying RCW 36.09.010 and 36.09.020; repealing RCW 4.12.070, 36.09.035, 36.09.040, and 36.09.050; and prescribing penalties.  
Referred to Committee on Government Operations.

SB 5731 by Senators Kohl, Wood, Brown, Winsley, Bauer and Kline

AN ACT Relating to child care grants for state and regional universities; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Higher Education.

SB 5732 by Senators Benton, Heavey and Oke

AN ACT Relating to delivery of the cancellation notice for an insurance policy; and amending RCW 48.18.290.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5733 by Senators Newhouse, Rasmussen, Anderson and Haugen

AN ACT Relating to civil actions; amending RCW 4.24.005, 7.70.070, 4.22.070, 4.22.015, 5.60.060, 70.02.050, 4.16.190, 4.16.350, 4.16.300, 51.24.035, and 46.61.688; adding a new section to chapter 4.24 RCW; adding a new section to chapter 4.16 RCW; adding a new chapter to Title 4 RCW; and creating new sections.  
Referred to Committee on Law and Justice.

SB 5734 by Senators Finkbeiner, Wood, Brown, McAuliffe, Spanel, Wojahn, McDonald, Goings, Kline, Winsley and Kohl

AN ACT Relating to school district levies; amending RCW 84.52.0531 and 28A.500.010; and repealing RCW 28A.320.150.  
Referred to Committee on Education.

SB 5735 by Senators Roach, Winsley, Benton, Oke, Snyder, Schow, Heavey and Rasmussen

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans of the armed forces of the United States who died as a result of a service-connected disability or while serving on active duty with the armed forces of the United States; and adding a new section to chapter 84.36 RCW.  
Referred to Committee on Ways and Means.

SB 5736 by Senators Roach, Winsley, Oke, Benton, Schow, Snyder, Heavey, Bauer and Rasmussen

AN ACT Relating to county burial costs for indigent deceased veterans; and amending RCW 73.08.070.  
Referred to Committee on Government Operations.

SB 5737 by Senators Anderson, Loveland, Schow, Sheldon, Strannigan, Rossi, Deccio, Goings, Horn, Swecker, Rasmussen, Bauer, Hale, Roach, Johnson, Benton, West and Oke

AN ACT Relating to repealing the carbonated beverage tax; amending RCW 69.50.520; creating a new section; repealing RCW 82.64.010, 82.64.020, 82.64.030, 82.64.040, and 82.64.050; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5738 by Senators Horn, Haugen, Schow, Wood, McDonald and Winsley

AN ACT Relating to compensation for employment; amending RCW 49.48.010; and adding a new section to chapter 49.46 RCW.  
Referred to Committee on Commerce and Labor.

SB 5739 by Senators Horn, Haugen, Schow, Rasmussen and Wood

AN ACT Relating to employee wearing apparel; and adding a new section to chapter 49.12 RCW.  
Referred to Committee on Commerce and Labor.

SB 5740 by Senators Hargrove, Schow, Snyder, Morton, Hale, Prentice, Heavey, West, McDonald, Swanson, Spanel and Rasmussen

AN ACT Relating to the rural area marketing program; amending RCW 43.168.140, 43.163.210, 43.160.080, 82.16.020, 43.160.076, 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.040, 19.85.050, 19.85.070, 43.31.601, 43.31.611, 43.31.621, 43.63A.021, 43.31.641, 43.63A.440, 43.160.020, 28B.50.030, 28B.80.570, 28B.80.580, 50.12.270, 43.131.385, and 43.131.386; amending 1995 2nd sp.s. c 16 s 108 (uncodified); amending 1995 c 226 s 7 (uncodified); amending 1995 c 226 s 8 (uncodified); amending 1995 c 226 s 9 (uncodified); reenacting and amending RCW 50.22.090 and 43.20A.750; adding new sections to chapter 43.31 RCW; adding a new section to chapter 28C.06 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 19.85 RCW; adding a new section to chapter 43.63A RCW; adding a new chapter to Title 84 RCW; creating new sections; repealing RCW 43.31.651; providing expiration dates; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5741 by Senators Wood and Winsley

AN ACT Relating to public offering statements for condominiums; and amending RCW 64.34.410, 64.34.443, and 64.34.232.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5742 by Senators Wood, Winsley and West

AN ACT Relating to rescinding a retirement allowance agreement; amending RCW 41.40.188; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5743 by Senators Wood, Kohl, Hale and Kline (by request of Department of Revenue)

AN ACT Relating to the creation of a leasehold excise tax exemption for organizations qualified under section 501(c)(3) of the internal revenue code that provide student housing; amending RCW 82.29A.130; and providing an effective date.  
Referred to Committee on Ways and Means.

\*SB 7901 by Senators Johnson and Oke

AN ACT Relating to charter schools; and creating a new section.  
Referred to Committee on Education.

\*SB 7902 by Senators Hale, Bauer, McDonald, Haugen, Sellar, Prentice, McCaslin, Rasmussen, West, Newhouse, Heavey, Swecker, Hargrove, Fraser, Johnson, Morton, Patterson, Rossi, Kline, Anderson, Jacobsen, Strannigan, Prince, Finkbeiner, Oke, Winsley, Long, Stevens, Horn, Benton, Schow, Wood, Roach, Deccio, Zarelli and Goings

AN ACT Relating to lowering business and occupation tax rates; amending RCW 82.04.255, 82.04.290, and 82.04.293; creating a new section; repealing RCW 82.04.055; providing an effective date; and declaring an emergency. Referred to Committee on Ways and Means.

\*EDITOR'S NOTE: Introduced with House sponsors; See SCR No. 8401.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 4404.

MOTION

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

SENATE RESOLUTION 1997-8608

By Senator West

WHEREAS, Young people represent the future of Washington State and are the citizens of tomorrow; and  
WHEREAS, Young people who reside in Washington State face countless challenges as they strive to become adults; and  
WHEREAS, Youth gang violence is an ever-increasing problem in Washington State; and  
WHEREAS, Adults who assist young people in Washington State achieve their full potential assisting us all to achieve a better quality of life; and  
WHEREAS, Wm. Philip Werschler, M.D. has given countless hours of his time and equipment by removing gang-related tattoos from teens who "thought it was cool" and did not realize the long-term ramifications of their action; and  
WHEREAS, Wm. Philip Werschler, M.D. has removed over one hundred tattoos for no charge to these teens; and  
WHEREAS, His efforts have greatly enhanced these individuals' ability to have a real chance at changing the course of their lives especially as they seek employment, further education and new opportunities, and strive to become more productive citizens;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Dr. Werschler for his contributions on behalf of youth in the state of Washington; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Werschler.

MOTION

At 10:13 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Owen.

MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5028, by Senators Sellar, Swecker and Loveland

Modifying county treasury management.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5028 was substituted for Senate Bill No. 5028 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5028.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prentice - 1. SUBSTITUTE SENATE BILL NO. 5028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5049, by Senators Wood, Prentice, Horn, Brown, Prince and Haugen

Providing vehicle owners' names and addresses to commercial parking companies.

## MOTIONS

On motion of Senator Prince, Substitute Senate Bill No. 5049 was substituted for Senate Bill No. 5049 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prince, the rules were suspended, Substitute Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5049.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Newhouse, Oke, Prince, Rasmussen, Rossi, Schow, Sellar, Strannigan, Swecker, Winsley and Wood - 26. Voting nay: Senators Benton, Fairley, Finkbeiner, Franklin, Fraser, Hochstatter, Kline, Kohl, Loveland, McAuliffe, Morton, Patterson, Roach, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, West, Wojahn and Zarelli - 22. Excused: Senator Prentice - 1. SUBSTITUTE SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 11:43 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:58 a.m. by President Owen.

## SECOND READING

SENATE BILL NO. 5398, by Senators Swecker, Zarelli, Oke and Schow

Reaffirming and protecting the institution of marriage.

## MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5398 was substituted for Senate Bill No. 5398 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the following amendment by Senators Swecker and McDonald was adopted:

On page 3, line 5, after "under" strike "subsections (1)(a), (1)(c), or (2) of"

## MOTION

Senator Swecker moved that the rules be suspended and Substitute Senate Bill No. 5398, as amended, be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

Senator Sheldon demanded the call of the question.

The President declared the question before the Senate to be the call of the question on suspending the rules and advancing Substitute Senate Bill No. 5398, as amended, to third reading.

The motion by Senator Sheldon carried on a rising vote and Substitute Senate Bill No. 5398, as amended, was referred to the Committee on Rules for third reading.

MOTION

At 12:05 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, February 11, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**TWENTY-NINTH DAY, FEBRUARY 10, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTIETH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, February 11, 1997

The Senate was called to order at 12:00 noon by President Pro Tempore Newhouse. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5106 Prime Sponsor, Senator McAuliffe: Creating the Washington advanced college tuition payment program. Reported by Committee on Higher Education February 10, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Sheldon and West.

Referred to Committee on Ways and Means

SB 5132 Prime Sponsor, Senator Zarelli: Simplifying designation of school bus stops as drug-free zones. Reported by Committee on Law and Justice February 10, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5181 Prime Sponsor, Senator Roach: Making certain debtors liable for any deficiency after default. Reported by Committee on Law and Justice February 10, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5217 Prime Sponsor, Senator Bauer: Providing death benefits for volunteer fire fighters. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5218 Prime Sponsor, Senator Fraser: Placing restrictions on postretirement employment. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5218 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5219 Prime Sponsor, Senator Winsley: Transferring law enforcement officers' and fire fighters' retirement system plan I service. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5220 Prime Sponsor, Senator Long: Establishing minimum benefits on the Washington state patrol retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5221 Prime Sponsor, Senator Long: Specifying eligibility for survivor benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5222 Prime Sponsor, Senator Fraser: Retirement benefits based on excess compensation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5223 Prime Sponsor, Senator Roach: Changing teachers' retirement system plan III contribution rates. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5225 Prime Sponsor, Senator Franklin: Providing retirement credit for leave for legislative service. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 10, 1997

SB 5295 Prime Sponsor, Senator Roach: Revising district court procedures regarding small claims and appeals. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Long and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 1997

SB 5312 Prime Sponsor, Senator Wood: Facilitating sale of materials from department of transportation lands. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5312 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

February 7, 1997

SB 5365 Prime Sponsor, Senator Snyder: Prohibiting disability retirement benefits resulting from criminal conduct. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5365 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 10, 1997

SB 5464 Prime Sponsor, Senator Kohl: Extending gender equity provisions. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5464 be substituted therefor, and the substitute bill do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Sheldon and West.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 7, 1997

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1032,  
SUBSTITUTE HOUSE BILL NO. 1093, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5744 by Senators Hale, Anderson, Haugen, Deccio, West and Oke



AN ACT Relating to legislative review of agency rules; and amending RCW 34.05.328.  
Referred to Committee on Government Operations.

SB 5745 by Senators Morton, Haugen, Hochstatter, Swecker, Zarelli and Stevens

AN ACT Relating to certificates of registration without inspection for family day care providers; amending RCW 43.20A.710, 74.15.030, and 74.13.031; reenacting and amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; adding a new section to chapter 74.13 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5746 by Senator McCaslin

AN ACT Relating to restriction of short plat fees; and amending RCW 43.21C.065.  
Referred to Committee on Government Operations.

SB 5747 by Senators Hale, Spanel and Oke (by request of Department of Revenue)

AN ACT Relating to confidentiality of property tax information; amending RCW 84.40.020 and 84.40.340; reenacting and amending RCW 42.17.310; adding a new section to chapter 84.08 RCW; and prescribing penalties.  
Referred to Committee on Ways and Means.

SB 5748 by Senators West and Spanel (by request of Department of Revenue)

AN ACT Relating to reducing the penalty for failure to file manufacturing machinery and equipment exemption certificates or annual summaries; amending RCW 82.12.02565; reenacting and amending RCW 82.08.02565; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5749 by Senators Heavey, McCaslin, Winsley, Haugen and Deccio

AN ACT Relating to regulation of plumbers; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.050, and 18.106.070; and adding a new section to chapter 18.106 RCW.  
Referred to Committee on Commerce and Labor.

SB 5750 by Senators Winsley, Prentice, Hale and Heavey

AN ACT Relating to filing certain rates and contracts with the insurance commissioner; amending RCW 48.18.100 and 48.19.060; adding a new section to chapter 48.18 RCW; and adding a new section to chapter 48.19 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5751 by Senators Stevens, Hargrove, Schow and Roach

AN ACT Relating to eligibility for public assistance; and amending RCW 74.08.025.  
Referred to Committee on Health and Long-Term Care.

SB 5752 by Senators Anderson, Goings, Winsley, Haugen, Rasmussen, Strannigan, Bauer, Wood and Oke

AN ACT Relating to employees of school districts; adding new sections to chapter 41.59 RCW; repealing RCW 41.59.120; and declaring an emergency.  
Referred to Committee on Education.

SB 5753 by Senators Swecker and Rasmussen

AN ACT Relating to the processing of water rights; amending RCW 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.320, 90.03.380, 90.03.390, 90.44.100, 90.03.260, 90.44.060, 90.03.250, 90.03.470, 89.30.001, and 90.40.090; adding new sections to chapter 43.21B RCW; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.471.  
Referred to Committee on Agriculture and Environment.

SB 5754 by Senators Horn, Franklin and Newhouse (by request of Department of Licensing)

AN ACT Relating to boxing, kickboxing, martial arts, and wrestling; amending RCW 67.08.002, 67.08.010, 67.08.015, 67.08.017, 67.08.030, 67.08.050, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.130, 67.08.140, 67.08.170, and 67.08.180; adding new sections to chapter 67.08 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5755 by Senator Swecker

AN ACT Relating to service of process in landlord-tenant disputes; and amending RCW 59.18.055.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5756 by Senators Deccio, Wojahn, Wood and Fairley (by request of Department of Health)

AN ACT Relating to food and beverage service worker permits; amending RCW 69.06.010, 69.06.030, and 69.06.050; adding a new section to chapter 69.06 RCW; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 5757 by Senators Stevens, Roach, Swecker and Oke

AN ACT Relating to law enforcement investigations and proceedings pertaining to child abuse or neglect; and adding a new chapter to Title 10 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5758 by Senators McCaslin, Haugen, Hale, Swecker and Patterson (by request of Governor Locke)

AN ACT Relating to implementing the recommendations of the land use study commission; amending RCW 36.70A.030, 36.70A.070, 36.70A.160, 36.70A.190, 36.70A.130, 36.70A.270, 36.70A.290, 36.70A.300, 36.70A.305, 36.70A.320, 36.70A.330, 36.70A.500, 84.34.020, 84.40.030, 90.60.030, 35.13.130, 35A.14.295, 35.13.174, 36.93.170, and 84.14.010; adding new sections to chapter 36.70A RCW; adding a new section to chapter 35.13 RCW; and creating new sections.  
Referred to Committee on Government Operations.

SB 5759 by Senators Long, Hargrove, Zarelli, Franklin, Winsley, Oke and Roach

AN ACT Relating to sex offender risk level classification and public notification procedures; amending RCW 4.24.550, 13.40.217, 70.48.470, and 9.95.145; adding a new section to chapter 72.09 RCW; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 5760 by Senators Long, Hargrove, Franklin, Deccio, Thibaudeau, Winsley and Kohl

AN ACT Relating to mentally ill offenders; amending RCW 9.94A.110; reenacting and amending RCW 9.94A.120 and 9.94A.200; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5761 by Senators Swecker, Hale, Loveland, Finkbeiner, Fraser, Deccio, Jacobsen, Anderson and Winsley

AN ACT Relating to certification of environmental technologies; and adding new sections to chapter 43.21A RCW.  
Referred to Committee on Agriculture and Environment.

SB 5762 by Senators Heavey, West, Schow, Deccio, Rasmussen, Brown, McCaslin and Goings

AN ACT Relating to benefiting the equine industry by parimutuel satellite and simulcast wagering restricted to live racing facilities and providing lottery games; amending RCW 67.16.050, 67.16.105, 67.16.200, and 67.70.240; adding a new section to chapter 67.70 RCW; adding a new section to chapter 67.16 RCW; creating a new section; repealing RCW 67.16.190 and 67.16.250; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5763 by Senators Finkbeiner, Brown, Rossi, McAuliffe, Roach, Kohl, Jacobsen, Hochstatter, Haugen, Goings and West

AN ACT Relating to prohibiting the taxation of internet service providers as network telephone services providers; amending RCW 82.04.055 and 82.04.065; adding a new section to chapter 35.21 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Energy and Utilities.

SCR 8404 by Senators Jacobsen, Fraser and Kohl

Recognizing a state poet laureate.

Referred to Committee on Government Operations.

SCR 8405 by Senators Swanson, McCaslin, Haugen, Roach, Goings, Franklin, Jacobsen, Loveland, Kline, Sheldon, Snyder, Bauer, Wojahn, Heavey, Hale, Kohl and Oke

Creating the Joint Select Committee on Veterans and Military Personnel Affairs.

Referred to Committee on Government Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1032 by House Committee on Appropriations (originally sponsored by Representatives Reams, Mulliken, Thompson, McMorris, Koster, DeBolt, D. Sommers, Boldt, Hickel, Sheahan, Buck, Schoesler, Honeyford, Mitchell, D. Schmidt, Sherstad, L. Thomas, Dunn, Dyer, Mielke, Cairnes, Robertson and Backlund)

Implementing regulatory reform.

Referred to Committee on Government Operations.

SHB 1093 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Costa, D. Sommers, Dunn, O'Brien and Anderson)

Making various changes in election laws.

Referred to Committee on Government Operations.

#### MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, February 12, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**THIRTIETH DAY, FEBRUARY 11, 1997**

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#### **THIRTY-FIRST DAY**

#### **MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 12, 1997  
The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Eagle Scouts, Richard Marlet, Brian Marlet, Ryan Hayes, Mike Bricker and Steve Bricker, from Scout Troop No. 10 in Olympia, presented the Colors. Reverend Mary McGonigal, pastor of the Lacey Presbyterian Church, offered the prayer.

#### MOTION

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

#### MOTION

On motion of Senator Johnson, notwithstanding the rules, the Committee on Human Services and Corrections will be allowed to meet for about ten minutes into the floor session today.

#### STANDING COMMITTEE REPORTS

February 11, 1997

SB 5003 Prime Sponsor, Senator Swecker: Providing property tax exemptions for property with an assessed value of less than five hundred dollars. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5003 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 10, 1997

SB 5086 Prime Sponsor, Senator Roach: Prohibiting mandatory child support for postsecondary education of adult children. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Haugen, Long, McCaslin and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5112 Prime Sponsor, Senator Oke: Providing property tax refund interest from the date of collection. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5112 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Roach, Rossi, Schow, Snyder, Spanel, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Kohl, Loveland and Thibaudeau.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5142 Prime Sponsor, Senator Roach: Allowing county clerks to collect civil judgments where the county is the creditor. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5142 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 10, 1997

SB 5144 Prime Sponsor, Senator Roach: Modifying numerous local government administrative requirements. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5144 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5229 Prime Sponsor, Senator Prince: Extending permitted uses of assembly halls and meeting places to maintain property tax exemptions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5316 Prime Sponsor, Senator West: Using credit and debit cards when parking at the state convention and trade center. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Kohl, Long, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Loveland and Thibaudeau.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5334 Prime Sponsor, Senator Winsley: Providing a credit against the premium tax for guaranty association assessments paid by insurers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5334 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, Roach, Rossi, Schow, Sheldon, Snyder, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5537 Prime Sponsor, Senator Stevens: Providing transitional employment services for ex-offenders. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Refer to Committee on Human Services and Corrections. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser and Heavey.

Referred to Committee on Human Services and Corrections.

February 11, 1997

SB 5554 Prime Sponsor, Senator Johnson: Regulating deeds of trusts. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 10, 1997

SB 5569 Prime Sponsor, Senator Schow: Revising provisions for overtime compensation for commissioned salespersons. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5569 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin and Heavey.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5574 Prime Sponsor, Senator Horn: Instituting property tax reform. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Government Operations without recommendation. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, Roach, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Referred to Committee on Government Operations.

February 11, 1997

SB 5582 Prime Sponsor, Senator Roach: Prohibiting the purchase of liquor by intoxicated persons. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Refer to Committee on Law and Justice. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser and Heavey.

Referred to Committee on Law and Justice.

February 11, 1997

SB 5721 Prime Sponsor, Senator Anderson: Allowing bare-boat charters. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Refer to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin and Heavey.

Referred to Committee on Ways and Means.

February 11, 1997

SB 7902 Prime Sponsor, Senator Hale: Lowering business and occupation tax rates (Introduced with House sponsors). Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Loveland, Roach, Rossi, Schow, Sheldon, Snyder, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Thibaudeau.

Passed to Committee on Rules for second reading.

#### STANDING COMMITTEE REPORT GUBERNATORIAL APPOINTMENT

February 11, 1997

GA 9122 BRUCE MIYAHARA, reappointed January 15, 1997, for a term ending at the pleasure of the Governor, as Secretary of the Department of Health. Reported by Committee on Health and Long-Term Care.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin and Wojahn.

Referred to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5764 by Senators Johnson, Anderson, Benton, McCaslin, Oke, Deccio, Strannigan, Swecker, Hochstatter, Finkbeiner, Schow, Rossi, Sellar and West

AN ACT Relating to charter schools; and adding a new chapter to Title 28A RCW.  
Referred to Committee on Education.

SB 5765 by Senators Benton, Hochstatter, McCaslin, Zarelli, Swecker, Schow and Oke

AN ACT Relating to the protection of private property; amending RCW 4.16.100; adding a new section to chapter 7.06 RCW; adding a new section to chapter 4.84 RCW; and adding a new chapter to Title 64 RCW.  
Referred to Committee on Government Operations.

SB 5766 by Senators Benton, Hochstatter, Zarelli, Swecker, Anderson, Schow and Oke

AN ACT Relating to the protection of private property; amending RCW 4.16.100; adding a new section to chapter 7.06 RCW; adding a new section to chapter 4.84 RCW; and adding a new chapter to Title 64 RCW.  
Referred to Committee on Government Operations.

SB 5767 by Senators Swecker, Hochstatter, Zarelli and Stevens

AN ACT Relating to equalization of salary allocations for certificated educational employees; and amending RCW 28A.400.200.  
Referred to Committee on Ways and Means.

SB 5768 by Senators Horn, Thibaudeau, Winsley, Anderson, Oke, McDonald, Wood, Fairley, Wojahn and Heavey

AN ACT Relating to supported employment for persons with developmental disabilities; adding new sections to chapter 41.04 RCW; and creating a new section.  
Referred to Committee on Commerce and Labor.

SB 5769 by Senators Johnson and Goings

AN ACT Relating to theft of property; amending RCW 9A.56.160 and 9A.56.140; adding a new section to chapter 9A.56 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5770 by Senators Stevens and Thibaudeau

AN ACT Relating to the confidentiality of child welfare records; and adding new sections to chapter 74.13 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5771 by Senator Finkbeiner (by request of Department of Revenue)

AN ACT Relating to use tax on electricity; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; and providing an effective date.  
Referred to Committee on Energy and Utilities.

SB 5772 by Senators McAuliffe, Hochstatter, Sheldon, Wood, Kline, Long, Fairley, Winsley, Goings, Brown, Finkbeiner, Kohl, Rasmussen, Prentice, Loveland, Heavey, Patterson and Hale

AN ACT Relating to providing community access to technology in schools; adding a new section to chapter 28A.620 RCW; and making appropriations.  
Referred to Committee on Education.

SB 5773 by Senators Haugen, Rasmussen, Strannigan and Horn

AN ACT Relating to electrical inspections within county road rights of way; and amending RCW 19.28.360.  
Referred to Committee on Commerce and Labor.

SB 5774 by Senators Roach, McCaslin, Fairley and Oke (by request of Supreme Court)

AN ACT Relating to pro tempore judges; amending RCW 2.04.240, 2.04.250, 2.06.150, 2.06.160, and 2.10.030; and reenacting and amending RCW 41.40.010.  
Referred to Committee on Law and Justice.

SB 5775 by Senator McCaslin

AN ACT Relating to hazardous devices; and amending RCW 70.74.191.  
Referred to Committee on Law and Justice.

SB 5776 by Senators McCaslin, Swecker, Anderson, Schow, Deccio, Morton and Hochstatter

AN ACT Relating to public disclosure; amending RCW 42.17.020, 42.17.105, 42.17.350, 42.17.380, 42.17.420, 42.17.640, 42.17.660, and 42.17.680; reenacting and amending RCW 43.10.067; adding a new section to chapter 42.17 RCW; and repealing RCW 42.17.172.  
Referred to Committee on Government Operations.

SB 5777 by Senator Swecker

AN ACT Relating to tax exemptions for materials used in repair processes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.

SB 5778 by Senators Deccio and Wojahn

AN ACT Relating to referrals to the department of health by the legislature to review proposed substantial changes to scope of practice or level of regulation of health professions; amending RCW 18.120.010, 18.120.020, 18.120.030, 18.120.040, and 18.120.050; adding a new section to chapter 18.120 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5779 by Senators Swecker and Fraser

AN ACT Relating to terminating water and sewer service after account is delinquent for thirty days; and amending RCW 57.08.081.  
Referred to Committee on Government Operations.

SB 5780 by Senators Haugen, Swecker, Fraser and Rasmussen

AN ACT Relating to conforming the authority for water system development charges with a city's authority; and amending RCW 57.08.005.  
Referred to Committee on Government Operations.

SB 5781 by Senators McCaslin, Haugen, Morton, Rasmussen, Anderson, Swecker and Schow

AN ACT Relating to voter approval of city assumption of a water or sewer district; amending RCW 35.13A.020, 35.13A.030, and 35.13A.040; and adding a new section to chapter 35.13A RCW.  
Referred to Committee on Government Operations.

SB 5782 by Senators Swecker, Haugen, Rasmussen and Fraser

AN ACT Relating to bid requirements for water-sewer districts; and reenacting and amending RCW 57.08.050.  
Referred to Committee on Government Operations.

SB 5783 by Senators Swecker, Haugen, Anderson, Rasmussen and Morton

AN ACT Relating to public water systems; amending RCW 90.03.320 and 90.03.330; adding a new section to chapter 90.03 RCW; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5784 by Senators Swecker, Haugen and Rasmussen

AN ACT Relating to conditioning building permits on connecting to public water systems; and amending RCW 19.27.097.  
Referred to Committee on Government Operations.

SB 5785 by Senators Swecker, Newhouse, Morton, Haugen and Rasmussen

AN ACT Relating to consolidating ground water rights of exempt wells; and amending RCW 90.44.100.  
Referred to Committee on Agriculture and Environment.

SB 5786 by Senators Fraser, Newhouse, McCaslin, Rasmussen, Morton, Anderson, Haugen and Spanel

AN ACT Relating to using population projections in determining adequacy of water supply; and amending RCW 43.62.035.  
Referred to Committee on Government Operations.

SB 5787 by Senators Benton, Snyder and Newhouse

AN ACT Relating to the disposition of proceeds from county land deeded to the department of natural resources; and amending RCW 76.12.030.  
Referred to Committee on Natural Resources and Parks.

SB 5788 by Senators Strannigan, Finkbeiner, Franklin, Spanel, Jacobsen and Fraser



AN ACT Relating to the office of marine safety; amending RCW 88.46.030, 88.46.060, 88.46.080, and 88.46.090; adding a new section to chapter 88.46 RCW; adding a new section to chapter 43.211 RCW; creating new sections; repealing RCW 43.211.020, 88.46.920, 88.46.921, 88.46.922, 88.46.923, 88.46.924, 88.46.925, 88.46.926, and 88.46.927; repealing 1995 2nd sp.s. c 14 s 521 and 1991 c 200 s 1120 (uncodified); repealing 1995 2nd sp.s. c 14 s 522 and 1993 c 281 s 73 (uncodified); repealing 1995 2nd sp.s. c 14 s 524 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Environment.

SB 5789 by Senators Stevens and Oke

AN ACT Relating to information on school instructional programs, operation, and maintenance; and amending RCW 28A.320.090.

Referred to Committee on Education.

SB 5790 by Senators McCaslin, Fraser, Haugen, Patterson, Stevens, Horn, Oke and Wojahn (by request of State Auditor Sonntag)

AN ACT Relating to whistleblowers; amending RCW 42.40.020, 42.40.040, and 42.40.050; adding new sections to chapter 42.40 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5791 by Senators Deccio, Bauer, McDonald, Haugen, Schow, Thibaudeau and Kohl

AN ACT Relating to the regulation of liquor sales in designated restricted liquor zones; amending RCW 66.04.010, 66.24.010, 66.24.360, and 66.24.370; adding new sections to chapter 66.24 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5792 by Senators Oke, Heavey, Winsley, Fraser, Patterson, Franklin and Kohl (by request of Governor Locke and Attorney General Gregoire)

AN ACT Relating to regulation and control of tobacco products; amending RCW 70.155.010, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.090, 70.155.100, 70.155.110, 70.155.130, 82.24.500, and 82.26.050; adding a new section to chapter 70.155 RCW; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5793 by Senators Fraser and Kohl

AN ACT Relating to deaf, deaf-blind, and hard of hearing children; adding a new section to chapter 28A.155 RCW; creating new sections; and making appropriations.

Referred to Committee on Education.

SB 5794 by Senators Spanel, Anderson, Snyder, Jacobsen, Morton and Kohl

AN ACT Relating to removing landing requirements for the Puget Sound commercial crab fishery and allowing two licensees to operate one vessel; and amending RCW 75.30.130 and 75.28.048.

Referred to Committee on Natural Resources and Parks.

SB 5795 by Senators Benton and Haugen (by request of Department of Licensing)

AN ACT Relating to licensing; amending RCW 46.70.023; adding a new section to chapter 46.70 RCW; and adding a new section to chapter 88.02 RCW.

Referred to Committee on Transportation.

SB 5796 by Senators Benton and Haugen (by request of Department of Licensing)

AN ACT Relating to the department of licensing; amending RCW 46.87.020, 46.87.030, 46.87.120, 46.87.140, 46.87.290, 82.36.335, 82.38.190, and 82.42.060; adding a new section to chapter 46.87 RCW; adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; and adding a new section to chapter 82.42 RCW.

Referred to Committee on Transportation.

SB 5797 by Senators Benton and Haugen (by request of Department of Licensing)

AN ACT Relating to permits and certificates issued by the department of licensing; amending RCW 46.09.070, 46.10.040, 46.12.010, 46.12.080, 46.12.170, 46.12.181, 46.16.210, 46.16.220, 46.16.305, 46.16.630, and 88.02.075; and adding a new section to chapter 46.16 RCW.  
Referred to Committee on Transportation.

SB 5798 by Senators Swecker and Fraser

AN ACT Relating to the secondary materials industry; amending RCW 70.95H.005, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.900, 43.31.545, and 42.52.080; adding a new chapter to Title 70 RCW; repealing RCW 70.95H.007, 70.95H.020, 70.95H.040, 70.95H.050, and 70.95H.800; providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5799 by Senators Deccio, Rasmussen, Newhouse and Loveland

AN ACT Relating to the transfer of funds to provide for plant pest control activities; amending RCW 17.24.131; adding a new section to chapter 15.17 RCW; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SCR 8406 by Senators Prince and Snyder

Recognizing the "Old Timers" reunion.

#### MOTION

On motion of Senator Johnson, the rules were suspended and Senate Concurrent Resolution No. 8406 was advanced to second reading and placed on the second reading calendar.

#### MOTION

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

#### SENATE RESOLUTION 1997-8614

By Senators West, Franklin, Swecker, Bauer, Zarelli, Sellar, Johnson, McCaslin, Snyder, Hale, Sheldon, Newhouse, Wojahn, McDonald, Roach, Anderson, Jacobsen, Haugen, Fraser and Kohl

WHEREAS, The Boy Scouts of America have been an integral part of building the character of youth for over eighty-seven years; and

WHEREAS, The Scout Law which reads "A Scout is: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent" provides an ethical code that we would all do well to follow; and  
WHEREAS, The Scout Motto of "Be Prepared" and the Scout Slogan of "Do a good turn daily" provides a positive mission for Scouts of all ages; and

WHEREAS, World-wide Scout principles which include individual respect, citizenship, and service to others, help lay a foundation for future service to our state and country; and

WHEREAS, The co-ed Learning for Life Program provides children with positive values and essential life skills in classrooms all over the nation; and

WHEREAS, The co-ed Explorer Program prepares youth for future careers; and

WHEREAS, Scouts of all ages provide assistance in local and national emergencies; and

WHEREAS, Thousands of Scouts participate every year in "Scouting for Food" good turn projects and have collected hundreds of tons of food for local food banks; and

WHEREAS, Nationally, over four million youths are involved in Boy Scouting from Tiger Cubs through Explorers; and

WHEREAS, Over one million six hundred thousand adults in the United States give their time to volunteer to the Boy Scouts; and

WHEREAS, The Governor of Washington State, Gary Locke, is a lifetime Boy Scout, having earned the rank of Eagle Scout; and

WHEREAS, Over thirty-two members of the Washington State Legislature have been Boy Scouts and Girl Scouts and thirty-nine members volunteer their time as leaders, parents, and counselors in scouting;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the effort and work of the six councils of the Boy Scouts of America in Washington State and the positive programs they provide for our youth; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage all agencies of state government to recognize the service and benefits that the Boy Scouts of America provide; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Gary Locke, Governor of Washington; the Governor's cabinet officers; all state-wide elected officials; the National

Boy Scouts of America Office, the Western Region Office of the Boy Scouts of America, and to the six Boy Scout Councils serving Washington State.

#### INTRODUCTION OF SPECIAL GUESTS

The President thanked the Eagle Scouts who presented the Colors for the opening of the session this morning and, also, welcomed and introduced the Boy Scouts who were seated in the gallery.

#### MOTION

At 10:17 a.m., on motion of Senator Johnson, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:46 a.m. by President Owen.

At 10:46 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:52 a.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 10, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5212 with the following amendment(s):  
Strike everything after the enacting clause and insert the following: "**PART I VALUE AVERAGING NEW SECTION. Sec. 101.** A new section is added to chapter 84.04 RCW to read as follows: "Appraised value of property" means the aggregate true and fair value of the property as last determined by the county assessor according to the revaluation program approved under chapter 84.41 RCW, including revaluations based on statistical data between physical inspections. **Sec. 102.** RCW 84.04.030 and 1961 c 15 s 84.04.030 are each amended to read as follows: "Assessed value of property" shall be held and construed to mean the aggregate valuation of the property subject to taxation by any taxing district as determined under section 105 of this act, reduced by the value of any applicable exemptions under RCW 84.36.381 or other law, and placed on the last completed and balanced tax rolls of the county preceding the date of any tax levy. **Sec. 103.** RCW 84.40.020 and 1973 c 69 s 1 are each amended to read as follows: All real property in this state subject to taxation shall be listed and assessed every year, with reference to its appraised and assessed values on the first day of January of the year in which it is assessed. Such listing and all supporting documents and records shall be open to public inspection during the regular office hours of the assessor's office: PROVIDED, That confidential income data is exempted from public inspection pursuant to RCW 42.17.310. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: PROVIDED, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business. **Sec. 104.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to read as follows: All personal property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law. All real property shall be appraised at one hundred percent of its true and fair value in money and assessed as provided in section 105 of this act unless specifically provided otherwise by law. Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria: (1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property. (2) In addition to sales as defined in subsection (1) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value. (3) In valuing any tract or parcel of real property, the true and fair value of the land, exclusive of structures thereon shall be determined; also the true and fair value of structures thereon, but the appraised valuation shall not exceed the true and fair value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded. **NEW SECTION. Sec. 105.** A new section is added to chapter 84.40 RCW to read as follows: (1) As used in this section: (a) "Previous assessed value" means the assessed value for

the year immediately preceding the year for which a calculation is being made under this section. (b) "Current appraised value" means the appraised value for the year for which a calculation is being made under this section. (c) "Total value increase" means the current appraised value minus the previous assessed value. Total value increase can never be less than zero. (d) "Improvement increase" means the portion of the total value increase attributable to any physical improvements made to the property since the previous assessment, other than improvements exempt under RCW 84.36.400 for the year for which a calculation is being made under this section. Improvement increase can never be less than zero. (e) "Market increase" means the total value increase minus the improvement increase. Market increase can never be less than zero. (2) The assessed value of property is equal to the lesser of the current appraised value or a limited value determined under this section. The limited value is equal to the greater of: (a) The improvement increase plus one hundred fifteen percent of the previous assessed value; or (b) The sum of: (i) The previous assessed value; (ii) The improvement increase; and (iii) Twenty-five percent of the market increase. (3) Upon loss of preferential tax treatment for property that qualifies for preferential tax treatment under chapter 84.14, 84.26, 84.33, 84.34, or 84.36 RCW, the previous assessed value shall be the assessed value the property would have had without the preferential tax treatment. **Sec. 106.** RCW 84.40.040 and 1988 c 222 s 15 are each amended to read as follows: The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. The assessor shall also complete the duties of listing and placing valuations on all property by May 31st of each year, except that the listing and valuation of construction and mobile homes under RCW ((36.21.040 through) 36.21.080 and 36.21.090 shall be completed by August 31st of each year, and in the following manner, to wit: The assessor shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter as the appraised value one hundred percent of the true and fair value of such land and of the total true and fair value of such improvements, together with the total of such one hundred percent valuations, opposite each description of property on the assessment list and tax roll. The assessor shall determine the assessed value, under section 105 of this act, for each tract or lot of land listed for taxation, including improvements located thereon, and shall also enter this value opposite each description of property on the assessment list and tax roll. The assessor shall make an alphabetical list of the names of all persons in the county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property: PROVIDED, That the assessor may list and value improvements on publicly owned land in the same manner as real property is listed and valued, including conformance with the revaluation program required under chapter 84.41 RCW. Such list and statement shall be filed on or before the last day of April. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: PROVIDED, That the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement and enter one hundred percent of the same on the assessment roll opposite the name of the party assessed; and in making such entry in the assessment list, the assessor shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of the party's residence or place of business. The assessor may, after giving written notice of the action to the person to be assessed, add to the assessment list any taxable property which should be included in such list. **Sec. 107.** RCW 84.40.045 and 1994 c 301 s 36 are each amended to read as follows: The assessor shall give notice of any change in the ((true and fair)) assessed value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW. The notice shall contain a statement of both the prior and the new ((true and fair)) appraised and assessed values ((and the ratio of the assessed value to the true and fair value on which the assessment of the property is based)), stating separately land and improvement appraised values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board. The notice shall be mailed by the assessor to the taxpayer. If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a maximum civil penalty of five thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January. **Sec. 108.** RCW 84.41.041 and 1987 c 319 s 4 are each amended to read as follows: Each county assessor shall cause taxable real property to be physically inspected and valued at least once every six years in accordance with RCW 84.41.030, and in accordance with a plan filed with and approved by the department of revenue. Such revaluation plan shall provide that a reasonable portion of all taxable real property within a county shall be revalued and these newly-determined values placed on the assessment rolls each year. The department may approve a plan that provides that all property in the county be revalued every two years. If the revaluation plan provides for physical inspection at least once each four years, during the intervals between each physical inspection of real property, the appraised valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data. If the revaluation plan provides for physical inspection less frequently than once each four years, during the intervals between each physical inspection of real property, the appraised valuation of such property shall be adjusted to its current true and fair value, such adjustments to be made once each year and to be based upon appropriate statistical data. If the appraised valuation is changed, the assessed value shall be recalculated under section 105 of this act. The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of the property. **Sec. 109.** RCW 84.48.010 and 1988 c 222 s 20 are each amended to read

as follows: Prior to July 15th, the county legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board shall receive a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county legislative authority constitute the board they shall only receive their compensation as members of the county legislative authority. The board of equalization shall meet in open session for this purpose annually on the 15th day of July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that the appraised value of each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, ((which is presumed to be correct pursuant to RCW 84.40.0301)) and so that the assessed value of each tract or lot of real property is entered on the assessment list at its correct amount, and subject to the following rules: First. They shall raise the appraised valuation of each tract or lot or item of real property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and raise the assessed valuation of each tract or lot or item of real property which is returned below its correct amount to the correct amount after at least five days' notice shall have been given in writing to the owner or agent. Second. They shall reduce the appraised valuation of each tract or lot or item which is returned above its true and fair value to such price or sum as to be the true and fair value thereof and reduce the assessed valuation of each tract or lot or item of real property which is returned above its correct amount to the correct amount. Third. They shall raise the valuation of each class of personal property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever the aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof. Fourth. They shall reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which is returned above its true and fair value, to such price or sum as to be the true and fair value thereof; and they shall reduce the aggregate valuation of the personal property of such individual who has been assessed at too large a sum to such sum or amount as was the true and fair value of the personal property. Fifth. The board may review all claims for either real or personal property tax exemption as determined by the county assessor, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof. The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county legislative authority, and shall make a true record of the changes of the descriptions and ((assessed)) appraised values ordered by the county board of equalization. The assessor shall recalculate assessed values and correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and the assessor shall make duplicate abstracts of such corrected values, one copy of which shall be retained in the office, and one copy forwarded to the department of revenue on or before the eighteenth day of August next following the meeting of the county board of equalization. The county board of equalization shall meet on the 15th day of July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater. No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the department of revenue for the purpose of raising the state revenue. County legislative authorities as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person. **Sec. 110.** RCW 84.48.065 and 1996 c 296 s 1 are each amended to read as follows: (1) The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, clerical errors in calculating the assessed value under section 105 of this act, and such manifest errors in the listing of the property which do not involve a revaluation of property, except in the case that a taxpayer produces proof that an authorized land use authority has made a definitive change in the property's land use designation. In such a case, correction of the assessment or tax rolls may be made notwithstanding the fact that the action involves a revaluation of property. Manifest errors that do not involve a revaluation of property include the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer in accordance with RCW 84.40.045, advising the taxpayer that the action has been taken and notifying the taxpayer of the right to appeal the cancellation or correction to the county board of equalization, in accordance with RCW 84.40.038. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared, setting forth therein the facts relating to the error. The record shall also set forth by legal description all property belonging exclusively to the state, any county, or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes. No manifest error cancellation or correction, including a cancellation or correction made due to a definitive change of land use designation, shall be made for any period more than three years preceding the year in which the error is discovered. (2)(a) In the case of a definitive change of land use designation, an assessor shall make corrections that involve a revaluation of property to the assessment roll when: (i) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property setting forth in the agreement the valuation information upon which the agreement is based; and (ii) The assessment roll has previously been certified in accordance with RCW 84.40.320. (b) In all other cases, an assessor shall make corrections that involve a revaluation of property to the assessment roll when: (i) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property setting forth in the agreement the valuation information upon which the agreement is based; and (ii) The following conditions are met: (A) The assessment roll has previously been certified in accordance with RCW 84.40.320; (B) The taxpayer has timely filed a petition with the county board of equalization pursuant to RCW 84.40.038 for the current assessment year; (C) The county board of equalization has not yet held a hearing on the merits of the taxpayer's petition. (3) The assessor shall issue a supplementary roll or rolls including such cancellations and corrections, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified. **Sec. 111.** RCW

84.48.075 and 1988 c 222 s 23 are each amended to read as follows: (1) The department of revenue shall annually, prior to the first Monday in September, determine and submit to each assessor a preliminary indicated ratio for each county: PROVIDED, That the department shall establish rules and regulations pertinent to the determination of the indicated ratio, the indicated real property ratio and the indicated personal property ratio: PROVIDED FURTHER, That these rules and regulations may provide that data, as is necessary for said determination, which is available from the county assessor of any county and which has been audited as to its validity by the department, shall be utilized by the department in determining the indicated ratio. (2) To such extent as is reasonable, the department may define use classes of property for the purposes of determination of the indicated ratio. Such use classes may be defined with respect to property use and may include agricultural, open space, timber and forest lands. (3) The department shall review each county's preliminary ratio with the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, if requested by the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, respectively, between the first and third Mondays of September. Prior to equalization of assessments pursuant to RCW 84.48.080 and after the third Monday of September, the department shall certify to each county assessor the real and personal property ratio for that county. (4) The department of revenue shall also examine procedures used by the assessor to assess real and personal property in the county, including calculations, use of prescribed value schedules, and efforts to locate all taxable property in the county. If any examination by the department discloses other than market value is being listed as appraised value on the county assessment rolls of the county by the assessor and, after due notification by the department, is not corrected, the department of revenue shall, in accordance with rules adopted by the department, adjust the ratio of that type of property, which adjustment shall be used for determining the county's indicated ratio. **Sec. 112.** RCW 84.48.080 and 1995 2nd sp.s. c 13 s 3 are each amended to read as follows: (1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the assessed valuation of the property in each county bears to the correct total assessed valuation of all property in the state. First. The department shall classify all property, real and personal, and shall raise and lower the assessed valuation of any class of property in any county to a value that shall be equal, so far as possible, to the ((~~true and fair~~)) correct assessed value of such class as of January 1st of the current year, after determining the correct appraised value, and any adjustment applicable under section 105 of this act for the property, for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county. Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department. (2) The department shall levy the state taxes authorized by law. The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state(~~(, which assessed value shall be one hundred percent of the true and fair value of such property in money))~~ as equalized under this section). The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the assessed valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body. In addition to computing a levy under this subsection that is reduced under RCW 84.55.012, the department shall compute a hypothetical levy without regard to the reduction under RCW 84.55.012. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010. (3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department. (4) After the completion of the duties prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection. **Sec. 113.** RCW 84.12.270 and 1994 c 301 s 20 are each amended to read as follows: The department of revenue shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter ((~~and assess~~)) the ((~~true and fair~~)) assessed value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the ((~~true and fair~~)) assessed value of such property the department of revenue may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating or nonoperating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and ((~~true and fair~~)) assessed value of the operating property of such company. **Sec. 114.** RCW 84.12.280 and 1987 c 153 s 2 are each amended to read as

follows: (1) In making the assessment of the operating property of any railroad or logging railroad company and in the apportionment of the values and the taxation thereof, all land occupied and claimed exclusively as the right-of-way for railroads, with all the tracks and substructures and superstructures which support the same, together with all side tracks, second tracks, turn-outs, station houses, depots, round houses, machine shops, or other buildings belonging to the company, used in the operation thereof, without separating the same into land and improvements, shall be assessed as real property. And the rolling stock and other movable property belonging to any railroad or logging railroad company shall be considered as personal property and taxed as such: PROVIDED, That all of the operating property of street railway companies shall be assessed and taxed as personal property. (2) All of the operating property of airplane companies, telegraph companies, pipe line companies, water companies and toll bridge companies; the floating equipment of steamboat companies, and all of the operating property other than lands and buildings of electric light and power companies, telephone companies, gas companies and heating companies shall be assessed and taxed as personal property. (3) Notwithstanding subsections (1) and (2) of this section, the limit provided under section 105 of this act shall be applied in the assessment of property under this section to the same extent as that limit is generally applied to property not assessed under this chapter. **Sec. 115.** RCW 84.12.310 and 1994 c 301 s 21 are each amended to read as follows: For the purpose of determining the system value of the operating property of any such company, the department of revenue shall deduct from the ~~((true and fair))~~ assessed value of the total assets of such company, the ~~((actual-cash))~~ assessed value of all nonoperating property owned by such company. For such purpose the department of revenue may require of the assessors of the various counties within this state a detailed list of such company's properties assessed by them, together with the assessable or assessed value thereof: PROVIDED, That such assessed or assessable value shall be advisory only and not conclusive on the department of revenue as to the value thereof. **Sec. 116.** RCW 84.12.330 and 1994 c 301 s 22 are each amended to read as follows: Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of ~~((subdivision (17) of))~~ RCW 84.12.200(13), as applied to ~~((said))~~ the company, following which shall be entered the ~~((true and fair))~~ assessed value of the operating property as determined by the department of revenue. No assessment shall be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((true and fair))~~ assessed value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon ~~((said))~~ the roll. **Sec. 117.** RCW 84.12.350 and 1994 c 301 s 23 are each amended to read as follows: Upon determination by the department of revenue of the ~~((true and fair))~~ assessed value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized assessed valuation of such property in each such county and in the several taxing districts therein, by applying to such actual apportioned value the same ratio as the ratio of assessed to ~~((actual))~~ the correct assessed value of the general property in such county: PROVIDED, That, whenever the amount of the true and correct assessed value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than two hundred fifty dollars, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district. **Sec. 118.** RCW 84.12.360 and 1994 c 301 s 24 are each amended to read as follows: The ~~((true and fair))~~ value of the operating property assessed to a company, as fixed and determined by the department of revenue, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner: (1) Property of all railroad companies other than street railroad companies, telegraph companies and pipe line companies—upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies), and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track. (2) Property of street railroad companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies—upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper. (3) Planes or other aircraft of airplane companies and watercraft of steamboat companies—upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts. All other property of airplane companies and steamboat companies—upon the basis set forth in subsection (2) of this section. The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof. **Sec. 119.** RCW 84.16.040 and 1994 c 301 s 26 are each amended to read as follows: The department of revenue shall annually make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter ~~((and assess))~~ the ~~((true and fair))~~ assessed value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the ~~((true and fair))~~ assessed value of such property the department of revenue may take into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and ~~((true and fair))~~ assessed value of the operating property of such company. **Sec. 120.** RCW 84.16.050 and 1994 c 301 s 27 are each amended to read as follows: The department of revenue may, in determining the ~~((true and fair))~~ assessed value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property

partly within and partly without the state, the department of revenue may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the department of revenue may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the department of revenue may use any other reasonable and fair method to determine the value of the operating property of the company within this state. **Sec. 121.** RCW 84.16.090 and 1994 c 301 s 28 are each amended to read as follows: Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of ~~((subsection (3) of))~~ RCW 84.16.010(3) or otherwise, following which shall be entered the ~~((true and fair))~~ assessed value of the operating property as determined by the department of revenue. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((true and fair))~~ assessed value of the operating property of the company, as ~~((herein))~~ required, it shall notify the company by mail of the valuation determined by it and entered upon ~~((said))~~ the roll; and thereupon such assessed valuation shall become the ~~((true and fair))~~ assessed value of the operating property of the company, subject to revision or correction by the department of revenue as hereinafter provided; and shall be the valuation upon which, after equalization by the department of revenue as hereinafter provided, the taxes of such company shall be based and computed. **Sec. 122.** RCW 84.16.110 and 1994 c 301 s 29 are each amended to read as follows: Upon determination by the department of revenue of the ~~((fair))~~ correct assessed value of the property appearing on such rolls the department shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying to such actual apportioned value the same ratio as the ratio of assessed to ~~((actual))~~ the correct assessed value of the general property of the respective counties: PROVIDED, That, whenever the amount of the true and correct assessed value of the operating property of any company otherwise apportionable to any county shall be less than two hundred fifty dollars, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county. **Sec. 123.** RCW 84.16.120 and 1994 c 301 s 30 are each amended to read as follows: The ~~((true and fair))~~ assessed value of the property of each company as fixed and determined by the department of revenue as herein provided shall be apportioned to the respective counties in the following manner: (1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is ~~((situate [situated]))~~ situated, located, and operated. (2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state. (3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair. **Sec. 124.** RCW 84.36.041 and 1993 c 151 s 1 are each amended to read as follows: (1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and: (a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or (b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section. (2) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and the construction, rehabilitation, acquisition, or refinancing of the home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses the tax exempt bonds and the financing program requires the home to reserve a percentage of all dwelling units so financed for low-income residents. The initial term of the exemption under this subsection shall equal the term of the tax exempt bond used in connection with the financing program, or the term of the requirement to reserve dwelling units for low-income residents, whichever is shorter. If the financing program involves less than the entire home, only those dwelling units included in the financing program are eligible for total exemption. The department of revenue shall provide by rule the requirements for monitoring compliance with the provisions of this subsection and the requirements for exemption including: (a) The number or percentage of dwelling units required to be occupied by low-income residents, and a definition of low income; (b) The type and character of the dwelling units, whether independent units or otherwise; and (c) Any particular requirements for continuing care retirement communities. (3) A home for the aging is eligible for a partial exemption on the real property and a total exemption for the home's personal property if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents, as follows: (a) A partial exemption shall be allowed for each dwelling unit in a home occupied by a resident requiring assistance with activities of daily living. (b) A partial exemption shall be allowed for each dwelling unit in a home occupied by an eligible resident. (c) A partial exemption shall be allowed for an area jointly used by a home for the aging and by a nonprofit organization, association, or corporation currently exempt from property taxation under one of the other provisions of this chapter. The shared area must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property taxation under one of the other provisions of this chapter, such as kitchen, dining, and laundry areas. (d) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, less the assessed value of any area exempt under (c) of this subsection, by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of January 1st of the year for which exemption is claimed. (4) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805. (5) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c)



of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(6) In order for the home to be eligible for exemption under subsections (1)(a) and (2)(b) of this section, each eligible resident of a home for the aging shall submit an income verification form to the county assessor by July 1st of the assessment year in which the application for exemption is made. The income verification form shall be prescribed and furnished by the department of revenue. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility. (7) In determining the ~~((true and fair))~~ assessed value of a home for the aging for purposes of the partial exemption provided by subsection (3) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property. (8) A home for the aging that was exempt or partially exempt for taxes levied in 1993 for collection in 1994 is partially exempt for taxes levied in 1994 for collection in 1995, has an increase in taxable value for taxes levied in 1994 for collection in 1995 due to the change prescribed by chapter 151, Laws of 1993 with respect to the numerator of the fraction used to determine the amount of a partial exemption, and is not fully exempt under this section is entitled to partial exemptions as follows: (a) For taxes levied in 1994 for collection in 1995, the home shall pay taxes based upon the taxable value in 1993 plus one-third of the increase in the taxable value from 1993 to the nonexempt value calculated under subsection (3)(d) of this section for 1994. (b) For taxes levied in 1995 for collection in 1996, the home shall pay taxes based upon the taxable value for 1994 as calculated in (a) of this subsection plus one-half of the increase in the taxable value from 1994 to the nonexempt value calculated under subsection (3)(d) of this section for 1995. For taxes levied in 1996 for collection in 1997 and for taxes levied thereafter, this subsection (8) does not apply, and the home shall pay taxes without reference to this subsection (8). (c) For purposes of this subsection (8), "taxable value" means the value of the home upon which the tax rate is applied in order to determine the amount of taxes due. (9) As used in this section: (a) "Eligible resident" means a person who: (i) Occupied the dwelling unit as a principal place of residence as of January 1st of the year for which the exemption is claimed. Confinement of the person to a hospital or nursing home does not disqualify the claim of exemption if the dwelling unit is temporarily unoccupied or if the dwelling unit is occupied by a spouse, a person financially dependent on the claimant for support, or both; and (ii) Is sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. Any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and (iii) Has a combined disposable income of no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the person resides. For the purposes of determining eligibility under this section, a "cotentant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident. (b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home. If the person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve. (c) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income: (i) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence; (ii) Amounts deducted for loss; (iii) Amounts deducted for depreciation; (iv) Pension and annuity receipts; (v) Military pay and benefits other than attendant-care and medical-aid payments; (vi) Veterans benefits other than attendant-care and medical-aid payments; (vii) Federal social security act and railroad retirement benefits; (viii) Dividend receipts; and (ix) Interest received on state and municipal bonds. (d) "Resident requiring assistance with activities of daily living" means a person who requires significant assistance with the activities of daily living and who would be at risk of nursing home placement without this assistance. (e) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. (10) A for-profit home for the aging that converts to nonprofit status after June 11, 1992, and would otherwise be eligible for tax exemption under this section may not receive the tax exemption until five years have elapsed since the conversion. The exemption shall then be ratably granted over the next five years. **Sec. 125.** RCW 84.52.063 and 1973 1st ex. s. c 195 s 105 are each amended to read as follows: A rural library district may impose a regular property tax levy in an amount equal to that which would be produced by a levy of fifty cents per thousand dollars of assessed value multiplied by an equalized assessed valuation (~~(equal to one hundred percent of the true and fair value of the taxable property in the rural library district))~~, as determined by the department of revenue's indicated county ratio: **PROVIDED**, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.043 and ~~((RCW))~~ 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor shall first reduce the levy of any rural library district, by such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than fifty cents per thousand dollars against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the limitations provided for in Article VII, section 2 of the state Constitution and/or by statute. **Sec. 126.** RCW 84.70.010

and 1994 c 301 s 56 are each amended to read as follows: (1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the ~~((true and fair))~~ assessed value of such property shall be reduced for that year by an amount determined as follows: (a) First take the ~~((true and fair))~~ assessed value of such taxable property before destruction or reduction in value and deduct therefrom the true and fair value of the remaining property after destruction or reduction in value. (b) Then divide any amount remaining by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property. (2) No reduction in the ~~((true and fair))~~ assessed value shall be made more than three years after the date of destruction or reduction in value. (3) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction. (4) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate. (5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July 1st of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal. **PART III 06 PERCENT LIMIT Sec. 201.** RCW 84.55.005 and 1994 c 301 s 49 are each amended to read as follows: As used in this chapter ~~((, the term))~~: (1) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce in September of the year before the taxes are payable; (2) "Limit factor" means: (a) For taxing districts with a population of less than ten thousand in the calendar year prior to the assessment year, one hundred six percent; (b) For taxing districts for which a limit factor is authorized under section 204 of this act, the lesser of the limit factor authorized under that section or one hundred six percent; (c) For all other districts, the lesser of one hundred six percent or one hundred percent plus inflation; and (3) "Regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes. **Sec. 202.** RCW 84.55.010 and 1979 ex.s. c 218 s 2 are each amended to read as follows: Except as provided in this chapter, the levy for a taxing district in any year shall be set so that the regular property taxes payable in the following year shall not exceed ~~((one hundred six percent of))~~ the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction, improvements to property, and any increase in the assessed value of state-assessed property by the regular property tax levy rate of that district for the preceding year. **Sec. 203.** RCW 84.55.020 and 1971 ex.s. c 288 s 21 are each amended to read as follows: Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed ~~((one hundred six percent of))~~ the limit factor multiplied by the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year. **NEW SECTION. Sec. 204.** A new section is added to chapter 84.55 RCW to read as follows: Upon a finding of substantial need, the legislative authority of a taxing district other than the state may provide for the use of a limit factor under this chapter of one hundred six percent or less. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this section. In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this section. The new limit factor shall be effective for taxes collected in the following year only. **Sec. 205.** RCW 35.61.210 and 1990 c 234 s 3 are each amended to read as follows: The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ~~((one hundred six percent))~~ limitation provided for in chapter 84.55 RCW. The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns. The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants. **Sec. 206.** RCW 70.44.060 and 1990 c 234 s 2 are each amended to read as follows: All public hospital districts organized under the provisions of this chapter shall have power: (1) To make a survey of existing hospital and other health care facilities within and without such district. (2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility. (3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith,

including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners. (4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section. (5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW. (6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the ((one hundred six percent)) limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission. (7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter. (8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located. (9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities. (10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter. **Sec. 207.** RCW 84.08.115 and 1991 c 218 s 2 are each amended to read as follows: (1) The department shall prepare a clear and succinct explanation of the property tax system, including but not limited to: (a) The standard of true and fair value as the basis of the property tax. (b) How the assessed value for particular parcels is determined. (c) The procedures and timing of the assessment process. (d) How district levy rates are determined, including the ((one hundred six percent)) limit under chapter 84.55 RCW. (e) How the composite tax rate is determined. (f) How the amount of tax is calculated. (g) How a taxpayer may appeal an assessment, and what issues are appropriate as a basis of appeal. (h) A summary of tax exemption and relief programs, along with the eligibility standards and application processes. (2) Each county assessor shall provide copies of the explanation to taxpayers on request, free of charge. Each revaluation notice shall include information regarding the availability of the explanation. **NEW SECTION.** **Sec. 208.** It is the intent of sections 201 through 207 of this act to lower the one hundred six percent limit while still allowing

taxing districts to raise revenues in excess of the limit if approved by a majority of the voters as provided in RCW 84.55.050. **Sec. 209.** RCW 84.55.120 and 1995 c 251 s 1 are each amended to read as follows: A taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, shall hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts. If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter. No increase in property tax revenue, other than that resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance shall specifically state for each year the dollar increase and percentage change in the levy from the previous year. **PART II MISCELLANEOUS NEW SECTION. Sec. 301.** (1) Sections 101 through 126 of this act apply to taxes levied for collection in 1999 and thereafter. (2) Sections 201 through 207 of this act apply to taxes levied for collection in 1998 and thereafter. **NEW SECTION. Sec. 302.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 303.** Part headings used in this act are not any part of the law." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5212.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5212.

The motion by Senator West carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5212.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5212, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5212, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 16.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5212, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the seventh order of business.

#### MOTION

On motion of Senator Sheldon, all remarks on the final passage of Engrossed Substitute Senate Bill No. 5398 will be spread upon the Journal.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5398, by Senate Committee on Law and Justice (originally sponsored by Senators Swecker, Zarelli, Oke and Schow)

Reaffirming and protecting the institution of marriage.

The bill was read the third time.

#### REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. I rise in support of this bill. Senate Bill No. 5398 reaffirms Washington's historical commitment to the institution of marriage as a union between one man and one woman. Through this legislation, we hope to preserve marriage as it has been defined by dozens of generations of Americans since the beginning of our country. This bill also affirms the Federal Defense of Marriage Act by saying that matters pertaining to marriage will be determined by the people of the state of Washington, not by the people or courts of another state. The primary focus of marriage has been and should be the provision, protection and procreation of children in the context of a two parent family. Every time we deviate from this prescription for the family, we create devastating impacts on children, parents and society. Often these result in increases in crime, abuse and neglect and all at a massive public expense. We find ourselves subsidizing all the wrong behavior--single parent families, promiscuity, substance abuse and lack of personal responsibility.

"Anything that undermines the promotion of marriage, as it is defined in this bill, is an assault on children. Efforts to modify the definition of marriage are simply thinly disguised attempts to promote the recognition of this domestic partner legislation. This is a situation where any two people living together must be accorded the same benefits as a married couple. The cost of such programs would divert necessary resources from children and families.

"Some people say that marriage is about love. That may be one small part of it, but love comes and goes even in the healthiest relationships. Marriage is about much more than that. It is a commitment to provide a safe, nurturing environment for the next generation. Any interruption in the security provided by a traditional family results in the deterioration of the values which protect what is best in our society. I hope you will support this legislation."

#### REMARKS BY SENATOR THIBAUDEAU

Senator Thibaudeau: "Mr. President, rising to oppose this bill, and I have spent a lot of time trying to protect children, nonetheless this is a very emotional issue. However, it is also very unnecessary. Why aren't we spending more time on protecting children? One of the Senators, on this floor, has a very good bill which would do just that and protect and support families. Washington's courts have already repeatedly turned down the provision for people of the same gender to marry. It is illegal and when people apply for marriage licenses, they are turned down. Why are we spending the time to prohibit something that is already illegal?

"It is unfair to people who want to take on the right and responsibility--the obligations of marriage--are being excluded from this. That is not right; it is discriminatory. People just want to be treated like anybody else. Is that so very bad? Finally, the ban is unequal. The Washington State Supreme Court already protects the marriage between a man and a woman. So, this is unnecessary and it is discrimination. Those are the facts and what they tell us is that this particular piece of legislation is really pointless. It is discriminatory and it is unfair. Thank you, Mr. President."

#### REMARKS BY SENATOR ROACH

Senator Roach: "Thank you, Mr. President. You can imagine we had a very lively discussion on this Defense of Marriage Act that the federal government gave us and, therefore, giving the states the opportunity to themselves define marriage. The DOMA Act--the Defense of Marriage Act--in the federal government did two things. One, it defines for the purposes of federal government what marriage is and that was to be a man and a woman, one man and one woman. It also did give the ability for the state, themselves, to make these definitions. There was a preponderance of testimony in the hearing that, in fact, we do need to make that in statute for the state of Washington.

"I wanted to let all the members know that one of the things we had reiterated to us in our committee was that President Clinton signed this bill and that both Senators Murray and Gorton signed this bill. They voted for it and all members of our congressional delegation, with the exception of McDermott, supported this particular piece of legislation on the federal level. I believe that in keeping with the purpose of the act of the federal level and the desires of the people of the state of Washington that we should, in fact, vote 'yes' on Engrossed Substitute Senate Bill No. 5398--our definition for marriage for Washington State."

#### REMARKS BY SENATOR KLINE

Senator Kline: "Thank you, Mr. President. Why do we need this bill? Why now? I have heard the argument that we need this to codify a decision of the Court of Appeals in *Singer v. Hara*--twenty-three years ago--if this bill has an emergency clause. That was a decision of the Court of Appeals over two decades ago. That case was not appealed to the Supreme Court. However, a later case by the Supreme Court codified it.

"It is already the law of this state that marriage as an institution is confined to the relationship between a man and a woman. We don't need this to do it. So, why confirm the status quo? I submit to you that the purposes of this bill are twofold. First, to express a clearly discriminatory outlook and secondly, to make political hay. This is not a bill that has any other rational purpose. Now, we hear another reason, and we just did, that marriage is to promote the family unit as a way for rearing children. Well, that it is--and a very strong one--a way supported by much of our legislation on both sides of this aisle. Yet we see no bill before us to prevent marriage by an elderly couple who are no longer physically able to bear children; by couples, one or both of whom are medically unable for other reasons; or by couples who simply don't want children. The ability or the willingness to rear children and the desire for a marriage to do that are not the purpose of this bill. Many people are allowed to, and continue to be married for many, many years without bearing children.

"Rather, its real purpose, I believe, is to limit an institution of fundamental importance--importance that has been repeatedly called fundamental by our courts and our legislators, to a certain majority group of people. To say that this is not discriminatory, beggars belief. Its clear purpose is to send a discriminatory message. If we were here to find a stronger way--a way to buttress our family life as a manner of raising children--if children were really the focus of this--then we would be

here expanding and enhancing the ability of all couples, not just to marry but to adopt children--those who are either physically unable or whose sexual orientation does not include children. But expanding adoption is not the purpose of this. That would not express this bill's clearly discriminatory intent. I urge a 'no' vote on 5398. Thank you."

#### REMARKS BY SENATOR KOHL

Senator Kohl: "Thank you, Mr. President. The title of this bill is An Act relating to reaffirming and protecting the institution of marriage. I stand today in support of marriage, but in opposition to this bill. I am a married woman in a traditional marriage. I am a mother of five children; I am a christian--an Episcopalian. I have a nice traditional family life, but I am also opposed to this bill, because it does nothing, nothing at all, in terms of my commitment to my marriage and the protection of my family.

"The real question to me is: In what way does this bill reaffirm my marriage or anyone's marriage in this state? The answer is clearly that it does not. In no way, does this bill support me or any married person in carrying out our marriage vows. In no way, does this bill help me or any married person to love and protect our spouse until death do we part. In no way, does this bill help me or other parents love and protect our families. What we should ask instead is this: Is marriage between a man and woman protected in Washington State? Yes! Is marriage between a man and a woman affirmed in Washington State? Yes! Is marriage between a man and a woman threatened in Washington State? No! Are people of the same sex allowed legally to marry in Washington State? No! Who has said that people of the same sex are prohibited from legally marrying? The Washington State Appellate Court and the Washington State Supreme Court. Do we need another law to prohibit what already is illegal? No!

"The title of this bill is erroneous. It should read An Act to make illegal the already illegal--an Act to exclude the already excluded. What I wonder is this: Could we not put the time and energy into deliberating on bills that do something, that are serious, and that will help people in Washington State, rather than spending all this time and getting all this attention for something that is not needed? What will come next--a bill to prohibit single parent families, a bill to prohibit marriages that do not result in children? I really worry about that and I ask for you to defeat this bill. Thank you."

#### REMARKS BY SENATOR HEAVEY

Senator Heavey: "Thank you, Mr. President, and my distinguished colleagues. I think that some of the people on this side of the aisle are probably a little bit too kind. The gentleman from the twentieth district talked about marriage as has been defined in America the last two hundred years. Well, we know that it has been defined in many, many different ways. We used to have polygamy. In some states, first cousins still marry, which is illegal in this state--just as same sex marriage is illegal in this state. It is illegal in this state and has been illegal for over twenty years for the same sex to be married.

"What Congress does, for those of you who, believe like me, believe in state's rights. The federal government has nothing to do with us. We define what is legal and what is illegal in this state, when it comes to marriage. They may be able to make a ruling on how Social Security benefits go, but that is as far as it goes. We determine what goes on in this state in terms of marriage. I simply haven't had anybody in my district call me up and say, 'I'm worried, Senator; I'm worried Mike, we have all our neighbors that are the same sex running down and getting in line to get married.'

"There is simply no problem out there. This bill is not about marriage; it is about picking on a minority group. We have no bill today that wants to bully the developmentally disabled who can't get married. We are not punctuating that. We have no bill that would slap first cousins who want to get married. We have no bill that would reiterate to minors that they can't get married without permission of the court, and we have no bill to remind ex-polygamists that it is no longer okay to get married a second time.

"The agenda is a scapegoat agenda. Let's blame our problems on a minority that has nothing to do with any of our problems. There is not one person out there on this floor and this gallery that is affected by this bill. It is a little like a person kicking their dog when they are angry, except that it is not a dog being kicked, it is people. It is real people that are being kicked and when you get kicked, it hurts. When anybody gets kicked wrongfully, all of us get kicked wrongfully. More importantly, it is not the angry person kicking the dog, it is government. It is a lot more different when a person kicks his dog than when government kicks a few people. Let's say 'no' to scapegoating; let's say 'no' to bullying--kicking on a minority.

"Every person in this chamber, and I know all of you, is a good kind and loving person. I sincerely believe that. Now, I ask you all to look inside and look at what you are doing--what you are doing--to whom and why. If you do, you might say, 'What is the problem--I haven't really noticed a problem out there.' If you ask what you are doing, you might come to the conclusion that we are kicking somebody when they are down. If you ask why, you might come up with, 'Well, for no good reason, it is already illegal.' Folks, it is wrong for government to spit in somebody's face, to bully, and it is wrong to bash the disenfranchised. It is simply out and out wrong. We have seen our own government do this in the past and we have seen other governments around the world do this in the past to different groups, to different minorities, and they have all been proven wrong in the long run. Say 'no' to this scapegoat problem; say 'no' to being a bully; say 'no' to this unnecessary nonsolution; say 'no' to government being a bully.

"The only response to a bully, in my experience, is not to cower, but to stand up and say 'no, you are not going to bully me.' Look into your hearts, do what we all know is the right thing. Be thoughtful, not impulsive; be kind, not mean; be forgiving, not vengeful. Think about voting 'no.'"

#### REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you, Mr. President. The shortest verse in the great book is 'Jesus Wept.' Ladies and gentlemen of the Senate, today, for me, will be remembered as one of pain, because two opposing forces will be locked in mortal combat over a civil institution called marriage involving those of the same sex. There will be no clear winners, only

impaired relationships and increased antagonism. The law is on the books already, and I support it. Why are we doing this? To prove a point, to restate what is already on the books and working flawlessly for twenty-three years? Washington State does not, and I repeat does not, recognize same sex marriage.

"I have received and answered dozens of letters and hotline messages stating that I will support and obey the law already in place. Again, I ask why are we doing this? There is no crisis, no attempt to overturn Singer v. Hara, 1974 or Marchioro v. Chaney, 1978.

"I see no reason to do what we are doing when we have major issues to tackle, such as welfare reform, juvenile justice, health care, education, criminal justice, water resources and much, much more. Leave the moral issues to the church and keep government out of personal lives. Today's battle could have been fought another day and I am sure that these two opposing forces will meet again. This is truly a day of pain. This is divisive."

#### REMARKS BY SENATOR McAULIFFE

Senator McAuliffe: "Thank you, Mr. President. I stand to speak against this bill and may I quote my past seatmate, Senator Cal Anderson, who fought to treat all individuals with respect and dignity under the law. He said that we need to craft laws that protect people and bring them together, not divide them. That is our responsibility as leaders in this body. Today, I stand to tell you that there is an agenda here and it is a social and moral agenda and that it does not belong in this Legislature. This is not about same sex marriage. This is about many other laws and bills that I have seen come before my Senate Education Committee and that I have seen in the House Education Committee. Those laws and those bills are there to discriminate against people who are different. I will vote against this bill because it supports that social and moral agenda. It discriminates against people who are different than we are and it will divide us rather than bring us together. Thank you."

#### REMARKS BY SENATOR BROWN

Senator Brown: "Thank you, Mr. President. I don't believe that my vote on this issue will affect the outcome and I don't believe that our vote on this issue will affect the status quo in Washington State, with respect to the institution of marriage. In many ways, it would be easier to remain silent. However, I would like to speak about why I am going to vote 'no.' Basically, I believe that the separation of church and state means that marriage in our society has a dual role. It exists as a civil contract and in the religious belief in which I was raised--the Catholic belief--it exists as a sacrament conferred by the church. I don't believe that the laws of the state should interfere with that sacrament as it is conferred by the church and I don't believe that the rules of the church should interfere with the civil contract as it is administered by the state. So, there is that fundamental belief of that separation that causes me to view them separately.

"However, I think I am really voting 'no' because of a couple of families in Spokane. One, is a family of a young man who, as a teenager, believed--realized--felt--that he was gay and committed suicide. The family felt that they had not had the opportunity to tell him that they would love him anyway, despite the social stigma that exists. I think that this is for that family.

"It is also for a couple that I know that live in Spokane--two women who live together--one of whom is terminally ill. They have lived together for a very long time and when the one who is terminally ill dies, the pain that the other one will feel will be as real as the pain that any of us would feel should our spouse die. I think it is for them, as well, because I think it is primarily a message and the message that I want to send to them is that despite the stigma, despite the vilification, and despite the pain that you feel living as a minority in this society, in this particular way, that I do not want to add to that. I believe that voting 'yes' on this bill would. Therefore, I will be voting 'no.'"

#### MOTION

On motion of Senator Loveland, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5398.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5398 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Thibaudeau and Wojahn - 15. Excused: Senator Bauer - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Prince and Snyder

Recognizing the "Old Timers" reunion.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8406 was adopted by voice vote.

#### SECOND READING

SENATE BILL NO. 5071, by Senators Stevens, Haugen and Hochstatter (by request of Board of Education)

Changing provisions relating to territory included in city and town boundary extensions.

#### MOTIONS

On motion of Senator Hochstatter, Substitute Senate Bill No. 5071 was substituted for Senate Bill No. 5071 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hochstatter, the rules were suspended, Substitute Senate Bill No. 5071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5071.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Bauer - 1. SUBSTITUTE SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5029, by Senator Morton

Eliminating obsolete references in the water code.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5029.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5029 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators



Bauer and Loveland - 2. SENATE BILL NO. 5029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5062, by Senators Roach, Haugen, Johnson, Winsley and Oke (by request of Secretary of State Munro)

Streamlining registration and licensing of businesses.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5062 was substituted for Senate Bill No. 5062 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5062.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5062 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Bauer - 1. SUBSTITUTE SENATE BILL NO. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5468, by Senators Rasmussen, Morton, Fraser, Newhouse, Oke and Jacobsen

Promoting beekeeping operations.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5468.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5468 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Bauer - 1. SENATE BILL NO. 5468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:57 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, February 13, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**THIRTY-FIRST DAY, FEBRUARY 12, 1997**

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**THIRTY-SECOND DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 13, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5034 Prime Sponsor, Senator Roach: Changing the definition of "bona fide charitable or nonprofit organization" for gambling statutes. Reported by Committee on Commerce and Labor  
February 11, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

SB 5082 Prime Sponsor, Senator Hargrove: Revising procedures for mental health and chemical dependency treatment for minors. Reported by Committee on Human Services and Corrections  
February 12, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Schow and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senator Kohl.

Passed to Committee on Rules for second reading.

SB 5115 Prime Sponsor, Senator Oke: Revising renewal requirements for salon/shop or booth renter's licenses. Reported by Committee on Commerce and Labor  
February 11, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

SB 5139 Prime Sponsor, Senator Oke: Regarding enterprise activities of the state parks and recreation commission. Reported by Committee on Ways and Means  
February 12, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, Loveland, Rossi, Schow, Sheldon, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SB 5267 Prime Sponsor, Senator Horn: Correcting real estate brokers and salespersons statutes for administrative and practical purposes. Reported by Committee on Commerce and Labor  
February 11, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5267 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5330 Prime Sponsor, Senator Sellar: Allowing another type of golfing sweepstakes. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5338 Prime Sponsor, Senator Horn: Allowing restricted use of spirituous liquor at no charge. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 1997

SB 5421 Prime Sponsor, Senator Schow: Updating provisions about the seizure and forfeiture of gambling-related property. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 12, 1997

SB 5743 Prime Sponsor, Senator Wood: Creating a leasehold excise tax exemption for organizations qualified under section 501(c)(3) of the internal revenue code that provide student housing. Reported by Committee on Ways and Means

MAJORITY Recommendation: That it be referred to Committee on Higher Education without recommendation. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Referred to Committee on Higher Education.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

February 12, 1997

GA 9124 LYLE QUASIM, reappointed January 15, 1997, for a term ending at the pleasure of the Governor, as Secretary of the Department of Social and Health Services.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl and Schow.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 11, 1997

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

I have the honor to submit the following appointment subject to your confirmation.  
Patrick McElligott, appointed February 11, 1997, for a term ending December 31, 1997, as a member of the Investment Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Ways and Means.

February 11, 1997

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

I have the honor to submit the following appointment subject to your confirmation.  
Gerald Morgen, appointed February 11, 1997, for a term ending December 31, 1999, as a member of the  
Investment Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Ways and Means.

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

February 7, 1997

Mr. Michael O'Connell  
Secretary of the Senate  
P. O. Box 40482  
Olympia, WA 98504-0482

Dear Mr. O'Connell:

Enclosed is the status report entitled "Risk Assessment Process Effectiveness." This report is required by  
26.44.030(13).

If you have question about the report, please call Jennifer Strus at 902-7911.

Sincerely,  
LYLE QUASIM, Secretary

The Report from the Department of Social and Health Services is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 12, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1008,  
HOUSE BILL NO. 1013,  
HOUSE BILL NO. 1023, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5212.  
INTRODUCTION AND FIRST READING

SB 5800 by Senator Hargrove

AN ACT Relating to the shoreline substantial development exemption for docks; and amending RCW 90.58.030.  
Referred to Committee on Agriculture and Environment.

SB 5801 by Senator Hargrove

AN ACT Relating to awards of fees and expenses in judicial review of agency action; and amending RCW  
4.84.350.  
Referred to Committee on Government Operations.

SB 5802 by Senators Horn, McCaslin and Haugen

AN ACT Relating to making corrections to the omnibus 1995 legislation that integrates growth management  
planning and environmental review, and conforming the terminology and provisions of  
Referred to Committee on Government Operations.

SB 5803 by Senators Finkbeiner and McCaslin (by request of Department of Revenue)

AN ACT Relating to the distribution of rules notices; amending RCW 34.05.230, 34.05.310, and 34.05.320; adding a new section to chapter 34.05 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5804 by Senators Finkbeiner and West (by request of Department of Revenue)

AN ACT Relating to the elimination of the requirement for a study of the property tax exemptions and valuation rules for computer software; and repealing 1991 sp.s. c 29 s 5 (uncodified).  
Referred to Committee on Ways and Means.

SB 5805 by Senators Franklin, Jacobsen, Spanel, Fraser, Thibaudeau, Fairley and Kohl

AN ACT Relating to the functions and responsibilities of the office of marine safety; amending RCW 88.46.020, 88.46.030, 88.46.040, 88.46.060, 88.46.070, 88.46.080, and 88.46.090; adding a new section to chapter 88.46 RCW; adding a new section to chapter 43.211 RCW; adding new sections to chapter 90.56 RCW; creating new sections; recodifying RCW 88.46.060, 88.46.062, and 88.46.065; decodifying RCW 88.46.063; repealing RCW 43.211.020, 88.46.920, 88.46.921, 88.46.922, 88.46.923, 88.46.924, 88.46.925, 88.46.926, and 88.46.927; repealing 1995 2nd sp.s. c 14 s 521 and 1991 c 200 s 1120 (uncodified); repealing 1995 2nd sp.s. c 14 s 522 and 1993 c 281 s 73 (uncodified); repealing 1995 2nd sp.s. c 14 s 524 (uncodified); providing an effective date; and declaring an emergency.  
Referred to Committee on Agriculture and Environment.

SB 5806 by Senators Roach, Goings, Haugen, Rasmussen and Anderson

AN ACT Relating to tax exemptions for small water districts and systems; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing an expiration date.  
Referred to Committee on Agriculture and Environment.

SB 5807 by Senator Swanson

AN ACT Relating to the regulation of mergers, restructurings, and acquisitions of certain public utility suppliers by the utilities and transportation commission; amending RCW 80.04.160 and 80.04.095; adding new sections to chapter 80.04 RCW; adding a new section to chapter 42.17 RCW; and creating a new section.  
Referred to Committee on Energy and Utilities.

SB 5808 by Senators Horn, Bauer, Sheldon, Wojahn, Schow and West

AN ACT Relating to reducing the tax on spirits for the state general fund; amending RCW 82.08.150; providing an effective date; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5809 by Senators Fraser, Hale, Winsley and Prentice

AN ACT Relating to the financial condition of unauthorized insurers; amending RCW 48.15.090; and providing an effective date.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5810 by Senators Deccio, Schow, Swecker, McCaslin, Wood, Rossi, Horn, Hochstatter and Oke

AN ACT Relating to the employment of minors; amending RCW 49.12.121, 49.12.390, 49.12.410, and 49.12.420; repealing RCW 49.12.123; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5811 by Senators Roach, Schow and Fairley (by request of Department of Labor and Industries)

AN ACT Relating to including terrorism committed outside of the United States in the definition of criminal act for the purposes of crime victim compensation and assistance; amending RCW 7.68.020; creating a new section; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5812 by Senator Kohl

AN ACT Relating to first-time offenders; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5813 by Senators McDonald, Winsley, Prentice and Heavey

AN ACT Relating to automated teller machines; amending RCW 19.174.010 and 19.174.020; adding new sections to chapter 19.174 RCW; and creating a new section.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5814 by Senators Wood, Haugen, Fairley, Jacobsen, Kohl, Winsley, Deccio, Prince, Goings, Thibaudeau, Franklin and Hale

AN ACT Relating to the safe storage of firearms; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 9.41 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5815 by Senators Spanel and Winsley

AN ACT Relating to insurer provision of replacement transportation when a claimant's vehicle is totaled; and adding a new section to chapter 48.22 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5816 by Senators McDonald, Heavey, Johnson, Rossi, Roach, Schow, Horn, Finkbeiner, Strannigan and Benton

AN ACT Relating to regional transportation authorities; amending RCW 81.112.010, 81.112.040, 81.112.050, 81.112.070, 81.112.080, 81.112.100, 81.112.130, 81.112.140, and 81.112.150; and repealing RCW 81.112.090 and 81.112.110.  
Referred to Committee on Transportation.

SB 5817 by Senator Rasmussen

AN ACT Relating to the relationship between school district boundaries and the boundaries of a city or town with a population of less than three thousand; creating a new section; providing an expiration date; and declaring an emergency.  
Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1008 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Robertson, Fisher, Chandler, Hatfield, Johnson, Zellinsky and L. Thomas)

Standardizing issuance of license plates.

Referred to Committee on Transportation.

HB 1013 by Representatives K. Schmidt, Zellinsky, Backlund, Johnson, Skinner, Robertson, Fisher, Cairnes, Hankins, D. Sommers, Hickel, Mason, McDonald, Mulliken, Mitchell, Cooke, Dunn, Dyer, Van Luven and Mielke

Facilitating smoother flow of traffic.

Referred to Committee on Transportation.

HB 1023 by Representatives Buck, Cooke, Mielke and Cairnes

Clarifying qualifications for commuter ride sharing.

Referred to Committee on Transportation.

#### MOTION

At 12:03 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, February 14, 1997.

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**THIRTY-SECOND DAY, FEBRUARY 13, 1997**

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**THIRTY-THIRD DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, February 14, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Allison Johnson and Carlina Johnson, presented the Colors. Reverend Mary McGonigal, pastor of the Lacey Presbyterian Church, offered the prayer.

**MOTION**

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

**PERSONAL PRIVILEGE**

Senator McAuliffe: "Thank you, Mr. President, a point of personal privilege. I would like to wish all of the legislators in the Senate today a Happy Valentine's Day--even the Republicans."

**REPORTS OF STANDING COMMITTEES**

SB 5069 Prime Sponsor, Senator McCaslin: Providing for the powers of initiative and referendum within counties. Reported by Committee on Government Operations  
February 13, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

SB 5111 Prime Sponsor, Senator Winsley: Requiring the preparation of maps by county assessors for listing of real estate. Reported by Committee on Government Operations  
February 13, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Anderson, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

SB 5146 Prime Sponsor, Senator Winsley: Adding an additional member to the state investment board, representing a retired member of the teachers' retirement system. Reported by Committee on Government Operations  
February 13, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5146 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5164 Prime Sponsor, Senator Haugen: Removing certain tenants and occupants from a mobile home park. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner and Prentice.

MINORITY Recommendation: Do not pass. Signed by Senators Heavey and Kline.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5176 Prime Sponsor, Senator McCaslin: Controlling personal service contracts. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Anderson, Horn and Patterson.

Passed to Committee on Rules for second reading.

February 12, 1997

SB 5188 Prime Sponsor, Senator Goings: Revising policies concerning health care and information about the health status of inmates. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Schow and Stevens.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5198 Prime Sponsor, Senator Wood: Authorizing the higher education coordinating board to transfer moneys between the state work study program and the state need grant program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Kohl, Patterson, Prince and Sheldon.

Referred to Committee on Ways and Means.

February 13, 1997

SB 5199 Prime Sponsor, Senator Wood: Requiring the higher education coordinating board to develop models for the delivery of technology-based programs. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5200 Prime Sponsor, Senator Wood: Referencing the prior fiscal period rather than biennia for refunds and recoveries to the state educational trust fund. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5210 Prime Sponsor, Senator Swecker: Providing tax exemptions and credits for coal-fired thermal electric generating facilities placed in operation before July 1, 1975. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.



Referred to Committee on Ways and Means.

February 13, 1997

SB 5241 Prime Sponsor, Senator West: Allowing replacement of county assessors and county auditors in more populous counties. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5273 Prime Sponsor, Senator Morton: Regulating compensatory mitigation. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5273 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5281 Prime Sponsor, Senator Morton: Updating and modifying certain noxious weed provisions. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5331 Prime Sponsor, Senator Swecker: Revising provisions for solid waste permits. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5370 Prime Sponsor, Senator Finkbeiner: Allowing a telecommunications company to reduce a rate or charge in a more streamlined manner. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Swanson.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5372 Prime Sponsor, Senator Finkbeiner: Limiting the number of times the maximum disposal fee at a radioactive waste disposal site may be adjusted. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5514 Prime Sponsor, Senator Morton: Authorizing fees for commodity commissions and the department of agriculture. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5518 Prime Sponsor, Senator McCaslin: Clarifying the application of the housing for older persons act. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5590 Prime Sponsor, Senator Newhouse: Funding a biosolids management program. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

February 13, 1997

SB 5593 Prime Sponsor, Senator Oke: Excluding materials purchased by farmers to improve wildlife habitat or forage from the definition of "sale at retail" or "retail sale" for tax purposes. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

February 13, 1997

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5212, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5818 by Senators Jacobsen, Heavey, Prentice, Thibaudeau, Kohl and McAuliffe

AN ACT Relating to promotion and development of music; adding new sections to chapter 43.63A RCW; and making appropriations.  
Referred to Committee on Commerce and Labor.

SB 5819 by Senator Patterson

AN ACT Relating to applicability of the Washington Condominium Act; and amending RCW 64.34.010.  
Referred to Committee on Law and Justice.

SB 5820 by Senator Patterson

AN ACT Relating to city and town utility taxes; amending RCW 35.21.870; and repealing RCW 35.21.871 and 35A.82.070.  
Referred to Committee on Government Operations.

SB 5821 by Senators Heavey and Patterson

AN ACT Relating to requiring ordinances and resolutions authorizing property tax increases in taxing districts; and amending RCW 84.55.120.  
Referred to Committee on Government Operations.

SB 5822 by Senators Heavey, Patterson and Roach

AN ACT Relating to travel by public officers and employees; and adding a new section to chapter 42.04 RCW.

Referred to Committee on Government Operations.

SB 5823 by Senators Heavey and Patterson

AN ACT Relating to travel by public officers and employees; and adding new sections to chapter 42.04 RCW.  
Referred to Committee on Government Operations.

SB 5824 by Senators Heavey, Patterson and Roach

AN ACT Relating to travel by public officers and employees; and adding a new section to chapter 42.04 RCW.  
Referred to Committee on Government Operations.

SB 5825 by Senators McCaslin and Oke

AN ACT Relating to withdrawing from a public utility district; and adding a new section to chapter 54.08 RCW.  
Referred to Committee on Government Operations.

SB 5826 by Senator Morton (by request of Washington State University)

AN ACT Relating to Morrill act trust lands and other public trusts; amending RCW 79.01.088, 79.01.136, 79.01.724, 79.64.010, 79.64.020, 79.64.030, 79.64.040, 79.66.050, 79.66.060, and 79.90.100; adding a new section to chapter 79.64 RCW; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5827 by Senators Roach, Haugen and Long

AN ACT Relating to fees for judicial and nonjudicial collection of governmental debt by collection agencies; and amending RCW 19.16.500.  
Referred to Committee on Government Operations.

SB 5828 by Senators Hale, Snyder, Sheldon and McAuliffe

AN ACT Relating to business and occupation tax exemptions for wholesale transactions involving motor vehicles at auctions; adding a new section to chapter 82.04 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5829 by Senators Jacobsen and Fraser

AN ACT Relating to the nonindigenous species invasion task force; creating new sections; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5830 by Senators Jacobsen, Kline, Fraser and Kohl

AN ACT Relating to protection and restoration of water quality; adding a new chapter to Title 90 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Agriculture and Environment.

SB 5831 by Senators Newhouse, Deccio, Haugen and McCaslin

AN ACT Relating to the venue of actions by or against counties; and amending RCW 36.01.050.  
Referred to Committee on Government Operations.

SB 5832 by Senators Roach, Heavey and Hargrove

AN ACT Relating to liens on owner's proceeds in favor of commercial real estate brokers; and adding a new chapter to Title 60 RCW.  
Referred to Committee on Commerce and Labor.

SB 5833 by Senators Kohl, Wood, Spanel, Winsley, Bauer, Prince, McAuliffe, Patterson, Goings and Oke

AN ACT Relating to tuition stability; amending RCW 28B.15.066; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5834 by Senators Fairley, Winsley, Kohl and McAuliffe

AN ACT Relating to providing entrepreneurial opportunities for disabled persons; amending RCW 39.19.010, 39.19.020, 39.19.030, 39.19.060, 39.19.070, 39.19.080, 39.19.120, 39.19.150, 39.19.170, and 39.19.200; and creating new sections.

Referred to Committee on Commerce and Labor.

SB 5835 by Senators Swecker, McDonald, Benton, McCaslin, Zarelli, Horn, Sellar, Stevens, Deccio, Johnson, Newhouse, Winsley, Oke, Long, Anderson, Rossi, Roach and Hochstatter

AN ACT Relating to limiting property taxes by reducing the state levy, reducing the one hundred six percent limit calculation, and allowing for valuation increases to be spread over time; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, 84.70.010, 84.55.005, 84.55.010, 84.55.020, 35.61.210, 70.44.060, 84.08.115, and 84.55.120; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; adding new sections to chapter 84.55 RCW; creating new sections; repealing RCW 84.55.---; repealing 1997 c 2 s 5 (uncodified); and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SCR 8407 by Senators Franklin, Schow, Heavey and Fraser

Establishing an interagency task force to conduct a study of contingent work force issues.

Referred to Committee on Commerce and Labor.

#### MOTION

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

#### SENATE RESOLUTION 1997-8619

By Senators Snyder, Hargrove, Swecker, Zarelli, Long, Goings, Swanson, Prince, Kohl, McCaslin, Sheldon, Loveland, Spanel, Horn, Oke, Haugen, Rossi, Bauer and Rasmussen

WHEREAS, The entire state of Washington mourns the loss of Petty Officer 2<sup>nd</sup> Class David Bosley, Petty Officer 3<sup>rd</sup> Class Matthew Schimme, and Seaman Clinton Miniken, the Coast Guard officers who died in a tragic accident Wednesday; and

WHEREAS, These three brave crewmen died trying to save the lives of others; and

WHEREAS, This was a rare accident for the Coast Guard, the first fatal capsizing of this type of rescue boat in its thirty-five year history; and

WHEREAS, The Coast Guard is the primary federal agency with maritime authority for the United States; and

WHEREAS, One of the Coast Guard's main missions is to render aid to people in distress and their property in the marine environment; and

WHEREAS, The Coast Guard maintains Search and Rescue facilities all along the United States mainland coasts, as well as Alaska, Hawaii, Guam, Puerto Rico, the Great Lakes, and internal United States waterways; and

WHEREAS, On a typical day, the Coast Guard saves thirty-two lives, assists three hundred and eight people, saves eighth million dollars in property value, conducts one hundred and forty-two search and rescue operations, responds to thirty-four oil or hazardous chemical spills, investigates seventeen marine accidents, and boards ninety large vessels for port safety checks;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the approximately 37,000 men and women serving in the United States Coast Guard and pay its respects to the three crewmen who lost their lives Wednesday in the service of their country; and

BE IT FURTHER RESOLVED, That we now bow our heads in a minute of silent prayer for their families and loved ones, who must go on without a son, a father, a husband, a brother, a friend.

Senators Snyder, Zarelli and Swanson spoke to Senate Resolution 1997-8619.

#### MOMENT OF SILENCE

At the request of Senator Snyder, the Senate stood for a moment of silence in remembrance of the United States Coast Guard officers who died trying to save the lives of others February 13, 1997.

#### MOTION

At 10:16 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:10 a.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5100, by Senators Oke and Strannigan

Allowing qualified trusts to hold shares in professional service corporations.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Loveland: "My question is--I didn't serve on your committee and I certainly support the Red Cross--but the question that I had when I read the bill report was if--let me ask this scenario and see if this would be under this bill. If I transferred my assets into a nonprofit corporation and then was the President of that nonprofit corporation, could I receive the benefits and avoid the federal tax?"

Senator Johnson: "What this statute does is it permits stock in a professional service corporation, so medicine, law, accounting--that stock could be transferred not to a charity, but to a charitable remainder trust at which time it is sold by the trust, the assets then belong to that trust. There is nothing new in federal tax law about it; it is simply another asset. State law, heretofore, has prevented nonprofessionals from belonging to a professional corporation. You have to be a lawyer to have stock in such a corporation. This permits the transfer of that stock directly from that professional corporate stockholder to the charitable remainder trust and then sold. So, it is limited just to professional corporations and the charitable remainder trust."

Senator Loveland: "So, is the answer 'yes' or 'no' to the question that I just asked?"

Senator Johnson: "Restate the question, please."

Senator Loveland: "If I transfer my assets in stock into a nonprofit charitable organization, and I am the President of that nonprofit charitable organization, is the income I receive from those assets protected from paying federal income tax?"

Senator Johnson: "You are transferring--you are transferring not to a charity, but to a charitable remainder trust?"

Senator Loveland: "Right."

Senator Johnson: "You have an income tax deduction for the remainder interest of the asset transfer."

Senator Loveland: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5100.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Voting nay: Senators Brown, Kline and Wojahn - 3. Excused: Senator Hale - 1. SUBSTITUTE SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

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

## SENATE RESOLUTION 1997-8616

By Senators Haugen, Swecker, Long and Spanel

WHEREAS, The industrial technology and woodworking class at Stanwood High School has earned a statewide reputation for excellence; and

WHEREAS, One of the reasons the woodworking program enjoys this reputation is because of the quality of instruction the students receive from Mike Chandler, himself a graduate of Stanwood High School; and

WHEREAS, Stanwood High School is one of the few schools that still places an emphasis on time-honored, traditional craftsmanship; and

WHEREAS, The students' projects range from impressive home and outdoor furniture to a wide array of handcrafted cabinetry; and

WHEREAS, The Stanwood High School woodworking program also supports the local economy by buying as much material as possible locally; and

WHEREAS, Stanwood is the only high school in the state that Weyerhaeuser sells materials to directly; and

WHEREAS, Students in the Stanwood High School woodworking program learn not only a craft and vocational skill, but they also learn to take pride in their workmanship, problem-solving skills, the ability to stay on task, and interpersonal skills; and

WHEREAS, The Stanwood High School woodworking program is the only high school invited annually by the Office of the Superintendent of Public Instruction to exhibit its projects during Vocational-Technical Education Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize the exceptional skills and craftsmanship demonstrated by students in the Stanwood High School woodworking program; and

BE IT FURTHER RESOLVED, That the Senate applaud and commend the outstanding job of teaching and mentoring that Mike Chandler has done at Stanwood High School for the past twenty-one years.

### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Stanwood High School Woodworking Class and their instructor, Mr. Mike Chandler, who were seated in the gallery.

### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I don't know who made that walnut chest with the cedar inside. Who did that? That is absolutely one of the most beautiful pieces of furniture that I have ever seen. I would like to negotiate with you on the price cause I don't have that much money right now, but that--and the other pieces too--are just absolutely fine furniture and I want to congratulate you. As an old realtor going through homes and seeing lots of new homes and cabinets, you guys have done a remarkable job. Thank you."

### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

### SECOND READING

SENATE BILL NO. 5380, by Senators Horn, Haugen, Benton, Franklin, Zarelli and Bauer

Raising the maximum per diem for boundary review board members.

The bill was read the second time.

### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5380.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel,

Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 46. Voting nay: Senator Fairley - 1. Absent: Senator Wood - 1. Excused: Senator Hale - 1. SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5423, by Senators Winsley and Prentice

Removing a termination date in the bank statement rule.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5423.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Hale - 1. SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5242, by Senators Oke, McAuliffe, Snyder, Kohl, Sheldon, Winsley, Fairley, Long, Haugen, McDonald, Deccio, McCaslin, Sellar, Brown, Goings, Jacobsen and Patterson

Requiring personal flotation devices for children on certain recreational vessels.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5242.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Haugen, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 35. Voting nay: Senators Benton, Finkbeiner, Hargrove, Heavey, Hochstatter, Horn, Morton, Schow, Sellar, Stevens, Strannigan and Zarelli - 12. Absent: Senator Kline - 1. Excused: Senator Hale - 1. SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5334, by Senators Winsley, Heavey, Finkbeiner, Benton, Rasmussen, Hale and West

Providing a credit against the premium tax for guaranty association assessments paid by insurers.

#### MOTIONS

On motion of Senator Winsley Substitute Senate Bill No. 5334 was substituted for Senate Bill No. 5334 and the substitute bill was placed on second reading and read the second time.

Senator Snyder moved that the following amendment by Senators Snyder, Loveland, Spanel, Fairley, McAuliffe, Thibaudeau, Franklin, Bauer, Wojahn, Brown, Kohl, Kline, Prentice, Fraser, Sheldon, Jacobsen, Goings and Swanson be adopted:

On page 3, line 23, after "3." strike all material through "immediately" on line 26 and insert the following: "This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof" Debate ensued.

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

The President declared the question before the Senate to be the roll on the adoption of the amendment by Senators Snyder, Loveland, Spanel, Fairley, McAuliffe, Thibaudeau, Franklin, Bauer, Wojahn, Brown, Kohl, Kline, Prentice, Fraser, Sheldon, Jacobsen, Goings and Swanson on page 3, line 23, to Substitute Senate Bill No. 5334.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 20. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 28. Excused: Senator Hale - 1.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Prentice was excused.  
Further debate ensued.

#### POINT OF INQUIRY

Senator Snyder: "Senator West, the Legislature has passed a couple of property tax measures and we are about to pass this bill. The roll back of the B & O, which is about two hundred and five million, is on the calendar and will be passed, probably, the first of the week. If the Legislature passes those measures, how much more money will we be able to give in tax relief and still have the reserve and still have enough money to spend at the 601 limit?"

Senator West: "Well, Senator Snyder, unless you qualify reserve, then it is a lot. We are tracking this; we are keeping track. We have discussions with the Governor about what that number is and we will have enough money to have a substantial reserve and to stay within 601 and fund K-12 and fund higher education."

Senator Snyder: "I appreciate the information, but are you going to share the information with everybody in the body or just the Governor's office? Also, how much is that reserve going to be? Are you going to provide us with those figures--how much the reserve is going to be. How many more tax breaks we can give--a lot of which I certainly support--they are all worthy--and still have enough money? I would appreciate it if you would share those figures with us."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5334.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5334 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 38. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Kline, Kohl, Patterson, Swanson and Wojahn - 9. Excused: Senators Hale and Prentice - 2. SUBSTITUTE SENATE BILL NO. 5334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.



## MOTION

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

### SENATE RESOLUTION 1997-8613

By Senators Rasmussen, Benton, Swecker, Long, Goings, Kohl, Bauer, Spanel, Fraser and Sheldon

WHEREAS, The economy of the state of Washington is comprised of diverse activities engaged in by people of varying interests and talents from all walks of life; and

WHEREAS, Vocational Education is vital to the success of our state as an economic leader; and

WHEREAS, Vocational Education is not relegated solely to the higher education system, but begins in Washington's secondary schools; and

WHEREAS, High School Vocational Education in Washington is ably represented by Vocational Student Organizations; and

WHEREAS, Vocational Student Organizations is comprised of VICA (Vocational Industrial Clubs of America), FFA (Future Farmers of America), FBLA (Future Business Leaders of America), FHA-HERO (Future Homemakers of America), and DECA (Distributive Education Clubs of America); and

WHEREAS, These organizations represent more than 27,000 students from all corners of our state; and

WHEREAS, Through their involvement in their vocational activities, these students are learning skills not necessarily available to them in the conventional classroom setting; and

WHEREAS, They are training to become better workers, better leaders, better problem-solvers and decision-makers, as well as better citizens; and

WHEREAS, Their activities are supported by true public/private partnerships that allow private enterprise to become more fully involved with public schools in shaping the future of our economy and its entrepreneurs and workforce; and

WHEREAS, These active, forward-thinking, and creative young people are blazing the trail into the future for our state; and

WHEREAS, Their initiative and leadership today will no doubt inspire many others tomorrow and in the years ahead; and

WHEREAS, Their example of personal responsibility and of creating opportunity is one that all citizens would do well to emulate;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington do hereby recognize and honor the hard work and dedication of the state officers of VICA, DECA, FHA, FFA, and FBLA here present and the more than 27,000 members they represent, as well as Vocational Student Organizations' chairperson, Judy Reynolds, and thank them all for their efforts on behalf of themselves and their future, as well as the future of the great state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate do hereby immediately transmit copies of this resolution to each of the aforementioned organizations.

Senators Rasmussen, Benton and Wood spoke to Senate Resolution 1997-8613.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the following members of the Washington State Future Farmers of America who were seated in the gallery: Hillary Fulk, State Vice President; Rhonda Newbury, State Treasurer; and Mr. Ron Crawford, State Advisor.

## PERSONAL PRIVILEGE

Senator Swanson: "I rise to a point of personal privilege. It appears that last week I inflicted terrible pain and suffering on my fellow colleagues, without intent. I understand Senator Heavey is in grave pain and Senator Swecker is suffering greatly. In an effort to appease and offset some of that agony, I have left a small token of my deep regret, on your desks. I wish you all a Happy Valentine's Day."

## MOTION

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

### SENATE RESOLUTION 1997-8620

By Senators Swecker, Zarelli and Rasmussen

WHEREAS, Legislators and staff are often so consumed at this time of year with their legislative duties that they may neglect to let their families know how much they truly care and appreciate their support and devotion; and

WHEREAS, Since, for many of us, our legislative duties will keep us apart from our spouses and children on this special day; and

WHEREAS, Because of these time constraints, many of us will be scrambling at a mini- mart on the way home for a cheap nylon rose and some heart-shaped sugar to give our loved ones; and

WHEREAS, Saint Valentine's Day is the last holiday for property owners to generously spend money on their loved ones before being bombarded with property tax statements; and

WHEREAS, Saint Valentine's Day provides family-wage jobs for thousands of arrow-shooting Cupids across this great land of ours and therefore also promotes their right to bear arms, and

WHEREAS, Even though as state legislators and staff responsible for the well-being of five million Washingtonians, we have a legitimate excuse for forgetting this day; and

WHEREAS, Despite having a legitimate excuse, we would still all be in the dog house if we did actually forget this most romantic of occasions; and

WHEREAS, In all seriousness, few of us could be successful, effective legislators and staff without the love, devotion and support of our families;

NOW, THEREFORE, BE IT RESOLVED, That we, the members and staff of the Washington State Senate, hereby request that our spouses, children and significant others be their valentines on this special day and;

BE IT FURTHER RESOLVED, That our love and appreciation for all of their sacrifices be officially recognized, and that a copy of this resolution be made available to individual Senators and staff to send to their loved ones to let them know we are always thinking of them.

Senators Swecker and Deccio spoke to Senate Resolution 1997-8620.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Swecker, I'm puzzled. Would you please define 'significant others?'"

Senator Swecker: "That is a matter of personal choice. Thank you."

#### POINT OF INQUIRY

Senator Heavey: "Senator Swecker, thank you, I appreciate the sentiments in this and we should all go home and exercise them. Call me irresponsible, call me old-fashioned and romantic, significant others would not preclude people of the same sex, would it? Thank you."

Senator Swecker did not respond.

#### MOTION

At 12:21 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Monday, February 17, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### **JOURNAL OF THE SENATE**

#### **THIRTY-THIRD DAY, FEBRUARY 14, 1997**

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#### **THIRTY-SIXTH DAY**

##### ----- MORNING SESSION -----

Senate Chamber, Olympia, Monday, February 17, 1997

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and Patterson. On motion of Senator Franklin, Senator Patterson was excused. On motion of Senator Hale, Senator McCaslin was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeanette Byrd and Daniel Grigg, presented the Colors. Tony Cook, Senate Counsel, offered the prayer.

#### MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 1997

SB 5010 Prime Sponsor, Senator Prentice: Expanding the duties of the director of the Washington state pollution liability insurance agency. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5010 as recommended by Committee on Financial Institutions, Insurance and Housing be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Kohl, Long, McDonald, Rossi, Schow, Sheldon, Snyder, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5070 Prime Sponsor, Senator Haugen: Allowing for reasonable use exceptions in the development of certain lands. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5084 Prime Sponsor, Senator Roach: Allowing a court to award attorneys' fees and other court costs to an individual or small business that successfully appeals a state agency directive in court. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Referred to Committee on Ways and Means.

February 13, 1997

SB 5197 Prime Sponsor, Senator Kohl: Creating undergraduate fellowships for needy and meritorious students. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Kohl, Patterson, Prince and Sheldon.

Referred to Committee on Ways and Means.

February 13, 1997

SB 5240 Prime Sponsor, Senator West: Requiring the governor's signature on proposed agency rules filed with the code reviser. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5240 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Referred to Committee on Ways and Means.

February 14, 1997

SB 5253 Prime Sponsor, Senator Strannigan: Allowing nonresidents under the age of fifteen to obtain a free fishing license. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5290 Prime Sponsor, Senator West: Providing that the liquor control board construction and maintenance account retain its earnings. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Brown, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5311 Prime Sponsor, Senator Finkbeiner: Requiring more private sector representation on the information services board. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5311 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

February 14, 1997

SB 5360 Prime Sponsor, Senator Hargrove: Providing commercial salmon fishers with a license renewal process when they opt to not renew for a season. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

February 13, 1997

SB 5371 Prime Sponsor, Senator Rossi: Exempting regulated utilities from seeking commission preapproval of some short-term notes having a maturity of twelve or fewer months. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

February 14, 1997

SB 5386 Prime Sponsor, Senator Oke: Creating the jobs for the environment program. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

February 13, 1997

SB 5394 Prime Sponsor, Senator Hochstatter: Regarding school audits. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5394 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 13, 1997

SB 5395 Prime Sponsor, Senator West: Changing the formula for determining average salaries for certificated instructional staff. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Kohl, Long, McDonald, Rossi, Schow, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 13, 1997  
SB 5465 Prime Sponsor, Senator Jacobsen: Providing treatment to restore physical function. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Kline and Prentice.

Passed to Committee on Rules for second reading.

February 13, 1997  
SB 5472 Prime Sponsor, Senator West: Creating the caseload forecast council. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

February 14, 1997  
SB 5677 Prime Sponsor, Senator Deccio: Implementing the federal personal responsibility and work opportunity reconciliation act of 1996. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5677 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

Referred to Committee on Ways and Means.

February 14, 1997  
SB 5734 Prime Sponsor, Senator Finkbeiner: Changing school levy provisions. Reported by Committee on Education

MAJORITY Recommendation: Refer to Committee on Ways and Means without recommendation. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Referred to Committee on Ways and Means.

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5398, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8406, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5398,  
SENATE CONCURRENT RESOLUTION NO. 8406.

#### INTRODUCTION OF MISS WASHINGTON

The President welcomed and introduced 1996 Miss Washington, Janet Reasons, who was seated on the rostrum. With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

#### INTRODUCTION OF MISS WASHINGTON CONTESTANTS

The President welcomed and introduced the 1997 Miss Washington Scholarship pageant contestants and their coordinator, Velma Huffman, who were seated in the gallery.

#### INTRODUCTION AND FIRST READING

SB 5836 by Senators Johnson, Hochstatter, Zarelli, Winsley, Oke and Kohl

AN ACT Relating to record checks of educational employees; adding a new section to chapter 28A.195 RCW; making an appropriation; and providing an expiration date.  
Referred to Committee on Education.

SB 5837 by Senators Johnson, Hochstatter, Schow, Winsley, Roach and Oke

AN ACT Relating to the learning materials loan program; adding a new section to chapter 28A.195 RCW; creating a new section; making an appropriation; and providing an effective date.  
Referred to Committee on Education.

SB 5838 by Senators Swecker, Morton and Winsley

AN ACT Relating to an on-site sewage system permit; amending RCW 70.118.050; adding a new section to chapter 70.05 RCW; adding new sections to chapter 70.118 RCW; adding a new section to chapter 57.04 RCW; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5839 by Senators Hochstatter, Morton and McCaslin

AN ACT Relating to a person potentially liable for a hazardous substance release; and adding a new section to chapter 70.105D RCW.  
Referred to Committee on Agriculture and Environment.

SB 5840 by Senators Swanson, Swecker, Fairley, Winsley and Rasmussen

AN ACT Relating to service credit for military service by members of the public employees' retirement system, plan II; and amending RCW 41.40.710.  
Referred to Committee on Ways and Means.

SB 5841 by Senators Hochstatter, Finkbeiner and Winsley (by request of Department of Health)

AN ACT Relating to regulation of public water systems; amending RCW 64.06.020, 70.119.030, 70.119A.115, and 70.119A.170; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5842 by Senators Swecker, Winsley and Fraser

AN ACT Relating to litter control and recycling; and amending RCW 70.93.010, 70.93.020, 70.93.180, 70.95.280, and 82.19.010.  
Referred to Committee on Agriculture and Environment.

SB 5843 by Senators Deccio, Wood, Benton, Wojahn and Kohl

AN ACT Relating to updating terminology in chapter 18.108 RCW; and amending RCW 18.108.005, 18.108.010, and 18.108.030.  
Referred to Committee on Health and Long-Term Care.

SB 5844 by Senators Fraser, Oke, Prince, Kohl, Hochstatter, Schow, Winsley and Rasmussen

AN ACT Relating to fuel taxes attributable to marine and nonhighway uses; and amending RCW 43.99.070, 46.09.170, and 46.10.170.  
Referred to Committee on Natural Resources and Parks.

SB 5845 by Senators Swecker, Prentice, Sellar, Hargrove, Benton, Schow, Heavey, Wood, Bauer, Winsley, Wojahn, Haugen, Rasmussen, Jacobsen, McCaslin, Anderson, Newhouse, Johnson, Horn, West, Morton, Hochstatter, Sheldon, Goings, Finkbeiner, Rossi, Hale, Roach and Oke

AN ACT Relating to offsetting an increase in the beer tax for the health care services account with a corresponding decrease in other beer taxes; amending RCW 66.24.290, 69.50.520, and 66.08.180; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5846 by Senators Deccio, Wood, Wojahn and Winsley (by request of Health Care Authority)

AN ACT Relating to defining basic health plan eligibility for persons in institutions; and reenacting and amending RCW 70.47.020 and 70.47.060.  
Referred to Committee on Health and Long-Term Care.

SB 5847 by Senators Wood, Deccio, Wojahn and Winsley (by request of Health Care Authority)

AN ACT Relating to health care authority standards for basic health plan agents and brokers; and amending RCW 70.47.015.  
Referred to Committee on Health and Long-Term Care.

SB 5848 by Senators Benton and Kohl

AN ACT Relating to insurance coverage of pharmacy services; adding new sections to chapter 48.43 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 5849 by Senator Benton

AN ACT Relating to payment of health care providers in the event of a health insurer's insolvency; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5850 by Senators Anderson, Newhouse, Haugen and Horn

AN ACT Relating to employment in the construction industry; amending RCW 51.24.035 and 51.16.140; adding new sections to chapter 49.17 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5851 by Senators Morton, Rasmussen, Oke and Winsley

AN ACT Relating to the full and complete development of existing permits or certificates of ground water right; amending RCW 90.44.100; and creating a new section.  
Referred to Committee on Agriculture and Environment.

SB 5852 by Senators Spanel, Long, Fairley, Roach, Haugen, McCaslin and Kohl

AN ACT Relating to requiring financial information with petitions to modify support orders; and amending RCW 26.09.175.  
Referred to Committee on Law and Justice.

SB 5853 by Senators Goings, McCaslin, Haugen, Winsley and Rasmussen

AN ACT Relating to fire protection district finance officers; and amending RCW 52.16.010.  
Referred to Committee on Government Operations.

SB 5854 by Senators Goings, McCaslin, Haugen, Winsley and Rasmussen

AN ACT Relating to charges by fire protection districts; amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.050, 52.18.060, 52.18.065, 52.18.070, and 52.18.080; adding a new section to chapter 52.18 RCW; and creating a new section.  
Referred to Committee on Government Operations.

SB 5855 by Senators Strannigan, Hale, Schow and Winsley

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.  
Referred to Committee on Transportation.

SB 5856 by Senators Kohl and Winsley

AN ACT Relating to the humane trapping of animals; amending RCW 77.32.197; adding a new section to chapter 77.16 RCW; and creating a new section.  
Referred to Committee on Natural Resources and Parks.

SB 5857 by Senator Roach

AN ACT Relating to property taxes; amending RCW 84.41.050, 84.55.010, 84.55.020, 35.61.210, 70.44.060, and 84.08.115; adding new sections to chapter 84.40 RCW; adding new sections to chapter 84.41 RCW; adding a new section to chapter 84.44 RCW; adding a new section to chapter 84.48 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating a new section; repealing RCW 84.41.030, 84.41.041, 84.41.070, and 84.41.130; and providing for submission of this act to a vote of the people.  
Referred to Committee on Ways and Means.

SB 5858 by Senators Roach, Heavey, Wood, Schow and Finkbeiner

AN ACT Relating to athletic trainers; amending RCW 7.70.020; reenacting and amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 5859 by Senators Roach and Johnson

AN ACT Relating to coercion; and amending RCW 9A.36.070.  
Referred to Committee on Law and Justice.

SB 5860 by Senators Roach and Johnson

AN ACT Relating to vacation of misdemeanor criminal history records; and adding a new section to chapter 10.01 RCW.  
Referred to Committee on Law and Justice.

SB 5861 by Senators Roach, Schow and Oke

AN ACT Relating to exceeding statutory maximum penalties for crimes involving firearms and deadly weapons; amending RCW 9.92.010 and 9A.20.021; reenacting and amending RCW 9.94A.120; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5862 by Senators Roach, Hargrove, Johnson, Swecker, Loveland, Benton, Morton, Hochstatter, Rossi, Goings, Hale, Long, Rasmussen and Oke

AN ACT Relating to sport shooting ranges; adding a new section to chapter 9.41 RCW; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5863 by Senators Roach and Oke

AN ACT Relating to comparisons of judges' sentencing practices to guidelines; and amending RCW 9.94A.105.  
Referred to Committee on Law and Justice.

SB 5864 by Senators Roach and Schow

AN ACT Relating to drive-by shooting; amending RCW 9A.36.045, 9A.36.050, 9.41.010, 9.41.040, 9.94A.103, 9.94A.105, 9.94A.310, 10.99.020, 10.99.040, 10.99.050, and 13.40.0357; reenacting and amending RCW 9.94A.030, 9.94A.320, and 9A.46.060; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5865 by Senators Benton, Zarelli, Schow, Roach and Hochstatter

AN ACT Relating to English as the official language of Washington; adding a new section to chapter 1.20 RCW; creating a new section; and providing for submission of this act to a vote of the people.  
Referred to Committee on Education.

SB 5866 by Senators Sellar and Oke



AN ACT Relating to the liability of landowners; and amending RCW 4.24.210.  
Referred to Committee on Natural Resources and Parks.

SB 5867 by Senators Sellar, Hale and Kohl

AN ACT Relating to hotel and motel taxes in certain cities and towns; and adding a new section to chapter 67.28  
RCW.  
Referred to Committee on Government Operations.

SB 5868 by Senator Sellar

AN ACT Relating to excise taxation of producers of aluminum master alloys; amending RCW 82.04.110;  
providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SJM 8010 by Senators Strannigan and Oke

Encouraging the federal government to enact laws permitting airbag deactivation switches to be installed in new  
and used vehicles.

Referred to Committee on Transportation.

#### MOTION

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

#### SENATE RESOLUTION 1997-8621

By Senators Rossi and Johnson

WHEREAS, The students of Tahoma High School in Maple Valley, Washington, enrolled in the program known as  
"We the People, The Citizen and the Constitution" have exhibited that they have learned very well the lessons of our  
forefathers who wrote the Constitution of the United States and will be representing all of Washington in national  
championship competition; and

WHEREAS, This knowledge will enhance their lives and direct their paths as they walk through life, proud in the  
knowledge that Americans have long stood for justice and liberty of all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will  
encourage them to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, Knowing that these energetic, knowledgeable young people will one day lead this state and country,  
and that there may very well be in their midst a Governor, Senator or member of Congress or perhaps even a future President;  
and

WHEREAS, Teachers of "We The People" program such as Stephanie Galloway and Mark Oglesby can take great  
pride knowing that the students enrolled in this program have the knowledge to outperform university students in every topic;  
and

WHEREAS, Studies have shown that eighty percent of senior students participating in this program have registered  
to vote as compared to an average of thirty-seven percent thereby proving that this program has increased the interest in  
politics and in participating in government; and

NOW, THEREFORE, BE IT RESOLVED, That we the members of the Washington State Senate wish to  
acknowledge the participation in this program by Emily Allen, Meghan Ashbaugh, Will Bekker, Darcy Bowers, Callie  
Clynch, Marlene Crookston, Autumn Cutler, Nicole Ergeson, Mindy Erickson, Jon Fursman, Elisa Garrison, Stacy Hammett,  
Bjorn Jonasson, Kim Krusel, Jared McGlinchey, Darren Muller, Shannon Murphy, Kim Prince, Jason Pynn, Eric Ruthford,  
Ramesh Singa, Jonna Sloan, Katie Stephens, and Sara Zaleski, students each and every one making their families and fellow  
citizens proud; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate forward a copy of this resolution to the Principal  
of Tahoma High School to further show the respect of this body for a job well done by each student and teacher.

Senators Rossi and Johnson spoke to Senate Resolution 1997-8621.

#### INTRODUCTION OF SPECIAL GUESTS

The President congratulated and introduced the students enrolled in the "We the People, The Citizen and the  
Constitution Program" from Tahoma High School in Maple Valley, who were seated in the gallery.

#### MOTION

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

SENATE RESOLUTION 1997-8615

By Senators Franklin, Swecker, Long, Goings, Kohl, Spanel, Rasmussen and Sheldon

WHEREAS, The month of February, 1997, marks the sixtieth anniversary of an official Black History celebration;

and

WHEREAS, This month also marks the twentieth anniversary of the official observance of Black History Month;

and

WHEREAS, There is still a widespread lack of knowledge among the population, in general, that African Americans have played major roles and contributed in every aspect to the development and building of our country; and

WHEREAS, The actual history of Africans in Africa and around the world is a fascinating and enlightening journey of both African peoples and individuals; and

WHEREAS, The history of Africans in the Americas is as old as the history of Europeans in the New World; and

WHEREAS, The full story of Africans at home and abroad goes far beyond the traditionally emphasized experience of domination by and subjugation to others in the New World; and

WHEREAS, Black History Month affords students of all backgrounds the chance to see the accomplishments and contributions of Africans, both in Africa and around the world; and

WHEREAS, For many young people, Black History Month has led to exposure to literature, art, philosophy, and culture that they otherwise might never experience; and

WHEREAS, The study of the history of African Americans and their contributions can broaden our views and strengthen racial relations within our country's diverse population;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby recognize and appreciate the many benefits of Black History Month to our citizenry and to our culture in general, and that we urge all citizens of the state of Washington to join with us in taking the opportunity this month to explore this rich history and expand our world view.

MOTION

At 10:26 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:16 a.m. by President Owen.

MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

STATEMENT FOR THE JOURNAL

I was not able to attend session on Monday, February 17, 1997, because I had to attend an urgent family matter. I missed the vote on the B & O tax and would like it noted that I would have voted YEA had I been there.

SENATOR JULIA PATTERSON, Thirty-third District

SECOND READING

SENATE BILL NO. 7902, by Senators Hale, Bauer, McDonald, Haugen, Sellar, Prentice, McCaslin, Rasmussen, West, Newhouse, Heavey, Swecker, Hargrove, Fraser, Johnson, Morton, Patterson, Rossi, Kline, Anderson, Jacobsen, Strannigan, Prince, Finkbeiner, Oke, Winsley, Long, Stevens, Horn, Benton, Schow, Wood, Roach, Deccio, Zarelli and Goings

Lowering business and occupation tax rates (Introduced with House sponsors).

The bill was read the second time.

MOTION

On motion of Senator West, the following amendment was adopted: On page 4, after line 10, insert the following: "**Sec. 4.** RCW 82.04.4452 and 1994 sp.s. c 5 s 2 are each amended to read as follows: (1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year. (2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate (~~(of 0.545 percent)~~) provided in RCW 82.04.260(6) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and (~~(2.5 percent)~~) the

rate provided in RCW 82.04.290(2) for every other person. (3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development. (4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year. (5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section. (6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe. (7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures. (8) The department shall use the information required under subsection (7) of this section to perform three assessments on the tax credit program authorized under this section. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects. (9) For the purpose of this section: (a) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property. (b) "Qualified research and development" shall have the same meaning as in RCW 82.63.010. (c) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development. (d) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440. (10) This section shall expire December 31, 2004." Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, Loveland, Wojahn, Thibaudeau, Franklin, Brown and Swanson be adopted:

On page 4, line 18, after "6." strike all material through "1997." and insert "This act shall take effect January 1,

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#### PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry, with regard to the gentleman from the forty-eighth district speaking about what a Governor may or may not do. Is it inappropriate to, under Reed's Rules, Section 224, to talk about another house or branch of government and what they may not do?"

#### REPLY BY THE PRESIDENT

President Owen: "Senate Rules do prohibit that. However, the Senate has exercised some discretion over the years as it pertains to that matter, Senator Heavey."

#### PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry. Mr. President, which Senate Rules do we follow and which ones don't we follow?"

#### REPLY BY THE PRESIDENT

President Owen: "We follow them all. We are looking for the citation for you, Senator Heavey. Are you withdrawing your parliamentary inquiry? We will find the citation for you, Senator Heavey, but I would caution the members to be careful about referencing the other bodies."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Snyder, Loveland, Wojahn, Thibaudeau, Franklin, Brown and Swanson on page 4, line 18, to Senate Bill No. 7902.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.



Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senators McCaslin and Patterson - 2.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, on line 2 of the title, strike "and 82.04.293" and insert "82.04.293, and 82.04.4452" On motion of Senator Hale, the rules were suspended, Engrossed Senate Bill No. 7902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Bauer: "A point of parliamentary inquiry. The previous speaker mentioned that this side of the aisle had cut off debate by asking for the previous question. It takes two-thirds vote to cut off debate, doesn't it, Mr. President?"

#### REPLY BY THE PRESIDENT

President Owen: "A simple majority, Senator Bauer."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 7902.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 7902 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Kline, Prentice and Thibaudeau - 3. Excused: Senators McCaslin and Patterson - 2. ENGROSSED SENATE BILL NO. 7902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5011, by Senators Prentice and Winsley

Changing the financial and reporting requirements of health care service contractors and health maintenance organizations.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5011 was substituted for Senate Bill No. 5011 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5011.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Patterson - 2. SUBSTITUTE SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Jacobsen: "A point of personal privilege, Mr. President. After you endured my first speech on the Senate floor a few weeks ago, I just wanted to thank all of you for the privilege of speaking to you. On your desks, you will find an oil triptych titled 'Shishole' by Seattle artist, Alfredo Arreguin. It is a poster depicting and illustrating a great scene--an honor for the state of Washington. He was the first artist that had a piece of work purchased by the Smithsonian and it is going to their new Hispanic collection. The other thing, I talked with Alfredo and if anybody would like to tour his studio at any time, I would be glad to arrange it. It is really a visual treat. Thank you for suffering through my first speech."

#### PERSONAL PRIVILEGE

Senator West: "Speaking of offense, the distinguished Senator from the fifth district, today, imposed his verbiage upon the body. Actually, it was a speech honoring great people--the young people that were here earlier--but I think we all had to suffer under his long-winded explanation of why they were here and he carried on forever. He, indeed, owes each and every member, including the distinguished President, a tribute for having to endure that painful experience."

#### MOTION

At 12:00 noon, on motion of Senator Johnson, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:00 p.m. by President Owen.  
There being no objection, the President returned the Senate to the fourth order of business.

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5398, and the same is herewith transmitted.

February 17, 1997

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8406, and the same is herewith transmitted.

February 17, 1997

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

At 4:02 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, February 18, 1997.  
BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**THIRTY-SIXTH DAY, FEBRUARY 17, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**THIRTY-SEVENTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, February 18, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 18, 1997  
SB 5143 Prime Sponsor, Senator Finkbeiner: Revising provisions for enhanced 911 excise taxes. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

February 16, 1997  
SB 5448 Prime Sponsor, Senator Deccio: Merging the health professions account and the medical disciplinary account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Johnson, Senate Bill No. 5143 was referred to the Committee on Rules.

**REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT**

February 17, 1997

GA 9120 STEVE KOLODNEY, reappointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Information Services.  
Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Referred to Committee on Rules

**MESSAGE FROM THE HOUSE**

February 14, 1997

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1054,  
HOUSE BILL NO. 1059,  
SUBSTITUTE HOUSE BILL NO. 1072,  
HOUSE BILL NO. 1090,  
HOUSE BILL NO. 1959, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

## INTRODUCTION AND FIRST READING

SB 5869 by Senators Swecker and Morton

AN ACT Relating to local options for water rights permitting; adding a new section to chapter 90.03 RCW; and adding a new section to chapter 90.44 RCW.  
Referred to Committee on Agriculture and Environment.

SB 5870 by Senators Roach, Patterson, McCaslin, Winsley, Sheldon and Goings

AN ACT Relating to a death benefit for certain members of the Washington public employees' retirement system, plan I; and adding a new section to chapter 41.40 RCW.  
Referred to Committee on Ways and Means.

SB 5871 by Senators Roach, Fairley, Patterson, McCaslin, Winsley, Sheldon, Goings and Oke

AN ACT Relating to the definition of law enforcement officer; and amending RCW 4.24.350.  
Referred to Committee on Law and Justice.

SB 5872 by Senators Swecker, Rasmussen, Morton, Haugen, Roach, Long, Wood, Sellar, McAuliffe, Strannigan, Horn, Loveland, Schow, McDonald, Anderson and Hochstatter

AN ACT Relating to water right certificates for municipal supply purposes; and amending RCW 90.03.330.  
Referred to Committee on Agriculture and Environment.

SB 5873 by Senators Benton and Winsley

AN ACT Relating to liability under the model toxics control act; and amending RCW 70.105D.020.  
Referred to Committee on Agriculture and Environment.

SB 5874 by Senators Hale and Winsley

AN ACT Relating to the confidentiality of voluntary compliance efforts by financial institutions; and adding a new chapter to Title 7 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5875 by Senators Swanson, McCaslin, Haugen, Swecker, Jacobsen, Patterson, Rossi, Brown, Heavey, Finkbeiner, Hochstatter, Fraser, Sheldon, Kline, Loveland, Zarelli, Goings, Anderson, Hargrove, Prentice, Oke, Franklin, Thibaudeau, Winsley, Rasmussen, Kohl and Roach

AN ACT Relating to the legislature; and adding a new chapter to Title 44 RCW.  
Referred to Committee on Government Operations.

SB 5876 by Senators Swanson, Oke, Heavey, Zarelli, Swecker, Patterson, Bauer, Snyder, McCaslin, Goings, Loveland, Hargrove, Horn, Prince, West, Haugen, Rasmussen, Kohl and Roach

AN ACT Relating to tuition and fee exemptions for Vietnam conflict veterans and Persian Gulf veterans; and amending RCW 28B.15.620 and 28B.15.628.  
Referred to Committee on Higher Education.

SB 5877 by Senators Newhouse, Heavey, Snyder and Winsley

AN ACT Relating to assignment of lottery rights; and amending RCW 67.70.100.  
Referred to Committee on Commerce and Labor.

SB 5878 by Senators Morton, Rasmussen, Swecker and Oke

AN ACT Relating to the establishment of voluntary programs creating environmental excellence program agreements; amending RCW 90.54.020, 70.105D.070, 70.94.015, and 90.48.465; adding new sections to chapter 43.131 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.52 RCW; adding a new section to chapter 90.56 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 90.64 RCW; adding a new section to chapter 90.71 RCW; adding a new chapter to Title 43 RCW; creating a new section; and making appropriations.

Referred to Committee on Agriculture and Environment.

SB 5879 by Senators Fairley, Goings, Kline, Brown, McCaslin, Patterson, Rasmussen and Long

AN ACT Relating to requiring a vote of the people for expenditure of public moneys on sports stadiums; amending RCW 82.14.360; adding a new section to chapter 36.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations.

SB 5880 by Senators Strannigan, Long, Benton, Prentice, Roach, Patterson, Wood, Schow, Winsley, Johnson, Swanson, Horn, Rasmussen and Oke

AN ACT Relating to mitigation of fiscal impacts to cities of the manufacturing machinery and equipment tax exemptions; adding a new section to chapter 82.14 RCW; and making appropriations.

Referred to Committee on Ways and Means.

SB 5881 by Senators Long, Winsley and Kohl (by request of Department of Corrections)

AN ACT Relating to sentences for first-time offenders; reenacting and amending RCW 9.94A.120; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 5882 by Senators Swecker, Rasmussen, Fraser, Morton, Spanel and West

AN ACT Relating to a reclaimed water demonstration program; amending RCW 90.46.005; adding a new section to chapter 90.46 RCW; and making an appropriation.

Referred to Committee on Agriculture and Environment.

SB 5883 by Senators Benton, Stevens, Jacobsen and Roach

AN ACT Relating to managed care entities; amending RCW 48.43.001, 48.43.075, 48.43.095, and 48.43.105; adding new sections to chapter 48.43 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; creating a new section; repealing RCW 48.43.085; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5884 by Senators Kline, Patterson, Long, Prentice, Winsley, Kohl, Heavey, Brown, McAuliffe, Fraser, Sheldon, Finkbeiner and Goings

AN ACT Relating to breast-feeding; amending RCW 9A.88.010; adding a new section to chapter 49.60 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5885 by Senators Kline, Patterson, Prentice, Kohl, Heavey, Brown, Fraser and Winsley

AN ACT Relating to infant breast-feeding; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce and Labor.

SB 5886 by Senators Strannigan, Swecker, Jacobsen and Oke

AN ACT Relating to the regional fisheries enhancement program; amending RCW 75.50.080 and 75.50.100; adding new sections to chapter 75.50 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources and Parks.

SB 5887 by Senator Loveland

AN ACT Relating to property insurance on the security interest in a real estate contract; and adding a new section to chapter 61.30 RCW.

Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5888 by Senators Schow, Heavey and Hale (by request of Department of Labor and Industries)

AN ACT Relating to authorizing the continuation of a special insuring agreement for workers' compensation for the United States department of energy; amending 1951 c 144 s 1 (uncodified); adding a new section to chapter 51.04 RCW; and repealing 1951 c 144 s 2 (uncodified).

Referred to Committee on Commerce and Labor.

SB 5889 by Senator Anderson

AN ACT Relating to the creation of Pioneer county, subject to the requirements of the state Constitution and statutes in respect to the establishment of new counties; amending RCW 2.08.063 and 3.34.010; adding a new section to chapter 36.04 RCW; creating new sections; providing an effective date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5890 by Senators Zarelli, Hochstatter, Stevens, Schow, Swecker, Benton and Oke

AN ACT Relating to providing children with an education in reading, writing, mathematics, social studies, and science; amending RCW 28A.150.210, 28A.230.020, 28A.230.090, 28A.230.190, 28A.195.010, and 28A.200.010; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; creating a new section; repealing RCW 28A.150.205, 28A.300.135, 28A.300.138, 28A.320.015, 28A.415.250, 28A.415.260, 28A.415.270, 28A.415.280, 28A.415.300, 28A.415.310, 28A.630.878, 28A.630.879, 28A.630.883, 28A.630.885, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, 28A.630.954, 28A.650.005, and 70.190.040; repealing 1992 c 141 s 1 (uncodified); repealing 1994 c 245 s 11 and 1992 c 141 s 508 (uncodified); repealing 1993 c 336 s 601 (uncodified); repealing 1993 c 371 s 2 and 1992 c 141 s 503; repealing 1995 c 77 s 3 and 1992 c 141 s 507; and repealing 1992 c 141 s 504.  
Referred to Committee on Education.

SB 5891 by Senators Swanson, Thibaudeau and Kohl

AN ACT Relating to tobacco prevention programs for youth; adding a new section to chapter 82.24 RCW; adding new sections to chapter 43.70 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5892 by Senators Swanson, Snyder, Thibaudeau and Heavey

AN ACT Relating to public utilities; adding a new section to chapter 80.04 RCW; and creating a new section.  
Referred to Committee on Energy and Utilities.

SB 5893 by Senators Roach, Goings, Zarelli, Horn, Spanel, Patterson, Long and Haugen

AN ACT Relating to law enforcement personnel training; adding new sections to chapter 43.101 RCW; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5894 by Senators Roach, Goings, Zarelli, Horn, Spanel and Winsley

AN ACT Relating to correctional personnel training; adding new sections to chapter 43.101 RCW; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5895 by Senators Roach, Heavey, Schow, Deccio, Johnson and Patterson

AN ACT Relating to mitigating impacts of rail facility use and expansion; amending RCW 53.08.330, 82.12.0254, 82.16.020, 81.112.080, and 82.02.090; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.02 RCW; and repealing RCW 84.36.105.  
Referred to Committee on Transportation.

SB 5896 by Senators Roach, McCaslin, Kohl, Oke, Schow, Kline, Zarelli, Goings, Hargrove and Stevens

AN ACT Relating to the civil rights act of 1997; adding a new chapter to Title 7 RCW; and declaring an emergency.  
Referred to Committee on Law and Justice.

SB 5897 by Senators Jacobsen and Finkbeiner

AN ACT Relating to financial aid; and amending RCW 28B.10.808.  
Referred to Committee on Higher Education.

SB 5898 by Senators Jacobsen, Wojahn, Wood, Brown, Kline, Sheldon, Goings, Snyder, Thibaudeau, Franklin, Bauer, Swanson, Winsley and Kohl

AN ACT Relating to encouraging young girls to participate in organized athletics; and adding a new section to chapter 28A.300 RCW.  
Referred to Committee on Education.

SB 5899 by Senators Jacobsen, Wood, Kline, Brown, Sheldon, Goings, Snyder, Thibaudeau, Franklin, Swanson, Bauer, Winsley, Rasmussen and Kohl

AN ACT Relating to creating the Sue Durrant athletic achievement awards for young female athletes; and adding a new section to chapter 28A.300 RCW.  
Referred to Committee on Education.

SB 5900 by Senators Jacobsen and Wojahn

AN ACT Relating to requiring an ethical audit of the personnel management systems at community and technical colleges; creating a new section; and providing an expiration date.  
Referred to Committee on Ways and Means.

SB 5901 by Senators Kohl, Winsley, Prentice, Swanson and Jacobsen

AN ACT Relating to notice to the insured before an insurance company negotiates or settles any claim or suit; and adding a new section to chapter 48.22 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5902 by Senator Swanson

AN ACT Relating to meeting the paramount duty to provide an ample education for students in grades kindergarten through twelve; amending RCW 43.135.025; adding a new section to chapter 28A.150 RCW; and creating a new section.  
Referred to Committee on Education.

SJM 8011 by Senators Fraser, Schow, Rasmussen, Franklin, McAuliffe, Prince, Kohl and Jacobsen

Petitioning Congress to change immigration reform law to permit states to choose whether to educate children from foreign countries living in their state.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1054 by Representatives Dunn, Carlson, Mason and Mielke (by request of Higher Education Coordinating Board)

Referencing the prior fiscal period rather than biennia for refunds and recoveries to the state educational trust fund.

Referred to Committee on Higher Education.

HB 1059 by Representatives Backlund, Cody and Mason (by request of Department of Health)

Merging the health professions account and the medical disciplinary account.

Referred to Committee on Ways and Means.

SHB 1072 by House Committee on Law and Justice (originally sponsored by Representatives Sterk, Sheahan, Hickel and Delvin)

Regulating interception of communications.

Referred to Committee on Law and Justice.

HB 1090 by Representatives Radcliff, Dickerson, Fisher, Carrell, Van Luven, Robertson and O'Brien

Providing vehicle owners' names and addresses to commercial parking companies.

Referred to Committee on Transportation.

HB 1959 by Representatives Robertson, Grant, Mulliken, Cairnes, Mastin, Ogden, Keiser, Dunn and Cooke

Providing business and occupation tax exemptions for wholesale car auctions.

Referred to Committee on Ways and Means.

#### MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, February 19, 1997.

BRAD OWEN President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### **JOURNAL OF THE SENATE**

**THIRTY-SEVENTH DAY, FEBRUARY 18, 1997**

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#### **THIRTY-EIGHTH DAY**

#### ----- MORNING SESSION -----

Senate Chamber, Olympia, Wednesday, February 19, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Hale and Loveland. On motion of Senator Franklin, Senator Loveland was excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Jensen and Christopher Kaneshiro, presented the Colors. Reverend Anthony Obey, pastor of the New Life Baptist Church of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

SB 5013 Prime Sponsor, Senator West: Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act. Reported by Committee on Health and Long-Term Care  
February 18, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

SB 5019 Prime Sponsor, Senator Fairley: Expanding the definition of persistent sex offenders. Reported by Committee on Law and Justice  
February 17, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.



February 18, 1997

SB 5050 Prime Sponsor, Senator Goings: Affirming and clarifying the legislative authority to treat the initial rate set for refurbished and new nursing facilities as that rate which is established on July 1, 1995, for purposes of applying the eighty-five percent minimum occupancy requirement. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5050 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin and Wojahn.

Referred to Committee on Ways and Means.

February 17, 1997

SB 5060 Prime Sponsor, Senator Haugen: Clarifying driving statutes. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

February 17, 1997

SB 5073 Prime Sponsor, Senator Swecker: Funding public facilities. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

HOLD.

February 17, 1997

SB 5090 Prime Sponsor, Senator Roach: Including residential burglary in the list of most serious offenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kline.

Referred to Committee on Ways and Means.

February 18, 1997

SB 5127 Prime Sponsor, Senator Wojahn: Providing additional funding for trauma care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Strannigan.

Referred to Committee on Ways and Means.

February 18, 1997

SB 5152 Prime Sponsor, Senator Prince: Allowing the department of social and health services access to employment security department data on clients in the job opportunities and basic skills training program and any subsequent state welfare program. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5178 Prime Sponsor, Senator Wood: Adopting the diabetes cost reduction act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin and Wojahn.

Referred to Committee on Ways and Means.

February 18, 1997

SB 5179 Prime Sponsor, Senator Deccio: Correcting inequities in the nursing facility reimbursement system. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

February 18, 1997

SB 5213 Prime Sponsor, Senator Deccio: Exempting certain information provided to the health care policy board and interagency quality committee from public disclosure. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1997

SB 5256 Prime Sponsor, Senator Roach: Revising motorcycle equipment laws. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

HOLD.

February 17, 1997

SB 5291 Prime Sponsor, Senator McCaslin: Requiring all defendants to be responsible for indigent defense service costs unless waived for sufficient cause. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5291 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 17, 1997

SB 5294 Prime Sponsor, Senator McCaslin: Providing for a prorated refund of a liquor license if the license holder discontinues operation at a licensed establishment. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5294 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

HOLD.

February 17, 1997

SB 5341 Prime Sponsor, Senator Roach: Revising authority of the Washington economic development authority to finance projects. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5341 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

February 17, 1997

SB 5348 Prime Sponsor, Senator Roach: Adding additional circumstances for the commission of aggravated first degree murder. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 17, 1997

SB 5375 Prime Sponsor, Senator Rossi: Redefining a distributing organization to include a public health department. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5409 Prime Sponsor, Senator Long: Modifying child death review. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5409 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley and Franklin.

Referred to Committee on Ways and Means.

February 17, 1997

SB 5422 Prime Sponsor, Senator Schow: Updating professional gambling definitions. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 17, 1997

SB 5426 Prime Sponsor, Senator McCaslin: Deleting references to the former judicial council. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5445 Prime Sponsor, Senator Deccio: Making technical corrections to statutes administered by the department of health. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5445 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

February 17, 1997

SB 5509 Prime Sponsor, Senator Rossi: Changing definitions regarding offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 17, 1997

SB 5629 Prime Sponsor, Senator Roach: Making domestic violence an aggravating circumstance for purposes of sentencing decisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5629 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5637 Prime Sponsor, Senator Haugen: Removing residency requirements for county road engineers. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Johnson, Senate Bill No. 5073, Senate Bill No. 5256 and Senate Bill No. 5294 were held on the desk.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1051,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1074,  
HOUSE BILL NO. 1081,  
SUBSTITUTE HOUSE BILL NO. 1088,  
SUBSTITUTE HOUSE BILL NO. 1320, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5903 by Senators Hale, Morton, Wood and Winsley

AN ACT Relating to the use of local special excise taxes for the operation of performing and cultural arts facilities; and amending RCW 67.28.370.  
Referred to Committee on Ways and Means.

SB 5904 by Senators Wood, Kohl and Prince

AN ACT Relating to higher education fees; and amending RCW 28B.15.910.  
Referred to Committee on Higher Education.

SB 5905 by Senators Swecker and Winsley

AN ACT Relating to aquatic weed control; amending RCW 90.24.010, 90.24.020, 90.24.040, and 90.24.066; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; and providing an expiration date.

Referred to Committee on Agriculture and Environment.

SB 5906 by Senators Swanson, Fraser, West and Oke

AN ACT Relating to dedicating revenue to K through 12 education through state lottery revenues; amending RCW 67.70.040, 67.70.190, 67.70.240, and 43.84.092; and creating a new section.

Referred to Committee on Ways and Means.

SB 5907 by Senators Swanson, Wojahn, Fraser, Goings, West and Oke

AN ACT Relating to state lottery accounts; and amending RCW 67.70.240, 67.70.260, and 67.70.042.

Referred to Committee on Ways and Means.

SB 5908 by Senators Thibaudeau, Long, Kohl, Winsley and Patterson

AN ACT Relating to expedited termination of parental rights; amending RCW 13.34.190; reenacting and amending RCW 13.34.130 and 13.34.180; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5909 by Senators Thibaudeau, Fairley and Heavey

AN ACT Relating to lease of unused highway land or air space; amending RCW 47.12.120; and adding a new section to chapter 47.12 RCW.

Referred to Committee on Transportation.

SB 5910 by Senators West, Haugen, McCaslin, Anderson and Long

AN ACT Relating to clarifying that the construction statute of repose's beneficiaries specifically include persons that must be registered under RCW 18.27.020 or licensed under RCW 19.28.120; and amending RCW 4.16.300.

Referred to Committee on Law and Justice.

SB 5911 by Senators Strannigan, Winsley and Goings

AN ACT Relating to business and occupation tax on printers; amending RCW 82.04.280 and 82.04.290; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5912 by Senators Strannigan and Goings

AN ACT Relating to exempting printed sales messages and related services from sales and use taxation; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5913 by Senators Sheldon and Oke

AN ACT Relating to the imposition of taxes by counties for emergency communication systems and facilities; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Energy and Utilities.

SB 5914 by Senators Strannigan, Wojahn, Bauer, Winsley, Swecker, Haugen, Johnson and Schow

AN ACT Relating to tax exemptions for sales, use, and distribution of magazines and periodicals by subscription; amending RCW 82.08.02535; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5915 by Senators Anderson, Hale, Bauer and Stevens

AN ACT Relating to industrial land banks; amending RCW 36.70A.365; and repealing RCW 36.70A.367.

Referred to Committee on Government Operations.

SB 5916 by Senator McCaslin

AN ACT Relating to the association of superior court judges; and adding new sections to chapter 2.16 RCW.  
Referred to Committee on Law and Justice.

SB 5917 by Senators McCaslin, Schow, Oke and Hochstatter

AN ACT Relating to the use of physical force against intruders; adding a new section to chapter 9A.16 RCW; and creating a new section.  
Referred to Committee on Law and Justice.

SB 5918 by Senator Wood

AN ACT Relating to long-term care; amending RCW 74.39A.008, 74.39A.050, 74.39A.060, 70.129.030, 70.129.105, 70.129.110, 70.129.150, 70.128.175, 18.20.020, and 18.20.190; adding new sections to chapter 74.39A RCW; adding a new section to chapter 18.20 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5919 by Senators Roach, Winsley, Stevens, Zarelli, Wood, Schow and Oke

AN ACT Relating to the special sex offender sentencing alternative; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 5920 by Senators Roach, Benton, Heavey, Deccio, Oke, Long, Winsley and Rasmussen

AN ACT Relating to veterans remembrance emblems; and amending RCW 46.16.319.  
Referred to Committee on Government Operations.

SB 5921 by Senators Roach, Zarelli, Stevens and Oke

AN ACT Relating to malfeasance by government officials; amending RCW 10.27.020, 10.27.030, and 9A.80.010; and prescribing penalties.  
Referred to Committee on Law and Justice.

SJM 8012 by Senators Hale, Benton, Oke, Sellar, Deccio, Finkbeiner, Morton, Rossi, Anderson, Johnson, Roach, McDonald, Newhouse, Wood, Strannigan, Long, Swecker, Horn and Goings

Requesting a balanced budget amendment to the United States Constitution.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1051 by Representatives Pennington, Mielke, Carlson, McMorris, Delvin and Keiser

Simplifying designation of school bus stops as drug-free zones.

Referred to Committee on Law and Justice.

ESHB 1074 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Costa, Hatfield and Constantine)

Protecting personality rights.

Referred to Committee on Law and Justice.

HB 1081 by Representatives Koster, Mulliken, Dunn, Mielke, Thompson, McMorris, Boldt, Sterk, Sherstad, Bush and Smith

Strengthening school policies and prohibitions on the use of tobacco at schools.

Referred to Committee on Education.

SHB 1088 by House Committee on Government Administration (originally sponsored by Representatives Sheahan and Schoesler)

Designating Mammuthus COLUMBI as the official fossil of the state of Washington.

Referred to Committee on Government Operations.

SHB 1320 by House Committee on Government Administration (originally sponsored by Representatives L. Thomas, Cooke, Cairnes, D. Schmidt, Keiser, Robertson, Blalock, Ogden, Constantine, Veloria, Dunn and Anderson)

Designating Anux junius as the official insect of the state of Washington.

Referred to Committee on Government Operations.

#### MOTION

At 10:08 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:23 a.m. by President Pro Tempore Newhouse.

#### MOTION

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

#### SENATE RESOLUTION 1997-8617

By Senators Deccio, Swecker, Long, Kohl, Spanel, Rasmussen, Loveland, Sellar, Schow, McAuliffe, Oke, Anderson, Zarelli, Franklin, Bauer and Stevens

WHEREAS, It is the policy of the Washington State Senate to recognize and honor those individuals that have made significant contributions to the well-being of the citizens of Washington; and

WHEREAS, John D. McAlister, who was an active member of many agricultural industry organizations and served on the Government Affairs Council of the Association of Washington Business, as well as their Board of Directors, passed away on Monday, February 10, 1997; and

WHEREAS, John D. McAlister moved to Yakima in 1983, and established the public relations department for Tree Top, Inc.; and

WHEREAS, John D. McAlister was very active in the Yakima community, serving on the Board of the Yakima Symphony Orchestra and on the Board of New Vision; and

WHEREAS, John D. McAlister was the founder and chairman of the Yakima Excellence in Education Program, and was pleased when Yakima area teachers received recognition for their service and dedication to local students; and

WHEREAS, John D. McAlister was an active member of the First Presbyterian Church; and

WHEREAS, John D. McAlister gave many hours of dedicated service to the citizens of the Yakima community, and will be greatly missed; and

WHEREAS, John D. McAlister is fondly remembered by his wife, Patricia McAlister, their three children, three step-children, and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate give honor to John D. McAlister, whose life has immensely benefitted many citizens of this state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Patricia McAlister and each of the surviving family members.

Senators Deccio, Anderson and Franklin spoke to Senate Resolution 1997-8617.

#### INTRODUCTION OF SPECIAL GUESTS

Senator Deccio introduced Mrs. McAlister and members of the McAlister family, who were seated in the gallery.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5008, by Senators Long, Hargrove, Franklin, Zarelli and Winsley (by request of Department of Social and Health) Services

Modifying the adoption support reconsideration program.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5008.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5008 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Hale - 1. Excused: Senator Loveland - 1. SENATE BILL NO. 5008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5151, by Senators Roach, Johnson, Heavey, McCaslin, Loveland, Snyder and Winsley

Adjusting the jurisdictional amount for district courts.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5151.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Hale - 1. Excused: Senator Loveland - 1. SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5048, by Senators Morton, Haugen and Prince

Changing the SR 2 spur to SR 41.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator McCaslin, Senator Hale was excused.



The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5048.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Sellar - 1. Excused: Senators Hale and Loveland - 2. SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5009, by Senators Long, Hargrove, Franklin, Zarelli, Sheldon, Winsley, Kohl and Patterson (by request of Department of Social and Health Services)

Authorizing interstate agreements to provide adoption assistance for special needs children.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5009 was substituted for Senate Bill No. 5009 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5009.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Hale and Loveland - 2. SUBSTITUTE SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5092, by Senators Roach, Swecker, Zarelli, Schow, Hochstatter, Bauer, McCaslin, Oke and Long

Penalizing disarming a law enforcement officer.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5092.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators

Hale and Loveland - 2. SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5109, by Senators Roach and Johnson

Dissolving limited liability companies.

The bill was read the second time.

#### MOTION

Senator Fairley moved that the following amendment be adopted:

On page 2, after line 11, insert the following: "**Sec. 2.** RCW 25.15.125 and 1994 c 211 s 303 are each amended to read as follows: (1) Except as otherwise provided by this chapter, the debts, obligations, and liabilities of a limited liability company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations, and liabilities of the limited liability company; and no member or manager of a limited liability company shall be obligated personally for any such debt, obligation, or liability of the limited liability company solely by reason of being a member or acting as a manager of the limited liability company. (2) The provisions of subsection (1) shall not apply to a limited liability company unless that limited liability company maintains for itself and its member or members a policy of liability insurance, bond or other evidence of financial responsibility designated by rule by the state insurance commissioner in the amount of at least one million dollars. ((2)) (3) A member or manager of a limited liability company is personally liable for his or her own torts."

#### POINT OF ORDER

Senator Roach: "Thank you, Mr. President, I would like to raise the issue of scope and object on this particular amendment. The amendment is outside the scope and object of the underlying bill. The bill's title and the scope of the bill addresses the dissolution of limited liability companies. It is a bill that modifies one section and one section only. The amendment goes into another section of the Limited Liability Company Act and addresses the payment of debts, obligations and liabilities. It, therefore, exceeds the scope and object of the underlying bill."

Further debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5109 was deferred.

#### PERSONAL PRIVILEGE

Senator Rossi: "A point of personal privilege, Mr. President. On Monday, I gave my first floor speech and I am new at this and I know that I am not very good at giving fancy speeches and I inflicted a lot of pain. Senator West was one of the first--he jumped up and told me how much pain he had from this. The first gift I had was this little chocolate fish from Boehm's candy in Issaquah. Issaquah is known for salmon days and that is what this represents and I am sure that many of you will, hopefully, appreciate this and it will help ease some of the pain.

"But you know, as I was getting on the elevator, Senator Heavey came over and told me how much pain he was really in and I could see it on his face--how much I had inflicted on this poor Senator--and so I had to come up with another gift, I felt. I just couldn't give it to him, so I gave it to everybody. That is the bottle of wine from the Snoqualmie Winery. Hopefully, you will have it with a good meal and enjoy. If you are ever going through Snoqualmie, stop at the winery. It is a beautiful place; it has a beautiful view of the entire Snoqualmie Valley. I hope you will forgive me; Senator Heavey I hope you find it in your heart to forgive me. Thank you very much."

#### MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, February 20, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**THIRTY-EIGHTH DAY, FEBRUARY 19, 1997**

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**THIRTY-NINTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Thursday, February 20, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SB 5074 Prime Sponsor, Senator Sellar: Increasing interstate trade through tax incentives for warehouse and grain operations. Reported by Committee on Commerce and Labor February 18, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

SB 5113 Prime Sponsor, Senator Oke: Refunding certain license fees. Reported by Committee on Transportation February 18, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

SB 5133 Prime Sponsor, Senator Zarelli: Prohibiting censorship of United States and Washington history. Reported by Committee on Education February 18, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Goings and McAuliffe.

Passed to Committee on Rules for second reading.

SB 5149 Prime Sponsor, Senator Long: Revising restrictions on legislators' newsletters. Reported by Committee on Law and Justice February 19, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Fairley, Goings, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5155 Prime Sponsor, Senator Horn: Adjusting vehicle width limits. Reported by Committee on Transportation February 18, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

SB 5157 Prime Sponsor, Senator Zarelli: Providing tax exemptions for items obtained to replace weather-damaged items. Reported by Committee on Ways and Means February 19, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Schow, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5195 Prime Sponsor, Senator Deccio: Providing for taxation of membership sales in discount programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Kohl, Long, McDonald, Roach, Schow, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5203 Prime Sponsor, Senator Roach: Making a defendant's knowledge that a murder victim was pregnant aggravated first degree murder. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5255 Prime Sponsor, Senator Swecker: Establishing notification of parent or legal guardian prior to abortion by a minor. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Goings and Kline.

Referred to Committee on Ways and Means.

February 18, 1997

SB 5259 Prime Sponsor, Senator Anderson: Expanding employer workers' compensation group self-insurance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5259 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5283 Prime Sponsor, Senator Hargrove: Clarifying deductions from offender funds other than wages and gratuities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5284 Prime Sponsor, Senator Long: Providing for additional judges for Snohomish county superior court. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 19, 1997  
SB 5288 Prime Sponsor, Senator McCaslin: Creating additional judicial positions in the Spokane superior court. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

February 18, 1997  
SB 5303 Prime Sponsor, Senator Sellar: Creating a task force on tourism promotion and development. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5303 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 19, 1997  
SB 5335 Prime Sponsor, Senator Swecker: Excluding animal health products from the definition of retail sale, thereby changing the business and occupation tax rate for such activities. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5335 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

February 18, 1997  
SB 5340 Prime Sponsor, Senator Hochstatter: Changing probation provisions for certificated educational employees. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 1997  
SB 5352 Prime Sponsor, Senator Benton: Treating certain sex offenders with medroxyprogesterone acetate. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5352 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Fairley, Goings, Hargrove, Long, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Kline.

Referred to Committee on Ways and Means.

February 19, 1997  
SB 5359 Prime Sponsor, Senator Swecker: Clarifying the exemption from sales and use taxation of the materials used by small companies in the design and development of aircraft parts, auxiliary equipment, and aircraft modification. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5359 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5431 Prime Sponsor, Senator Finkbeiner: Extending the prohibition on filing for a tariff on mandatory measured telecommunications service. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5441 Prime Sponsor, Senator Stevens: Prohibiting partial-birth abortions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Goings and Kline.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5479 Prime Sponsor, Senator Benton: Changing time periods for provisional status for certificated employees. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5486 Prime Sponsor, Senator Morton: Revising eligibility for rural arterial programs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5502 Prime Sponsor, Senator Haugen: Revising the submittal date for county six-year transportation programs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5507 Prime Sponsor, Senator Prince: Allowing the holder of a juvenile agricultural driving permit to participate in school traffic safety classes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5508 Prime Sponsor, Senator Hochstatter: Enacting the third grade reading accountability act. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5508 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Referred to Committee on Ways and Means.

February 19, 1997

SB 5515 Prime Sponsor, Senator Morton: Regulating pesticides. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5515 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

February 18, 1997

SB 5519 Prime Sponsor, Senator Sellar: Enhancing compliance with sentence conditions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Schow and Stevens.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5520 Prime Sponsor, Senator McCaslin: Revising provisions relating to intimidation of witnesses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5536 Prime Sponsor, Senator Stevens: Prohibiting the office of the superintendent of public instruction from allocating funds for the Goals 2000 program. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Goings, McAuliffe and Rasmussen.

Referred to Committee on Ways and Means.

February 18, 1997

SB 5542 Prime Sponsor, Senator Long: Repealing the alien offender camp. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5589 Prime Sponsor, Senator Winsley: Restricting the conditions of medicare supplemental insurance policies. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5589 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5658 Prime Sponsor, Senator Morton: Prohibiting a moratorium on new appropriations of Columbia or Snake river waters based on certain contingencies. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5668 Prime Sponsor, Senator Prentice: Allowing the department of health to adopt a temporary worker housing code. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5713 Prime Sponsor, Senator Prentice: Defining nonprofit corporation. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 18, 1997

SB 5732 Prime Sponsor, Senator Benton: Delivering the cancellation notice for an insurance policy. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 19, 1997

SB 5835 Prime Sponsor, Senator Swecker: Limiting property taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Kohl, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5841 Prime Sponsor, Senator Hochstatter: Regulating public water systems. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That the bill be referred to Committee on Energy and Utilities without recommendation. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Energy and Utilities.

February 20, 1997

SB 5873 Prime Sponsor, Senator Benton: Determining liability under the model toxics control act. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That the bill be referred to Committee on Financial Institutions, Insurance and Housing without recommendation. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Financial Institutions, Insurance and Housing.

February 19, 1997

SB 7900 Prime Sponsor, Senator Swecker: Implementing the model toxics control act policy advisory committee recommendations (Introduced with House sponsors). Reported by Committee on Agriculture and Environment



MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

February 19, 1997

HB 1959 Prime Sponsor, Representative Robertson: Providing business and occupation tax exemptions for wholesale car auctions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Hochstatter, Kohl, Long, Roach, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 18, 1997

GA 9125 ANNETTE SANDBERG, reappointed January 15, 1997, for a term ending at the pleasure of the Governor, as Chief of the Washington State Patrol.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Referred to Committee on Rules.

February 19, 1997

GA 9212 LINDA G. TOMPKINS, reappointed January 28, 1997, for a term ending June 30, 2002, as a member of the Transportation Commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Referred to Committee on Rules.

February 19, 1997

GA 9229 THOMAS A. GREEN, reappointed February 7, 1997, for a term ending June 30, 2000, as a member of the Transportation Commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Referred to Committee on Rules.

MOTION

On motion of Senator Johnson, Senate Bill No. 5284 and Senate Bill No. 5288 were referred to the Committee on Ways and Means.

MOTION

On motion of Senator Johnson, Senate Bill No. 5073, Senate Bill No. 5256 and Senate Bill No. 5341, which were read in on the Standing Committee Reports, February 19, 1997, and held on the desk, were referred to the Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 5922 by Senator West

AN ACT Relating to limiting capital expenditures and bonded indebtedness for capital projects; and adding a new section to chapter 39.42 RCW.  
Referred to Committee on Ways and Means.

SB 5923 by Senators West and Kohl

AN ACT Relating to expanding eligibility for the educational opportunity grant program; amending RCW 28B.101.010 and 28B.101.020; and reenacting and amending RCW 28B.101.040.  
Referred to Committee on Higher Education.

SB 5924 by Senators West and Oke

AN ACT Relating to general assistance; and reenacting and amending RCW 74.04.005.  
Referred to Committee on Ways and Means.

SB 5925 by Senator West

AN ACT Relating to certificated instructional staff salaries; adding a new section to chapter 28A.415 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Education.

SB 5926 by Senators West, Deccio and Winsley

AN ACT Relating to the Washington state health insurance pool; and amending RCW 48.41.130.  
Referred to Committee on Health and Long-Term Care.

SB 5927 by Senators Wood, Bauer, Winsley, Kohl, Sheldon, Hale, Prince, Patterson and West

AN ACT Relating to higher education; amending RCW 28B.15.067, 28B.10.776, 28B.10.778, and 28B.10.784; adding a new section to chapter 28B.15 RCW; creating a new section; and repealing RCW 28B.10.780, 28B.10.782, 28B.10.786, 28B.15.065, and 28B.80.500.  
Referred to Committee on Higher Education.

SB 5928 by Senators Oke, Snyder, Jacobsen, Swecker, Prentice, Horn and Anderson

AN ACT Relating to port district management of state-owned aquatic lands; and amending RCW 79.90.465, 79.90.475, and 79.90.500.  
Referred to Committee on Natural Resources and Parks.

SB 5929 by Senators Long, Bauer, Winsley, Franklin, Roach, Loveland and Rasmussen

AN ACT Relating to the Washington educational employees' retirement system; amending RCW 41.32.010, 41.32.044, 41.32.065, 41.32.067, 41.32.780, 41.32.812, 41.32.817, 41.32.835, 41.32.8401, 41.32.875, 41.34.060, 41.45.010, 41.45.020, 41.45.050, 41.45.060, 41.45.061, 41.45.070, 41.45.070, 41.50.030, 41.50.075, 41.50.080, 41.50.086, 41.50.200, 41.50.205, 41.50.215, 41.50.230, 41.50.240, and 43.33A.020; reenacting and amending RCW 41.40.010; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding new sections to chapter 41.45 RCW; adding a new section to chapter 41.54 RCW; creating a new section; decodifying RCW 41.32.032 and 41.50.132; repealing RCW 41.32.020 and 41.32.818; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 5930 by Senator Patterson

AN ACT Relating to the relationship between motor vehicle liability coverage and registration; amending RCW 46.30.030; and adding new sections to chapter 46.16 RCW.  
Referred to Committee on Transportation.

SB 5931 by Senator Benton

AN ACT Relating to personal injury protection insurance; and repealing RCW 48.22.005, 48.22.085, 48.22.090, 48.22.095, 48.22.100, and 48.22.105.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5932 by Senators Strannigan, Heavey, Rossi, Finkbeiner, Bauer, Hochstatter, Deccio, Swecker and Goings

AN ACT Relating to a study of the impact of the business and occupation tax on the retail industry; and creating a new section.  
Referred to Committee on Ways and Means.

SB 5933 by Senator Swecker

AN ACT Relating to dangerous dogs; and amending RCW 16.08.070, 16.08.080, 16.08.090, and 16.08.100.  
Referred to Committee on Agriculture and Environment.

SB 5934 by Senators Swecker, Rasmussen, Newhouse, Morton, Fraser, Anderson, Sellar and Goings

AN ACT Relating to the role of school districts, fire protection districts, and water-sewer districts in growth management planning; and amending RCW 36.70A.030, 36.70A.110, 36.70A.150, 36.70A.210, and 36.70A.350.  
Referred to Committee on Government Operations.

SB 5935 by Senators Wojahn, Fairley and Franklin (by request of Department of Social and Health Services)

AN ACT Relating to recovery of the costs of long-term medical care paid by the department of social and health services; amending RCW 43.20B.080, 74.34.010, and 74.39A.170; adding a new section to chapter 43.20B RCW; and adding a new section to chapter 74.34 RCW.  
Referred to Committee on Ways and Means.

SB 5936 by Senators Kohl, Long, Hargrove, Franklin, Bauer and Rasmussen

AN ACT Relating to offender education; and adding a new section to chapter 72.09 RCW.  
Referred to Committee on Human Services and Corrections.

SB 5937 by Senator Hochstatter

AN ACT Relating to public water supply systems; and amending RCW 43.20.025, 70.116.030, 70.119.020, and 70.119A.020.  
Referred to Committee on Agriculture and Environment.

SB 5938 by Senators Roach, Long, Zarelli, Haugen, Benton, Finkbeiner, Oke, Swecker, Anderson, Stevens, Winsley, Strannigan and Schow

AN ACT Relating to sentencing; amending RCW 9.94A.040, 9.94A.310, 9A.32.060, and 9A.32.070; reenacting and amending RCW 9.94A.030 and 9.94A.320; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5939 by Senators Strannigan, Rossi, Finkbeiner, Bauer, Hochstatter, Benton, Wood, Snyder, Hargrove, Heavey and McDonald

AN ACT Relating to a study of wing-in-ground effect vehicles; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.  
Referred to Committee on Transportation.

SB 5940 by Senators Roach, Stevens, Finkbeiner and Oke

AN ACT Relating to sex offenses; reenacting and amending RCW 9.94A.120; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5941 by Senators Roach, Benton, Hochstatter and Finkbeiner

AN ACT Relating to the fish and wildlife commission; and adding a new section to chapter 77.04 RCW.  
Referred to Committee on Natural Resources and Parks.

SB 5942 by Senators Roach, Johnson, McCaslin, Zarelli, Stevens, Swecker, Finkbeiner and Oke

AN ACT Relating to offenders; amending RCW 9.94A.040, 9A.04.050, 13.40.010, 13.40.0357, 13.40.040, 13.40.045, 13.40.050, 13.40.060, 13.40.070, 13.40.077, 13.40.080, 13.40.100, 13.40.110, 13.40.125, 13.40.130, 13.40.135, 13.40.150, 13.40.160, 13.40.190, 13.40.193, 13.40.200, 13.40.230, 13.40.250, 13.40.265, 13.40.320, 13.50.010, 13.50.050, 9A.36.045, 9A.36.050, 9.41.010, 9.41.040, 9.94A.103, 9.94A.105, 9.94A.310, 10.99.020, 10.99.040, and 10.99.050; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.360, 13.04.030, 13.40.020,

9.94A.320, and 9A.46.060; adding a new section to chapter 13.40 RCW; creating a new section; repealing RCW 9.94A.045, 13.40.025, 13.40.0354, and 13.40.075; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5943 by Senators Prentice, Finkbeiner, McAuliffe, Strannigan, Goings, Bauer, Kline, Wojahn, Wood, Schow and Rasmussen

AN ACT Relating to registration of mobile home parks; adding a new chapter to Title 18 RCW; and prescribing penalties.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5944 by Senators Prentice, Wood, McAuliffe, Finkbeiner, Goings, Kline, Schow and Rasmussen

AN ACT Relating to mobile home park rent justification; adding a new chapter to Title 59 RCW; and prescribing penalties.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5945 by Senators Prentice, Finkbeiner, McAuliffe, Wood, Goings, Wojahn, Kline, Schow and Rasmussen

AN ACT Relating to certification of resident managers of mobile home parks; adding a new chapter to Title 18 RCW; and prescribing penalties.  
Referred to Committee on Financial Institutions, Insurance and Housing.

#### MOTION

At 12:05 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, February 21, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

***JOURNAL OF THE SENATE***

***THIRTY-NINTH DAY, FEBRUARY 20, 1997***

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## **FORTIETH DAY**

### **AFTERNOON SESSION**

House Chamber, Olympia, Friday, February 21, 1997

The House was called to order at 1:30 p.m. by the Speaker (Representative Pennington presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jim Foreman and Jacob Mertens. Prayer was offered by Pastor Dale Edwards, Evergreen Christian Church, Olympia.

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

The Speaker assumed the chair.

### **SECOND READING**

HOUSE BILL NO. 1011, by Representatives K. Schmidt, Johnson, Skinner, Zellinsky, Mitchell, Robertson, Fisher, Hatfield, Hankins, Smith, Dunn, Mielke, Anderson and O'Brien

Exempting state and county ferry fuel sales and use tax.

The bill was read the second time. There being no objection, Substitute House Bill No. 1011 was substituted for House Bill No. 1011 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1011 was read the second time.

(003) Representative Huff moved the adoption of the following amendment by Representative Huff:

On page 3, beginning on line 1, strike all of section 4

Correct the title accordingly.

Representative Huff spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

Representative Fisher spoke against passage of the bill.

## MOTION

On motion of Representative DeBolt, Representatives Delvin and Hankins were excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1011.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1011 and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Clements, Cooke, Costa, Crouse, DeBolt, Doumit, Dunn, Dyer, Gardner, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Parlette, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Wood, Zellinsky and Mr. Speaker - 72.

Voting nay: Representatives Appelwick, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Dickerson, Dunshee, Fisher, Gombosky, Kenney, Mason, Murray, Ogden, Poulsen, Regala, Romero, Sommers, H., Tokuda, Voloria and Wolfe - 24.

Excused: Representatives Delvin and Hankins - 2.

Engrossed Substitute House Bill No. 1011, having received the constitutional majority, was declared passed.

HOUSE BILL NO.1024, by Representatives Dyer, Cody, Skinner, Sherstad, Thompson, Carlson, D. Sommers, Sterk, Huff, L. Thomas, Cooke, Dunn, Mielke, Clements and Backlund

Shortening the notice time given by nursing homes to the department of health to convert beds back to nursing home beds.

The bill was read the second time. There being no objection, Substitute House Bill No. 1024 was substituted for House Bill No. 1024 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1024 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1024.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1024 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin,

McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Delvin and Hankins - 2.

Substitute House Bill No. 1024, having received the constitutional majority, was declared passed.

There being no objection, the House deferred further consideration of House Bill No. 1027 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1040, by Representatives D. Schmidt, Scott, Thompson and D. Sommers

Determining the order of candidates on ballots.

The bill was read the second time.

Representative Hatfield moved the adoption of the following amendment by Representative Hatfield: (040)

On page 1, line 9, strike "primary, sample," and insert "sample"

On page 1, line 10, beginning with "~~(It~~" strike all the matter through "~~place~~.)" on line 12, and insert "In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The county auditor may rotate candidates names on ballots at primaries for federal, state, and county partisan offices, for the office of superintendent of public instruction, and for judicial offices, as outlined in RCW 29.30.040."

On page 1, after line 16, strike the remainder of the bill and insert the following:  
"Sec. 2. RCW 29.30.040 and 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040 are each amended to read as follows:

The county auditor may rotate (~~(At primaries,))~~ the names of candidates for federal, state, and county partisan offices, for the office of superintendent of public instruction, and for judicial offices. If the county auditor rotates those candidates' names, then they shall follow the following procedures:

The names of those candidates shall, for each office or position, be arranged initially in the order determined under RCW 29.30.025. Additional sets of ballots shall be prepared in which the positions of the names of all candidates for each office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. As nearly as possible an equal number of ballots shall be prepared after each change. In making the changes of position between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. The effect of this rotation of the order of the names shall be that the name of each candidate for an office or position shall appear first, second, and so forth for that office or position on the ballots of a nearly equal number of registered voters in that jurisdiction. In a precinct using voting devices, the names of the candidates for each office shall appear in only one sequence in that precinct. The names of candidates for city, town, and district office on the ballot at the primary shall not be rotated."

Correct the title.

Representative Hatfield spoke in favor of the adoption of the amendment.

Representative D. Schmidt spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt, Scott, and D. Sommers spoke in favor of passage of the bill.

Representative Fisher spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1040.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1040 and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Doumit, Dunn, Dunshee, Dyer, Gardner, Grant, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Poulsen, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 81.

Voting nay: Representatives Appelwick, Butler, Chopp, Cody, Cole, Constantine, Dickerson, Fisher, Gombosky, Hatfield, Mason, Murray, Quall, Regala and Veloria - 15.

Excused: Representatives Delvin and Hankins - 2.

House Bill No. 1040, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1076, by Representatives Reams, Poulsen, Mastin, Hatfield, Skinner, Linville, Dyer, Kessler, Sherstad, Grant, Pennington, Mielke, Thompson, Carlson, Boldt, Bush, Smith and D. Schmidt

Reforming regulatory activities.

The bill was read the second time. There being no objection, Substitute House Bill No. 1076 was substituted for House Bill No. 1076 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1076 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reams spoke in favor of passage of the bill.

Representative Romero spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1076.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1076 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.



Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Doumit, Dunn, Dunshee, Dyer, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Wolfe, Zellinsky and Mr. Speaker - 73.

Voting nay: Representatives Anderson, Appelwick, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Fisher, Gardner, Kenney, Mason, Murray, Regala, Romero, Scott, Sommers, H., Tokuda, Veloria and Wood - 23.

Excused: Representatives Delvin and Hankins - 2.

Substitute House Bill No. 1076, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1097, by Representatives Costa, Sheahan, Scott and Hatfield

Revising requirements for publication of notice in dependency cases.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Costa and Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1097.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1097 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Delvin and Hankins - 2.

House Bill No. 1097, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1168, by Representatives Pennington, Appelwick, Carlson, Murray, Regala, Cooper and Mielke; by request of Legislative Ethics Board

Revising restrictions on legislators' newsletters.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Scott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1168.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1168 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Delvin and Hankins - 2.

House Bill No. 1168, having received the constitutional majority, was declared passed.

There being no objection, the House deferred further consideration of House Bill No. 1186 and House Bill No. 1214 and the bills held their places on the second reading calendar.

HOUSE BILL NO. 1240, by Representatives Pennington, Appelwick, D. Schmidt, Mulliken, O'Brien, Dunshee, Kenney, B. Thomas, Anderson, Wensman, Lantz, Dickerson, Murray, Linville, Dunn and Mason; by request of Legislative Ethics Board

Allowing an elected official to prepare and send guest editorials or columns that include arguments for or against ballot propositions if the editorial or column is requested by a newspaper.

The bill was read the second time.

There being no objection, House Bill No. 1240 was sent to the Rules Committee.

The Speaker called upon Representative Pennington to preside.

HOUSE BILL NO. 1241, by Representatives Pennington, Appelwick, Carlson, D. Schmidt, Wensman, Linville and Mason; by request of Legislative Ethics Board

Limiting political activities of citizen members of the legislative ethics board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Scott spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1241.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1241 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Delvin and Hankins - 2.

House Bill No. 1241, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1251, by Representatives Parlette, Costa, Sheahan, Sterk, Lantz, Kenney, Skinner, Lambert, Gardner, D. Schmidt and Wensman; by request of Secretary of State

Clarifying naming conventions for corporations and units of government.

The bill was read the second time. There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1251 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Scott spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1251.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1251 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representative Robertson - 1.

Excused: Representatives Delvin and Hankins - 2.

Substitute House Bill No. 1251, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1251.

ERIC ROBERTSON, 31<sup>st</sup> District

HOUSE BILL NO. 1253, by Representatives Parlette, Costa, Sheahan, Sterk, Lantz, Skinner, Sherstad, Lambert, Gardner, D. Schmidt, Kenney and Wensman; by request of Secretary of State

Regulating naming of businesses.

The bill was read the second time. There being no objection, Substitute House Bill No. 1253 was substituted for House Bill No. 1253 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1253 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Scott spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1253.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1253 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Delvin and Hankins - 2.

Substitute House Bill No. 1253, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1370, by Representatives Carlson, Talcott, Linville and Wensman

Adopting recommendations of the state board for community and technical colleges regarding the 1991 merger of community and technical colleges.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted.

On page 6, line 11, after "specific" insert "academic"

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1370.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1370 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representative Tokuda - 1.

Excused: Representatives Delvin and Hankins - 2.

Engrossed House Bill No. 1370, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed House Bill No. 1370.

KIP TOKUDA, 37<sup>th</sup> District

HOUSE BILL NO. 1390, by Representatives Hatfield, Pennington, Doumit, Robertson, Murray, D. Schmidt, Chopp, Scott, Gardner, Romero, Dunshee, Wolfe, Morris, Wensman, Kessler and Dunn

Revising provisions regulating municipal officers' interest in contracts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1390 was substituted for House Bill No. 1390 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1390 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield, and D. Schmidt spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Talcott, Representative D. Schmidt was excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1390.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1390 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Substitute House Bill No. 1390, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1400, by Representatives Benson, L. Thomas, Wolfe, Zellinsky, Sheahan and Appelwick

Removing a termination date in the bank statement rule.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Appelwick spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1400.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1400 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1400, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1057, by Representatives Backlund and Cody; by request of Department of Health

Limiting public disclosure of complaints filed under the uniform disciplinary act.

The bill was read the second time. There being no objection, Substitute House Bill No. 1057 was substituted for House Bill No. 1057 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1057 was read the second time.

Representative Backlund moved the adoption of the following amendment by Representative Backlund: (036)

On page 1, beginning on line 18, after "respondent." strike the remainder of subsection (1) through page 2, line 14, and insert "A licensee must be notified upon receipt of a complaint, except when the notification would impede an effective investigation. At the earliest point of time the licensee must be allowed to submit a written statement about that complaint, which statement must be included in the file. Complaints filed after the effective date of this act are exempt from public disclosure under chapter 42.17 RCW until the complaint has been initially assessed and determined to warrant an investigation by the disciplining authority. Complaints determined not to warrant an investigation by the disciplining authority are no longer considered complaints, but must remain in the records and tracking system of the department. Information about complaints that did not warrant an investigation, including the existence of the complaint, may be released only upon receipt of a written public disclosure request. Complaints determined to warrant no cause for action after investigation are subject to public disclosure, must include an explanation of the determination to close the complaint, and must remain in the records and tracking system of the department."

Representatives Backlund and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Backlund and Cody spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1057.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1057 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Engrossed Substitute House Bill No. 1057, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1058, by Representatives Dyer, Cody and Backlund; by request of Department of Health

Providing for disclosure of information obtained by the department of health related to meeting licensing standards in hospitals.

The bill was read the second time. There being no objection, Substitute House Bill No. 1058 was substituted for House Bill No. 1058 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1058 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Cody spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1058.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1058 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Substitute House Bill No. 1058, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1064, by Representatives L. Thomas, Wolfe, Dyer and Mason; by request of Insurance Commissioner

Changing the financial and reporting requirements of health care service contractors and health maintenance organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1064 was substituted for House Bill No. 1064 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1064 was read the second time.

Representative L. Thomas moved the adoption of the following amendment by Representative L. Thomas: (008)

On page 2, line 3, after "of" strike "five" and insert "three"



Representatives L. Thomas and Wolfe spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1064.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1064 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Engrossed Substitute House Bill No. 1064, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1069, by Representatives Sterk and Honeyford

Prohibiting the malicious use of explosives.

The bill was read the second time. There being no objection, Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1069 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sterk and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1069.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1069 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Substitute House Bill No. 1069, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1109, by Representatives Carlson, Radcliff, O'Brien, Kenney, Mason, Dunn, Kessler and Quall; by request of Higher Education Coordinating Board

Requiring the higher education coordinating board to develop models for the delivery of technology-based programs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1109.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1109 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1109, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1117, by Representatives Benson, Sheahan, Costa, D. Sommers, McDonald, Gombosky, Mulliken, Robertson, O'Brien, D. Schmidt, Backlund, Sterk, Wood, Sheldon, Quall, Anderson, Boldt and DeBolt

Providing penalties for supplying liquor to or consuming liquor by minors.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1117.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1117 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1117, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1120, by Representatives Koster, Costa, Johnson and Scott; by request of Board of Education

Changing provisions relating to territory included in city and town boundary extensions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1120 was substituted for House Bill No. 1120 and the substitute bill was advanced to second reading.

Substitute House Bill No. 1120 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Koster and Cole spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1120.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1120 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk,

Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Substitute House Bill No. 1120, having received the constitutional majority, was declared adopted.

HOUSE BILL NO. 1211, by Representatives DeBolt, Fisher, K. Schmidt, Blalock, Johnson, Mielke, O'Brien and Costa; by request of Washington Traffic Safety Commission

Making accident reports available to the traffic safety commission.

The bill was read the second time. There being no objection, Substitute House Bill No. 1211 was substituted for House Bill No. 1211 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1211 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt and Fisher spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1211.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1211 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Substitute House Bill No. 1211, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1232, by Representatives Sump, Sheldon, Wood, Morris, Quall, K. Schmidt, Honeyford, Talcott, Hickel, Delvin, McMorris, Wensman and Doumit

Changing the SR 2 spur to SR 41.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sump spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1232.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1232 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1232, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1271, by Representatives L. Thomas, Scott, D. Sommers, Dunshee, Doumit, Mulliken, Gardner, Wensman and D. Schmidt

Relating to the establishment of commissioner districts and the election of commissioners of public hospital districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1271 was substituted for House Bill No. 1271 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1271 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Scott spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1271.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1271 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Substitute House Bill No. 1271, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1288, by Representatives Johnson, Hickel, Conway, Cody, Cole, Quall, Smith, Blalock, L. Thomas and D. Schmidt

Changing the name of the noncertificated employee category.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Cole spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1288.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1288 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1288, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1308, by Representatives Mielke, McMorris, Mulliken, Sterk and McDonald

Providing additional exemptions from state law for the handling of hazardous devices.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Conway spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1308.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1308 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1308, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1316, by Representatives Honeyford, Lisk, Boldt, Sump, Fisher and Dunn

Designating state route number 35.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Honeyford spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1316.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1316 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1316, having received the constitutional majority, was declared passed.

There being no objection, the House deferred further consideration of House Bill No. 1363 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1364, by Representatives K. Schmidt, Delvin, Mitchell and Wensman; by request of Gambling Commission

Updating provisions about the seizure and forfeiture of gambling-related property.

The bill was read the second time. There being no objection, Substitute House Bill No. 1364 was substituted for House Bill No. 1364 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1364 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson and Wood spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1364.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1364 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Substitute House Bill No. 1364, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1415, by Representatives Chandler, Doumit, D. Schmidt, Murray, Radcliff, Cody, Johnson, Thompson, Sheldon, Cooper, Costa, Hatfield, McMorris, Sullivan and Kessler

Setting compensation for public utility district commissioners.

The bill was read the second time. There being no objection, Substitute House Bill No. 1415 was substituted for House Bill No. 1415 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1415 was read the second time.

Representative Dunn moved the adoption of the following amendment by Representative Dunn:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 54.12.080 and 1985 c 330 s 4 are each amended to read as follows:

(1) Commissioners of public utility districts are eligible to receive salaries as follows:

(a) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand dollars per month during a calendar year (~~which shall depend upon the total gross revenue of the district from its distribution system and its generating system, if any, for~~) if the district received total gross revenue of over fifteen million dollars during the fiscal year ending June 30th (~~(prior to such)~~) before the calendar year(~~(, based upon the following schedule:~~



REVENUE — SALARY

~~OVER \$15 million — \$500 per month~~  
~~\$2 to 15 million — \$350 per month~~)). However, the board of commissioners of such a public utility district may pass a resolution increasing the rate of salary up to any specific dollar amount.

(b) Each public utility district commissioner of a district operating utility properties shall receive a salary of seven hundred dollars per month during a calendar year if the district received total gross revenue of from two million dollars to fifteen million dollars during the fiscal year ending June 30th before the calendar year. However, the board of commissioners of such a public utility district may pass a resolution increasing the rate of salary up to any specific dollar amount.

(c) Commissioners of other districts shall serve without salary (~~unless the district provides by~~)). However, the board of commissioners of such a public utility district may pass a resolution providing (~~for the payment thereof, which however shall not exceed two hundred dollars per month for each commissioner~~) salaries of any specific dollar amount.

(2) In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding fifty dollars for each day or major part thereof devoted to the business of the district, and days upon which ((he)) the commissioner attends meetings of the commission of ((his)) the district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such compensation paid during any one year to a commissioner shall not exceed seven thousand dollars. Per diem compensation shall not be paid for services of a ministerial or professional nature.

((2)) (3) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

((3)) (4) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his subsistence and lodging and travel while away from his place of residence.

((4)) (5) Any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioner with the same coverage."

Representatives Dunn and Scott spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler, Scott, Sump and Ogden spoke in favor of passage of the bill.

Representative Carlson spoke against passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1415.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1415 and the bill passed the House by the following vote: Yeas - 86, Nays - 8, Absent - 1, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Buck, Bush, Butler, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 86.

Voting nay: Representatives Boldt, Cairnes, Carlson, Cooke, Dyer, Mielke, Pennington and Robertson - 8.

Absent: Representative Keiser - 1.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

Engrossed Substitute House Bill No. 1415, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1422, by Representatives D. Schmidt, Scott, L. Thomas, Dunn, Doumit, Wolfe, Dunshee, Gardner, Lantz, Ogden, Thompson, Boldt, Mielke, Wensman, D. Sommers, Carlson and O'Brien

Raising the maximum per diem for boundary review board members.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Scott spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1422.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1422 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

House Bill No. 1422, having received the constitutional majority, was declared passed.

#### MOTION FOR RECONSIDERATION

Representative Ogden: Having voted on the prevailing side, moved that the House reconsider the vote on Substitute House Bill No. 1076 on the next working day.

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTIONS AND FIRST READING

HB 2116 by Representatives Dunshee, Gombosky, Blalock, Murray, Benson and Anderson

AN ACT Relating to legislative districts; and amending RCW 44.05.090.

Referred to Committee on Government Administration.

HB 2117 by Representatives McMorris and Conway

AN ACT Relating to taxation of gambling activities; and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 2118 by Representatives Keiser, Wolfe, Constantine, Sullivan, Poulsen, Appelwick, Blalock, Lantz, Ogden, Gardner, Murray, Conway and Costa

AN ACT Relating to automated teller machines; amending RCW 19.174.010 and 19.174.020; adding new sections to chapter 19.174 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2119 by Representatives McMorris, Conway, Honeyford, Boldt, Cole, Wood, Hatfield and Clements

AN ACT Relating to competitive bidding on public contracts; amending RCW 39.30.060; and creating a new section.

Referred to Committee on Government Administration.

HB 2120 by Representative Koster

AN ACT Relating to the creation of Pioneer county, subject to the requirements of the state Constitution and statutes in respect to the establishment of new counties; amending RCW 2.08.063 and 3.34.010; adding a new section to chapter 36.04 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Government Reform & Land Use.

HB 2121 by Representatives D. Schmidt, Sehlin, Dunshee, Reams, Ogden, Anderson and D. Sommers

AN ACT Relating to the effect of city and town annexations or incorporations on the authorities and responsibilities of other local governments; amending RCW 35.82.020; adding a new section to chapter 43.83B RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.50A RCW; adding a new section to chapter 36.88 RCW; adding new sections to chapter 36.94 RCW; and adding a new section to chapter 36.89 RCW.

Referred to Committee on Government Administration.

HB 2122 by Representatives Gombosky, Hankins, Radcliff, Butler, Mason, Kenney and Anderson

AN ACT Relating to transportation fees at institutions of higher education; and repealing RCW 28B.130.020.

Referred to Committee on Higher Education.

HB 2123 by Representatives Veloria, Mason, Cody, Keiser, Blalock, Tokuda, O'Brien and Conway

AN ACT Relating to mobile home park rent justification; adding a new chapter to Title 59 RCW; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

HB 2124 by Representatives Veloria, Cooke, Cody, Backlund, Keiser, Blalock, Tokuda, O'Brien, Mason, Conway and Costa

AN ACT Relating to registration of mobile home parks; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

HB 2125 by Representatives Veloria, Cooke, Cody, Backlund, Keiser, Blalock, Tokuda, O'Brien, Mason, Cooper and Costa

AN ACT Relating to certification of resident managers of mobile home parks; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

HB 2126 by Representatives Delvin, Hickel and Robertson

AN ACT Relating to security guard licenses; and amending RCW 18.170.010, 18.170.030, 18.170.110, 18.170.130, 18.170.165, and 43.43.838.

Referred to Committee on Commerce & Labor.

HB 2127 by Representatives Reams, Romero, Cairnes, Regala, Lantz, Ogden and Costa

AN ACT Relating to requiring state agencies to make available paper copies of information electronically disseminated to the public; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Administration.

HB 2128 by Representatives Sheahan, Appelwick, Cooke, Radcliff, Dyer, Cooper, Schoesler, Costa, D. Schmidt and Anderson

AN ACT Relating to ethics in public service; and amending RCW 42.52.120.

Referred to Committee on Government Administration.

HB 2129 by Representatives Conway, Dickerson, Cole, Wood, Veloria, Cody, Regala, Kenney, Appelwick, Blalock, Butler, Keiser, Lantz, Fisher, O'Brien, Wolfe, Chopp,

Constantine, Sullivan, Ogden, Cooper, Gardner, Doumit, Gombosky, Murray, Costa, Tokuda, Mason, Kessler, Dunshee and Scott

AN ACT Relating to the state minimum wage; and amending RCW 49.46.020.

Referred to Committee on Commerce & Labor.

HB 2130 by Representatives Koster, O'Brien, Cairnes, Blalock, McMorris, Regala, Conway, Delvin, Thompson, Cooper and Veloria

AN ACT Relating to inmate labor; amending RCW 72.09.010, 72.09.015, 72.09.070, 72.09.080, 72.09.090, 72.09.100, 72.09.104, 72.09.106, 72.09.111, 72.64.001, 72.64.010, 72.64.020, 72.64.030, 72.64.040, 72.64.050, 72.64.060, 72.64.070, 72.64.080, 72.64.090, 72.64.100, 72.64.110, 72.63.010, 72.63.020, 72.63.030, 72.63.040, 72.01.010, 72.01.110, 72.01.140, 72.01.150, 72.01.450, 72.01.452, 72.60.110, 72.60.160, 72.60.220, 43.19.534, 43.19.535, 72.62.010, 72.62.020, 72.62.030, 72.62.040, and 72.62.050; adding a new section to chapter 72.09 RCW; adding new sections to chapter 72.64 RCW; creating a new section; repealing RCW 72.60.235; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2131 by Representatives O'Brien, Koster, Blalock, Cairnes, Regala, McMorris, Conway, Delvin, Thompson and Veloria

AN ACT Relating to the correctional industries board of directors; amending RCW 72.09.010, 72.09.015, 72.09.070, 72.09.080, 72.09.090, 72.09.100, 43.19.534, and 43.19.535; adding a new section to chapter 72.09 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2132 by Representatives Conway, Wood, Cody, Cole, Gombosky, Dickerson, Blalock, Cooper, Veloria and Costa

AN ACT Relating to payment of wages; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding a new section to chapter 49.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2133 by Representatives Koster, Veloria, Costa, Blalock, Regala, Butler, Lantz, Cody, Conway and Dickerson

AN ACT Relating to development of a community justice act; amending RCW 9.94A.127, 9.94A.180, 13.40.135, and 43.43.754; reenacting and amending RCW 9.94A.030 and 9.94A.380; adding new sections to chapter 72.09 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2134 by Representatives Benson and McMorris

AN ACT Relating to time periods for filing industrial insurance claims; amending RCW 51.28.050 and 51.28.055; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2135 by Representatives Benson, McMorris and Anderson

AN ACT Relating to industrial insurance accidents; and amending RCW 51.28.010 and 51.28.050.

Referred to Committee on Commerce & Labor.

SB 5092 by Senators Roach, Swecker, Zarelli, Schow, Hochstatter, Bauer, McCaslin, Oke and Long

Penalizing disarming a law enforcement officer.

Referred to Committee on Criminal Justice & Corrections.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### MOTION

On motion of Representative Chopp, the rules be suspended, and that House Bill No. 2129 be advanced to second reading and read the second time in full.

Representative Chopp spoke in favor of the motion.

Representative Lisk spoke against the motion.

Representative Hatfield demand an electronic rollcall and the demand was sustained.

The Speaker (Representative Pennington presiding) stated the question before the House was the motion to advance House Bill No. 2129 to Second Reading.

#### ROLL CALL

The Clerk called the roll on the motion to advanced House Bill No. 2129 to Second Reading, and the motion failed by the following vote: Yeas - 42, Nays - 51, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunshee, Fisher, Gardner, Gombosky, Grant, Hatfield, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Mason, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Sommers, H., Sullivan, Tokuda, Van Luven, Veloria, Wolfe and Wood - 42.

Voting nay: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Dyer, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Wensman, Zellinsky and Mr. Speaker - 51.

Absent: Representatives Appelwick and Dunn - 2.

Excused: Representatives Delvin, Hankins and Schmidt, K. - 3.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on the motion to advanced House Bill No. 2129 to Second Reading.

MARLIN APPELWICK, 46<sup>th</sup> District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to advanced House Bill No. 2129 to Second Reading.

JIM DUNN, 17<sup>th</sup> District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to advanced House Bill No. 2129 to Second Reading.

STEVE VAN LUVEN, 48<sup>th</sup> District

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

REPORTS OF STANDING COMMITTEES

February 18, 1997

HB 1056 Prime Sponsor, Representative Hatfield: Requiring that natural area preserves be accessible for public hunting, fishing, and trapping. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Hatfield; Pennington and Sheldon.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler.

Voting Yea: Representatives Buck, Thompson, Sump, Regala, Butler, Alexander, Anderson, Hatfield, Pennington and Sheldon.

Voting Nay: Representative Chandler.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1098 Prime Sponsor, Representative Carlson: Changing teachers' retirement system plan III contribution rates. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Voting Yea: Representatives Huff, Wensman, Alexander, H. Sommers, Doumit, Benson, Carlson, Chopp, Cody, Cooke, Crouse, Gombosky, Grant, Keiser, Kenney, Kessler, Linville, Lisk, Mastin, McMorris, Parlette, Poulsen, Regala, D. Schmidt, Sehlin, Sheahan, Talcott and Tokuda.

Excused: Representatives Clements, Dyer, and Lambert.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1099 Prime Sponsor, Representative Cooke: Transferring law enforcement officers' and fire fighters' retirement system plan I service. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Voting Yea: Representatives Huff, Wensman, Alexander, H. Sommers, Doumit, Benson, Carlson, Chopp, Clements, Cody, Cooke, Crouse, Gombosky, Grant, Keiser, Kenney, Kessler, Linville, Lisk, Mastin, McMorris, Parlette, Poulsen, Regala, D. Schmidt, Sehlin, Sheahan, Talcott and Tokuda.

Excused: Representatives Dyer and Lambert.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1103 Prime Sponsor, Representative Sehlin: Specifying eligibility for survivor benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Voting Yea: Representatives Huff, Wensman, Clements, Alexander, H. Sommers, Doumit, Benson, Carlson, Chopp, Cody, Cooke, Crouse, Dyer, Gombosky, Grant, Keiser, Kenney, Kessler, Linville, Lisk, Mastin, McMorris, Parlette, Poulsen, Regala, D. Schmidt, Sehlin, Sheahan, Talcott and Tokuda.

Excused: Representative Lambert.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1119 Prime Sponsor, Representative Schoesler: Extending the expiration date of an act requiring the purchaser of privately owned timber to report to the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Carrell, Vice Chairman; Mulliken, Vice Chairman; Dunshee, Ranking Minority Member; Boldt; Butler; Conway; Kastama; Mason; Morris; Pennington; Schoesler; Thompson and Van Luven.

Voting Yea: Representatives B. Thomas, Mulliken, Carrell, Dunshee, Boldt, Butler, Conway, Kastama, Mason, Morris, Pennington, Schoesler, Thompson and Van Luven.

Excused: Representative Dickerson.

Passed to Rules Committee for second reading.



February 19, 1997

HB 1150 Prime Sponsor, Representative Cairnes: Making assault of a school employee or sports official an aggravating factor for sentencing. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney; Lantz; Radcliff and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell; Lambert and Sherstad.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Costa, Constantine, Cody, Kenney, Lantz, Radcliff, and Skinner.

Voting Nay: Representatives Carrell, Lambert, and Sherstad.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1245 Prime Sponsor, Representative Sheahan: Strengthening penalties for using drivers' licenses and identicards to commit fraud. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Costa, Constantine, Carrell, Cody, Kenney, Lambert, Lantz, Radcliff, Sherstad and Skinner.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1259 Prime Sponsor, Representative Sump: Concerning habitat conservation plans. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Butler, Assistant Ranking Minority Member; Alexander; Chandler; Hatfield; Pennington; and Sheldon.

MINORITY recommendation: Without recommendation. Signed by Representative Regala, Ranking Minority Member.

Voting Yea: Representatives Buck, Thompson, Sump, Butler, Alexander, Chandler, Hatfield, Pennington and Sheldon.

Voting Nay: Representative Regala.

Excused: Representative Anderson.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1269 Prime Sponsor, Representative Robertson: Providing moneys for the death investigations' account. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Costa, Constantine, Cody, Kenney, Lambert, Lantz, Radcliff, Sherstad and Skinner.

Voting Nay: Representative Carrell.

Passed to Committee on Finance.

February 19, 1997

HB 1312 Prime Sponsor, Representative Sherstad: Providing for additional judges for Snohomish county superior court. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Costa, Constantine, Carrell, Cody, Kenney, Lambert, Lantz, Radcliff, Sherstad and Skinner.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1398 Prime Sponsor, Representative Benson: Creating additional judicial positions in the Spokane superior court. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Costa, Constantine, Carrell, Cody, Kenney, Lambert, Lantz, Radcliff, Sherstad and Skinner.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1408 Prime Sponsor, Representative Mielke: Authorizing carrying of concealed pistols by certain persons from out of state. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Radcliff; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney and Lantz.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Carrell, Lambert, Radcliff, Sherstad and Skinner.

Voting Nay: Representatives Costa, Constantine, Cody, Kenney, and Lantz.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1423 Prime Sponsor, Representative Sterk: Strengthening the criminal justice training commission. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Cairnes; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Voting Yea: Representatives Ballasiotes, Koster, Benson, Quall, O'Brien, Blalock, Cairnes, Delvin, Dickerson, Hickel, Mitchell, Robertson and Sullivan.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1485 Prime Sponsor, Representative Linville: Requiring the department of fish and wildlife to report to the legislature regarding salmon harvests. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Chandler; Hatfield; Pennington and Sheldon.

Voting Yea: Representatives Buck, Thompson, Sump, Regala, Butler, Alexander, Chandler, Hatfield, Pennington and Sheldon.

Excused: Representative Anderson.

Passed to Rules Committee for second reading.

February 19, 1997

HB 1524 Prime Sponsor, Representative Alexander: Allowing commercial salmon fishers to forego an annual season at a reduced fee. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Chandler; Hatfield; Pennington and Sheldon.

Voting Yea: Representatives Buck, Thompson, Sump, Regala, Butler, Alexander, Chandler, Hatfield, Pennington and Sheldon.

Excused: Representative Anderson.

Passed to Committee on Finance.

February 19, 1997

HB 1534 Prime Sponsor, Representative Crouse: Revising provisions relating to intimidation of witnesses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Costa, Constantine, Carrell, Cody, Kenney, Lambert, Lantz, Radcliff, Sherstad and Skinner.

Passed to Rules Committee for second reading.

February 19, 1997

HJM 4004 Prime Sponsor, Representative Bush: Petitioning the Washington Supreme Court to rewrite Canon Seven of the Code of Judicial Conduct. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Lantz; Radcliff; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody and Kenney.

Voting Yea: Representatives Sheahan, Sterk, McDonald, Carrell, Lambert, Lantz, Radcliff, Sherstad and Skinner.

Voting Nay: Representatives Costa, Constantine, Cody, and Kenney.

Passed to Rules Committee for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 1:30 p.m., Monday, February 24, 1997.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

1011  
    Second Reading 1  
1011 (Sub)  
    Second Reading Amendment 1  
    Third Reading Final Passage 2  
1024  
    Second Reading 2  
1024 (Sub)  
    Second Reading 2  
    Third Reading Final Passage 3  
1027  
    Other Action 3  
1040  
    Second Reading Amendment 3  
    Third Reading Final Passage 4  
1056  
    Committee Report 28  
1057  
    Second Reading 11  
1057 (Sub)  
    Second Reading Amendment 11  
    Third Reading Final Passage 12  
1058  
    Second Reading 12  
1058 (Sub)  
    Second Reading 12  
    Third Reading Final Passage 13  
1064  
    Second Reading 13  
1064 (Sub)  
    Second Reading Amendment 13  
    Third Reading Final Passage 14  
1069  
    Second Reading 14  
1069 (Sub)  
    Second Reading 14  
    Third Reading Final Passage 15  
1076  
    Second Reading 4  
1076 (Sub)  
    Second Reading 4  
    Third Reading Final Passage 5  
    Other Action 24  
1097  
    Second Reading 5  
    Third Reading Final Passage 6  
1098  
    Committee Report 29  
1099  
    Committee Report 29  
1103  
    Committee Report 30  
1109  
    Second Reading 15

1117 Third Reading Final Passage 15  
Second Reading 15  
Third Reading Final Passage 16

1119 Committee Report 30

1120 Second Reading 16

1120 (Sub) Second Reading 16  
Third Reading Final Passage 17

1150 Committee Report 30

1168 Second Reading 6  
Third Reading Final Passage 6

1186 Other Action 6

1211 Second Reading 17

1211 (Sub) Second Reading 17  
Third Reading Final Passage 17

1214 Other Action 6

1232 Second Reading 17  
Third Reading Final Passage 18

1240 Second Reading 6  
Other Action 6

1241 Second Reading 7  
Third Reading Final Passage 7

1245 Committee Report 31

1251 Second Reading 7

1251 (Sub) Second Reading 7  
Third Reading Final Passage 8

1253 Second Reading 8

1253 (Sub) Second Reading 8  
Third Reading Final Passage 9

1259 Committee Report 31

1269 Committee Report 31

1271 Second Reading 18

1271 (Sub) Second Reading 18

1288 Third Reading Final Passage 19  
Second Reading 19  
Third Reading Final Passage 19  
1308 Second Reading 19  
Third Reading Final Passage 20  
1312 Committee Report 32  
1316 Second Reading 20  
Third Reading Final Passage 20  
1363 Other Action 21  
1364 Second Reading 21  
1364 (Sub)  
Second Reading Amendment 21  
Third Reading Final Passage 21  
1370 Second Reading Amendment 9  
Third Reading Final Passage 10  
1390 Second Reading 10  
1390 (Sub)  
Second Reading 10  
Third Reading Final Passage 10  
1398 Committee Report 32  
1400 Second Reading 10  
Third Reading Final Passage 11  
1408 Committee Report 32  
1415 Second Reading 21  
1415 (Sub)  
Second Reading Amendment 21  
Third Reading Final Passage 23  
1422 Second Reading 23  
Third Reading Final Passage 24  
1423 Committee Report 32  
1485 Committee Report 33  
1524 Committee Report 33  
1534 Committee Report 33  
2116 Intro & 1st Reading 24  
2117 Intro & 1st Reading 24

2118	Intro & 1st Reading 24
2119	Intro & 1st Reading 24
2120	Intro & 1st Reading 24
2121	Intro & 1st Reading 25
2122	Intro & 1st Reading 25
2123	Intro & 1st Reading 25
2124	Intro & 1st Reading 25
2125	Intro & 1st Reading 25
2126	Intro & 1st Reading 25
2127	Intro & 1st Reading 26
2128	Intro & 1st Reading 26
2129	Intro & 1st Reading 26 Other Action 27
2130	Intro & 1st Reading 26
2131	Intro & 1st Reading 26
2132	Intro & 1st Reading 27
2133	Intro & 1st Reading 27
2134	Intro & 1st Reading 27
2135	Intro & 1st Reading 27
4004	Committee Report 34
5092	Intro & 1st Reading 27

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Statement for the Journal; Representative Dunn 28  
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Statement for the Journal; Representative Van Luven 28

FORTIETH DAY, FEBRUARY 21, 1997



**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FORTY-THIRD DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Monday, February 24, 1997  
The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton and Prentice. On motion of Senator Kline, Senator Prentice was excused. On motion of Senator Hale, Senator Benton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Katy Belokonny and Carson Davis, presented the Colors. Senator Rosa Franklin offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 20, 1997

SB 5105 Prime Sponsor, Senator Deccio: Requiring statutory authority for state rules to differ from federal requirements. Reported by Committee on Government Operations

**MAJORITY Recommendation:** That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

**MINORITY Recommendation:** Do not pass. Signed by Senators Patterson and Swanson.

**HOLD.**

February 20, 1997

SB 5165 Prime Sponsor, Senator Finkbeiner: Providing for 911 emergency communications funding. Reported by Committee on Energy and Utilities

**MAJORITY Recommendation:** That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

**MINORITY Recommendation:** Do not pass substitute. Signed by Senator Swanson.

Referred to Committee on Ways and Means.

**EDITOR'S NOTE:** See Statement for the Journal following the listing of the Reports of Standing Committees for comments on the Minority Report on Senate Bill No. 5165.

February 21, 1997

SB 5182 Prime Sponsor, Senator Roach: Providing for citizen election of members of the state board of education and increasing the number of board members to two per congressional district. Reported by Committee on Education

**MAJORITY Recommendation:** Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

**MINORITY recommendation:** Do not pass. Signed by Senators Goings, McAuliffe and Rasmussen.

Passed to Committee on Rules for second reading.

February 21, 1997

SB 5184 Prime Sponsor, Senator Roach: Authorizing an additional rod recreational fishing license. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Stevens and Swecker.

Referred to Committee on Ways and Means.

February 20, 1997

SB 5206 Prime Sponsor, Senator Wood: Exempting Wyoming students admitted to the University of Washington's medical school from the tuition differential. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5231 Prime Sponsor, Senator Hochstatter: Providing for taxation of electrical energy. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Referred to Committee on Ways and Means.

February 21, 1997

SB 5257 Prime Sponsor, Senator Hochstatter: Changing the name of the noncertificated employee category. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 1997

SB 5258 Prime Sponsor, Senator Hochstatter: Providing medical assistance in public schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Referred to Committee on Ways and Means.

February 20, 1997

SB 5260 Prime Sponsor, Senator Schow: Adopting the urban stabilization act. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5260 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Anderson, Franklin, Fraser and Heavey.

Referred to Committee on Ways and Means.

February 21, 1997

SB 5274 Prime Sponsor, Senator Schow: Limiting disclosure of students' social security numbers. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5274 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 1997

SB 5325 Prime Sponsor, Senator Hargrove: Allowing counties to have certain lands transferred from the state back to the county. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Roach, Snyder, Stevens and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Jacobsen, Prentice and Spanel.

Referred to Committee on Ways and Means.

February 20, 1997

SB 5332 Prime Sponsor, Senator Finkbeiner: Prohibiting the department of information services from spending funds for multimedia kiosks for the Washington information network. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Rossi and Strannigan.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Brown.

Passed to Committee on Rules for second reading.

February 21, 1997

SB 5385 Prime Sponsor, Senator Oke: Eliminating pooling of the resource management cost account and removing reference to agricultural college lands. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5385 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 21, 1997

SB 5399 Prime Sponsor, Senator Roach: Revising the juvenile age limits on hunting, fishing, shellfish, and seaweed licenses. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

February 20, 1997

SB 5443 Prime Sponsor, Senator Horn: Adopting the advanced technology research initiative. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Referred to Committee on Ways and Means.

February 20, 1997

SB 5474 Prime Sponsor, Senator Hargrove: Concerning standards for recycled products. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5503 Prime Sponsor, Senator Anderson: Adopting recommendations of the state board for community and technical colleges regarding the 1991 merger of community and technical colleges. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5517 Prime Sponsor, Senator Wood: Requiring one student member on each state institution of higher education's governing board. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senators Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5526 Prime Sponsor, Senator McDonald: Allowing for the diversion of certain river or stream waters without a permit. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5526 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5623 Prime Sponsor, Senator Prince: Establishing a home tuition program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5623 be substituted therefor, and the substitute bill do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5628 Prime Sponsor, Senator Hochstatter: Authorizing the utilities and transportation commission to exempt electrical and natural gas companies from securities regulation. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

Passed to Committee on Rules for second reading.

February 21, 1997

SB 5642 Prime Sponsor, Senator Spanel: Regulating the taking of dungeness crab in Puget Sound. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5666 Prime Sponsor, Senator Schow: Regulating smoking in the workplace. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Heavey and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin and Fraser.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5677 Prime Sponsor, Senator Deccio: Implementing the federal personal responsibility and work opportunity reconciliation act of 1996. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5677 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass second substitute. Signed by Senators Fraser, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 1997

SB 5740 Prime Sponsor, Senator Hargrove: Assisting distressed rural counties. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5740 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Anderson, Franklin, Fraser and Heavey.

Referred to Committee on Ways and Means.

#### STATEMENT FOR THE JOURNAL

Re: Minority Report to Senate Bill No. 5165

I support Enhanced 911. I do not support the Referendum Clause.

SENATOR LENA SWANSON, 33rd District

#### MOTION

On motion of Senator Johnson, Senate Bill No. 5105 was held at the desk.

#### INTRODUCTION AND FIRST READING

SB 5960 by Senators Long, Haugen, Goings and Winsley

AN ACT Relating to development of a community justice act; amending RCW 9.94A.127, 9.94A.180, 13.40.135, and 43.43.754; reenacting and amending RCW 9.94A.030 and 9.94A.380; adding new sections to chapter 72.09 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.

SB 5961 by Senators Goings and Horn (by request of Washington State Patrol)

AN ACT Relating to terminal safety audit penalties; amending RCW 46.32.100; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5962 by Senators Snyder, Winsley, Swanson, Fairley, Bauer, Rasmussen and Kohl

AN ACT Relating to service credit under the teachers' retirement system plan I for military service; and amending RCW 41.32.260.  
Referred to Committee on Ways and Means.

SB 5963 by Senators Long, McAuliffe and Haugen

AN ACT Relating to theft of rental property; amending RCW 9.45.062 and 9A.56.095; adding a new section to chapter 9A.56 RCW; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5964 by Senators Thibaudeau, Fairley, Wojahn, Prentice, Patterson and Kohl

AN ACT Relating to providing certain health and safety standards for registered commercial breeders of dogs and cats as pets; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Agriculture and Environment.

SB 5965 by Senators Schow, Horn, Anderson, Heavey and Franklin

AN ACT Relating to agency ratings for industrial insurance; amending RCW 51.44.170; and amending 1990 c 204 s 1 (uncodified).  
Referred to Committee on Commerce and Labor.

SB 5966 by Senators Haugen, Patterson, Wood, Goings and McAuliffe

AN ACT Relating to funding for implementation of capital facilities plans by counties and cities under the growth management act; amending RCW 82.02.020; and adding new sections to chapter 36.70A RCW.  
Referred to Committee on Government Operations.

SB 5967 by Senator Stevens

AN ACT Relating to disclosure of public records; and reenacting and amending RCW 42.17.310.  
Referred to Committee on Government Operations.

SB 5968 by Senators Thibaudeau, Wood, Haugen and Prince

AN ACT Relating to electric-assisted bicycles; amending RCW 46.16.010, 46.20.500, 46.37.530, and 46.61.710; and adding a new section to chapter 46.04 RCW.  
Referred to Committee on Transportation.

SB 5969 by Senators Oke and Haugen

AN ACT Relating to appointment of a mediator to identify a solution to a wasteful commercial fishing practice; creating new sections; and declaring an emergency.  
Referred to Committee on Natural Resources and Parks.

SB 5970 by Senators Schow, Horn, Bauer, Heavey, Franklin and Anderson

AN ACT Relating to expanding days of sale while not changing days of use of common fireworks and clarifying other provisions of the existing state fireworks law; amending RCW 70.77.160, 70.77.170, 70.77.180, 70.77.236, 70.77.255, 70.77.270, 70.77.325, 70.77.343, 70.77.345, 70.77.355, 70.77.375, 70.77.395, 70.77.420, 70.77.425, 70.77.435, 70.77.440, 70.77.450, and 70.77.555; reenacting and amending RCW 70.77.250; reenacting RCW 70.77.315 and 70.77.455; adding a new section to chapter 70.77 RCW; repealing 1995 c 369 s 56; prescribing penalties; and declaring an emergency.  
Referred to Committee on Commerce and Labor.

SB 5971 by Senators Kline, Prentice, Winsley, Wojahn, Sheldon and Kohl

AN ACT Relating to the linked deposit program; and amending RCW 43.86A.030 and 43.86A.060.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 5972 by Senators McCaslin, Wood, Winsley, Schow, Long, Morton, Oke, Stevens, Johnson, Deccio, Anderson, Hochstatter, Sellar, Heavey, Jacobsen, Rasmussen and Kohl

AN ACT Relating to the time limit for accepting contributions received by mail; and amending RCW 42.17.710.  
Referred to Committee on Government Operations.

SB 5973 by Senators Brown, Goings, Patterson, Kline, Bauer, Kohl, Haugen, Spanel, McAuliffe and Snyder

AN ACT Relating to campaign finance reform; amending RCW 42.17.640, 42.17.690, 42.17.020, 42.17.040, 42.17.100, 42.17.510, 42.17.680, 42.17.390, and 42.17.395; adding new sections to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; and prescribing penalties.  
Referred to Committee on Government Operations.

SB 5974 by Senators Kline, Goings, Patterson, Brown, Kohl, Haugen, Spanel, McAuliffe and Snyder

AN ACT Relating to authorization for public funds to be used to finance political campaigns for public office; adding a new section to chapter 42.17 RCW; and repealing RCW 42.17.128.  
Referred to Committee on Government Operations.

SB 5975 by Senators Patterson, Goings, Brown, Kline, Kohl, Haugen, Spanel, McAuliffe and Snyder

AN ACT Relating to the citizens' commission on campaign finance and practices; creating new sections; providing an expiration date; and declaring an emergency.  
Referred to Committee on Government Operations.

SB 5976 by Senators Deccio, Wojahn, Wood, Prentice, Franklin, Heavey, McAuliffe, Kline, Patterson, Thibaudeau and Kohl

AN ACT Relating to the use of the title of nurse as a professionally licensed designation; and amending RCW 18.79.030.  
Referred to Committee on Health and Long-Term Care.

SB 5977 by Senators Fraser, Loveland, Fairley, Rasmussen, Spanel, McAuliffe, Thibaudeau and Kohl

AN ACT Relating to water resource transfers; amending RCW 90.03.380, 90.44.100, 90.14.140, and 90.42.080; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.42 RCW; and creating new sections.  
Referred to Committee on Agriculture and Environment.

SB 5978 by Senators Benton, Franklin, Schow, Patterson, Roach, Thibaudeau, Oke, Kohl and Spanel

AN ACT Relating to medical rehabilitation and chiropractic services; and reenacting and amending RCW 70.47.060.  
Referred to Committee on Health and Long-Term Care.

SB 5979 by Senators Rossi, Anderson, Hargrove, Swecker, Haugen, Heavey, Morton, Stevens and Strannigan

AN ACT Relating to steelhead trout management plans; and adding a new section to chapter 77.12 RCW.  
Referred to Committee on Natural Resources and Parks.

SB 5980 by Senators Roach, Swecker, Stevens, Benton, Schow, Zarelli, Oke, Sellar, McDonald, Hochstatter, Strannigan, Rasmussen, Goings, Heavey and Swanson

AN ACT Relating to aggravating circumstances for aggravated first degree murder; reenacting and amending RCW 10.95.020; and prescribing penalties.  
Referred to Committee on Law and Justice.

SB 5981 by Senators Kline, Fairley, Prentice, Thibaudeau and Kohl

AN ACT Relating to providing instruction in the language and cultures of other nations; adding new sections to chapter 28A.180 RCW; and creating a new section.  
Referred to Committee on Education.

SB 5982 by Senators Kline, Prentice, Swanson, Jacobsen, Fairley and Kohl

AN ACT Relating to state purchasing contracts; adding a new section to chapter 43.19 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Government Operations.

SB 5983 by Senators Schow, Bauer, Snyder, Heavey and Patterson

AN ACT Relating to industrial investments and projects of state-wide significance; amending RCW 28C.18.080, 43.21A.350, 90.58.100, 47.06.030, and 28B.80.330; and adding a new chapter to Title 43 RCW.  
Referred to Committee on Government Operations.

SCR 8408 by Senators Morton, Snyder, McDonald, Loveland, Haugen, Sellar, Prince, Rasmussen, Hochstatter, Bauer, Winsley, Newhouse, Hargrove, Hale, Anderson, Schow, Spanel, McCaslin, Stevens, Strannigan, Fraser, Franklin and Roach

Creating a water resource policy report to analyze and explain water resource statutes and rules.

Referred to Committee on Agriculture and Environment.

MOTION

At 10:10 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 10:15 a.m. by President Pro Tempore Newhouse.

#### MOTION

At 10:15 a.m., on motion of Senator Johnson, the Senate recessed until 10:30 a.m.

The Senate was called to order at 10:31 a.m. by President Pro Tempore Newhouse.

#### THIRD READING

SENATE BILL NO. 5835, by Senators Swecker, McDonald, Benton, McCaslin, Zarelli, Horn, Sellar, Stevens, Deccio, Johnson, Newhouse, Winsley, Oke, Long, Anderson, Rossi, Roach and Hochstatter

Limiting property taxes.

The bill was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5835.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Sheldon, Snyder, Spanel, Swanson, Thibaudau and Wojahn - 17. Excused: Senators Benton and Prentice - 2. SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:00 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by President Pro Tempore Newhouse.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5002, by Senators Wood, Bauer, Sheldon, Winsley, Kohl, McAuliffe and Rasmussen

Creating the cross-sector network advisory committee to advise on K-20 educational telecommunications network technical and policy planning.

#### MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5002 was substituted for Senate Bill No. 5002 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5002.

#### ROLL CALL



The Secretary called the roll on the final passage of Substitute Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 38. Voting nay: Senators Anderson, Finkbeiner, Heavey, Jacobsen, Johnson, Oke, Stevens, West and Zarelli - 9. Excused: Senators Benton and Prentice - 2. SUBSTITUTE SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5110, by Senators Johnson and Roach

Updating probate provisions.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5110 was substituted for Senate Bill No. 5110 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5110.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Heavey - 1. Excused: Senators Benton and Prentice - 2. SUBSTITUTE SENATE BILL NO. 5110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5067, by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

Allowing facsimile filings with the secretary of state's office.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5067.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Prentice - 2. SENATE BILL NO. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:59 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, February 25, 1997.

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FORTY-THIRD DAY, FEBRUARY 24, 1997**

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**FORTY-FOURTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, February 25, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 1997  
SB 5107 Prime Sponsor, Senator Roach: Modifying consent provisions under the Washington business corporation act.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 1997  
SB 5118 Prime Sponsor, Senator McAuliffe: Changing school truancy petition provisions. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 1997  
SB 5579 Prime Sponsor, Senator Schow: Amending requirements for applying for benefits for occupational disease.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

February 24, 1997  
SB 5656 Prime Sponsor, Senator Zarelli: Penalizing voyeurism. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5656 be substituted therefor, and the substitute bill do pass. Signed by Senators Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 24, 1997  
SB 5674 Prime Sponsor, Senator Wood: Creating the governor's award for excellence in teaching history. Reported by  
Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale,  
Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 20, 1997  
SB 5723 Prime Sponsor, Senator Swecker: Revising industrial insurance compensation for beneficiaries and dependents who  
are nonresident aliens. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson,  
Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 24, 1997  
SB 5731 Prime Sponsor, Senator Kohl: Creating the Washington fund for student child care in higher education. Reported by  
Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5731 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Referred to Committee on Ways and Means.

#### MOTIONS

On motion of Senator Strannigan, Senate Bill No. 5731 was referred to the Committee on Ways and Means.  
On motion of Senator Strannigan, Senate Bill No. 5105, which was held on the desk February 24, 1997, was  
referred to the Committee on Rules.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011,  
SUBSTITUTE HOUSE BILL NO. 1024,  
HOUSE BILL NO. 1040,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1058,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064,  
SUBSTITUTE HOUSE BILL NO. 1069,  
HOUSE BILL NO. 1097,  
HOUSE BILL NO. 1109,  
HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1120,  
HOUSE BILL NO. 1168,  
SUBSTITUTE HOUSE BILL NO. 1211,  
HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1241,  
SUBSTITUTE HOUSE BILL NO. 1251,  
SUBSTITUTE HOUSE BILL NO. 1253,  
SUBSTITUTE HOUSE BILL NO. 1271,  
HOUSE BILL NO. 1288,  
HOUSE BILL NO. 1308,  
HOUSE BILL NO. 1316,  
SUBSTITUTE HOUSE BILL NO. 1364,  
ENGROSSED HOUSE BILL NO. 1370,  
SUBSTITUTE HOUSE BILL NO. 1390,  
HOUSE BILL NO. 1400,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1415,  
HOUSE BILL NO. 1422, and the same are herewith transmitted.

February 21, 1997

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 5984 by Senators Schow, Hochstatter and Prince

AN ACT Relating to premanufactured electric power generation equipment assemblies; and amending RCW 19.28.200 and 19.28.610.  
Referred to Committee on Commerce and Labor.

SB 5985 by Senators Finkbeiner, Brown, Hochstatter, Strannigan, Rossi and Jacobsen

AN ACT Relating to encouraging the development of telecommunications infrastructure in all areas of the state and ensuring that telecommunications services are available in rural and hard-to-serve areas of the state by establishing a universal service fund for telecommunications; adding new sections to chapter 80.36 RCW; and creating a new section.  
Referred to Committee on Energy and Utilities.

SB 5986 by Senators McAuliffe and Fraser

AN ACT Relating to phosphorus content in dishwashing detergent; and amending RCW 70.95L.020.  
Referred to Committee on Agriculture and Environment.

SB 5987 by Senators McAuliffe, Kohl and Jacobsen

AN ACT Relating to the benefits of sports and athletics to the health and well-being of young girls; creating a new section; and making an appropriation.  
Referred to Committee on Education.

SB 5988 by Senator Winsley

AN ACT Relating to development regulations governing vegetation height; and adding a new section to chapter 36.70 RCW.  
Referred to Committee on Government Operations.

SB 5989 by Senators Benton, Rossi and Oke

AN ACT Relating to jurisdiction over juvenile tobacco violators; amending RCW 70.155.080; and reenacting and amending RCW 13.04.030.  
Referred to Committee on Law and Justice.

SB 5990 by Senators Johnson and Kline (by request of Washington Uniform Legislation Commission)

AN ACT Relating to letters of credit under the uniform commercial code; amending RCW 62A.5-102, 62A.5-103, 62A.5-104, 62A.5-105, 62A.5-106, 62A.5-107, 62A.5-108, 62A.5-109, 62A.5-110, 62A.5-111, 62A.5-112, 62A.5-113, 62A.5-114, 62A.5-115, 62A.5-116, 62A.5-117, 62A.1-105, 62A.2-512, 62A.9-103, 62A.9-104, 62A.9-105, 62A.9-106, 62A.9-304, and 62A.9-305; and creating new sections.  
Referred to Committee on Law and Justice.

SB 5991 by Senators Horn, Haugen and Patterson (by request of Secretary of State Munro)

AN ACT Relating to quality awards; amending RCW 43.330.140; adding new sections to chapter 43.07 RCW; and recodifying RCW 43.330.140.  
Referred to Committee on Government Operations.

SB 5992 by Senators Swecker and Rasmussen

AN ACT Relating to municipal water rights transfer authority and relinquishment protection; and amending RCW 90.03.383 and 90.14.140.  
Referred to Committee on Agriculture and Environment.

SB 5993 by Senators Fraser and Kohl

AN ACT Relating to transfer of accrued sick leave between state employees and employees of educational service districts; and amending RCW 41.06.150 and 28A.310.240.  
Referred to Committee on Government Operations.

SB 5994 by Senators Schow, Heavey and Horn (by request of Department of Labor and Industries)

AN ACT Relating to registration of contractors; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.090, 18.27.104, 18.27.114, 18.27.117, 18.27.200, 18.27.230, and 18.27.250; and prescribing penalties.  
Referred to Committee on Commerce and Labor.

SB 5995 by Senators Thibaudeau, Winsley, Fairley, Long and Kohl

AN ACT Relating to health plan coverage for serious mental illness; amending RCW 48.21.240, 48.41.110, 48.44.340, and 48.46.290; and reenacting and amending RCW 70.47.020 and 70.47.060.  
Referred to Committee on Health and Long-Term Care.

SB 5996 by Senators Schow, Newhouse and Horn

AN ACT Relating to contractor registration bonds; and amending RCW 18.27.040.  
Referred to Committee on Commerce and Labor.

SB 5997 by Senators Haugen, Schow and Fraser

AN ACT Relating to the program regulating cosmetology, barbering, esthetics, and manicuring; and amending RCW 18.16.150 and 18.16.175.  
Referred to Committee on Commerce and Labor.

SB 5998 by Senator Haugen

AN ACT Relating to the state cosmetology, barbering, esthetics, and manicuring advisory board; and amending RCW 18.16.050.  
Referred to Committee on Government Operations.

SB 5999 by Senators Deccio and Kohl (by request of Governor Locke)

AN ACT Relating to a mechanism for financing stadium and exhibition centers and education technology grants; amending RCW 36.100.010, 36.100.020, 36.32.235, 39.04.010, 36.38.010, 82.29A.130, 67.28.180, 67.70.240, 67.70.042, 39.10.120, 39.10.050, 39.10.902, and 82.14.049; adding new sections to chapter 36.100 RCW; adding a new section to chapter 39.30 RCW; adding a new section to chapter 36.38 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 67.70 RCW; adding a new chapter to Title 82 RCW; creating a new section; providing for submission of sections 14 and 37 of this act to a vote of the people; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6000 by Senators Schow, Heavey, Horn and Oke

AN ACT Relating to using state lottery moneys for compulsive gambling education and awareness; amending RCW 9.46.071, 67.70.240, and 67.70.042; and making an appropriation.  
Referred to Committee on Commerce and Labor.

SB 6001 by Senators Long, Hargrove, Kohl and Winsley

AN ACT Relating to community-based alternative response systems; adding a new section to chapter 26.44 RCW; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 6002 by Senators Long, Hargrove and Oke

AN ACT Relating to supervision of mentally ill offenders; adding a new section to chapter 71.24 RCW; creating new sections; and making an appropriation.  
Referred to Committee on Human Services and Corrections.

SB 6003 by Senators Kohl, McAuliffe and Jacobsen

AN ACT Relating to Seattle Reign license plates; amending RCW 46.16.301 and 46.16.313; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.150 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 6004 by Senators Wood, Bauer, Winsley, Jacobsen and Kohl

AN ACT Relating to creating the education technology revolving fund; amending RCW 28D.02.060; adding a new section to chapter 28D.02 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6005 by Senators Roach, Hargrove, Schow, Franklin, Long and Winsley

AN ACT Relating to guardianship; and amending RCW 11.88.045, 11.88.020, 11.88.090, and 11.88.095.  
Referred to Committee on Law and Justice.

SB 6006 by Senators Finkbeiner and Rossi

AN ACT Relating to restructuring the electric utility industry; and creating new sections.  
Referred to Committee on Energy and Utilities.

SB 6007 by Senators Winsley and Finkbeiner

AN ACT Relating to the limitation on the operating expenses of mutual savings banks; and repealing RCW 32.04.060.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SCR 8409 by Senators McAuliffe, Kohl and Jacobsen

Creating a joint legislative advisory committee on female athletic coaches in public schools.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1011 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Johnson, Skinner, Zellinsky, Mitchell, Robertson, Fisher, Hatfield, Hankins, Smith, Dunn, Mielke, Anderson and O'Brien)

Exempting state and county ferry fuel sales and use tax.

Referred to Committee on Transportation.

SHB 1024 by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Skinner, Sherstad, Thompson, Carlson, D. Sommers, Sterk, Huff, L. Thomas, Cooke, Dunn, Mielke, Clements and Backlund)

Shortening the notice time given by nursing homes to the department of health to convert beds back to nursing home beds.

Referred to Committee on Health and Long-Term Care.

HB 1040 by Representatives D. Schmidt, Scott, Thompson and D. Sommers

Determining the order of candidates on ballots.

Referred to Committee on Government Operations.

ESHB 1057 by House Committee on Health Care (originally sponsored by Representatives Backlund and Cody) (by request of Department of Health)

Limiting public disclosure of complaints filed under the uniform disciplinary act.

Referred to Committee on Health and Long-Term Care.

SHB 1058 by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody and Backlund) (by request of Department of Health)

Providing for disclosure of information obtained by the department of health related to meeting licensing standards in hospitals.

Referred to Committee on Health and Long-Term Care.

ESHB 1064 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Wolfe, Dyer and Mason) (by request of Insurance Commissioner Senn)

Changing the financial and reporting requirements of health care service contractors and health maintenance organizations.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1069 by House Committee on Law and Justice (originally sponsored by Representatives Sterk and Honeyford)

Prohibiting the malicious use of explosives.

Referred to Committee on Law and Justice.

HB 1097 by Representatives Costa, Sheahan, Scott and Hatfield

Revising requirements for publication of notice in dependency cases.

Referred to Committee on Law and Justice.

HB 1109 by Representatives Carlson, Radcliff, O'Brien, Kenney, Mason, Dunn, Kessler and Quall (by request of Higher Education Coordinating Board)

Requiring the higher education coordinating board to develop models for the delivery of technology-based programs.

Referred to Committee on Higher Education.

HB 1117 by Representatives Benson, Sheahan, Costa, D. Sommers, McDonald, Gombosky, Mulliken, Robertson, O'Brien, D. Schmidt, Backlund, Sterk, Wood, Sheldon, Quall, Anderson, Boldt and DeBolt

Providing penalties for supplying liquor to or consuming liquor by minors.

Referred to Committee on Law and Justice.

SHB 1120 by House Committee on Education (originally sponsored by Representatives Koster, Costa, Johnson and Scott) (by request of Board of Education)

Changing provisions relating to territory included in city and town boundary extensions.

Referred to Committee on Education.

HB 1168 by Representatives Pennington, Appelwick, Carlson, Murray, Regala, Cooper and Mielke (by request of Legislative Ethics Board)

Revising restrictions on legislators' newsletters.

Referred to Committee on Law and Justice.

SHB 1211 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives DeBolt, Fisher, K. Schmidt, Blalock, Johnson, Mielke, O'Brien and Costa) (by request of Washington Traffic Safety Commission)

Making accident reports available to the traffic safety commission.

Referred to Committee on Transportation.

HB 1232 by Representatives Sump, Sheldon, Wood, Morris, Quall, K. Schmidt, Honeyford, Talcott, Hickel, Delvin, McMorris, Wensman and Doumit

Changing the SR 2 spur to SR 41.

Referred to Committee on Transportation.

HB 1241 by Representatives Pennington, Appelwick, Carlson, D. Schmidt, Wensman, Linville and Mason (by request of Legislative Ethics Board)

Limiting political activities of citizen members of the legislative ethics board.

Referred to Committee on Government Operations.

SHB 1251 by House Committee on Government Administration (originally sponsored by Representatives Parlette, Costa, Sheahan, Sterk, Lantz, Kenney, Skinner, Lambert, Gardner, D. Schmidt and Wensman) (by request of Secretary of State Munro)

Clarifying naming conventions for corporations and units of government.

Referred to Committee on Government Operations.

SHB 1253 by House Committee on Government Administration (originally sponsored by Representatives Parlette, Costa, Sheahan, Sterk, Lantz, Skinner, Sherstad, Lambert, Gardner, D. Schmidt, Kenney and Wensman) (by request of Secretary of State Munro)

Regulating naming of businesses.

Referred to Committee on Law and Justice.

SHB 1271 by House Committee on Government Administration (originally sponsored by Representatives L. Thomas, Scott, D. Sommers, Dunshee, Doumit, Mulliken, Gardner, Wensman and D. Schmidt)

Relating to the establishment of commissioner districts and the election of commissioners of public hospital districts.

Referred to Committee on Government Operations.

HB 1288 by Representatives Johnson, Hickel, Conway, Cody, Cole, Quall, Smith, Blalock, L. Thomas and D. Schmidt

Changing the name of the noncertificated employee category.

Referred to Committee on Education.

HB 1308 by Representatives Mielke, McMorris, Mulliken, Sterk and McDonald

Providing additional exemptions from state law for the handling of hazardous devices.

Referred to Committee on Law and Justice.

HB 1316 by Representatives Honeyford, Lisk, Boldt, Sump, Fisher and Dunn

Designating state route number 35.

Referred to Committee on Transportation.

SHB 1364 by House Committee on Commerce and Labor (originally sponsored by Representatives K. Schmidt, Delvin, Mitchell and Wensman) (by request of Gambling Commission)



Updating provisions about the seizure and forfeiture of gambling-related property.

Referred to Committee on Commerce and Labor.

EHB 1370 by Representatives Carlson, Talcott, Linville and Wensman

Adopting recommendations of the state board for community and technical colleges regarding the 1991 merger of community and technical colleges.

Referred to Committee on Higher Education.

SHB 1390 by House Committee on Government Administration (originally sponsored by Representatives Hatfield, Pennington, Doumit, Robertson, Murray, D. Schmidt, Chopp, Scott, Gardner, Romero, Dunshee, Wolfe, Morris, Wensman, Kessler and Dunn)

Revising provisions regulating municipal officers' interest in contracts.

Referred to Committee on Government Operations.

HB 1400 by Representatives Benson, L. Thomas, Wolfe, Zellinsky, Sheahan and Appelwick

Removing a termination date in the bank statement rule.

Referred to Committee on Financial Institutions, Insurance and Housing.

ESHB 1415 by House Committee on Government Administration (originally sponsored by Representatives Chandler, Doumit, D. Schmidt, Murray, Radcliff, Cody, Johnson, Thompson, Sheldon, Cooper, Costa, Hatfield, McMorris, Sullivan and Kessler)

Setting compensation for public utility district commissioners.

Referred to Committee on Government Operations.

HB 1422 by Representatives D. Schmidt, Scott, L. Thomas, Dunn, Doumit, Wolfe, Dunshee, Gardner, Lantz, Ogden, Thompson, Boldt, Mielke, Wensman, D. Sommers, Carlson and O'Brien

Raising the maximum per diem for boundary review board members.

Referred to Committee on Government Operations.

#### MOTION

At 12:04 p.m., on motion of Senator Strannigan, the Senate adjourned until 10:00 a.m., Wednesday, February 26, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**FORTY-FOURTH DAY, FEBRUARY 25, 1997**

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**FORTY-FIFTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, February 26, 1997  
The Senate was called to order at 10:14 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Hargrove and Wojahn. On motion of Senator Franklin, Senators Fairley, Hargrove and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages April Martin and Marci Miller, presented the Colors. Mr. Julian Patrick, world renown baritone, and a professor of voice at the University of Washington, sang Amazing Grace.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

SB 5272 Prime Sponsor, Senator Long: Limiting political activities of citizen members of the legislative ethics board. February 25, 1997  
Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

SB 5306 Prime Sponsor, Senator Zarelli: Allowing for the testing of offenders for HIV and other communicable diseases. February 25, 1997  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5306 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Schow and Stevens.

Referred to Committee on Ways and Means.

SB 5309 Prime Sponsor, Senator Morton: Providing excise tax exemptions related to horses. February 25, 1997  
Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

SB 5327 Prime Sponsor, Senator Hargrove: Creating a habitat incentive program through the department of fish and wildlife. February 25, 1997  
Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

SB 5381 Prime Sponsor, Senator Winsley: Modifying local public health financing. February 25, 1997  
Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

February 25, 1997

SB 5483 Prime Sponsor, Senator Johnson: Licensing whitewater river outfitters. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5483 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

SB 5530 Prime Sponsor, Senator Morton: Defining agriculture. Reported by Committee on Agriculture and Environment February 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

SB 5537 Prime Sponsor, Senator Stevens: Providing transitional employment services for ex-offenders. Reported by Committee on Human Services and Corrections February 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

SB 5551 Prime Sponsor, Senator Prince: Designating significant historic places. Reported by Committee on Government Operations February 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

SB 5565 Prime Sponsor, Senator Winsley: Facilitating review of election procedures. Reported by Committee on Government Operations February 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

SB 5600 Prime Sponsor, Senator Hale: Making changes to the internal operations of counties. Reported by Committee on Government Operations February 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

SB 5669 Prime Sponsor, Senator Morton: Revising the collection of the metals mining and milling fee. Reported by Committee on Agriculture and Environment February 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5701 Prime Sponsor, Senator Morton: Licensing distributors of commercial soil amendments. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5701 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5759 Prime Sponsor, Senator Long: Changing sex offender risk level classification and public notification procedures. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

February 25, 1997

SB 5790 Prime Sponsor, Senator McCaslin: Modifying the state employee whistleblower protection act. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5790 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5983 Prime Sponsor, Senator Schow: Assisting industrial investments and projects of state-wide significance. Reported by Committee on Government Operations

MAJORITY Recommendation: That the bill be referred to Committee on Commerce and Labor without recommendation. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Referred to Committee on Commerce and Labor.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a delegation from Cichuan, China, who were standing in the side aisle. Accompanying the group was Secretary of State Ralph Munro. The delegation is visiting the state of Washington and Governor Locke and negotiating a major art exhibition for the Seattle Art Museum.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1997 Washington State Apple Blossom Festival Royalty and appointed Senators Sellar, Hale and Loveland to escort the honored guests to the rostrum.

The President welcomed and introduced Queen Stacia Wiggins, and Princesses Meaghan Williams and Marie Magnotti.

With permission of the Senate, business was suspended to permit Queen Stacia and Princesses Meaghan and Marie to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

#### MESSAGE FROM STATE OFFICES

#### STATE OF WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES

February 21, 1997

Mr. Michael O'Connell  
Secretary of the Senate  
P. O. Box 40482  
Olympia, WA 98504-0482

Dear Mr. O'Connell:

Enclosed is the status report entitled "Juvenile Offender Basic Training Camp Program." This report is required by RCW 13.40.320.

If you have questions, about the report, please call David Griffith at 902-8084.

Sincerely,  
LYLE QUASIM, Secretary

The Report from the Department of Social and Health Services is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 24, 1997

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1075,  
SUBSTITUTE HOUSE BILL NO. 1076,  
SUBSTITUTE HOUSE BILL NO. 1121,  
HOUSE BILL NO. 1363, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6008 by Senator Stevens

AN ACT Relating to safety of school children; amending RCW 46.61.370, 46.61.385, and 10.31.100; reenacting and amending RCW 46.63.020; creating a new section; and prescribing penalties. Referred to Committee on Law and Justice.

SB 6009 by Senator Finkbeiner

AN ACT Relating to the information services; amending RCW 43.105.020, 43.105.032, 43.105.047, 43.105.052, 43.105.160, 43.105.190, and 42.17.2401; reenacting and amending RCW 43.105.041, 43.105.041, 43.105.170, and 43.105.180; adding new sections to chapter 44.48 RCW; adding a new section to chapter 43.105 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency. Referred to Committee on Energy and Utilities.

SB 6010 by Senators Rossi and Finkbeiner

AN ACT Relating to lowering public utility tax rates; and amending RCW 82.16.020. Referred to Committee on Ways and Means.

SB 6011 by Senators Rossi, Finkbeiner, Strannigan and Oke

AN ACT Relating to an audit of the licensing application migration project and companion projects; and creating a new section. Referred to Committee on Energy and Utilities.

SB 6012 by Senators Heavey and Thibaudeau

AN ACT Relating to payment of wages; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding a new section to chapter 49.48 RCW; creating a new section; and prescribing penalties. Referred to Committee on Commerce and Labor.

SB 6013 by Senator Prince

AN ACT Relating to retirement benefit plans of colleges and universities; and amending RCW 28B.10.400 and 28B.10.420. Referred to Committee on Ways and Means.

SB 6014 by Senator Finkbeiner

AN ACT Relating to a city owning or operating a telecommunications system; amending RCW 80.36.370; adding a new section to chapter 35.21 RCW; and creating a new section. Referred to Committee on Energy and Utilities.

SB 6015 by Senators Deccio and Wood

AN ACT Relating to water recreation facilities; and repealing RCW 70.90.101, 70.90.110, 70.90.120, 70.90.125, 70.90.140, 70.90.150, 70.90.160, 70.90.170, 70.90.180, 70.90.190, 70.90.200, 70.90.205, 70.90.210, 70.90.230, 70.90.240, 70.90.250, 70.90.910, and 70.90.911.  
Referred to Committee on Health and Long-Term Care.

SB 6016 by Senators Benton and Strannigan

AN ACT Relating to certain members of the retirement systems who are elected or appointed to the legislature or state elective positions; amending RCW 41.32.010; and reenacting and amending RCW 41.26.030 and 41.40.010.  
Referred to Committee on Ways and Means.

SB 6017 by Senators Benton, Heavey, Kline, Strannigan, Zarelli, Wood, Finkbeiner, McDonald, Johnson, Oke, Roach, Winsley, Stevens, Rossi, Prince, Schow and Rasmussen

AN ACT Relating to recognition of World War II veterans; creating a new section; making an appropriation; and declaring an emergency.  
Referred to Committee on Government Operations.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1075 by Representatives Hickel, Mitchell, Keiser and Delvin

Providing concurrent jurisdiction for certain courts dealing with compulsory school attendance.

Referred to Committee on Law and Justice.

SHB 1076 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Poulsen, Mastin, Hatfield, Skinner, Linville, Dyer, Kessler, Sherstad, Grant, Pennington, Mielke, Thompson, Carlson, Boldt, Bush, Smith and D. Schmidt)

Reforming regulatory activities.

Referred to Committee on Government Operations.

SHB 1121 by House Committee on Children and Family Services (originally sponsored by Representatives Voloria, Cooke, Tokuda, Wolfe, Dunn and Costa)

Revising legal custody of children.

Referred to Committee on Human Services and Corrections.

HB 1363 by Representatives Delvin, McMorris and K. Schmidt (by request of Gambling Commission)

Updating professional gambling definitions.

Referred to Committee on Commerce and Labor.

#### MOTION

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

#### SENATE RESOLUTION 1997-8624

By Senators Wojahn and Haugen

WHEREAS, The literary, performing, and visual arts are vibrant threads weaving through the tapestry of life in the state of Washington; and  
WHEREAS, The arts inspire creativity and innovation, foster communication and understanding across cultures, and transmit core values to future generations; and  
WHEREAS, The arts accelerate students' mastery of history, math, and science, enhance problem-solving skills, and increase the self-esteem of youth at risk; and  
WHEREAS, The arts industry throughout Washington State generates millions of dollars annually through performances, exhibitions, festivals, art walks, craft fairs, and concerts in the parks; and  
WHEREAS, Our state has received international acclaim for the quality of its artists and arts institutions, drawing audiences from across the nation and world to the Northwest and making cultural tourism a vital part of our economy;

NOW, THEREFORE, BE IT RESOLVED, That February 26, 1997, is Arts Day, and all who work in the arts are thanked for truly establishing, within our borders, Washington as a State of the Arts.

Senators Loveland and Thibaudeau spoke to Senate Resolution 1997-8624.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5012, by Senators Winsley and Prentice

Filing certain insurance related corporate documents.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5012 was substituted for Senate Bill No. 5012 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5012.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Excused: Senators Fairley, Hargrove and Wojahn - 3. SUBSTITUTE SENATE BILL NO. 5012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced former Senator Margaret Hurley, who was seated on the rostrum. With permission of the Senate, business was suspended to permit the former Senator to address the Senate.

#### REMARKS BY FORMER SENATOR HURLEY

Senator Hurley: "Thank you very much. This is a very exciting moment for me. I had no idea that anybody would remember me. I've been gone for thirteen years from this Senate and I think I must know about twelve or fourteen people that were in the Senate when I was here last. I am delighted to see so many people; I see you, Al Bauer--hello. There are so many people that I did know and I have fond memories of St. Patrick's Day and of the dances that we use to have and the sing-alongs. All of you were so much fun that I think of it as one of the very most pleasant memories of my life. Thank you very much."

#### MOTION

On motion of Senator Johnson, the Senate returned to the third order of business.

#### MOTION

Senator Johnson moved that the Senate now consider the Governor's Veto Message on Substitute Senate Bill No. 5398.

EDITOR'S NOTE: The Governor's Veto Message on Substitute Senate Bill No. 5398 was read in on the fortieth day, February 21, 1997.

#### MOTION

Senator Johnson moved that the Senate pass Substitute Senate Bill No. 5398, notwithstanding the Governor's Veto of the measure.

Debate ensued.

#### MOTION

Senator Heavey moved to lay the motion by Senator Johnson on the table.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Heavey to lay the motion by Senator Johnson on the table.

#### ROLL CALL

The Secretary called the roll and the motion to lay the motion by Senator Johnson on the table failed by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson and Thibaudeau - 20. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Fairley, Hargrove and Wojahn - 3. The President declared the question before the Senate to be the roll call on the motion by Senator Johnson to pass Substitute Senate Bill No. 5398, notwithstanding the Governor's Veto.

#### ROLL CALL

The Secretary called the roll and the motion to override the Governor's Veto, having failed to receive a constitutional two-thirds vote of the member's present, failed by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson and Thibaudeau - 20. Excused: Senators Fairley, Hargrove and Wojahn - 3.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5174, by Senators Prince, Loveland, Morton and Rasmussen (by request of Washington State University)

Transferring property to Washington State University Lind dryland research unit.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5174.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5174 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Excused: Senators Fairley, Hargrove and Wojahn - 3. SENATE BILL NO. 5174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5265, by Senators Schow, Wojahn, Horn, Stevens and Benton

Requiring that agreements between the state and Indian tribes be approved by the senate.



## MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5265 was substituted for Senate Bill No. 5265 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the following amendment was adopted:

On page 3, after line 6, insert the following: "(9) The approval process for new and amended compacts established in this section does not apply to amendments to existing compacts that are technical in nature only and do not include any changes in the following: Wagering limits, types of games operated, hours of operation for the gaming facility, number of facilities operated, or number of tables operated."

## MOTION

Senator Prentice moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 9.46.360 and 1992 c 172 s 2 are each amended to read as follows: (1) The negotiation process for proposed or amended compacts with federally recognized Indian tribes for conducting class III gaming, as defined in the Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., on federal Indian lands is governed by this section. (2) The ~~((gambling commission through the director or the director's))~~ senate or its designee shall negotiate compacts for class III gaming on behalf of the state with federally recognized Indian tribes in the state of Washington. (3) When a tentative agreement with an Indian tribe on a proposed or amended compact is reached, the ~~((director))~~ senate or its designee shall immediately transmit a copy of the proposed or amended compact to all voting and ex officio members of the gambling commission and to the ~~((standing committees designated pursuant to subsection (5) of this section))~~ majority and minority leaders of the senate. (4) ~~((Notwithstanding RCW 9.46.040, the four ex officio members of the gambling commission shall be deemed voting members of the gambling commission for the sole purpose of voting on proposed compacts submitted under this section. (5) Within thirty days after receiving a proposed compact from the director, one standing committee from each house of the legislature shall hold a public hearing on the proposed compact and forward its respective comments to the gambling commission. The president of the senate shall designate the senate standing committee that is to carry out the duties of this section, and the speaker of the house of representatives shall designate the house standing committee that is to carry out the duties of this section. The designated committees shall continue to perform under this section until the president of the senate or the speaker of the house of representatives, as the case may be, designates a different standing committee. (6))~~ The gambling commission ~~((may))~~ shall hold public hearings on the proposed or amended compact ~~((any time))~~ after receiving a copy of the compact from the ~~((director))~~ senate or its designee. Within forty-five days after receiving the proposed or amended compact from the ~~((director))~~ senate or its designee, the gambling commission, including the four ex officio members, shall ~~((vote on whether to return the proposed compact to the director with instructions for further negotiation or to forward the proposed compact to the governor for review and final execution))~~ forward its findings and recommendations to the senate. ~~((7) Notwithstanding provisions in this section to the contrary,))~~ (5) If the ~~((director))~~ senate or its designee forwards a proposed or amended compact to the ~~((gambling commission and the designated standing committees within ten days))~~ senate before the beginning of a regular session of the legislature, or during a regular or special session of the legislature, ~~((the thirty day time limit set forth in subsection (5) of this section and the forty five day limit set forth in subsection (6) of this section are each forty five days and sixty days, respectively))~~ the senate has until the adjournment of the regular session to approve the proposed or amended compact. If the senate fails to approve the proposed or amended compact before the adjournment of the regular session, the senate or its designee shall renegotiate the proposed or amended compact and resubmit the proposed or amended compact to the senate no later than the first day of the next regular session of the legislature. ((8) Funding for the negotiation process under this section must come from the gambling revolving fund. (9)) (6) In addition to the powers granted under this chapter, the commission, consistent with the terms of any compact, is authorized and empowered to enforce the provisions of any compact between a federally recognized Indian tribe and the state of Washington."

## POINT OF INQUIRY

Senator Deccio: "Senator Prentice, exactly what is the difference between what your amendment does and what is in the bill? As I read it, the bill says that the Senate minority and majority leader would negotiate and I think your amendment says that the Senate designee would--that would be the Senate members of the Gambling Commission. Is that correct?"

Senator Prentice: "No, it would be the Senate committee, I would presume. It would be whomever the majority leader would designate. No, it would not be a member of the Gambling Commission. The idea was that the product has been so inferior and we certainly heard it lambasted in many committee meetings, then do it and remove the Gambling Commission. Why spend the time and the resources on something that isn't an accepted product?"

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice.

The motion by Senator Prentice failed and the amendment was not adopted.

## MOTION

On motion of Senator Schow, the rules were suspended, Engrossed Substitute Senate Bill No. 5265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

At 11:14 a.m., on motion of Senator Heavey, the Senate recessed until 11:30 a.m.

The Senate was called to order at 11:40 a.m. by President Owen.  
There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5265, which was being considered before the Senate went at recess.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5265.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5265 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.  
Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson and Thibaudeau - 21. Excused: Senators Fairley, Hargrove and Wojahn - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5056, by Senators McCaslin and Roach

Limiting property assessments to permitted land use.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5056 was substituted for Senate Bill No. 5056 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5056.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5056 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Excused: Senators Fairley, Hargrove and Wojahn - 3. SUBSTITUTE SENATE BILL NO. 5056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5030, by Senator Horn

Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5030 was substituted for Senate Bill No. 5030 and the substitute bill was placed on second reading and read the second time.

Senator Kline moved that the following amendment by Senators Kline and McAuliffe be adopted:

On page 1, line 11, after "owners" strike "will" and insert "may" Debate ensued.

#### POINT OF INQUIRY

Senator Horn: "A point of order, Mr. President. I would request that the speaker speak to the amendment. I think she is speaking to the wrong amendment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and McAuliffe on page 1, line 11, to Substitute Senate Bill No. 5030.

The motion by Senator Kline failed and the amendment was not adopted.

#### MOTION

Senator Kline moved that the following amendment by Senators Kline and McAuliffe be adopted:

On page 2, line 10, after "(1)" strike "The" and insert "If a petition signed by more than ten percent of the private owners of land surrounding a lake or reservoir is filed with the department, the" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and McAuliffe on page 2, line 10, to Substitute Senate Bill No. 5030.

The motion by Senator Kline failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Rasmussen: "Senator Horn, is it true that the Department of Ecology still is authorized to suspend the right to use the water? Can they stop, at any time, your right to withdraw from the lake?"

Senator Horn: "That is correct, Senator Rasmussen. We have put the same controls with DOE over the use of water and if the water in the lake got to a dangerously low level, they could suspend that operation during that period of time. If it doesn't, and the water in the lake is high enough, that would just be merely dropped into salt water at some period of time. But, the control is there."

Further debate ensued.

#### MOTION

Senators West, Horn and Johnson called for the previous question.

The President declared the question before the Senate to be the call for the previous question by Senators West, Horn and Johnson.

The call for the previous question failed.

Further debate ensued on Substitute Senate Bill No. 5030.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5030.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 22; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli -

23. Voting nay: Senators Bauer, Brown, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Schow, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Winsley -

22. Absent: Senator Roach - 1. Excused: Senators Fairley, Hargrove and Wojahn - 3. SUBSTITUTE SENATE BILL NO. 5030, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Senator Schow, having voted on the prevailing side, served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5030 failed to pass the Senate.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Senator Heavey, having voted on the prevailing side, moved to immediately reconsider the vote by which Substitute Senate Bill No. 5030 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Heavey to immediately reconsider the vote by which Substitute Senate Bill No. 5030 failed to pass the Senate.

The motion by Senator Heavey failed and the Senate will not immediately reconsider the vote by which Substitute Senate Bill No. 5030 failed to pass the Senate.

MOTION

Senator Johnson moved that the standing committees be allowed to meet during the lunch hour on Thursday, February 27, and Tuesday, March 4, notwithstanding the brief pro-forma sessions which will be held at noon on those days. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson that the standing committees be allowed to meet during the lunch hour on Thursday, February 27, and Tuesday, March 4, notwithstanding the brief pro-forma sessions which will be held at noon on those days.

The motion carried and the standing committees will be allowed to meet during the noon hour on Thursday, February 27, and Tuesday, March 4, 1997.

MOTION

At 12:24 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, February 27, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

***JOURNAL OF THE SENATE***

***FORTY-FIFTH DAY, FEBRUARY 26, 1997***

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FORTY-SIXTH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Thursday, February 27, 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 25, 1997  
SB 5072 Prime Sponsor, Senator Kohl: Increasing the penalty for providing liquor to persons under age twenty-one.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1997  
SB 5091 Prime Sponsor, Senator Roach: Providing for uniformity in the application of real property laws to ensure fairness and due process. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5091 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 26, 1997  
SB 5104 Prime Sponsor, Senator Oke: Creating the Washington pheasant enhancement program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Kohl, Long, Loveland, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

February 26, 1997  
SB 5189 Prime Sponsor, Senator Goings: Increasing penalties for sex offender registration violations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, Rossi, Sheldon, Snyder, Spanel, Swecker and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 1997  
SB 5227 Prime Sponsor, Senator Deccio: Regulating the sales of nonprofit hospitals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

February 25, 1997

SB 5262 Prime Sponsor, Senator Roach: Strengthening penalties for using drivers' licenses and identicards to commit fraud.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5305 Prime Sponsor, Senator Fairley: Controlling drugs used to facilitate rape. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5308 Prime Sponsor, Senator Horn: Regulating electronic signatures. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5308 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5326 Prime Sponsor, Senator Hargrove: Removing requirements relating to carrying firearms unloaded and encased in an opaque case or wrapper. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5368 Prime Sponsor, Senator Snyder: Providing supplemental appropriation authority for the development loan fund.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser and Heavey.

Referred to Committee on Ways and Means.

February 25, 1997

SB 5476 Prime Sponsor, Senator Wood: Enhancing child bicycle safety. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5477 Prime Sponsor, Senator Benton: Regulating the permanence of concealed pistol licenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kline.

Referred to Committee on Ways and Means.

February 25, 1997  
SB 5484 Prime Sponsor, Senator Hale: Revising regulation of swimming pools. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Strannigan and Wojahn.

Referred to Committee on Rules for second reading.

February 25, 1997  
SB 5539 Prime Sponsor, Senator Oke: Changing accident report requirements. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5539 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1997  
SB 5541 Prime Sponsor, Senator Wood: Restricting the distance a vehicle may travel in a two-way left-turn lane. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5541 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1997  
SB 5560 Prime Sponsor, Senator Schow: Changing social card game provisions. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5560 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 1997  
SB 5570 Prime Sponsor, Senator Newhouse: Expanding tax evasion penalties. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 1997  
SB 5571 Prime Sponsor, Senator Newhouse: Providing for a single form for employers to report unemployment insurance contributions and industrial insurance premiums and assessments. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 1997

SB 5580 Prime Sponsor, Senator Anderson: Providing for industrial insurance self-insurers to determine benefits for permanent disability. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5580 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

SB 5618 Prime Sponsor, Senator Haugen: Regulating ferry queues. Reported by Committee on Transportation February 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5618 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Haugen, Goings, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

SB 5621 Prime Sponsor, Senator Long: Requiring kidnappers of children to register with local law enforcement agencies upon release from custody. Reported by Committee on Human Services and Corrections February 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5621 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

SB 5634 Prime Sponsor, Senator Wojahn: Providing for osteoporosis prevention and treatment education. Reported by Committee on Health and Long-Term Care February 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin and Wojahn.

Passed to Committee on Rules for second reading.

SB 5647 Prime Sponsor, Senator Wood: Requiring only collected building fees of community and technical colleges to be paid to the state treasury. Reported by Committee on Higher Education February 26, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

SB 5664 Prime Sponsor, Senator Horn: Allowing credit and debit card purchases in state liquor stores. Reported by Committee on Commerce and Labor February 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5664 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Fraser.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin and Heavey.

Passed to Committee on Rules for second reading.

SB 5676 Prime Sponsor, Senator Newhouse: Regulating real estate appraisers. Reported by Committee on Commerce and Labor February 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.



Passed to Committee on Rules for second reading.

February 25, 1997

SB 5724 Prime Sponsor, Senator Wood: Extending the statute of limitations for first degree theft when the victim is a 501(c)(3) corporation. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 26, 1997

SB 5743 Prime Sponsor, Senator : Creating a leasehold excise tax exemption for organizations qualified under section 501(c)(3) of the internal revenue code that provide student housing. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Prince and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5762 Prime Sponsor, Senator Heavey: Benefiting the equine industry. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5762 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5763 Prime Sponsor, Senator Finkbeiner: Prohibiting the taxation of internet service providers as network telephone service providers. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5774 Prime Sponsor, Senator Roach: Authorizing appellate judges to be appointed as pro tempore judges to complete pending business at the end of their terms of office. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

February 26, 1997

SB 5800 Prime Sponsor, Senator Hargrove: Changing the shoreline substantial development exemption for docks. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5860 Prime Sponsor, Senator Roach: Permitting misdemeanor criminal history records to be vacated. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5888 Prime Sponsor, Senator Schow: Authorizing the continuation of a special insuring agreement for workers' compensation for the United States department of energy. Reported by Committee on Commerce and Labor February 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

SHB 1060 Prime Sponsor, House Committee on Capital Budget: Authorizing Washington wildlife and recreation program projects for fiscal year 1997. February 26, 1997

Reported by Committee on Ways and Means  
MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Kohl, Long, Loveland, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

GA 9160 SHERYL S. HERSHEY, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Bellingham Technical College District No. 25. February 26, 1997  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

GA 9172 DAVID LAMB, reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for The Evergreen State College. February 26, 1997  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

#### MOTION

On motion of Senator Johnson, Senate Bill No. 5484 was referred to the Committee on Rules.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

February 18, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

I have the honor to submit the following appointment, subject to your confirmation.  
Judge Art Wang, appointed February 18, 1997, for a term ending June 30, 2002, as Chief Administrative Law Judge of the Office of Administrative Hearings.

Sincerely,

Referred to Committee on Law and Justice.

MESSAGE FROM THE HOUSE

February 26, 1997

MR. PRESIDENT:

The House has passed  
SENATE BILL NO. 5835,  
ENGROSSED SENATE BILL NO. 7902, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5835,  
ENGROSSED SENATE BILL NO. 7902.

INTRODUCTION AND FIRST READING

SB 6018 by Senator Haugen

AN ACT Relating to providing consistency in definitions regarding businesses furnishing lodging; and amending RCW 19.48.010.  
Referred to Committee on Commerce and Labor.

SB 6019 by Senators Deccio, Wojahn, Winsley, Wood, Benton, Heavey, Franklin, Thibaudeau, Sheldon, Kohl, Hochstatter, Swanson, Schow, Prince, Roach, Oke, McAuliffe, Long, Bauer, Patterson and Rasmussen

AN ACT Relating to stabilizing long-term care for persons with developmental disabilities living in the community and in residential habilitation centers; amending RCW 71A.10.011, 71A.10.020, 71A.16.010, and 71A.16.030; adding a new section to chapter 71A.12 RCW; adding a new section to chapter 71A.10 RCW; making an appropriation; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 6020 by Senator Wojahn

AN ACT Relating to vocational rehabilitation; reenacting and amending RCW 51.32.095; and adding a new section to chapter 51.12 RCW.  
Referred to Committee on Commerce and Labor.

SB 6021 by Senators Hargrove, Zarelli, Schow, McCaslin, Roach, Oke and Rasmussen

AN ACT Relating to firearms liability; and adding a new section to chapter 9.41 RCW.  
Referred to Committee on Law and Justice.

SB 6022 by Senators Winsley and Hale

AN ACT Relating to confidential and privileged information concerning financial institutions; and adding a new section to chapter 42.17 RCW.  
Referred to Committee on Financial Institutions, Insurance and Housing.

SB 6023 by Senators Thibaudeau, Fraser and Kohl

AN ACT Relating to unemployment compensation coverage for members of boards of directors; amending RCW 50.04.165; and creating new sections.  
Referred to Committee on Commerce and Labor.

SB 6024 by Senators Snyder, Loveland, Sheldon, Spanel, Franklin, Patterson, Rasmussen and Kohl ( by request of Governor Locke)

AN ACT Relating to business and occupation tax; amending RCW 82.04.255, 82.04.290, 82.04.293, and 82.04.4452; creating a new section; repealing RCW 82.04.055; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 6025 by Senators Snyder, Franklin and Rasmussen

AN ACT Relating to the valuation of manufacturing machinery and equipment for property tax purposes; amending RCW 84.40.030; creating a new section; and declaring an emergency.  
Referred to Committee on Ways and Means.

#### MOTION

At 12:05 p.m., on motion of Senator Johnson, the Senate recessed until 1:35 p.m.

The Senate was called to order at 1:35 p.m. by President Owen.

#### MOTION

Senator Heavey: "Thank you, Mr. President. Rule 37 says that when notice of reconsideration is to be given it will be taken up on the next business day. Having voted on the prevailing side by which Senate Bill No. 5030 failed, I move that we immediately reconsider that bill."

#### REMARKS BY SENATOR JOHNSON

Senator Johnson: "Mr. President, I believe under the rules that it has to be taken up under the sixth order of business and we are not under that order right now."

#### REPLY BY THE PRESIDENT

President Owen: "Ninth order of business, Senator, and we are not on the ninth order of business."

#### MOTION

Senator Heavey: "I withdraw the motion and move that we move to the ninth order of business."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Heavey has moved that the Senate move to the ninth order of business--presentation of motions."

#### MOTION

Senator Johnson: "I move that the Senate be at ease."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Johnson has moved that the Senate be at ease. All those in favor will signify by saying 'aye.' Those opposed 'no.' The 'ayes' appear to have it. A division has been called for. Would those in favor, please stand? The 'ayes' will please be seated. Will the 'nos' please stand? The vote is eleven 'ayes,' seventeen 'nays.' Senator Johnson."

#### DEMAND FOR ROLL CALL

Senator Johnson: "I demand a roll call vote."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Johnson has demanded a roll call. Do one-sixth of the members demand a roll call? The demand is sustained."

The President declared the question before the Senate to be the roll call on the motion by Senator Johnson that the Senate be at ease.

#### ROLL CALL

The Secretary called the roll and the motion to go at ease carried by the following vote: Yeas, 22; Nays, 18; Absent, 9; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Hale, Hochstatter, Horn, Johnson, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley and Zarelli - 22. Voting nay: Senators Bauer, Brown, Franklin, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Patterson, Prentice, Rasmussen,

Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 18. Absent: Senators Fairley, Finkbeiner, Fraser, Hargrove, Long, Loveland, McAuliffe, McCaslin and Wood - 9.

At 1:45 p.m., the members of the Senate retired to the House Chamber for the purpose of a Joint Session.

#### JOINT SESSION

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

Speaker Pro Tempore Pennington instructed the Sergeants at Arms of the House and Senate to escort President of the Senate Brad Owen, President Pro Tempore Irv Newhouse, Vice President Pro Tempore Bob Morton, Majority Leader Dan McDonald and Minority Leader Sid Snyder to seats on the rostrum.

Speaker Pro Tempore Pennington invited the Senators to seats within the House Chamber.

#### REMARKS BY SPEAKER PRO TEMPORE PENNINGTON

Speaker Pro Tempore Pennington: "It is my pleasure at this time to turn the gavel and this Joint Session of the Legislature over to Lieutenant Governor Owen."

The Speaker Pro Tempore presented the gavel to President Owen.

The Colors were presented by the All Service Color Guard.

The Clerk of the House called the roll of members of the House.

The Secretary of the Senate called the roll of members of the Senate.

Former members present included Senator Scott Barr, Representative Tom Copeland, Senator Jack England, Representative Phyllis Erickson, Representative Roy Ferguson, Representative Robert Ford, Representative Elmira Forner, Senator Pete Francis, Senator Win Granlund, Senator Barbara Granlund, Senator H. B. "Jerry" Hanna, Representative Lorraine Hine, Speaker Charles Hodde, Representative Joan Houchen, Senator Margaret Hurley, Representative Dick King, Representative Gene Lux, Representative Ron Meyers, Senator Gary Nelson, Representative Gene Neva, Senator Dale Nordquist, Senator Gary Odegaard, Senator Hal Palmer, Representative Grant Pelesky, Representative John M. Rosellini, Representative Delores Teutsch, Representative William Young, and Senator Hal Zimmerman.

#### REMARKS BY PRESIDENT OWEN

President Owen: "Honored members of the Legislature, ladies and gentlemen. The purpose of this Joint Session is to conduct memorial services in memory of departed former members of the Legislature. The President, at this time, would like to respectfully present the Honorable John Pennington, Speaker Pro Tempore of the House of Representatives."

The President presented the gavel to Speaker Pro Tempore Pennington.

The Speaker Pro Tempore asked the memorialists to proceed to the Majority Caucus Room.

Father Michael J. Ryan, pastor of St. Michael's Catholic Church of Olympia, gave the invocation.

#### REMARKS BY SPEAKER PRO TEMPORE PENNINGTON

Speaker Pro Tempore Pennington: "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Senate and the House of Representatives of the state of Washington who have passed from among us. On behalf of the people of our State, the Fifty-Fifth Legislative Session of the state of Washington conveys its respects to those deceased legislators who once sat in these hallowed chambers of the House and Senate, like we are doing today, answered roll calls on sometimes critical and perplexing bills, attended committee meetings, and above all else served to the best of their abilities in order to make our state a better and more enjoyable place to live. While their journey in this life is completed, their achievements, records and valued services have been recorded in the Journals of the Senate and House, and are now and forever more a permanent part of the history of the state of Washington.

"We express our sympathies to the bereaved families and their friends, and share with them on this memorable occasion the fond and happy memories of these legislators, who served well beyond their call of duty and responsibilities, and truly loved this great state of Washington. They have indeed left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our legislative records.

"I wish to introduce Representative Val Ogden of the Forty-ninth District who will assist in our recognition of our departed members."

Kathy Ward, accompanied by John Grace sang *How Great Thou Art*.

CANDLE SERVICE

**IN MEMORIUM**

**CALVIN B. ANDERSON**

*Forty-third District in King County, Served in the House from 1987 to 1994, and the Senate in 1995.  
Memorialized by Representative Helen Sommers.*

**FRED H. DORE**

*Thirty-seventh and Forty-fifth Districts in King County, Served in the House from 1953 to 1959  
and in the Senate from 1959 to 1975.*

*He went on to serve as a Supreme Court Justice from 1981 to 1993.  
Memorialized by Representative Kip Tokuda*

**CHARLES W. ELICKER**

*Tenth District in Island and Kitsap Counties, Served in the House from 1967 to 1969, and in the Senate from  
1969 to 1972.*

*Memorialized by Senator Mary Margaret Haugen*

**EDWARD S. FORD**

*Forty-fourth District in King County, Served in the House from 1947 to 1949.  
Memorialized by Representative Dave Schmidt*

**BERNARD J. GALLAGHER**

*Third and Fifth Districts in Spokane County, Served in the House from 1941 to 1943 and from 1949 to 1961.  
Memorialized by Representative Larry Crouse*

**CHARLIE JOHNSON**

*Twenty-second District in Thurston County, Served in the House from 1951 to 1953  
and served as Senate Sergeant-at-Arms from 1957 to 1981.*

*Memorialized by Representative Georgia Gardner*

**MARJORIE PITTER-KING**

*Thirty-seventh District in King County, Served in the House from 1965 to 1967.  
Memorialized by Representative Dawn Mason*

**JIM KUEHNLE**

*Fourth District in Spokane and Whitman County, Served in the House from 1969 to 1977.  
Memorialized by Senator Bob McCaslin*

**ALFRED E. LELAND**

*Forty-sixth and Forty-eighth Districts in King County, Served in the House from 1957 to 1971.  
Memorialized by Senator Jim Horn*

**FRED J. MARTIN**

*Fortieth District in San Juan and Skagit Counties, Served in the House from 1935 to 1947 and in the Senate  
from 1957 to 1962.*

*Memorialized by Representative Barry Sehlin*

**MALCOLM "DUTCH" McBEATH**

*Forty-second District in Whatcom County, Served in the House from 1953 to 1957  
and served as Chief Clerk to the House from 1967 to 1973.*

*Memorialized by Senator Ann Anderson*

**J. T. QUIGG**

*Nineteenth District in Pacific, Grays Harbor, Cowlitz and Wahkiakum Counties, Served in the Senate from  
1977 to 1985.*

*Memorialized by Senator Dan McDonald*

**MIKE RILEY**  
**Nineteenth District in Pacific, Grays Harbor, Cowlitz and Wahkiakum Counties, Served in the House from 1991 to 1994.**  
**Memorialized by Representative Brian Hatfield**

**JAMES E. SALATINO**  
**Twenty-seventh District in Pierce County, Served in the House 1977 to 1983.**  
**Memorialized by Representative Debbie Regala**

**PATRICK M. STEELE**  
**Twenty-sixth District in Pierce County, Served in the House from 1953 to 1955.**  
**Memorialized by Senator Shirley Winsley**

**CHARLES STOKES**  
**Thirty-seventh District in King County, Served in the House from 1951 to 1955 and from 1957 to 1959.**  
**Memorialized by Senator Stephen Johnson**

**PATRICK D. SUTHERLAND**  
**Thirty-seventh District in King County, Served in the House, 1949 and in the Senate from 1951 to 1959.**  
**Memorialized by Senator Karen Fraser**

Reverend Robert Cassis, pastor of the South Sound Presbyterian Church of Olympia gave the memorial prayer.

Herb Jones, accompanied by John Grace, sang *Let There be Peace on Earth*.

Rabbi Theodore Stainman of the Temple Bet Chaverim of Kent, gave the closing prayer.

Secretary of State Ralph Munro and the First Battalion Kings own Scottish Borderers of Edinburgh, Scotland performed *Amazing Grace*.

The Speaker Pro Tempore turned the gavel over to the President of the Senate.

President Owen: "Thank you, Speaker Pro Tempore Pennington, Representative Ogden, and other members of our memorial committee. Our warmest gratitude to those of you who have participated in the program today. I hope that the loved ones of those we honor today will draw comfort from today's observance."

The Color Guard retired the Colors.

**MOTION**

On motion by Representative Lisk, the Joint Session was dissolved.

The President of the Senate returned the gavel to Speaker Pro Tempore Pennington.

Speaker Pro Tempore Pennington asked the Sergeants at Arms of the House and the Senate to escort the President of the Senate Brad Owen, President Pro Tempore Irv Newhouse, Vice President Pro Tempore Bob Morton, Majority Leader Dan McDonald and Minority Leader Sid Snyder, and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 2:31 p.m. by President Owen.

**MOTION**

At 2:31 p.m., on motion of Senator McDonald, the Senate adjourned until 10:00 a.m., Friday, February 28, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FORTY-SIXTH DAY, FEBRUARY 27, 1997**

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**FORTY-SEVENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, February 28, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Chris Pfund and Eric Salisbury, presented the Colors. Reverend Joan M. Anthony, priest at the St. Benedict's Episcopal Church in Lacey, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SB 5047 Prime Sponsor, Senator Benton: Arming community corrections officers. Reported by Committee on Human Services and Corrections February 26, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Schow and Stevens.

Passed to Committee on Rules for second reading.

SB 5208 Prime Sponsor, Senator Morton: Detailing how to handle environmental complaints. Reported by Committee on Agriculture and Environment February 26, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse and Oke.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

SB 5250 Prime Sponsor, Senator Heavey: Limiting weight of tire studs. Reported by Committee on Transportation February 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

SB 5433 Prime Sponsor, Senator Stevens: Concerning the reduction of flood damage. Reported by Committee on Natural Resources and Parks February 27, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5433 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Roach, Stevens and Swecker.

Referred to Committee on Ways and Means.

SB 5434 Prime Sponsor, Senator Stevens: Providing for designation of mineral resource lands. Reported by Committee on Natural Resources and Parks February 27, 1997



MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5461 Prime Sponsor, Senator Hale: Requiring regulatory coordination between the state and federal and local entities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Referred to Committee on Ways and Means.

February 25, 1997

SB 5480 Prime Sponsor, Senator Wood: Authorizing city and town transportation funding. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5511 Prime Sponsor, Senator Stevens: Modifying provisions relating to retention of reports of child abuse or neglect. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

February 25, 1997

SB 5513 Prime Sponsor, Senator Oke: Excepting certain vessels from registration. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5527 Prime Sponsor, Senator McDonald: Providing incentives for water-efficient irrigation systems. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5527 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5561 Prime Sponsor, Senator Swecker: Shifting the regulation of geoduck harvesting from the department of natural resources to the department of fish and wildlife. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5578 Prime Sponsor, Senator Long: Concerning the placement and custody of at-risk youth. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5578 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

SB 5587 Prime Sponsor, Senator Hochstatter: Changing provisions relating to the certificate of mastery. Reported by Committee on Education February 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Goings, McAuliffe and Rasmussen.

Passed to Committee on Rules for second reading.

SB 5703 Prime Sponsor, Senator Anderson: Concerning a water right for the beneficial use of water. Reported by Committee on Agriculture and Environment February 27, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5703 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

SB 5708 Prime Sponsor, Senator Kohl: Requiring liability insurance for child day-care providers. Reported by Committee on Human Services and Corrections February 26, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5708 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

SB 5725 Prime Sponsor, Senator Swecker: Changing provisions relating to reclaimed water. Reported by Committee on Agriculture and Environment February 27, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

SB 5744 Prime Sponsor, Senator Hale: Extending the time for legislative review of agency rules. Reported by Committee on Government Operations February 27, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Referred to Committee on Ways and Means.

SB 5809 Prime Sponsor, Senator Fraser: Requiring unauthorized insurers to be financially sound. Reported by Committee on Financial Institutions, Insurance and Housing February 26, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 26, 1997

SB 5815 Prime Sponsor, Senator Spanel: Requiring replacement transportation when a claimant's vehicle is totaled. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5838 Prime Sponsor, Senator Swecker: Requiring health boards to respond to requests for on-site sewage permits in a timely manner. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

February 26, 1997

SB 5903 Prime Sponsor, Senator Hale: Authorizing the use of local hotel-motel taxes for operation of performing and cultural arts facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: That it be referred to Committee on Government Operations without recommendation. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Kohl, Long, Rossi, Snyder and Swecker.

Referred to Committee on Government Operations.

February 27, 1997

SB 5967 Prime Sponsor, Senator Stevens: Revising disclosure of public records regarding child abuse investigations. Reported by Committee on Government Operations

MAJORITY Recommendation: That it be referred to Committee on Human Services and Corrections without recommendation. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Referred to Committee on Human Services and Corrections.

February 26, 1997

HB 1019 Prime Sponsor, Representative Honeyford: Implementing the public works board's recommendations for project loans. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Kohl, Long, Snyder, Spanel, Swecker and Winsley.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5835,  
ENGROSSED SENATE BILL NO. 7902, and the same are herewith transmitted.

February 27, 1997  
TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6026 by Senator Jacobsen

AN ACT Relating to deer and elk tag fees; and amending RCW 77.32.340.  
Referred to Committee on Natural Resources and Parks.

SB 6027 by Senator Hale

AN ACT Relating to funding for the Columbia river exhibition of history, science and technology museum and science center; and amending RCW 43.31.422.  
Referred to Committee on Commerce and Labor.

SB 6028 by Senators Kohl, Jacobsen, Winsley and Prentice

AN ACT Relating to metropolitan park districts; amending RCW 35.61.010, 35.61.050, 35.61.130, 35.61.150, 35.61.180, 35.61.200, 35.61.210, and 35.61.290; and adding new sections to chapter 35.61 RCW.  
Referred to Committee on Government Operations.

SB 6029 by Senators Strannigan, Oke, McDonald and West

AN ACT Relating to catastrophic insurance/health care savings accounts; amending RCW 41.05.006, 41.05.011, 41.05.021, 41.05.065, 41.05.140, 41.05.170, and 41.05.180; reenacting and amending RCW 41.05.075; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

#### MOTION

At 10:07 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Owen.

#### MOTION

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

#### SENATE RESOLUTION 1997-8626

By Senators Oke, Haugen, Long, Franklin, Spanel and Kohl

WHEREAS, One of four high school seniors in Washington are current smokers; and  
WHEREAS, Three thousand young people start smoking every day in the United States, one third of whom will eventually die of tobacco-related illnesses; and  
WHEREAS, Advertising and peer pressure are strong motivating factors in a teen's decision to start using tobacco;  
and  
WHEREAS, Teens all across Washington are involved in programs and activities such as youth coalitions, Teens as Teachers, and the American Cancer Society's Youth Initiative; and  
WHEREAS, These programs are designed to prepare teens to educate younger teens and preteens about the dangers of tobacco use; and  
WHEREAS, Teens are speaking out in support of stronger policies to restrict tobacco access and exposure by minors; and  
WHEREAS, Youths have opportunities to speak out against tobacco through programs sponsored by local health departments, the American Lung Association, the American Cancer Society, and Washington Doctors Ought to Care;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate recognizes teens involved in anti-tobacco programs designed to keep tobacco away from minors and eliminate exposure to second-hand smoke; and  
BE IT FURTHER RESOLVED, That the Senate recognizes the Teens Against Tobacco Day where teens from across the state advocate for stronger state laws restricting access and exposure to tobacco by minors; and  
BE IT FURTHER RESOLVED, That copies of the resolution be immediately transmitted by the Secretary of the Senate to Astrid Berg, American Lung Association of Washington; Steve Bowman, Washington State Department of Health; Robert Jaffe, M.D., Washington Doctors Ought to Care, Willie Stewart, Chairman of the Board, American Cancer Society, Western Pacific Division; Ann Marie Pomerinke, Chief Executive Officer, American Cancer Society, Western Pacific Division; and David Harrelson, Program Manager for Tobacco Control, American Cancer Society, Western Pacific Division.

Senators Oke, Franklin and Roach spoke to Senate Resolution 1997-8626.

#### MOTION

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

## SENATE RESOLUTION 1997-8627

By Senators Haugen, Long and Kohl

WHEREAS, The number of Washington teens who have tried alcohol or cigarettes has risen above the national average; and

WHEREAS, There is growing concern that national advertising campaigns by alcohol and tobacco industries have undue influence on teen audiences; and

WHEREAS, Coupeville School Social Worker Mindy Pelton works with students at the middle-school and high-school level in the prevention of alcohol, tobacco, and other drug use; and

WHEREAS, A perceptive group of Coupeville students recognized the symbolism and message of a popular beer commercial and interpreted this ad as clearly targeting minors, and encouraging them to disregard the legal drinking age; and

WHEREAS, The students and Ms. Pelton wrote directly to the manufacturer to voice their concern for the ad; and

WHEREAS, The students suggested several ways the commercial could be recast so it would not target minors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the awareness and activism demonstrated by the Coupeville students and Mindy Pelton in their efforts to combat the influence of alcohol and tobacco advertising on minors; and

BE IT FURTHER RESOLVED, That the Senate applaud this group in their efforts to reduce drug and alcohol abuse by teenagers in our state and across the country.

### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Coupeville middle-school and high-school students and the school social worker, Mindy Pelton, who were seated in the gallery.

### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

### SECOND READING

SENATE BILL NO. 5079, by Senator Swecker

Providing an alternative means to comply with wastewater discharge permit requirements.

### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5079 was substituted for Senate Bill No. 5079 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

### POINT OF INQUIRY

Senator Fraser: "Senator Swecker, I would appreciate it if you could provide some clarification. The summary in our report here says, 'This new procedure would not apply to renewals of existing permits.' The language in the bill itself is sort of a term of art. It speaks to modification of an existing permit. So, my question is, is the intent of the bill to apply to renewals?"

Senator Swecker: "Senator Fraser, the intent of the bill is not to apply to renewals. It is only to apply to new applications for permits or permit applications where substantial changes are being proposed by the applicant."

Senator Fraser: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5079.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5079 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Jacobsen and McCaslin - 2. SUBSTITUTE SENATE BILL NO. 5079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5330, by Senators Sellar, Snyder and McCaslin

Allowing another type of golfing sweepstakes.

The bill was read the second time.

## MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF ORDER

Senator Heavey: "A point of order, Mr. President. Does this vote require a sixty percent majority?"

## RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Heavey, the President finds that Senate Bill No. 5330 is a bill that would make an addition to the list of legal wagers on golfing events. The measure would permit the auctioning of players or teams in a golfing contest. The person placing the highest bid on the winning player or team would receive the proceeds from the auction.

"The President, therefore, finds that the measure does expand gambling and does require a sixty percent majority under Article II, section 24 of the State Constitution."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5330.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Heavey, Horn, Johnson, Kline, Kohl, Loveland, McDonald, Newhouse, Oke, Patterson, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley and Wood - 34. Voting nay: Senators Goings, Hargrove, Haugen, Hochstatter, Long, McAuliffe, Morton, Prentice, Prince, Rasmussen, Thibaudeau, Wojahn and Zarelli - 13. Excused: Senators Jacobsen and McCaslin - 2. SENATE BILL NO. 5330, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5108, by Senators Roach and Johnson

Transferring certain interests in individual retirement accounts.

The bill was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5108.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Jacobsen and McCaslin - 2. SENATE BILL NO. 5108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m. Monday, March 3, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FORTY-SEVENTH DAY, FEBRUARY 28, 1997**

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**FIFTIETH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, March 3, 1997

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Kohl and Prentice. On motion of Senator Hale, Senator Benton was excused. On motion of Senator Franklin, Senator Prentice was excused.

The Sergeant at Arms Color Guard, consisting of Pages Travis Deccio and Rachel Deviney, presented the Colors. Tony Cook, Senate Counsel, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SB 5121 Prime Sponsor, Senator Johnson: Waiving or cancelling interest or penalties for certain estate tax returns. Reported by Committee on Ways and Means February 27, 1997

**MAJORITY Recommendation:** That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

SB 5125 Prime Sponsor, Senator Deccio: Authorizing revisions in medical assistance managed care contracting under federal demonstration waivers. Reported by Committee on Health and Long-Term Care February 28, 1997

**MAJORITY Recommendation:** That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

SB 5194 Prime Sponsor, Senator Long: Inspecting rebuilt salvage vehicles. Reported by Committee on Transportation February 27, 1997

**MAJORITY Recommendation:** That Substitute Senate Bill No. 5194 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Jacobsen, Patterson, Prentice and Rasmussen.

**MINORITY Recommendation:** Do not pass. Signed by Senators Benton, Vice Chair; Horn, Morton and Sellar.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5207 Prime Sponsor, Senator Swecker: Concerning habitat conservation plans. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Prentice, Roach, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5232 Prime Sponsor, Senator Wood: Completing the prescriptive authority of advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5232 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5254 Prime Sponsor, Senator Long: Limiting liability of owners or possessors for injuries to recreational users. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5254 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5383 Prime Sponsor, Senator Winsley: Facilitating the collection of sales tax on manufactured housing. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5387 Prime Sponsor, Senator McDonald: Establishing the trust land transfer program. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5387 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5439 Prime Sponsor, Senator Morton: Providing an exclusion for what constitutes surface mining. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5442 Prime Sponsor, Senator Swecker: Permitting expedited flood damage repairs during flooding emergencies. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Spanel, Stevens and Swecker.



Referred to Committee on Ways and Means.

February 27, 1997

SB 5549 Prime Sponsor, Senator Hochstatter: Allowing business and occupation tax credits for educational expenses at private schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5549 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Goings and McAuliffe.

Referred to Committee on Ways and Means.

February 26, 1997

SB 5563 Prime Sponsor, Senator Winsley: Regulating credit unions. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5563 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5626 Prime Sponsor, Senator Morton: Providing game transport tags at no cost in order to meet harvest management goals. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5636 Prime Sponsor, Senator Oke: Revising health inspection warrants for local health officers in response to pollution in commercial or recreational shellfish harvesting areas. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5636 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5653 Prime Sponsor, Senator Oke: Concerning the sale of salvageable timber from state-owned lands. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5699 Prime Sponsor, Senator Wood: Enhancing transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Prentice and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Heavey, Patterson and Sellar.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5715 Prime Sponsor, Senator Wood: Licensing orthotists and prosthetists. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5715 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5727 Prime Sponsor, Senator Wood: Requiring rearview mirrors on certain delivery trucks. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Jacobsen, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5748 Prime Sponsor, Senator West: Reducing the penalty for failure to file manufacturing machinery and equipment exemption certificates or annual summaries. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5787 Prime Sponsor, Senator Benton: Concerning the disposition of proceeds from county land deeded to the department of natural resources. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 27, 1997

SB 5804 Prime Sponsor, Senator Finkbeiner: Eliminating the requirement for a study of the property tax exemption and valuation rules for computer software. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5926 Prime Sponsor, Senator West: Providing that coverage under the basic health plan is not substantially equivalent coverage under the Washington state health insurance pool. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1997

SHB 1003 Prime Sponsor, House Committee on Finance: Redefining "special assessment" for the purposes of tax deferrals for senior citizens and disabled persons. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Johnson, Senate Bill No. 5653 was passed to the Committee on Rules.  
On motion of Senator Johnson, Senate Bill No. 5926 was passed to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6030 by Senators Schow, Goings, Anderson, Haugen, Horn, Rasmussen, Long and Oke

AN ACT Relating to establishing a performance audit and operations review of the state workers' compensation system; and creating new sections.  
Referred to Committee on Commerce and Labor.

SB 6031 by Senators Long and Kohl

AN ACT Relating to the taxation of intrastate package delivery carriers of limited weight cargo and in limited weight vehicles effecting service within twenty-four hours and excluding the transportation of passengers; and amending RCW 82.16.010.  
Referred to Committee on Ways and Means.

SB 6032 by Senator Prentice

AN ACT Relating to prescriptions for the sale, delivery, or possession of legend drugs; and amending RCW 69.41.030 and 69.50.308.  
Referred to Committee on Health and Long-Term Care.

SB 6033 by Senators Prentice, Wojahn, Winsley, Kline, Patterson, Heavey and Rasmussen

AN ACT Relating to developing a national research center for aviation history, space, and technology; adding a new chapter to Title 27 RCW; and making an appropriation.  
Referred to Committee on Commerce and Labor.

SB 6034 by Senator Anderson

AN ACT Relating to unemployment insurance benefits and contributions; and creating a new section.  
Referred to Committee on Commerce and Labor.

SB 6035 by Senators Benton, Finkbeiner, Strannigan, Hochstatter, Zarelli, Swecker, Roach, Schow, Rossi, Long, Winsley and Oke

AN ACT Relating to eliminating state property taxes; and amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, and 84.69.020.  
Referred to Committee on Ways and Means.

SB 6036 by Senators Schow, Deccio, Anderson, Rasmussen, Horn and Oke

AN ACT Relating to on-the-job training for undertrained, underemployed, or unemployed persons; amending RCW 19.28.510, 19.28.520, 19.28.530, and 39.12.021; adding new sections to chapter 28C.04 RCW; and creating a new section.  
Referred to Committee on Commerce and Labor.

SB 6037 by Senators Spanel, Haugen and Kohl

AN ACT Relating to marine transportation between the state of Washington and British Columbia, Canada; amending RCW 47.60.330; creating a new section; and declaring an emergency.  
Referred to Committee on Transportation.

SB 6038 by Senator Benton

AN ACT Relating to evasion of vehicle licensing fees; and amending RCW 46.16.010 and 46.68.250.  
Referred to Committee on Transportation.

SB 6039 by Senator West

AN ACT Relating to any fine or regulatory assessment imposed in an enforcement action under the insurance code; and amending RCW 48.05.185.  
Referred to Committee on Ways and Means.

SB 6040 by Senators Deccio, Wojahn, Fairley, Patterson, Goings, Winsley, Kline, Swanson, McAuliffe and Rasmussen (by request of Governor Locke)

AN ACT Relating to implementing the federal personal responsibility and work opportunity reconciliation act of 1996; amending RCW 74.08.340, 74.08.025, 74.12.035, 74.09.510, 74.04.770, 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.08.350, 18.08.350, 18.11.160, 18.16.100, 18.27.060, 18.28.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.106.070, 18.130.150, 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130, 19.158.050, 19.166.040, 21.20.110, 66.20.320, 67.08.040, 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060, 19.146.220, 75.25.150, 75.28.010, 26.23.050, 26.18.100, 26.23.060, 74.20.040, 26.23.090, 74.20A.100, 26.23.045, 26.23.030, 74.20A.080, 26.23.120, 26.04.160, 26.09.170, 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580, 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330, 70.58.080, 26.26.040, 74.20A.055, 26.23.040, 26.23.040, 26.26.130, and 70.58.055; reenacting and amending RCW 74.04.005, 18.145.080, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056, 26.09.020, and 26.26.100; adding new sections to chapter 74.12 RCW; adding a new section to chapter 74.12A RCW; adding new sections to chapter 74.08 RCW; adding new sections to chapter 74.25 RCW; adding a new section to chapter 74.04 RCW; adding new sections to chapter 43.20A RCW; adding new sections to chapter 50.13 RCW; adding a new section to chapter 50.40 RCW; adding new sections to chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a new section to chapter 70.95B RCW; adding new sections to chapter 75.25 RCW; adding new sections to chapter 77.32 RCW; adding a new section to chapter 75.28 RCW; adding new sections to chapter 74.20 RCW; adding new sections to chapter 26.23 RCW; adding new sections to chapter 26.21 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.18 RCW; creating new sections; repealing RCW 74.12.420, 74.12.425, 74.25.010, 74.25.020, 74.25.030, 74.25.040, 74.25A.005, 74.25A.010, 74.25A.020, 74.25A.030, 74.25A.040, 74.25A.045, 74.25A.050, 74.25A.060, 74.25A.070, 74.25A.080, 74.08.120, and 74.08.125; providing an effective date; and providing expiration dates.  
Referred to Committee on Health and Long-Term Care.

SB 6041 by Senator Snyder

AN ACT Relating to circuit power sources; and adding a new section to chapter 19.28 RCW.  
Referred to Committee on Commerce and Labor.

SCR 8410 by Senators Horn, Rossi, Johnson, McDonald, Winsley, Rasmussen and Swecker

Proclaiming the year commencing July 1997, as Klondike Gold Rush Centennial Year.

HOLD.

MOTION

On motion of Senator Johnson, Senate Concurrent Resolution No. 8410 was held on the desk.

MOTION

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

SENATE RESOLUTION 1997-8628

By Senators Rasmussen, Franklin, Winsley and Swanson

WHEREAS, Mr. Christopher Paul Navarre, Sr. of Dupont has recently been decorated by the United States Army with the Silver Star for gallantry in action during World War Two; and

WHEREAS, This recognition was delayed by some fifty-two years; and

WHEREAS, Mr. Navarre, following the Battle of the Bulge, volunteered to reduce his rank from first sergeant to private in order to join a combat unit; and

WHEREAS, He was assigned to the first all-black tank unit formed by General George Patton; and

WHEREAS, He remained with the 761st Tank Battalion throughout some of the most intense fighting in France and Germany as the allies closed in on Nazi forces; and

WHEREAS, Mr. Navarre remained in the reserves and, in 1949, was appointed as a warrant officer and served in the Korean War with the 116th Combat Engineers; and

WHEREAS, Following the Korean War, he then served with the 1st Cavalry Division in Japan, followed by service in a number of posts throughout the world; and

WHEREAS, He retired from active duty in 1963, and accepted a position at Fort Lewis as an inventory management control officer, retiring from the Logistics Center in 1982; and

WHEREAS, Mr. Navarre's service to his country and to the cause of liberty at home and abroad are truly outstanding and worthy of public recognition;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor Mr. Christopher Paul Navarre, Sr., and urge all citizens of Washington to join us in acknowledging his outstanding service and accomplishments, and congratulate him on the belated bestowal of his rightfully deserved Silver Star; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Mr. Christopher Paul Navarre, Sr. and his family.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Christopher Paul Navaree, Sr. and his family who were seated in the gallery.

#### MOTION

At 10:12 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:12 a.m by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5677, by Senators Deccio, Wood, Long, Rossi, Zarelli, Sellar, Stevens, Swecker, Anderson, Hale, Oke, Finkbeiner, Benton, Johnson, Winsley, Horn, McCaslin, Newhouse, Strannigan, Morton, Roach, Hochstatter, McDonald, Schow, Prince, West, Wojahn and Haugen

Implementing the federal personal responsibility and work opportunity reconciliation act of 1996.

#### MOTION

On motion of Senator Johnson, Second Substitute Senate Bill No. 5677 was substituted for Senate Bill No. 5677 and the second substitute bill was placed on second reading and read the second time.

#### MOTION

Senator Deccio moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: **NEW SECTION. Sec. 1. LEGISLATIVE INTENT AND FINDINGS.** The legislature finds that the federal personal responsibility and work opportunity reconciliation act of 1996 presents both opportunities and challenges for the states as they develop methods of moving families in poverty from welfare to work. The legislature further finds that, although many of the goals of the federal act coincide with Washington state's vision for enabling families to achieve eventual economic self-sufficiency through private, unsubsidized employment, the treatment of legal immigrants under the federal act does not reflect Washington's commitment to those legal immigrants within Washington's borders who have played by the rules, and who live in our communities and participate in the American way of life, providing economic and cultural enrichment to Washington state's population. The legislature finds that at least one-third of public assistance recipients have experience in the work force and sufficient training to enable them to

obtain unsubsidized employment. The legislature intends to put a priority on finding jobs, which may include on-the-job training, for this group of public assistance recipients. The legislature intends that state agencies involved in welfare reform shall reorganize to accomplish this priority. The legislature intends that state agencies solicit from businesses information about job opportunities and make the information available to public assistance recipients. The legislature intends that legal immigrants who obey the laws of Washington, and who were granted permission to immigrate by the federal government, should be treated as equitably as possible under the state's enactment and implementation of public assistance programs. The legislature finds that Washington state's goals in implementing the federal act include promoting the American values of work, education, and responsibility, including responsible childbearing and dedication by both parents to protecting, supporting, and bringing up children to become responsible, productive Americans. This has been the goal and the dream of generations of Americans, whether native born or naturalized citizens. The legislature finds that it is necessary, to enable people to leave welfare, to encourage a new alliance of state and local government, business, churches, nonprofit organizations, and individuals to dedicate themselves, within the letter and the spirit of the law, to helping families in poverty overcome barriers, obtain support, direction, and encouragement, and become contributors to the American way of life. The legislature finds that, in pursuance of these goals, it is also necessary to establish policy that recognizes our moral imperative to protect children when their parents or other adults in a child's life are unable or unwilling to do so, and to continue our commitment to the elderly, frail, and vulnerable for whom work is not an option. The legislature reaffirms its commitment to provide medical services to eligible legal immigrants under the children's health program established under RCW 74.04.405. The legislature affirms its commitment to provide the benefits of the maternity care access program under RCW 74.09.800 to documented and undocumented immigrants who qualify. The legislature finds that family structure and relationships are critical to the long-term success and economic self-sufficiency of recipients of temporary assistance for needy families and their children. The department and its employees shall communicate clearly to recipients of temporary assistance for needy families the importance of healthy and safe marriages and family relationships in word and action by (1) seeking to enhance existing healthy relationships, (2) facilitating referrals to family preservation and family reconciliation services, when appropriate, and (3) encouraging those recipients with irreconcilable family relationships to obtain counseling so that if they choose to enter a relationship in the future they can do so after making decisions that will be in the best interest of themselves and their children. **NEW SECTION. Sec. 2. SHORT TITLE.** This act may be known and cited as the Washington welfare-to-work temporary assistance for needy families act. **I. GENERAL PROVISIONS**

**Sec. 101.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each amended to read as follows:

(1) Public assistance (~~shall~~) may be awarded to any applicant: ~~((1))~~ (a) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and ~~((2))~~ (b) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and ~~((3))~~ (c) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act. (2) Any person otherwise qualified for temporary assistance for needy families under this title who has resided in the state of Washington for fewer than twelve consecutive months immediately preceding application for assistance is limited to the benefit level in the state in which the person resided immediately before Washington, that was obtainable on the date of application in Washington state, if the benefit level of the prior state is lower than the level provided to similarly situated applicants in Washington state. The benefit level under this subsection shall be in effect for the first twelve months a recipient is on temporary assistance for needy families in Washington state. (3) Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to become employable shall be required by the department to participate in a drug or alcohol treatment program as a condition of benefit receipt. **Sec. 102.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended to read as follows: All assistance granted under this title shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be enacted, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing act.

**There is no legal entitlement to public assistance. NEW SECTION. Sec. 103. TIME LIMITS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS.** (1) An adult head of household in a temporary assistance for needy families assistance unit, who is in compliance with the responsibilities required of participants in temporary assistance for needy families programs may qualify for a maximum of sixty months of cash assistance, absent a determination of bona fide exemption to the sixty-month time limit. The sixty-month time limit commences, for those receiving temporary cash assistance, as of the effective date of this section, or the date of the acceptance of the Washington state plan by the federal government, whichever is sooner. (2) The legislature recognizes that under P.L. 104-193 the department may exempt no more than twenty percent of the temporary assistance for needy families caseload from the sixty-month time limit. The legislature further recognizes that not all adult recipients of temporary assistance for needy families can realistically be expected to attain self-sufficiency within this time limit. Because the sixty-month time limit will not be applicable to recipients until 2002, the legislature further believes it appropriate to engage in the study required in section 703 of this act before making decisions about caseload exemptions. **NEW SECTION. Sec. 104. SANCTIONS FOR NONCOOPERATION.** Cooperation with the requirements of the temporary assistance for needy families program in this state, including the continuous job search requirement, and participation in work activities under the Washington welfare-to-work program by a recipient who is a teen or adult head of an assistance unit is a condition of benefit receipt, unless exempt under this chapter. Failure to cooperate, absent good cause, may result in sanctions, which may include a reduction or elimination of part or all of the cash assistance grant for members of the assistance unit. The department shall adopt by rule standards for the imposition of such sanctions. The standards shall include provisions regarding who may impose sanctions and the circumstances in which they may be imposed. In addition to the procedures generally applicable to rule adoption under the administrative procedure act, the department shall provide the proposed standards to the senate health and long-term care committee and the house of

representatives children and family services committee for review and comment. NEW SECTION. Sec. 105. CHILDREN RECEIVING SUPPLEMENTAL SECURITY INCOME. It is the intent of the legislature that all disabled children who received supplemental security income benefits before August 22, 1996, and who lost their supplemental security income benefits as a result of P.L. 104-193 have benefits paid to them through alternative programs. NEW SECTION. Sec. 106. DISABLED CHILD STATE ASSISTANCE PROGRAM. (1) Upon termination of eligibility from supplemental security income, the department shall place disabled children into the appropriate program, in the following manner: (a) If the child is residing in a foster or group home licensed through the children and family services administration, the child shall be placed in the foster care program; and (b) If the child does not fall into a category in (a) of this subsection, the child shall be placed into the disabled child state assistance program. (2) The disabled child state assistance program is created. The program shall be administered by the department. The program shall pay cash benefits equal to the monthly benefit provided in the general assistance-unemployable program for a period not to exceed one year. (3) Persons eligible for the disabled child state assistance program are those disabled children who received supplemental security income benefits before August 22, 1996, and who lost their supplemental security income eligibility as a result of P.L. 104-193. Children may not enter the disabled child state assistance program if they are residing in foster or group care. (4) Children in the disabled child state assistance program may not receive benefits for more than twelve months beginning with the month in which their supplemental security income eligibility is terminated. NEW SECTION. Sec. 107. STUDY OF DISABLED CHILDREN. (1) The department shall conduct a study of the circumstances of disabled children who lose their supplemental security income benefits as a result of P.L. 104-193, and their families including: (a) Medical diagnoses of disability; (b) Demographic characteristics; (c) Economic circumstances including support arrangements and living conditions; and (d) Cross-service by other public assistance and human services programs. (2) The department shall complete the study and report to the health care committees of the legislature no later than January 15, 1998. NEW SECTION. Sec. 108. ELECTRONIC BENEFIT TRANSFER. By October 2002, the department shall develop and implement an electronic benefit transfer system to be used for the delivery of public assistance benefits, including without limitation, food assistance. The department shall comply with P.L. 104-193, and shall cooperate with relevant federal agencies in the design and implementation of the electronic benefit transfer system. NEW SECTION. Sec. 109. The following acts or parts of acts are each repealed: (1) RCW 74.12.420 and 1994 c 299 s 9; and (2) RCW 74.12.425 and 1994 c 299 s 10. NEW SECTION. Sec. 110. (1) The department shall allow religious organizations to provide services to families receiving temporary assistance for needy families on the same basis as any other nongovernmental provider, without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under chapter 74.12 RCW. (2) The department shall adopt rules implementing this section, and the applicable sections of P.L. 104-193 related to services provided by charitable, religious, or private organizations. NEW SECTION. Sec. 111. A new section is added to chapter 74.12 RCW to read as follows: The department shall (1) provide eligible Indian tribes ongoing, meaningful opportunities to participate in the development, oversight, and operation of the state temporary assistance for needy families program; (2) certify annually that it is providing equitable access to the state temporary assistance for needy families program to Indian people whose tribe is not administering a tribal temporary assistance for needy families program; (3) coordinate and cooperate with eligible Indian tribes that elect to operate a tribal temporary assistance for needy families program as provided for in P.L. 104-193; and (4) upon approval by the secretary of the federal department of health and human services of a tribal temporary assistance for needy families program, transfer a fair and equitable amount of the state maintenance of effort funds to the eligible Indian tribe. The legislature shall specify the amount of state maintenance of effort funds to be transferred in the biennial appropriations act. NEW SECTION. Sec. 112. A new section is added to chapter 74.12 RCW to read as follows: An eligible Indian tribe exercising its authority under P.L. 104-193 to operate a tribal temporary assistance for needy families program shall operate the program on a state fiscal year basis. If a tribe decides to cancel a tribal temporary assistance for needy families program, it shall notify the department no later than ninety days prior to the start of the state fiscal year.

**II. IMMIGRANT PROTECTION** Sec. 201. RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to read as follows: Medical assistance may be provided in accordance with eligibility requirements established by the department (~~of social and health services~~), as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who ~~((would be eligible for but choose not to receive cash assistance))~~ meet the income and resource requirements of the cash assistance programs; (5) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act. NEW SECTION. Sec. 202. IMMIGRANTS--ELIGIBILITY. It is the intent of the legislature that all legal immigrants who resided in the United States before August 21, 1996, retain eligibility for assistance programs the same as or similar to those from which they lost benefits as a result of P.L. 104-193. Accordingly, the state shall exercise its option under P.L. 104-193 to continue services to legal immigrants under temporary assistance for needy families, medicaid, and social services block grant programs. Legal immigrants who lose benefits under the supplemental security income program as a result of P.L. 104-193 are immediately eligible for benefits under the state's general assistance-unemployable program. The department shall redetermine income and resource eligibility at least annually, in accordance with existing state policy. It is the policy of the legislature to distinguish between legal immigrants living in the United States prior to August 22, 1996, and those who immigrated on or after the enactment of P.L. 104-193. The postenactment legal immigrants are subject to a five-year benefit exclusion for means-tested public assistance programs and are subject to the sponsor-deeming provisions of section 206 of this act, which shall be strictly construed in favor of benefit denial. NEW SECTION. Sec. 203. INCOME AVERAGING--BENEFIT DETERMINATION. In the case of applicants for temporary assistance for needy families whose principle source of earned income is seasonal employment, the department shall determine eligibility and benefit levels by retrospectively

considering the applicant's earned income for the twelve-month period immediately preceding the application for assistance. The earned income shall be prorated on an annual basis, and the prorated amount used for eligibility and benefit determination in the prospective month. Assistance shall be denied until the applicant's prorated prior twelve months of income equals a monthly amount at or below the eligibility level. The intent of the legislature is to ensure that persons with seasonal earned income that, if prorated on an annual basis, would have exceeded the level qualifying them for assistance will be denied assistance until such time as they qualify on a prorated basis. **Sec. 204.** RCW 74.04.515 and 1991 c 126 s 4 are each amended to read as follows: In administering the food stamp program, there shall be no discrimination against any applicant or recipient by reason of age, sex, handicap, religious creed, political beliefs, race, color, ((€)) national origin, or alienage. **NEW SECTION. Sec. 205.** NATURALIZATION FACILITATION. The department shall make an affirmative effort to identify and proactively contact legal immigrants receiving public assistance to facilitate their applications for naturalization. The department shall inform immigrants regarding how citizenship may be attained. In order to facilitate the citizenship process, the department shall coordinate with existing resources in local government, schools, community colleges, and community organizations, and shall, within available funds, ensure that those immigrants who qualify to apply for naturalization are referred to or otherwise offered classes. The department shall assist eligible immigrants in obtaining appropriate test exemptions, and other exemptions in the naturalization process, to the extent permitted under federal law. The department shall report annually by December 15th to the legislature regarding the progress and barriers of the immigrant naturalization facilitation effort. It is the intent of the legislature that persons receiving naturalization assistance be facilitated in obtaining citizenship within two years of their eligibility to apply. **NEW SECTION. Sec. 206.** SPONSOR DEEMING.

(1) Except as provided in subsection (2) of this section, in determining the eligibility and the amount of benefits of an immigrant legally entering the United States on or after August 22, 1996, for temporary assistance for needy families, food stamps, medical assistance, or other welfare benefit for which assistance is based on need, as defined in P.L. 104-193 Sec. 412(c), the state or political subdivision that offers the benefit shall provide that the income and resources of the alien shall be deemed to include the following: (a) The income and resources of any individual who executed an affidavit of support under section 213A of the federal immigration and nationality act on behalf of the alien; and (b) The income and resources of the spouse, if any, of the individual. (2) Subsection (1) of this section does not apply with respect to the following state public benefits: (a) Assistance described in P.L. 104-193 Sec. 411(b)(1); (b) Short-term, noncash, in-kind emergency disaster relief; (c) Programs comparable to assistance or benefits under the federal national school lunch act; (d) Programs comparable to assistance or benefits under the federal child nutrition act of 1966; (e) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by a communicable disease; (f) Payments for foster care and adoption assistance; (g) Programs, services, or assistance such as meals from a soup kitchen, crisis counseling and intervention, and short-term shelter, specified by the attorney general, after consultation with appropriate agencies and departments, that: (i) Deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (iii) Are necessary for the protection of life or safety. (3) Otherwise qualified legal immigrants arriving after the enactment of P.L. 104-193, and subject to the five-year federal means-tested benefit exclusion, shall, after the five-year exclusion, be eligible for medical assistance in cases where their sponsors have died. **Sec. 207.** RCW 74.09.800 and 1993 c 407 s 10 are each amended

to read as follows: The department shall, consistent with the state budget act, develop a maternity care access program designed to ensure healthy birth outcomes as follows: (1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act; (2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act; (3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act: (a) Use of a shortened and simplified application form; (b) Outstationing department staff to make eligibility determinations; (c) Establishing local plans at the county and regional level, coordinated by the department; and (d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman; (4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services; (5) Within available resources, establish appropriate reimbursement levels for maternity care providers; (6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy; (7) Refer persons eligible for maternity care services under the program established by this section to persons, agencies, or organizations with maternity care service practices that primarily emphasize healthy birth outcomes; (8) Provide family planning services including information about the synthetic progestin capsule implant form of contraception, for twelve months immediately following a pregnancy to women who were eligible for medical assistance under the maternity care access program during that pregnancy or who were eligible only for emergency labor and delivery services during that pregnancy; and (9) Within available resources, provide family planning services to women who meet the financial eligibility requirements for services under subsections (1) and (2) of this section. The legislature reaffirms its commitment to provide health care services under this section to eligible immigrants, regardless of documented or undocumented status. **III. WASHINGTON WELFARE-TO-WORK PROGRAMS NEW SECTION. Sec. 301.** It is the intent of the legislature that all applicants to the

Washington welfare-to-work program shall be focused on obtaining paid, unsubsidized employment. The focus of the Washington welfare-to-work program shall be work for all recipients. **NEW SECTION. Sec. 302.** DIVERSION ASSISTANCE. (1) In order to prevent some families from developing dependency on temporary assistance for needy families, the department shall make available to qualifying applicants a diversion program designed to provide brief, emergency assistance for families in crisis whose income and assets would otherwise qualify them for temporary assistance for needy families. (2) Diversion assistance may include cash or vouchers in payment for the following needs: (a) Child care; (b) Housing assistance; (c) Transportation-related expenses; (d) Medical costs for the recipient's immediate family; (e) Employment-related expenses which are necessary to keep or obtain paid unsubsidized employment. (3) Diversion assistance is available once in each twelve-month period for each adult applicant. Recipients of diversion assistance are not included in



the temporary assistance for needy families program. (4) Diversion assistance may not exceed one thousand five hundred dollars for each instance. (5) To be eligible for diversion assistance, a family must otherwise be eligible for temporary assistance for needy families. (6) Families ineligible for temporary assistance for needy families or general assistance due to sanction, noncompliance, the lump sum income rule, or any other reason are not eligible for diversion assistance. (7) Families must provide evidence showing that a bona fide need exists according to subsection (2) of this section in order to be eligible for diversion assistance. An adult applicant may receive diversion assistance of any type no more than once per twelve-month period. If the recipient of diversion assistance is placed on the temporary assistance for needy families program within twelve months of receiving diversion assistance, the prorated dollar value of the assistance shall be treated as a loan from the state, and recovered by deduction from the recipient's cash grant. **Sec. 303.** RCW 74.08.331 and 1992 c 7 s 59 are each amended to read as follows: Any person who by means of a willfully false statement, or representation, or impersonation, or a willful failure to reveal any material fact, condition or circumstance affecting eligibility ~~((of{of}))~~ or need for assistance, including medical care, surplus commodities and food stamps, as required by law, or a willful failure to promptly notify the county office in writing as required by law or any change in status in respect to resources, or income, or need, or family composition, money contribution and other support, from whatever source derived, including unemployment insurance, or any other change in circumstances affecting the person's eligibility or need for assistance, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which the person is not entitled or greater public assistance than that to which he or she is justly entitled shall be guilty of grand larceny and upon conviction thereof shall be punished by imprisonment in a state correctional facility for not more than fifteen years. Any person who by means of a willfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the consent of the secretary shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year in the county jail or a fine of not to exceed one thousand dollars or by both. **NEW SECTION. Sec. 304.** MAINTENANCE OF EFFORT. (1) The state biennial appropriations act shall provide at least ninety percent of the qualified state expenditures under the temporary assistance for needy families program as defined in P.L. 104-193 Sec. 409(a)(7)(B) to the department for expenditure in accordance with chapter . . . , Laws of 1997 (this act). (2) The department shall maximize receipt of federal funds and shall take necessary and appropriate action to preserve state funding at the maximum level. The department shall expend state funds designated in RCW 41.06.380 to the extent possible before expending federal funds designated in RCW 41.06.380. Federal funds designated in RCW 41.06.380 which remain unspent at the end of any state or federal fiscal year shall be brought forward to be spent in the next state or federal fiscal year. **NEW SECTION. Sec. 305.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUND SHIFT. (1) The legislature may transfer up to thirty percent of the block grant awarded under the temporary assistance for needy families program to the child care program authorized in section 402 of this act through the biennial appropriations act. Of this amount, up to thirty percent may be transferred to programs funded under the social services block grant, but only if the funds transferred directly serve children and families whose income is less than two hundred percent of the federal poverty level. (2) In the biennial appropriations act, the legislature may delegate the authority for the transfer authorized in subsection (1) of this section to the department. If a delegation is made, the department shall report on an annual basis to the fiscal committees of the legislature what transfers were made and how transferred funds were expended. The report shall be due no later than August 31st of each year. **NEW SECTION. Sec. 306.** A new section is added to chapter 28A.630 RCW to read as follows: **SCHOOL-TO-WORK TRANSITIONS.** (1) The legislature finds that noncollege-bound and at-risk youth are more likely than college-bound youth to become dependent on state assistance programs and that long-term employment and earning outcomes for noncollege-bound and at-risk youth can be significantly improved through school-to-work efforts, particularly through work-based learning. The legislature intends that every effort be made by school-to-work programs in the state to involve school drop-outs, noncollege-bound youth, and at-risk youth. (2) All school-to-work transition projects in the state, whether funded with state or federal funds, shall contain an outreach component directed toward school age youth not currently enrolled in school, noncollege-bound youth, and at-risk youth. At the time a school-to-work grant is made, the superintendent of public instruction shall withhold twenty percent of the grant award and release the funds upon a showing that the project has satisfactorily included drop-outs, noncollege-bound youth, and at-risk youth. (3) The office of the superintendent of public instruction shall provide technical assistance to school-to-work transition projects to help establish and operate outreach efforts under this section, and to include drop-outs, noncollege-bound youth, and at-risk youth in school-to-work efforts within available funds. **Sec. 307.** RCW 28A.630.876 and 1993 c 335 s 8 are each amended to read as follows: (1) The superintendent of public instruction shall report to the education committees of the legislature and committees of the legislature handling economic development and social welfare issues on the progress of the schools for the school-to-work transitions program by December 15 of each odd-numbered year. (2) Each school district selected to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program shall submit an annual report to the superintendent of public instruction on the progress of the project as a condition of receipt of continued funding. **NEW SECTION. Sec. 308.** A new section is added to chapter 43.30 RCW to read as follows: **JOBS FOR THE ENVIRONMENT PROGRAMS.** In any jobs for the environment program designed to train and employ displaced natural resource workers and operated by the department of natural resources, recipients of temporary assistance for needy families from natural resource areas who are engaged in work search activities are eligible for training and employment on the same basis as displaced natural resource workers within available funds. **NEW SECTION. Sec. 309.** A new section is added to chapter 50.62 RCW to read as follows: **SELF-EMPLOYMENT ASSISTANCE.** (1) The legislature finds that individuals who exhaust their unemployment insurance benefits may become dependent on state assistance programs. The federal government has authorized states that pass enabling legislation to provide self-employment assistance to those individuals profiled as likely to exhaust their unemployment insurance benefits. The legislature further finds that the establishment of a self-employment assistance program for individuals who are likely to exhaust their unemployment insurance benefits and have an interest in starting a business would create new businesses and job opportunities in Washington state. The legislature intends that every effort be made, within available funds, by the state to support self-employment by individuals who are profiled as likely to exhaust their unemployment insurance benefits. (2) An unemployed individual is eligible to participate in a self-employment assistance program if it has been determined that the individual: (a) Is otherwise eligible for regular unemployment benefits as defined in RCW 50.22.010(5); (b) Has been identified as likely to exhaust regular unemployment benefits under a profiling system established by the commissioner as defined in P.L. 103-152; (c) Is

enrolled in a self-employment assistance program that is approved by the commissioner, and that includes entrepreneurial training, business counseling, and technical assistance; and (d) Is actively engaged on a full-time basis in activities relating to the establishment of a business and becoming self-employed. The self-employment assistance program administrators shall determine whether the claimant is engaged on a full-time basis. (3) Individuals participating in a self-employment assistance program approved by the commissioner are eligible to receive a self-employment allowance in lieu of regular benefits, payable in the same weekly benefit amount, at the same interval, on the same terms, and subject to the same conditions as regular unemployment benefits, except that: (a) The requirements of RCW 50.20.010(3) and 50.20.080 relating to availability for work, active search for work, and refusal to accept suitable work are not applicable to such individuals; (b) Income earned from self-employment shall not be considered remuneration and is not deductible from the weekly benefit amount by reason of the application of RCW 50.20.130; and (c) An individual who meets the requirements of this chapter is considered to be unemployed under RCW 50.04.310 and 50.20.010. (4) An individual who fails to participate in his or her approved self-employment assistance program or who fails to actively engage on a full-time basis in activities relating to establishing a business is disqualified from self-employment allowances for the week the failure occurs. An individual who is disqualified from self-employment allowances due to a failure under this subsection may be eligible for regular benefits for that week if the individual meets all eligibility requirements for regular benefits. (5) The commissioner shall take all steps necessary in carrying out this section to assure collaborative involvement of interested parties in program development and to ensure that the self-employment assistance programs and self-employment allowances meet all federal criteria for withdrawal from the unemployment fund. The commissioner may approve, as self-employment assistance programs, existing self-employment training programs available through community colleges, private industry councils, or other organizations and is not obligated by this section to expend any departmental funds for the operation of self-employment assistance programs, unless specific funding is provided to the department for that purpose through federal or state appropriations. No payments to individuals may be made under this section until such time as a plan for such payments is approved by the United States department of labor. (6) The commissioner may adopt rules as necessary to address the relationship of this section to eligibility for conventional unemployment insurance benefits, definitions, program eligibility, program review, and compliance with applicable federal laws and regulations. (7) If any part of this section is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this section is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this section. The rules under this section shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state. **Sec. 310.** RCW 50.16.030 and 1983 1st ex.s. c 7 s 1 are each amended to read as follows: (1) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits, self-employment allowances, and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefits account. (2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits, self-employment allowances, and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his duly authorized agent for that purpose. (3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits and self-employment allowances during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund. (4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which: (a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor, (b) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and (c) limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such thirty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the thirty-fourth twelve-month period preceding such period: **PROVIDED**, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination. (5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and self-employment allowances and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6). (6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited.

Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund. **NEW SECTION. Sec. 311.**

**EMPLOYMENT INCENTIVES.** In addition to their monthly benefit payment, recipients of temporary assistance for needy families benefits may earn and keep one hundred twenty dollars and one-third of the remainder of their earnings during every month they are eligible to receive assistance under this chapter. This amount of earned income shall be disregarded in determining their eligibility and benefit amount. **Sec. 312.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows: For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply: (1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance. (2) "Department"—The department of social and health services. (3) "County or local office"—The administrative office for one or more counties or designated service areas. (4) "Director" or "secretary" means the secretary of social and health services. (5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program. (6)(a) "General assistance"—Aid to persons in need who: (i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance; (ii) Meet one of the following conditions: (A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal ((aid to families with dependent children)) temporary assistance for needy families program(~~—PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance~~); or (B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. (C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program; (iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and (iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt. (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance: (i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or (ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of ((aid to families with dependent children)) temporary assistance for needy families whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received. (c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication: (i) First failure: One week; (ii) Second failure within six months: One month; (iii) Third and subsequent failure within one year: Two months. (d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies. (e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information. (f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so. (g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal ((aid to families with dependent children)) temporary assistance for needy families program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal ((aid to families with dependent children)) temporary assistance for needy families program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls. (7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance. (8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance. (9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a

level of living specified by the department. (10) "Resource"— Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources. (a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need. (b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance. (c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed ~~((one))~~ five thousand ~~((five hundred))~~ dollars. (d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars. (e) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the ~~((aid to families with dependent children))~~ temporary assistance for needy families program rules adopted by the department. (f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That: (A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale; (B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630; (C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and (D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property. (11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of ~~((aid to families with dependent children))~~ temporary assistance for needy families is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance. (b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource. (12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family. (13) "Nonexempt recipient"—For the purposes of this title, nonexempt recipient shall mean all heads of household whose families are eligible for and receiving benefits under the Washington temporary assistance for needy families program, except those who have a child under three months of age and except those cases which are only children. The exemption for a child under three months of age applies to any family only once during their entire five-year allowed stay on assistance. (14) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom. ~~((+4))~~ (15) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary. **NEW SECTION. Sec. 313. NONCUSTODIAL PARENTS IN WORK PROGRAMS.** The department may provide Washington welfare-to-work activities or make cross-referrals to existing programs to qualifying noncustodial parents of children receiving temporary assistance for needy families who are unable to meet their child support obligations. Services authorized under this section shall be provided within available funds. **NEW SECTION. Sec. 314. DEFINITIONS.** Unless the context clearly requires otherwise, as used in this chapter, "work activity" means: (1) Unsubsidized paid employment in the private or public sector; (2) Subsidized paid employment in the private or public sector; (3) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available; (4) On-the-job training; (5) Job search and job readiness assistance; (6) Community service

programs; (7) Vocational educational training, not to exceed twelve months with respect to any individual; (8) Job skills training directly related to employment; (9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a GED; (10) Satisfactory attendance at secondary school or in a course of study leading to a GED, in the case of a recipient who has not completed secondary school or received such a certificate; and (11) The provision of child care services to an individual who is participating in a community service program. **NEW SECTION. Sec. 315. JOB SEARCH OR WORK ACTIVITY.** (1) There is established in the department the Washington welfare-to-work program. The department shall administer the program consistent with the temporary assistance for needy families provisions of P.L. 104-193. In operating the welfare-to-work program the department shall meet the minimum work participation rates specified in federal law, and shall require recipients of assistance to engage in job search and work activities as an ongoing condition of eligibility. (2) Upon application to the temporary assistance for needy families program, each recipient shall be placed in the job search component. For recipients who have been approved for assistance before the effective date of this section, the job search component shall be completed no later than one year after the effective date of this section. (3) The Washington welfare-to-work program shall include a job search component in which each nonexempt recipient of temporary assistance for needy families shall participate. The job search component may not last more than six weeks for each recipient. Each recipient shall be required to attend job search component activities at least thirty-six hours per week. Failure to participate in the job search component shall result in sanctions under section 104 of this act. The job search component shall serve as the assessment tool to determine a recipient's employability. If a recipient fails to find paid employment during the job search component, the department may refer the recipient to those work activities that are directly related to improving the recipient's employability. (4) As used in this section, "job search component" means an activity in which nonexempt recipients engage each weekday upon entering the Washington welfare-to-work program. The component shall provide at least three hours per weekday of classroom instruction on how to secure a job and at least three hours per weekday of individual job search activities. **NEW SECTION. Sec. 316. PLACEMENT INTO WORK ACTIVITY.** Recipients who have not obtained paid, unsubsidized employment by the end of the job search component authorized in section 315 of this act shall be referred to a work activity. (1) Each recipient shall be assessed immediately upon completion of the job search component. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, employment strengths, and employment history. Assessments may be performed by the department or by a contracted entity. Based on the assessment, an individual responsibility plan shall be prepared that sets forth an employment goal and contains a plan for moving the recipient into paid, unsubsidized employment. (2) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides. **NEW SECTION. Sec. 317. WORK PROGRAM CONTRACTS.** (1) It is the intent of the legislature that the department engage in competitive contracting using performance-based contracts to provide all work activities authorized in chapter . . . , Laws of 1997 (this act), including the job search component authorized in section 315 of this act. (2) The department shall use competitive performance-based contracting to select which vendors will participate in the welfare-to-work program. Performance-based contracts shall be awarded based on factors that include but are not limited to the criteria listed in section 702 of this act, past performance of the contractor, demonstrated ability to perform the contract effectively, financial strength of the contractor, and merits of the proposal for services submitted by the contractor. Contracts shall be made without regard to whether the contractor is a public or private entity, however no single contractor may perform over forty percent of the welfare-to-work activities state-wide. (3) The department shall contract for an evaluation of the competitive contracting practices and outcomes shall be performed by an independent entity with expertise in government privatization and competitive strategies. The evaluation shall include quarterly progress reports to the fiscal committees of the legislature and to the governor, starting at the first quarter after the effective date of this section and ending two years after the effective date of this section. (4) The department shall seek independent assistance in developing contracting strategies to implement this section. Assistance may include but is not limited to development of contract language, design of requests for proposal, developing full cost information on government services, evaluation of bids, and providing for equal competition between private and public entities. **NEW SECTION. Sec. 318. PLACEMENT BONUSES.** In the case of service providers that are not public agencies, initial placement bonuses of no greater than five hundred dollars shall be provided by the department for service entities responsible for placing recipients in an unsubsidized job for a minimum of twelve weeks, and the following additional bonuses shall also be provided: (1) A percent of the initial bonus if the job pays double the minimum wage; (2) A percent of the initial bonus if the job provides health care; (3) A percent of the initial bonus if the job includes employer-provided child care needed by the recipient; and (4) A percent of the initial bonus if the recipient is continuously employed for two years. **NEW SECTION. Sec. 319.** No collective bargaining agreement may be entered into, extended, or renewed after the effective date of this section that prevents or restricts the authority of the department of social and health services to exercise the powers granted under sections 315 through 318 of this act and RCW 74.04.050. **Sec. 320.** RCW 74.04.050 and 1981 1st ex.s. c 6 s 3 are each amended to read as follows: (1) The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for: ((4)) (a) Medical assistance; ((2) Aid to dependent children)) (b) Temporary assistance for needy families; ((3)) (c) Child welfare services; and ((4)) (d) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made. (2) The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities and services are extended to the state for the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds. The department shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds. (3) The department may contract with public and private entities for administrative services for the following programs and functions: (a) Temporary assistance for needy families; (b) general assistance; (c) refugee services; (d) facilitation of eligibility for federal supplemental security income benefits; (e) medical assistance eligibility; and (f) food stamps. **Sec. 321.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows: (1) Nothing contained in this chapter shall

prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract. (2) Nothing in this chapter shall be construed to prohibit the department of social and health services from carrying out the provisions of sections 315 through 319 of this act and RCW 74.04.050. (3) The department of social and health services shall operate the Washington welfare-to-work program authorized under sections 301, 302, 304, 305, 311, 313 through 319, and 327 through 329 of this act and chapter 74.12 RCW within the following constraints: (a) The full amount of the temporary assistance for needy families block grant shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in sections 301, 302, 304, 305, 311, 313 through 319, and 327 through 329 of this act and chapter 74.12 RCW. (b) Ninety percent of the qualified state expenditures under the temporary assistance for needy families program as defined in P.L. 104-193 Sec. 409(a)(7)(B) shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in sections 301, 302, 304, 305, 311, 313 through 319, and 327 through 329 of this act and chapter 74.12 RCW. (c) The department may expend funds defined in (a) and (b) of this subsection in any manner that will effectively accomplish the outcome measures defined in section 702 of this act. No more than fifteen percent of the amount provided in (a) and (b) of this subsection may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in sections 301, 302, 304, 305, 311, 313 through 319, and 327 through 329 of this act and chapter 74.12 RCW. (d) The department shall implement strategies that accomplish the outcome measures identified in section 702 of this act that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in sections 301, 302, 304, 305, 311, 313 through 319, and 327 through 329 of this act and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection. (e) The department shall monitor expenditures against the appropriation levels provided for in (a) and (b) of this subsection. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take the following action as appropriate: (i) If expenditures will exceed funding provided in (a) and (b) of this subsection by less than ten percent of available funding, the department shall identify and implement changes in process and administration or through streamlining that will cause expenditures to equal or be less than available funding provided in (a) and (b) of this subsection, except that the department may not make changes in the child care services authorized in section 402 of this act; (ii) If expenditures will exceed funding provided in (a) and (b) of this subsection by equal to or more than ten percent of available funding, the department shall reduce recipient grants in the program authorized in sections 301, 302, 304, 305, 311, 313 through 319, and 327 through 329 of this act and chapter 74.12 RCW by an amount sufficient to cause expenditures to equal or be less than funding provided in (a) and (b) of this subsection. (4)(a) The department of social and health services shall establish a food assistance program for persons whose immigrant status meets the eligibility requirements of the federal food stamp program as of August 21, 1996, but who are no longer eligible solely due to their immigrant status under P.L. 104-193. (b) The rules for the state food assistance program shall follow exactly the rules of the federal food stamp program as they existed on the effective date of this section except for the provisions pertaining to immigrant status under P.L. 104-193. (c) The benefit under the state food assistance program shall be the same as the benefit amount under the federal food stamp program had the person met the eligibility requirements pertaining to immigrant status of P.L. 104-193. (d) The department may enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program. (e) In the event the department is unable to enter into a contract with the United States department of agriculture, the department may issue vouchers to eligible households for the purchase of eligible foods at participating retailers. **NEW SECTION. Sec. 322.** The following acts or parts of acts are each repealed: (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5; (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126 s 6; (3) RCW 74.25.030 and 1991 c 126 s 7; (4) RCW 74.25.040 and 1994 c 299 s 8; (5) RCW 74.25.900 and 1991 c 126 s 8; and (6) RCW 74.25.901 and 1991 c 126 s 9. **NEW SECTION. Sec. 323.** A new section is added to chapter 43.330 RCW to read as follows: **ENTREPRENEURIAL ASSISTANCE--DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT.** (1) The department shall ensure that none of its rules or practices act to exclude recipients of temporary assistance for needy families from any small business loan opportunities or entrepreneurial assistance it makes available through its community development block grant program or otherwise provides using state or federal resources. The department shall encourage local administrators of microlending programs using public funds to conduct outreach activities to encourage recipients of temporary assistance for needy families to explore self-employment as an option. The department shall compile information on private and public sources of entrepreneurial assistance and loans for start-up businesses and provide the department of social and health services with the information for dissemination to recipients of temporary assistance for needy families. (2) The department shall, as part of its industrial recruitment efforts, work with the work force training and education coordinating board to identify the skill sets needed by companies locating in the state. The department shall provide the department of social and health services with the information about the companies' needs in order that recipients of public assistance and service providers assisting such recipients through training and placement programs may be informed and respond accordingly. The department shall work with the state board for community and technical colleges, the job skills program, the employment security department, and other employment and training programs to facilitate the inclusion of recipients of temporary assistance for needy families in relevant training that would make them good employees for recruited firms. (3) The department shall perform the duties under this section within available funds. **NEW SECTION. Sec. 324.** A new section is added to chapter 50.08 RCW to read as follows: **ENTREPRENEURIAL ASSISTANCE--EMPLOYMENT SECURITY DEPARTMENT.** The employment security department shall work with the department of social and health services to integrate the employment security department's entrepreneurial training and assistance programs with employment and training programs targeted to recipients of temporary assistance for needy families. **NEW SECTION. Sec. 325.** A new section is added to chapter 28B.50 RCW to read as follows: **INDUSTRY SKILL STANDARDS.** The state

board for community and technical colleges shall develop industry skill standards for industrial sectors in conjunction with small and large businesses, employees, the department of community, trade, and economic development, and the work force training and education coordinating board. The college board shall inform the department of social and health services of the industry skill standards and any accompanying curriculum developed to meet these standards so that trainers of recipients of temporary assistance for needy families may offer training and use curriculum consistent with the skill standards. **NEW SECTION. Sec. 326.** A new section is added to chapter 28C.18 RCW to read as follows: **WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD.** The board shall: (1) Work with industry associations that represent industries with the most potential for growth to identify the skill sets needed by large and small businesses within the industries; (2) Require as part of its comprehensive plan that school-to-work transition efforts and community and technical colleges are offering training that meet the industries' skill set needs, and work with the department of social and health services to ensure that temporary assistance for needy families recipients are focusing their training and job search efforts on those industries with the best potential for job growth; and (3) Within available funds, work with representatives of small and large businesses, employees, the state board for community and technical colleges, the office of the superintendent of public instruction, the employment security department, private technical schools or colleges, other training providers, and the department of social and health services to identify the skills that are required for entry-level employment in the workplace and are linked to occupational skill levels. (4) Perform the duties under this section within available funds. **NEW SECTION. Sec. 327. JOB ASSISTANCE--DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** The department shall: (1) Notify recipients of temporary assistance for needy families that self-employment is one method of leaving state assistance. The department shall provide its regional offices, recipients of temporary assistance for needy families, and any contractors providing job search, training, or placement services notification of programs available in the state for entrepreneurial training, technical assistance, and loans available for start-up businesses; (2) Provide recipients of temporary assistance for needy families and service providers assisting such recipients through training and placement programs with information it receives about the skills and training required by firms locating in the state; (3) Provide industry skill standards and accompanying curriculum developed by the state board for community and technical colleges to service providers offering training to recipients of temporary assistance for needy families; (4) Encourage recipients of temporary assistance for needy families that are in need of basic skills to seek out programs that integrate basic skills training with occupational training and workplace experience. **NEW SECTION. Sec. 328. WAGE SUBSIDY PROGRAM.** The department shall establish a wage subsidy program for recipients of temporary assistance for needy families who have received such assistance or other public assistance for two years and have not found paid employment. The department shall give preference in job placements to private sector employers that have agreed to participate in the wage subsidy program. The department shall identify characteristics of employers who can meet the employment goals stated in section 702 of this act. The department shall use these characteristics in identifying which employers may participate in the program. The department shall adopt rules for the participation of recipients of temporary assistance for needy families in the wage subsidy program. Participants in the program established under this section may not be employed if the employer has terminated the employment of any current employee or otherwise caused an involuntary reduction of its work force solely to fill the vacancy so created with the participant. The department shall establish such local and state-wide advisory boards, including business and labor representatives, as it deems appropriate to assist in the implementation of the wage subsidy program. **NEW SECTION. Sec. 329. COMMUNITY SERVICE PROGRAM.** The department shall establish the community jobs program to provide the experience of work for recipients of public assistance. The program is intended to promote a strong work ethic for participating public assistance recipients. Under this program, public assistance recipients are required to volunteer to work for charitable nonprofit organizations and public agencies. The cost of premiums under Title 51 RCW shall be paid for by the department.

**IV. CHILD CARE NEW SECTION. Sec. 401.** The legislature finds that informed choice is consistent with individual responsibility and that recipients of public assistance should be able to choose job training, education, job placement, and employment support service providers and that parents should be given a range of options for available child care while participating in the program. **NEW SECTION. Sec. 402. CHILD CARE.** (1) Within funding provided in the biennial appropriations act, the department shall administer a child care program which may serve families with incomes up to one hundred seventy-five percent of the federal poverty level. The child care program shall be administered by the economic services administration according to policies set by the children's services administration. (2) All families participating in the child care program shall have equal access to the child care of their choice. However, the child care providers must comply with applicable licensing rules set by the children's services administration if they are required by law to comply with those rules. (3) The payment structure of the child care program for low-income families may be as follows: The family's child care copay shall be at least twenty dollars per month or, if greater than the minimum copayment, forty percent of the family's gross income in excess of one hundred twenty-five percent of federal poverty level adjusted for family size. Child care shall be provided on this sliding scale but may not be provided for any family whose income equals or exceeds one hundred seventy-five percent of the federal poverty level adjusted for family size on an annual income basis. (4) The department shall pay child care subsidies using a voucher child care system created in this section. The system shall be designed and implemented during the 1998 fiscal year and shall be operative by July 1, 1998. (5) Nothing in this section shall be construed to provide a legal entitlement to child care services authorized under this section. The department shall not create waiting lists for services authorized in this section.

**V. TEEN PARENTS. PERMISSIBLE LIVING SITUATIONS Sec. 501.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to read as follows: (1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and either pregnant or having a dependent child or children in the applicant's care. An appropriate living situation((s)) shall include a place of residence that is maintained by the applicant's parents, parent, legal guardian, or other adult relative as their or his or her own home((-or other)) and that the department finds would provide an appropriate supportive living arrangement ((supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107)). It also includes a living situation maintained by an agency that is licensed under chapter 74.15 RCW that the department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department. (2) ~~((An applicant under eighteen years of age who is either pregnant or has a dependent child and is not living in a situation described in subsection (1)~~

of this section shall be)) A minor parent or pregnant minor residing in the most appropriate living situation, as provided under subsection (1) of this section, is presumed to be unable to manage adequately the funds paid to the minor or on behalf of the dependent child or children and, unless the ((teenage custodial parent demonstrates otherwise)) minor provides sufficient evidence to rebut the presumption, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280. (3) The department shall consider any statements or opinions by either parent of the ((teen recipient)) unmarried minor as to an appropriate living situation for the ((teen)) minor and his or her children, whether in the parental home or other situation. If the parents or a parent of the ((teen head of household applicant for assistance)) minor request, they or he or she shall be entitled to a hearing in juvenile court regarding ((the fitness and suitability of their home as the top priority choice)) designation of the parental home or other relative placement as the most appropriate living situation for the pregnant or parenting ((teen applicant for assistance)) minor. The department shall provide the parents ((shall have)) or parent with the opportunity to make a showing((-based on the preponderance of the evidence,-)) that the parental home, or home of the other relative placement, is the most appropriate living situation. It shall be presumed in any administrative or judicial proceeding conducted under this subsection that the parental home or other relative placement requested by the parents or parent is the most appropriate living situation. This presumption is rebuttable. (4) In cases in which the ((head of household is under eighteen years of age,-)) minor is unmarried((-)) and unemployed, ((and requests information on adoption,-)) the department shall, as part of the determination of the appropriate living situation, make an affirmative effort to provide current and positive information about adoption including referral to community-based organizations for counseling and provide information about the manner in which adoption works, its benefits for unmarried, unemployed minor parents and their children, and the meaning and availability of open adoption. **Sec. 502.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to read as follows: (1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and pregnant who are eligible for general assistance as defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living situation((-s)) shall include a place of residence that is maintained by the applicant's parents, parent, legal guardian, or other adult relative as their or his or her own home((- or other)) and that the department finds would provide an appropriate supportive living arrangement ((supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107)). It also includes a living situation maintained by an agency that is licensed under chapter 74.15 RCW that the department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department. (2) ((An applicant under eighteen years of age who is pregnant and is not living in a situation described in subsection (1) of this section shall be)) A pregnant minor residing in the most appropriate living situation, as provided under subsection (1) of this section, is presumed to be unable to manage adequately the funds paid to the minor or on behalf of the dependent child or children and, unless the ((teenage custodial parent demonstrates otherwise)) minor provides sufficient evidence to rebut the presumption, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280. (3) The department shall consider any statements or opinions by either parent of the ((teen recipient)) unmarried minor as to an appropriate living situation for the ((teen)) minor, whether in the parental home or other situation. If the parents or a parent of the ((teen head of household applicant for assistance)) minor request, they or he or she shall be entitled to a hearing in juvenile court regarding ((the fitness and suitability of their home as the top priority choice)) designation of the parental home or other relative placement as the most appropriate living situation for the pregnant or parenting ((teen applicant for assistance)) minor. The department shall provide the parents ((shall have)) or parent with the opportunity to make a showing((-based on the preponderance of the evidence,-)) that the parental home, or home of the other relative placement, is the most appropriate living situation. It shall be presumed in any administrative or judicial proceeding conducted under this subsection that the parental home or other relative placement requested by the parents or parent is the most appropriate living situation. This presumption is rebuttable. (4) In cases in which the ((head of household is under eighteen years of age,-)) minor is unmarried((-)) and unemployed, ((and requests information on adoption,-)) the department shall, as part of the determination of the appropriate living situation, provide information about adoption including referral to community-based organizations ((for)) providing counseling. **NEW SECTION. Sec. 503. TEEN PARENT REQUIREMENTS.** All applicants under the age of eighteen years who are approved for assistance and, within one hundred eighty days after the date of federal certification of the Washington temporary assistance for needy families program, all recipients who are under the age of eighteen and are unmarried shall, as a condition of receiving benefits, actively progress toward the completion of a high school diploma or a GED. **B. GRANDPARENT LIABILITY Sec. 504.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each amended to read as follows: The expenses of the family and the education of the children, including stepchildren and any child of whom their minor child is a biological parent, are chargeable upon the property of both husband and wife, or either of them, and they may be sued jointly or separately. When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren or children of the stepchildren. The obligation to support stepchildren and children of stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death. The obligation of a husband and wife to support a child of their minor child terminates when their minor child reaches eighteen years of age. However, a stepparent's support obligation may be terminated earlier as provided in this section. **VI. ILLEGITIMACY PREVENTION AND ABSTINENCE PROMOTION Sec. 601.** RCW 74.12.410 and 1994 c 299 s 3 are each amended to read as follows: (1) At time of application or reassessment under this chapter the department shall offer or contract for family planning information and assistance, including alternatives to abortion, and any other available locally based teen pregnancy prevention programs, to prospective and current recipients of aid to families with dependent children. (2) The department shall work in cooperation with the superintendent of public instruction to reduce the rate of illegitimate births in Washington state without increasing the abortion rate. (3) The department of health shall maximize federal funding by timely application for federal funds available under P.L. 104-193 and Title V of the federal social security act, 42 U.S.C. 701 et seq., as amended, for the establishment of qualifying abstinence education and motivation programs. The department of health shall contract, by competitive bid, with entities qualified to provide abstinence education and motivation programs in the state. (4) The department of health shall seek and accept local matching funds to the maximum extent allowable from qualified abstinence education and motivation programs. (5)(a) For purposes of this section, "qualifying abstinence education and motivation programs" are those bidders with experience in the conduct of the types of abstinence education and motivation programs set forth in Title V of the federal social security act, 42 U.S.C.



Sec. 701 et seq., as amended. (b) The application for federal funds, contracting for abstinence education and motivation programs and performance of contracts under this section are subject to review and oversight by a joint committee of the legislature, composed of four legislative members, appointed by each of the two caucuses in each house. VII.

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY NEW SECTION. Sec. 701.** It is the intent of the legislature that the Washington welfare-to-work program focus on work and on personal responsibility for recipients. The program shall be evaluated among other evaluations, through a limited number of outcome measures designed to hold each community service office and economic services region accountable for program success. **NEW SECTION. Sec. 702. OUTCOME MEASURES.** (1) The welfare-to-work program shall develop outcome measures for use in evaluating the welfare-to-work program authorized in chapter . . . , Laws of 1997 (this act), which may include but are not limited to: (a) Caseload reduction; (b) Recidivism to caseload after two years; (c) Job retention; (d) Earnings; (e) Reduction in average grant through increased recipient earnings; and (f) Placement of recipients into private sector, unsubsidized jobs. (2) The department shall require that contractors for welfare-to-work services collect outcome measure information and report outcome measures to the department regularly. The department shall develop benchmarks that compare outcome measure information from all contractors to provide a clear indication of the most effective contractors. Benchmark information shall be published quarterly and provided to the legislature, the governor, and all contractors for welfare-to-work services. **NEW SECTION. Sec. 703.**

**EVALUATION.** Every welfare-to-work office, region, contract, employee, and contractor shall be evaluated using the criteria in section 702 of this act. The department shall award contracts to the highest performing entities according to the criteria in section 702 of this act. The department may provide for bonuses to offices, regions, and employees with the best outcomes according to measures in section 702 of this act. **NEW SECTION. Sec. 704. OUTCOME MEASURES--**

**REPORT.** The department shall provide a report to the appropriate committees of the legislature on achievement of the outcome measures by region and contract on an annual basis, no later than January 15th of each year, beginning in 1999. The report shall include how the department is using the outcome measure information obtained under section 702 of this act to manage the welfare-to-work program. **NEW SECTION. Sec. 705. OUTCOME AND PERFORMANCE MEASURE**

**STUDY.** (1) The joint legislative audit and review committee shall conduct an ongoing, contemporaneous evaluation of the effectiveness of the welfare-to-work programs described in chapter . . . , Laws of 1997 (this act), commencing on the effective date of this section, and including an evaluation of the effectiveness of the approved temporary assistance for needy families work activities, and any approved private, county, local, or state government welfare-to-work program. The evaluation shall assess the success of the programs in assisting clients to become employed, to maintain longevity in private employment, and to reduce reliance upon temporary assistance for needy families. The study shall include without limitation the following elements: (a) An assessment of employment outcomes, including hourly wage rates, hours worked, employment longevity, and total earnings for clients; (b) A comparison of temporary assistance for needy families dynamics, including grant amounts and program entries and exits for clients; (c) A cost-benefit analysis of the use of public and private contractors; (d) An audit of the performance-based contract for each private and public contractor for temporary assistance for needy families approved work activity; and (e) Data regarding the twenty-four-month public assistance recidivism rate for those who had obtained or been placed in private, unsubsidized employment. (2) Administrative data shall be provided by the department, the

employment security department, the state board for community and technical colleges, local governments, and private contractors. The department shall require contractors to provide administrative and outcome data needed for this study as a condition of contract compliance. (3) Additional data may be collected directly from clients if unavailable from administrative records. (4) The joint legislative audit and review committee shall present an evaluation plan to the legislature. The plan shall be designed to maximize federal funding for evaluation of temporary assistance for needy families programs. (5) The joint legislative audit and review committee shall submit annual reports to the legislature, beginning in December 1997, with a final report due in December 2001. **NEW SECTION. Sec. 706. EXEMPTION CHARACTERISTICS STUDY.** (1) The

legislature recognizes that not all adult recipients of temporary assistance for needy families can realistically be expected to attain self-sufficiency within the five-year lifetime benefit limit. Although the market for paid employment is the ultimate determiner of employability and no one should be prejudged as unemployable, the legislature finds that there will be some recipients with severe or multiple barriers to employment, for whom the five-year time limit is unrealistic. It is the intent of the legislature to study carefully the characteristics of adult recipients of temporary assistance for needy families in order to determine the profile of those recipients for whom a bona fide short or long-term exemption to time limits should apply, in light of the federal limitation on allowable exemptions. (2) The institute for public policy shall conduct a study, commencing on the effective date of this section, to determine the extent and the nature of disabilities and barriers to independence based upon personal characteristics existing in the adult temporary assistance for needy families caseload. The study shall address, without limitation, the following elements of assessment: (a) An assessment of the extent to which adult recipients may be affected by a learning disability that prevents high school or GED completion or impairs employability. For purposes of this study, "learning disabilities" includes conditions described as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dysgraphia, and developmental aphasia; (b) An assessment of the extent to which adult recipients are, or have recently been, victims of domestic violence; (c) An assessment of the physical disabilities, including chronic health conditions, evident in the population of adult recipients; (d) An assessment of the mental disabilities, including subnormal intelligence as measured by standard clinical tests, evident in the population of adult recipients; (e) An assessment of the extent to which adult recipients have been defendants in civil and criminal legal actions; (f) An assessment of the extent to which adult recipients exhibit interaction among multiple impairments; and (g) An assessment of the extent of alcohol and substance abuse experienced by adult recipients. (3) Administrative data shall be provided by the department, the department of health, the employment security department, the state board for community and technical colleges, local government providers, and private contractors. The department shall require contractors to provide administrative and outcome data needed for the study in this section as a condition of contract. Confidentiality of individual recipients' identities must be maintained. (4) Additional data may be collected directly from recipients, if unavailable from administrative records. (5) The institute for public policy

shall submit periodic reports of its findings to the legislature, beginning in December 1997, with a final report due in December 2000. It is the intent of the legislature that the final report include a complete evaluation of the characteristics of adult recipients, including an objective estimate of the prevalence of serious disability that may prevent full employment, as well as recommendations regarding a method of establishing proof of individual disability that may qualify a recipient for a short or long-term exemption to time limits. **NEW SECTION. Sec. 707. PATERNITY ESTABLISHMENT.** In order to be

eligible for temporary assistance for needy families, applicants shall, at the time of application for assistance, provide the names of both parents of their child or children, whether born or unborn, unless the applicant meets good cause criteria for refusing such identification. **NEW SECTION. Sec. 708.** RCW 74.04.770 and 1983 1st ex.s. c 41 s 38 & 1981 2nd ex.s. c 10 s 4 are each repealed. **VIII. LICENSE SUSPENSION AND CHILD SUPPORT ENFORCEMENT. LICENSE SUSPENSION NEW SECTION. Sec. 801.** It is the intent of the legislature to provide a strong incentive for persons owing child support to make timely payments, and to cooperate with the department of social and health services to establish an appropriate schedule for the payment of any arrears. To further ensure that child support obligations are met, sections 801 through 898 of this act establish a program by which certain licenses may be suspended or not renewed if a person is one hundred eighty days or more in arrears on child support payments. In the implementation and management of this program, it is the legislature's intent that the objective of the department of social and health services be to obtain payment in full of arrears, or where that is not possible, to enter into agreements with delinquent obligors to make timely support payments and make reasonable payments towards the arrears. The legislature intends that if the obligor refuses to cooperate in establishing a fair and reasonable payment schedule for arrears or refuses to make timely support payments, the department shall proceed with certification to a licensing entity or the department of licensing that the person is not in compliance with a child support order. **NEW SECTION. Sec. 802.** A new section is added to chapter 74.20A RCW to read as follows: (1) The department may serve upon a responsible parent a notice informing the responsible parent of the department's intent to submit the parent's name to the department of licensing and any appropriate licensing entity as a licensee who is not in compliance with a child support order. The department shall attach a copy of the responsible parent's child support order to the notice. Service of the notice must be by certified mail, return receipt requested. If service by certified mail is not successful, service shall be by personal service. (2) The notice of noncompliance must include the address and telephone number of the department's division of child support office that issues the notice and must inform the responsible parent that: (a) The parent may request an adjudicative proceeding to contest the issue of compliance. The only issues that may be considered at the adjudicative proceeding are whether the parent is required to pay child support under a child support order and whether the parent is in compliance with that order; (b) A request for an adjudicative proceeding shall be in writing and must be received by the department within twenty days of the date of service of the notice; (c) If the parent requests an adjudicative proceeding within twenty days of service, the department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order pending entry of a written decision after the adjudicative proceeding; (d) If the parent does not request an adjudicative proceeding within twenty days of service and remains in noncompliance with a child support order, the department will certify the parent's name to the department of licensing and any appropriate licensing entity for noncompliance with a child support order; (e) The department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance if the parent agrees to make timely payments of current support and agrees to a reasonable payment schedule for payment of the arrears. It is the parent's responsibility to contact in person or by mail the department's division of child support office indicated on the notice within twenty days of service of the notice to arrange for a payment schedule. The department may stay certification for up to thirty days after contact from a parent to arrange for a payment schedule; (f) If the department certifies the responsible parent to the department of licensing and a licensing entity for noncompliance with a child support order, the licensing entity will suspend or not renew the parent's license and the department of licensing will suspend or not renew any driver's license that the parent holds until the parent provides the department of licensing and the licensing entity with a release from the department stating that the responsible parent is in compliance with the child support order; (g) Suspension of a license will affect insurability if the responsible parent's insurance policy excludes coverage for acts occurring after the suspension of a license; (h) If after receiving the notice of noncompliance with a child support order, the responsible parent files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, the department or the court may stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification; and (i) If the responsible parent subsequently becomes in compliance with the child support order, the department will promptly provide the parent with a release stating that the parent is in compliance with the order, and the parent may request that the licensing entity or the department of licensing reinstate the suspended license. (3) A responsible parent may request an adjudicative proceeding upon service of the notice described in subsection (1) of this section. The request for an adjudicative proceeding must be received by the department within twenty days of service. The request must be in writing and indicate the current mailing address and daytime phone number, if available, of the responsible parent. The proceedings under this subsection shall be conducted in accordance with the requirements of chapter 34.05 RCW. The issues that may be considered at the adjudicative proceeding are limited to whether: (a) The person named as the responsible parent is the responsible parent; (b) The responsible parent is required to pay child support under a child support order; and (c) The responsible parent is in compliance with the order. (4) The decision resulting from the adjudicative proceeding must be in writing and inform the responsible parent of his or her rights to review. The parent's copy of the decision may be sent by regular mail to the parent's most recent address of record. (5) If a responsible parent contacts the department's division of child support office indicated on the notice of noncompliance within twenty days of service of the notice and requests arrangement of a payment schedule, the department shall stay the certification of noncompliance during negotiation of the schedule for payment of arrears. In no event shall the stay continue for more than thirty days from the date of contact by the parent. The department shall make good faith efforts to establish a schedule for payment of arrears that is fair and reasonable, and that considers the financial situation of the responsible parent and the needs of all children who rely on the responsible parent for support. At the end of the thirty days, if no payment schedule has been agreed to in writing, the department shall proceed with certification of noncompliance. (6) If a responsible parent timely requests an adjudicative proceeding pursuant to subsection (4) of this section, the department may not certify the name of the parent to the department of licensing or a licensing entity for noncompliance with a child support order unless the adjudicative proceeding results in a finding that the responsible parent is not in compliance with the order. (7) The department may certify to the department of licensing and any appropriate licensing entity the name of a responsible parent who is not in compliance with a child support order if: (a) The responsible parent does not timely request an adjudicative proceeding upon service of a notice issued under subsection (1) of this section and is not in compliance with a child support order twenty-one days after service of the notice; (b) An adjudicative proceeding results in a decision that the responsible parent is not in

compliance with a child support order; (c) The court enters a judgment on a petition for judicial review that finds the responsible parent is not in compliance with a child support order; (d) The department and the responsible parent have been unable to agree on a fair and reasonable schedule of payment of the arrears; or (e) The responsible parent fails to comply with a payment schedule established pursuant to subsection (5) of this section. The department shall send by regular mail a copy of any certification of noncompliance filed with the department of licensing or a licensing entity to the responsible parent at the responsible parent's most recent address of record. (8) The department of licensing and a licensing entity shall, without undue delay, notify a responsible parent certified by the department under subsection (7) of this section that the parent's driver's license or other license has been suspended because the parent's name has been certified by the department as a responsible parent who is not in compliance with a child support order. (9) When a responsible parent who is served notice under subsection (1) of this section subsequently complies with the child support order, the department shall promptly provide the parent with a release stating that the responsible parent is in compliance with the order. A copy of the release shall be transmitted by the department to the appropriate licensing entities. (10) The department may adopt rules to implement and enforce the requirements of this section. (11) Nothing in this section prohibits a responsible parent from filing a motion to modify support with the court or from requesting the department to amend a support obligation established by an administrative decision. If there is a reasonable likelihood that the motion or request will significantly change the amount of the child support obligation, the department or the court may stay action to certify the responsible parent to the department of licensing and any licensing entity for noncompliance with a child support order. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification. (12) The department of licensing and a licensing entity may issue, renew, reinstate, or otherwise extend a license in accordance with the licensing entity's or the department of licensing's rules after the licensing entity or the department of licensing receives a copy of the release specified in subsection (9) of this section. The department of licensing and a licensing entity may waive any applicable requirement for reissuance, renewal, or other extension if it determines that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest. (13) The procedures in chapter . . . , Laws of 1997 (this act), constitute the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order and suspension of a license under this section, and satisfy the requirements of RCW 34.05.422. **NEW SECTION. Sec. 803.** A new section is added to chapter 74.20A RCW to read as follows: (1) The department and all of the various licensing entities subject to section 802 of this act shall enter into such agreements as are necessary to carry out the requirements of the license suspension program established in section 802 of this act. (2) The department and all licensing entities subject to section 802 of this act shall compare data to identify responsible parents who may be subject to the provisions of chapter . . . , Laws of 1997 (this act). The comparison may be conducted electronically, or by any other means that is jointly agreeable between the department and the particular licensing entity. The data shared shall be limited to those items necessary to implementation of chapter . . . , Laws of 1997 (this act). The purpose of the comparison shall be to identify current licensees who are not in compliance with a child support order, and to provide to the department the following information regarding those licensees: (a) Name; (b) Date of birth; (c) Address of record; (d) Federal employer identification number and social security number; (e) Type of license; (f) Effective date of license or renewal; (g) Expiration date of license; and (h) Active or inactive status. **NEW SECTION. Sec. 804.** A new section is added to chapter 74.20A RCW to read as follows: In furtherance of the public policy of increasing collection of child support and to assist in evaluation of the program established in section 802 of this act, the department shall report the following to the legislature and the governor on December 1, 1998, and annually thereafter: (1) The number of responsible parents identified as licensees subject to section 802 of this act; (2) The number of responsible parents identified by the department as not in compliance with a child support order; (3) The number of notices of noncompliance served upon responsible parents by the department; (4) The number of responsible parents served a notice of noncompliance who request an adjudicative proceeding; (5) The number of adjudicative proceedings held, and the results of the adjudicative proceedings; (6) The number of responsible parents certified to the department of licensing or licensing entities for noncompliance with a child support order, and the number of each type of licenses that were suspended; (7) The costs incurred in the implementation and enforcement of section 802 of this act and an estimate of the amount of child support collected due to the department under section 802 of this act; (8) Any other information regarding this program that the department feels will assist in evaluation of the program; (9) Recommendations for the addition of specific licenses in the program or exclusion of specific licenses from the program, and reasons for such recommendations; and (10) Any recommendations for statutory changes necessary for the cost-effective management of the program. **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each amended to read as follows: Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings: (1) "Department" means the state department of social and health services. (2) "Secretary" means the secretary of the department of social and health services, (~~his~~) the secretary's designee or authorized representative. (3) "Dependent child" means any person: (a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or (b) Over the age of eighteen for whom a court order for support exists. (4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state. (5) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support. (6) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation. (7) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics and includes the parent of an unmarried minor with a child. (8) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist until terminated as provided for in RCW 26.16.205. (9)

"Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation. (10) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt. (11) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (12) "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account. (13) "Child support order" means a superior court order or an administrative order. (14) "Financial institution" means: (a) A depository institution, as defined in section 3(c) of the federal deposit insurance act; (b) An institution-affiliated party, as defined in section 3(u) of the federal deposit insurance act; (c) Any federal or state credit union, as defined in section 101 of the federal credit union act, including an institution-affiliated party of such credit union, as defined in section 206(r) of the federal deposit insurance act; or (d) Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity. (15) "License" means a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity to a licensee evidencing admission to or granting authority to engage in a profession, occupation, business, industry, recreational pursuit, or the operation of a motor vehicle. (16) "Licensee" means any individual holding a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, industry, recreational pursuit, or the operation of a motor vehicle. (17) "Licensing entity" includes any department, board, commission, or other organization authorized to issue, renew, suspend, or revoke a license authorizing an individual to engage in a business, occupation, profession, industry, recreational pursuit, or the operation of a motor vehicle, and includes the Washington state supreme court, to the extent that a rule has been adopted by the court to implement suspension of licenses related to the practice of law. (18) "Noncompliance with a child support order" for the purposes of the license suspension program authorized under section 802 of this act means a responsible parent has: (a) Accumulated arrears totaling more than six months of child support payments; (b) Failed to make payments pursuant to a written agreement with the department towards a support arrearage in an amount that exceeds six months of payments; or (c) Failed to make payments required by a superior court order or administrative order towards a support arrearage in an amount that exceeds six months of payments. **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read as follows: The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee: (1) Has committed an offense for which mandatory revocation or suspension of license is provided by law; (2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage; (3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways; (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3); ((or)) (5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289; ((or)) (6) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.336; or (7) Has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in section 802 of this act. **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to read as follows: (1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289 ((and)), 46.20.291(5), or section 802 of this act, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be fifty dollars. (2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial

responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. (3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars. **NEW SECTION. Sec. 808.** A new section is added to chapter 48.22 RCW to read as follows: If a motor vehicle liability insurance policy contains any provision excluding insurance coverage for an unlicensed driver, such provision shall not apply for ninety days from the date of suspension in the event that the department of licensing suspends a driver's license solely for the nonpayment of child support as provided in chapter 74.20A RCW. **NEW SECTION. Sec. 809.**

**ATTORNEYS.** The legislature intends that the license suspension program established in chapter 74.20A RCW be implemented fairly to ensure that child support obligations are met. However, being mindful of the separations of powers and responsibilities among the branches of government, the legislature strongly encourages the state supreme court to adopt rules providing for suspension and denial of licenses related to the practice of law to those individuals who are in noncompliance with a support order. **NEW SECTION. Sec. 810.** A new section is added to chapter 2.48 RCW to read as follows:

**ATTORNEYS.** The Washington state supreme court may provide by rule that no person who has been certified by the department of social and health services as a person who is in noncompliance with a support order as provided in section

802 of this act may be admitted to the practice of law in this state, and that any member of the Washington state bar association who has been certified by the department of social and health services as a person who is in noncompliance with a support order as provided in section 802 of this act shall be immediately suspended from membership. The court's rules may provide for review of an application for admission or reinstatement of membership after the department of social and health services has issued a release stating that the person is in compliance with the order. **NEW SECTION. Sec. 811.** A new section is added to chapter 18.04 RCW to read as follows: The board shall immediately suspend the certificate or license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 812.** RCW

18.04.335 and 1992 c 103 s 13 are each amended to read as follows: (1) Upon application in writing and after hearing pursuant to notice, the board may: ((+)) (a) Modify the suspension of, or reissue a certificate or license to, an individual whose certificate has been revoked or suspended; or ((-)) (b) Modify the suspension of, or reissue a license to a firm whose license has been revoked, suspended, or which the board has refused to renew. (2) In the case of suspension for failure to comply with a support order under chapter 74.20A RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a certificate or license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **Sec. 813.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to read as follows: (1) Except as provided in section 815 of this act, a certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience. (2)

Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086. (3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess any of the following qualifications: (a) Have an accredited architectural degree and three years' practical architectural work experience approved by the board, which may include designing buildings as a principal activity. At least two years' work experience must be supervised by an architect with detailed professional knowledge of the work of the applicant; (b) Have eight years' practical architectural work experience approved by the board. Each year spent in an accredited architectural program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect; or (c) Be a person who has been designing buildings as a principal activity for eight years, or has an equivalent combination of education and experience, but who was not registered under chapter 323, Laws of 1959, as amended, as it existed before July 28, 1992, provided that application is made within four years after July 28, 1992. Nothing in this chapter prevents such a person from designing buildings for four years after July 28, 1992, or the five-year period allowed for completion of the examination process, after that person has applied for registration. A person who has been designing buildings and is qualified under this subsection shall, upon application to the board of registration for architects, be allowed to take the examination for architect registration on an equal basis with other applicants. **Sec. 814.** RCW 18.08.350 and 1993 c

475 s 2 are each amended to read as follows: (1) Except as provided in section 815 of this act, a certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience. (2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086. (3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess any of the following qualifications: (a) Have an accredited architectural degree and three years' practical architectural work experience approved by the board, which may include designing buildings as a principal activity. At least two years' work experience must be supervised by an architect with detailed professional knowledge of the work of the applicant; or (b) Have eight years' practical architectural work experience approved by the board. Each year spent in an accredited architectural program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect. **NEW SECTION. Sec. 815.** A new section is added to chapter 18.08 RCW to read as follows: The board shall immediately suspend the certificate of registration or certificate of authorization to practice architecture of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in

compliance with the order. **Sec. 816.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to read as follows: (1) No license shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly. (2) The following shall be grounds for denial, suspension, or revocation of a license, or imposition of an administrative fine by the department: (a) Misrepresentation or concealment of material facts in obtaining a license; (b) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law; (c) Revocation of a license by another state; (d) Misleading or false advertising; (e) A pattern of substantial misrepresentations related to auctioneering or auction company business; (f) Failure to cooperate with the department in any investigation or disciplinary action; (g) Nonpayment of an administrative fine prior to renewal of a license; (h) Aiding an unlicensed person to practice as an auctioneer or as an auction company; and (i) Any other violations of this chapter. (3) The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

**Sec. 817.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to read as follows: (1) Upon payment of the proper fee, except as provided in section 818 of this act, the director shall issue the appropriate license to any person who: (a) Is at least seventeen years of age or older; (b) Has completed and graduated from a course approved by the director of sixteen hundred hours of training in cosmetology, one thousand hours of training in barbering, five hundred hours of training in manicuring, five hundred hours of training in esthetics, and/or five hundred hours of training as an instructor-trainee; and (c) Has received a passing grade on the appropriate licensing examination approved or administered by the director. (2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course approved by the director. (3) Upon payment of the proper fee, the director shall issue a salon/shop license to the operator of a salon/shop if the salon/shop meets the other requirements of this chapter as demonstrated by information submitted by the operator. (4) The director may consult with the state board of health and the department of labor and industries in establishing training and examination requirements. **NEW SECTION. Sec. 818.** A new section is added to chapter 18.16 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 819.** A new section is added to chapter 18.20 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 820.** RCW 18.27.060 and 1983 1st ex. s. c 2 s 19 are each amended to read as follows: (1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter. (2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for: (a) One year; (b) Until the bond expires; or (c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate. (3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year. (4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor. (5) The department shall immediately suspend the certificate of registration of a contractor who has been certified by the department of social and health services as a person who is not in compliance with a support order as provided in section 802 of this act. The certificate of registration shall not be reissued or renewed unless the person provides to the department a release from the department of social and health services stating that he or she is in compliance with the order and the person has continued to meet all other requirements for certification during the suspension.

**Sec. 821.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to read as follows: Except as provided in section 822 of this act, the director shall issue a license to an applicant if the following requirements are met: (1) The application is complete and the applicant has complied with RCW 18.28.030. (2) Neither an individual applicant, nor any of the applicant's members if the applicant is a partnership or association, nor any of the applicant's officers or directors if the applicant is a corporation: (a) Has ever been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other like offense, or has been disbarred from the practice of law; (b) has participated in a violation of this chapter or of any valid rules, orders or decisions of the director promulgated under this chapter; (c) has had a license to engage in the business of debt adjusting revoked or removed for any reason other than for failure to pay licensing fees in this or any other state; or (d) is an employee or owner of a collection agency, or process serving business. (3) An individual applicant is at least eighteen years of age. (4) An applicant which is a partnership, corporation, or association is authorized to do business in this state. (5) An individual applicant for an original license as a debt adjuster has passed an examination administered by the director, which examination may be oral or written, or partly oral and partly written, and shall be practical in nature and sufficiently thorough to ascertain the applicant's fitness. Questions on bookkeeping, credit adjusting, business ethics, agency, contracts, debtor and creditor relationships, trust funds and the provisions of this chapter shall be included in the examination. No applicant may use any books or other similar aids while taking the examination, and no applicant may take the examination more than three times in any twelve month period. **NEW SECTION. Sec. 822.** A new section is added to chapter 18.28 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during

the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 823.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to read as follows: The director shall have the following powers and duties: (1) To issue all licenses provided for under this chapter; (2) To renew licenses under this chapter; (3) To collect all fees prescribed and required under this chapter; ~~(and)~~ (4) To immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order; and (5) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter. **NEW SECTION. Sec. 824.** A new section is added to chapter 18.39 RCW to read as follows: In the case of suspension for failure to comply with a support order under chapter 74.20A RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **NEW SECTION. Sec. 825.** A new section is added to chapter 18.43 RCW to read as follows: The board shall immediately suspend the registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for membership during the suspension, reissuance of the certificate of registration shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 826.** A new section is added to chapter 18.44 RCW to read as follows: The department shall immediately suspend the certificate of registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 827.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read as follows: (1) The department may deny, suspend, or revoke a license in any case in which it finds that there has been failure or refusal to comply with the requirements established under this chapter or the rules adopted under it. (2) The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. RCW 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding but shall not apply to actions taken under subsection (2) of this section. **NEW SECTION. Sec. 828.** A new section is added to chapter 18.51 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services, division of support, as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the division of child support stating that the person is in compliance with the order. **NEW SECTION. Sec. 829.** A new section is added to chapter 18.76 RCW to read as follows: The department shall immediately suspend the certification of a poison center medical director or a poison information specialist who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certification shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 830.** A new section is added to chapter 18.85 RCW to read as follows: The director shall immediately suspend the license of a broker or salesperson who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 831.** RCW 18.96.120 and 1969 ex. s. c 158 s 12 are each amended to read as follows: (1) The director may refuse to renew, or may suspend or revoke, a certificate of registration to use the titles landscape architect, landscape architecture, or landscape architectural in this state upon the following grounds: ~~((4))~~ (a) The holder of the certificate of registration is impersonating a practitioner or former practitioner. ~~((2))~~ (b) The holder of the certificate of registration is guilty of fraud, deceit, gross negligence, gross incompetency or gross misconduct in the practice of landscape architecture. ~~((3))~~ (c) The holder of the certificate of registration permits his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by employees subject to his direction and control. ~~((4))~~ (d) The holder of the certificate has committed fraud in applying for or obtaining a certificate. (2) The director shall immediately suspend the certificate of registration of a landscape architect who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of registration shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 832.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to read as follows: (1) In cases other than those relating to the failure of a licensee to renew a license, the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons: ~~((4))~~ (a) For fraud or deception in obtaining the license; ~~((2))~~ (b) For fraud or deception in reporting under RCW 18.104.050; ~~((3))~~ (c) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health. (2) The director shall immediately suspend any license issued under this chapter if the holder of the license has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (3) No license shall be suspended for more than six months, except that a suspension under section 802 of this act shall continue until the department receives a release issued by the department of social and health services stating that the person is in compliance with the order. (4) No person whose license is revoked shall be eligible to apply for a license for one year from

the effective date of the final order of revocation. **Sec. 833.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to read as follows: (1) Except as provided in section 834 of this act, the department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. A renewal fee shall be assessed for each certificate. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee. The certificate of competency and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber or specialty plumber in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists. (2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request. (3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988, not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and (c) effective July 1, 1988, not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber. An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the ~~((commission for vocational education))~~ work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter. **NEW SECTION. Sec. 834.** A new section is added to chapter 18.106 RCW to read as follows: The department shall immediately suspend any certificate of competency issued under this chapter if the holder of the certificate has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of competency shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 835.** A new section is added to chapter 18.130 RCW to read as follows: The secretary shall immediately suspend the license of any person subject to this chapter who has been certified by the department of social and health services as a person who is not in compliance with a support order as provided in section 802 of this act. **Sec. 836.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to read as follows: A person whose license has been suspended or revoked under this chapter may petition the disciplining authority for reinstatement after an interval as determined by the disciplining authority in the order. The disciplining authority shall hold hearings on the petition and may deny the petition or may order reinstatement and impose terms and conditions as provided in RCW 18.130.160 and issue an order of reinstatement. The disciplining authority may require successful completion of an examination as a condition of reinstatement. A person whose license has been suspended for noncompliance with a support order under section 802 of this act may petition for reinstatement at any time by providing the secretary a release issued by the department of social and health services stating that the person is in compliance with the order. If the person has continued to meet all other requirements for reinstatement during the suspension, the secretary shall automatically reissue the person's license upon receipt of the release, and payment of a reinstatement fee, if any. **NEW SECTION. Sec. 837.** A new section is added to chapter 18.140 RCW to read as follows: The director shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 838.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8 are each reenacted and amended to read as follows: Except as provided in section 839 of this act, the department shall issue a certificate to any applicant who meets the standards established under this chapter and who: (1) Is holding one of the following: (a) Certificate of proficiency, registered professional reporter, registered merit reporter, or registered diplomate reporter from ~~((the))~~ the national court reporters association; (b) Certificate of proficiency or certificate of merit from ~~((the))~~ the national stenomask verbatim reporters association; or (c) A current Washington state court reporter certification; or (2) Has passed an examination approved by the director or an examination that meets or exceeds the standards established by the director. **NEW SECTION. Sec. 839.** A new section is added to chapter 18.145 RCW to read as follows: The director shall immediately suspend any certificate issued under this chapter if the holder has been certified pursuant to section 802 of



this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 840.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to read as follows: (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons: (a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems; (b) Conviction of a felony; (c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business; (d) Use of false evidence or misrepresentation in an application for a license or certificate of competency; (e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or (f) Knowingly violating any provisions of this chapter or the regulations issued thereunder. (2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended. (3) The state director of fire protection shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for issuance or reinstatement during the suspension, issuance or reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (4) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW. This subsection does not apply to actions taken under subsection (3) of this section. **Sec. 841.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to read as follows: The following acts are prohibited and constitute grounds for disciplinary action, assessing administrative penalties, or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director: (1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter; (2) Knowingly making a material misstatement or omission in the application for or renewal of a license or firearms certificate, including falsifying requested identification information; (3) Not meeting the qualifications set forth in RCW 18.165.030, 18.165.040, or 18.165.050; (4) Failing to return immediately on demand a firearm issued by an employer; (5) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private investigator license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties; (6) Failing to return immediately on demand company identification, badges, or other items issued to the private investigator by an employer; (7) Making any statement that would reasonably cause another person to believe that the private investigator is a sworn peace officer; (8) Divulging confidential information obtained in the course of any investigation to which he or she was assigned; (9) Acceptance of employment that is adverse to a client or former client and relates to a matter about which a licensee has obtained confidential information by reason of or in the course of the licensee's employment by the client; (10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the licensee holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended; (11) Advertising that is false, fraudulent, or misleading; (12) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed; (13) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction; (14) Failure to cooperate with the director by: (a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter; (b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or (c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; (15) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director; (16) Aiding or abetting an unlicensed person to practice if a license is required; (17) Misrepresentation or fraud in any aspect of the conduct of the business or profession; (18) Failure to adequately supervise employees to the extent that the public health or safety is at risk; (19) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action; (20) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.165.050; (21) Assisting a client to locate, trace, or contact a person when the investigator knows that the client is prohibited by any court order from harassing or contacting the person whom the investigator is being asked to locate, trace, or contact, as it pertains to domestic violence, stalking, or minor children; (22) Failure to maintain bond or insurance; ~~((e))~~ (23) Failure to have a qualifying principal in place; or (24) Being certified as not in compliance with a support order as provided in section 802 of this act. **NEW SECTION. Sec. 842.** A new section is added to chapter 18.165 RCW to read as follows: The director shall immediately suspend a license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 843.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to read as follows: In addition to the provisions of section 844 of this act, the following acts are prohibited and constitute grounds for disciplinary action, assessing administrative penalties, or denial, suspension, or

revocation of any license under this chapter, as deemed appropriate by the director: (1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter; (2) Practicing fraud, deceit, or misrepresentation in any of the private security activities covered by this chapter; (3) Knowingly making a material misstatement or omission in the application for a license or firearms certificate; (4) Not meeting the qualifications set forth in RCW 18.170.030, 18.170.040, or 18.170.060; (5) Failing to return immediately on demand a firearm issued by an employer; (6) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private security guard license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties; (7) Failing to return immediately on demand any uniform, badge, or other item of equipment issued to the private security guard by an employer; (8) Making any statement that would reasonably cause another person to believe that the private security guard is a sworn peace officer; (9) Divulging confidential information that may compromise the security of any premises, or valuables shipment, or any activity of a client to which he or she was assigned; (10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended; (11) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof; (12) Advertising that is false, fraudulent, or misleading; (13) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed; (14) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction; (15) Failure to cooperate with the director by: (a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter; (b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or (c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; (16) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the disciplining authority; (17) Aiding or abetting an unlicensed person to practice if a license is required; (18) Misrepresentation or fraud in any aspect of the conduct of the business or profession; (19) Failure to adequately supervise employees to the extent that the public health or safety is at risk; (20) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against a client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action; (21) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.170.060; (22) Failure to maintain insurance; and (23) Failure to have a qualifying principal in place. **NEW SECTION. Sec. 844.** A new section is added to chapter 18.170 RCW to read as follows: The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 845.** A new section is added to chapter 18.175 RCW to read as follows: The director shall immediately suspend a certificate of registration issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 846.** A new section is added to chapter 18.185 RCW to read as follows: The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 847.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to read as follows: This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. (1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in ~~((an other))~~ another manner that shows proof of receipt. (2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice. (a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent. (b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent. (c) When the department has received certification pursuant to chapter 74.20A RCW from the division of child support that the licensee is a person who is not in compliance with a support order, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee. (3) Except for licensees suspended for noncompliance with a support order under chapter 74.20A RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt. (4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee



majority of the board shall be necessary to render a decision. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 852.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to read as follows: Any person may protest the grant or renewal of a license under this section. The director may revoke, suspend, or refuse to issue or renew any license when it is shown that: (1) The farm labor contractor or any agent of the contractor has violated or failed to comply with any of the provisions of this chapter; (2) The farm labor contractor has made any misrepresentations or false statements in his or her application for a license; (3) The conditions under which the license was issued have changed or no longer exist; (4) The farm labor contractor, or any agent of the contractor, has violated or wilfully aided or abetted any person in the violation of, or failed to comply with, any law of the state of Washington regulating employment in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business activities, or operations of the contractor in his or her capacity as a farm labor contractor; (5) The farm labor contractor or any agent of the contractor has in recruiting farm labor solicited or induced the violation of any then existing contract of employment of such laborers; or (6) The farm labor contractor or any agent of the contractor has an unsatisfied judgment against him or her in any state or federal court, arising out of his or her farm labor contracting activities. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 853.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to read as follows: In addition to other provisions of this chapter, any license issued pursuant to this chapter or any application therefor may be denied, not renewed, revoked, or suspended, or in lieu of or in addition to suspension a licensee may be assessed a civil, monetary penalty in an amount not to exceed one thousand dollars: (1) If an individual applicant or licensee is less than eighteen years of age or is not a resident of this state. (2) If an applicant or licensee is not authorized to do business in this state. (3) If the application or renewal forms required by this chapter are incomplete, fees required under RCW 19.16.140 and 19.16.150, if applicable, have not been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 19.16.190, if applicable, has not been filed or renewed or is canceled. (4) If any individual applicant, owner, officer, director, or managing employee of a nonindividual applicant or licensee: (a) Shall have knowingly made a false statement of a material fact in any application for a collection agency license or an out-of-state collection agency license or renewal thereof, or in any data attached thereto and two years have not elapsed since the date of such statement; (b) Shall have had a license to engage in the business of a collection agency or out-of-state collection agency denied, not renewed, suspended, or revoked by this state, any other state, or foreign country, for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements: PROVIDED, That the terms of this subsection shall not apply if: (i) Two years have elapsed since the time of any such denial, nonrenewal, or revocation; or (ii) The terms of any such suspension have been fulfilled; (c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and is incarcerated for that offense or five years have not elapsed since the date of such conviction; (d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in said action: PROVIDED, That in no event shall a license be issued unless the judgment debt has been discharged; (e) Has had his license to practice law suspended or revoked and two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state; (f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of RCW 19.86.020 and two years have not elapsed since the entry of the final judgment: PROVIDED, That in no event shall a license be issued unless the terms of such judgment, if any, have been fully complied with: PROVIDED FURTHER, That said judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license unless the judgment arises out of and is based on acts of the applicant, owner, officer, director, managing employee, or licensee while acting for or as a collection agency or an out-of-state collection agency; (g) Has petitioned for bankruptcy, and two years have not elapsed since the filing of said petition; (h) Shall be insolvent in the sense that his or its liabilities exceed his or its assets or in the sense that he or it cannot meet his or its obligations as they mature; (i) Has failed to pay any civil, monetary penalty assessed in accordance with RCW 19.16.351 or 19.16.360 within ten days after the assessment becomes final; (j) Has knowingly failed to comply with, or violated any provisions of this chapter or any rule or regulation issued pursuant to this chapter, and two years have not elapsed since the occurrence of said noncompliance or violation; or (k) Has been found by a court of competent jurisdiction to have violated the federal fair debt collection practices act, 15 U.S.C. Sec. 1692 et seq., or the Washington state consumer protection act, chapter 19.86 RCW, and two years have not elapsed since that finding. Except as otherwise provided in this section, any person who is engaged in the collection agency business as of January 1, 1972 shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this chapter, be issued a license ((hereunder)) under this chapter. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 854.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended to read as follows: (1) In accordance with the provisions of chapter 34.05 RCW as now or as hereafter amended, the director may by order deny, suspend or revoke the license of any employment agency if he finds that the applicant or licensee: ((1)) (a) Was previously the holder of a license issued under this chapter, which was revoked for cause and never reissued by the director, or which license was suspended for cause and the terms of the suspension have not been fulfilled; ((2)) (b) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving wilful fraud, misrepresentation or conversion; ((3)) (c)

Has made a false statement of a material fact in his application or in any data attached thereto; ((4)) (d) Has violated any provisions of this chapter, or failed to comply with any rule or regulation issued by the director pursuant to this chapter. (2) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. Sec. 855. RCW 19.32.060 and 1943 c 117 s 5 are each amended to read as follows: (1) The director of agriculture may cancel or suspend any such license if he finds after proper investigation that (a) the licensee has violated any provision of this chapter or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any act the administration of which is in the charge of the department of agriculture, or (b) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten days after receipt from the director of agriculture of written notice to do so. (2) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten days from the date of such notice. (3) Any order made by the director suspending or revoking any license may be reviewed by certiorari in the superior court of the county in which the licensed premises are located, within ten days from the date notice in writing of the director's order revoking or suspending such license has been served upon him. (4) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. Sec. 856. RCW 19.105.380 and 1988 c 159 s 14 are each amended to read as follows: (1) A registration or an application for registration of camping resort contracts or renewals thereof may be denied, suspended, or revoked if the director finds that: (a) The advertising, sales techniques, or trade practices of the applicant, registrant, or its affiliate or agent have been or are deceptive, false, or misleading; (b) The applicant or registrant has failed to file copies of the camping resort contract form under RCW 19.105.360; (c) The applicant, registrant, or affiliate has failed to comply with any provision of this chapter, the rules adopted or the conditions of a permit granted under this chapter, or a stipulation or final order previously entered into by the operator or issued by the department under this chapter; (d) The applicant's, registrant's, or affiliate's offering of camping resort contracts has worked or would work a fraud upon purchasers or owners of camping resort contracts; (e) The camping resort operator or any officer, director, or affiliate of the camping resort operator has been within the last five years convicted of or pleaded nolo contendere to any misdemeanor or felony involving conversion, embezzlement, theft, fraud, or dishonesty, has been enjoined from or had any civil penalty assessed for a finding of dishonest dealing or fraud in a civil suit, or been found to have engaged in any violation of any act designed to protect consumers, or has been engaged in dishonest practices in any industry involving sales to consumers; (f) The applicant or registrant has represented or is representing to purchasers in connection with the offer or sale of a camping resort contract that a camping resort property, facility, amenity camp site, or other development is planned, promised, or required, and the applicant or registrant has not provided the director with a security or assurance of performance as required by this chapter; (g) The applicant or registrant has not provided or is no longer providing the director with the necessary security arrangements to assure future availability of titles or properties as required by this chapter or agreed to in the permit to market; (h) The applicant or registrant is or has been employing unregistered salespersons or offering or proposing a membership referral program not in compliance with this chapter; (i) The applicant or registrant has breached any escrow, impound, reserve account, or trust arrangement or the conditions of an order or permit to market required by this chapter; (j) The applicant or registrant has breached any stipulation or order entered into in settlement of the department's filing of a previous administrative action; (k) The applicant or registrant has filed or caused to be filed with the director any document or affidavit, or made any statement during the course of a registration or exemption procedure with the director, that is materially untrue or misleading; (l) The applicant or registrant has engaged in a practice of failing to provide the written disclosures to purchasers or prospective purchasers as required under this chapter; (m) The applicant, registrant, or any of its officers, directors, or employees, if the operator is other than a natural person, have willfully done, or permitted any of their salespersons or agents to do, any of the following: (i) Engage in a pattern or practice of making untrue or misleading statements of a material fact, or omitting to state a material fact; (ii) Employ any device, scheme, or artifice to defraud purchasers or members; (iii) Engage in a pattern or practice of failing to provide the written disclosures to purchasers or prospective purchasers as required under this chapter; (n) The applicant or registrant has failed to provide a bond, letter of credit, or other arrangement to assure delivery of promised gifts, prizes, awards, or other items of consideration, as required under this chapter, breached such a security arrangement, or failed to maintain such a security arrangement in effect because of a resignation or loss of a trustee, impound, or escrow agent; (o) The applicant or registrant has engaged in a practice of selling contracts using material amendments or codicils that have not been filed or are the consequences of breaches or alterations in previously filed contracts; (p) The applicant or registrant has engaged in a practice of selling or proposing to sell contracts in a ratio of contracts to sites available in excess of that filed in the affidavit required by this chapter; (q) The camping resort operator has withdrawn, has the right to withdraw, or is proposing to withdraw from use all or any portion of any camping resort property devoted to the camping resort program, unless: (i) Adequate provision has been made to provide within a reasonable time thereafter a substitute property in the same general area that is at least as desirable for the purpose of camping and outdoor recreation; (ii) The property is withdrawn because, despite good faith efforts by the camping resort operator, a nonaffiliate of the camping resort has exercised a right of withdrawal from use by the camping resort (such as withdrawal following expiration of a lease of the property to the camping resort) and the terms of the withdrawal right have been disclosed in writing to all purchasers at or prior to the time of any sales of camping resort contracts after the camping resort has represented to purchasers that the property is or will be available for camping or recreation purposes; (iii) The specific date upon which the withdrawal becomes effective has been disclosed in writing to all purchasers and members prior to the time of any sales of camping resort contracts after the camping resort has represented to purchasers that the property is or will be available for camping or recreation purposes; (iv) The rights of members and owners of the camping resort contracts under the express terms of the camping resort contract have expired, or have been specifically

limited, upon the lapse of a stated or determinable period of time, and the director by order has found that the withdrawal is not otherwise inconsistent with the protection of purchasers or the desire of the majority of the owners of camping resort contracts, as expressed in their previously obtained vote of approval; (r) The format, form, or content of the written disclosures provided therein is not complete, full, or materially accurate, or statements made therein are materially false, misleading, or deceptive; (s) The applicant or registrant has failed or declined to respond to any subpoena lawfully issued and served by the department under this chapter; (t) The applicant or registrant has failed to file an amendment for a material change in the manner or at the time required under this chapter or its implementing rules; (u) The applicant or registrant has filed voluntarily or been placed involuntarily into a federal bankruptcy or is proposing to do so; or (v) A camping resort operator's rights or interest in a campground has been terminated by foreclosure or the operations in a camping resort have been terminated in a manner contrary to contract provisions. (2) Any applicant or registrant who has violated subsection (1)(a), (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be fined by the director in an amount not to exceed one thousand dollars for each such violation. Proceedings seeking such fines shall be held in accordance with chapter 34.05 RCW and may be filed either separately or in conjunction with other administrative proceedings to deny, suspend, or revoke registrations authorized under this chapter. Fines collected from such proceedings shall be deposited in the state general fund. (3) An operator, registrant, or applicant against whom administrative or legal proceedings have been filed shall be responsible for and shall reimburse the state, by payment into the general fund, for all administrative and legal costs actually incurred by the department in issuing, processing, and conducting any such administrative or legal proceeding authorized under this chapter that results in a final legal or administrative determination of any type or degree in favor of the department. (4) No order may be entered under this section without appropriate prior notice to the applicant or registrant of opportunity for a hearing and written findings of fact and conclusions of law, except that the director may by order summarily deny an application for registration or renewal under any of the above subsections and may summarily suspend or revoke a registration under subsection (1)(d), (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine may be imposed by summary order. (5) The proceedings to deny an application or renewal, suspend or revoke a registration or permit, whether summarily or otherwise, or impose a fine shall be held in accordance with chapter 34.05 RCW. (6) The director may enter into assurances of discontinuance in lieu of issuing a statement of charges or a cease and desist order or conducting a hearing under this chapter. The assurances shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or registrant shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violating or breaching an assurance under this subsection is grounds for suspension or revocation of registration or imposition of a fine. (7) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 857.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to read as follows: (1) A salesperson may apply for registration by filing in a complete and readable form with the director an application form provided by the director which includes the following: (a) A statement whether or not the applicant within the past five years has been convicted of, pleaded nolo contendere to, or been ordered to serve probation for a period of a year or more for any misdemeanor or felony involving conversion, embezzlement, theft, fraud, or dishonesty or the applicant has been enjoined from, had any civil penalty assessed for, or been found to have engaged in any violation of any act designed to protect consumers; (b) A statement fully describing the applicant's employment history for the past five years and whether or not any termination of employment during the last five years was the result of any theft, fraud, or act of dishonesty; (c) A consent to service comparable to that required of operators under this chapter; and (d) Required filing fees. (2) The director may by order deny, suspend, or revoke a camping resort salesperson's registration or application for registration under this chapter or the person's license or application under chapter 18.85 RCW, or impose a fine on such persons not exceeding two hundred dollars per violation, if the director finds that the order is necessary for the protection of purchasers or owners of camping resort contracts and the applicant or registrant is guilty of: (a) Obtaining registration by means of fraud, misrepresentation, or concealment, or through the mistake or inadvertence of the director; (b) Violating any of the provisions of this chapter or any lawful rules adopted by the director pursuant thereto; (c) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses. For the purposes of this section, "being convicted" includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended; (d) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication, or distribution of false statements, descriptions, or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions, or promises purport to be made or to be performed by either the applicant or registrant and the applicant or registrant then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions, or promises; (e) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relies upon the work, representation, or conduct of the applicant or registrant; (f) Failing, upon demand, to disclose to the director or the director's authorized representatives acting by authority of law any information within his or her knowledge or to produce for inspection any document, book or record in his or her possession, which is material to the salesperson's registration or application for registration; (g) Continuing to sell camping resort contracts in a manner whereby the interests of the public are endangered, if the director has, by order in writing, stated objections thereto; (h) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter; (i) Misrepresentation of membership in any state or national association; or (j) Discrimination against any person in hiring or in sales activity on the basis of race, color, creed, or national origin, or violating any state or federal antidiscrimination law. (3) No order may be entered under this section without appropriate prior notice to the applicant or registrant of opportunity for a hearing and written findings of fact and conclusions of law, except that the director may by order summarily deny an application for registration under this section. (4) The proceedings to deny an application or renewal, suspend or revoke a registration or permit, whether summarily or otherwise, or impose a fine shall be held in accordance with chapter 34.05 RCW. (5) The director, subsequent to any complaint filed

against a salesperson or pursuant to an investigation to determine violations, may enter into stipulated assurances of discontinuances in lieu of issuing a statement of charges or a cease and desist order or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The salesperson shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for a disciplinary action, a suspension of registration, or a fine not to exceed one thousand dollars. (6) The director may by rule require such further information or conditions for registration as a camping resort salesperson, including qualifying examinations and fingerprint cards prepared by authorized law enforcement agencies, as the director deems necessary to protect the interests of purchasers. (7) Registration as a camping resort salesperson shall be effective for a period of one year unless the director specifies otherwise or the salesperson transfers employment to a different registrant. Registration as a camping resort salesperson shall be renewed annually, or at the time of transferring employment, whichever occurs first, by the filing of a form prescribed by the director for that purpose. (8) It is unlawful for a registrant of camping resort contracts to employ or a person to act as a camping resort salesperson covered under this section unless the salesperson has in effect with the department and displays a valid registration in a conspicuous location at each of the sales offices at which the salesperson is employed. It is the responsibility of both the operator and the salesperson to notify the department when and where a salesperson is employed, his or her responsibilities and duties, and when the salesperson's employment or reported duties are changed or terminated. (9) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 858.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to read as follows: (1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant: (a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled; (b) Has been found guilty of a felony within the past five years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion; (c) Has made a false statement of a material fact in an application under this chapter or in data attached to it; (d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter; (e) Has failed to display the registration as provided in this chapter; (f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public; or (g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising. (2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion. (3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 859.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to read as follows: (1) In order to maintain or defend a lawsuit or do any business in this state, a commercial telephone solicitor must be registered with the department of licensing. Prior to doing business in this state, a commercial telephone solicitor shall register with the department of licensing. Doing business in this state includes both commercial telephone solicitation from a location in Washington and solicitation of purchasers located in Washington. (2) The department of licensing, in registering commercial telephone solicitors, shall have the authority to require the submission of information necessary to assist in identifying and locating a commercial telephone solicitor, including past business history, prior judgments, and such other information as may be useful to purchasers. (3) The department of licensing shall issue a registration number to the commercial telephone solicitor. (4) It is a violation of this chapter for a commercial telephone solicitor to: (a) Fail to maintain a valid registration; (b) Advertise that one is registered as a commercial telephone solicitor or to represent that such registration constitutes approval or endorsement by any government or governmental office or agency; (c) Provide inaccurate or incomplete information to the department of licensing when making a registration application; or (d) Represent that a person is registered or that such person has a valid registration number when such person does not. (5) An annual registration fee shall be assessed by the department of licensing, the amount of which shall be determined at the discretion of the director of the department of licensing, and which shall be reasonably related to the cost of administering the provisions of this chapter. (6) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 860.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to read as follows: (1) An application for registration as an international student exchange visitor placement organization shall be submitted in the form prescribed by the secretary of state. The application shall include: (a) Evidence that the organization meets the standards established by the secretary of state under RCW 19.166.050; (b) The name, address, and telephone number of the organization, its chief executive officer, and the person within the organization who has primary responsibility for supervising placements within the state; (c) The organization's unified business identification number, if any; (d) The organization's United States Information Agency number, if any; (e) Evidence of council on standards for international educational travel listing, if any; (f) Whether the organization is exempt from federal income tax; and (g) A list of the organization's placements in Washington for the previous academic year including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements. (2) The application shall be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within Washington. If the secretary of state determines that the application is complete, the secretary of state shall file the application and the applicant is registered. (3) International student exchange visitor placement organizations that have registered shall inform the secretary of state of any changes in the information required under

subsection (1) of this section within thirty days of the change. (4) Registration shall be renewed annually as established by rule by the office of the secretary of state. (5) The office of the secretary of state shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the office of the secretary of state's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 861.** A new section is added to chapter 20.01 RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 862.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to read as follows: The director may by order deny, suspend, or revoke registration of any broker-dealer, salesperson, investment adviser representative, or investment adviser; censure or fine the registrant or an officer, director, partner, or person occupying similar functions for a registrant; or restrict or limit a registrant's function or activity of business for which registration is required in this state; if the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director: (1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact; (2) Has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder; (3) Has been convicted, within the past five years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities or investment commodities business, or any felony involving moral turpitude; (4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities or investment commodities business; (5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative; (6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or a commodity broker-dealer or sales representative, or the substantial equivalent of those terms as defined in this chapter or by the commodity futures trading commission denying or revoking registration as a commodity merchant as defined in RCW 21.30.010, or is the subject of an order of suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the federal commodity exchange act, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) the director may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section; (7) Has engaged in dishonest or unethical practices in the securities or investment commodities business; (8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; (9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or (10)(a) Has failed to supervise reasonably a salesperson or an investment adviser representative. For the purposes of this subsection, no person fails to supervise reasonably another person, if: (i) There are established procedures, and a system for applying those procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation by another person of this chapter, or a rule or order under this chapter; and (ii) The supervising person has reasonably discharged the duties and obligations required by these procedures and system without reasonable cause to believe that another person was violating this chapter or rules or orders under this chapter. (b) The director may issue a summary order pending final determination of a proceeding under this section upon a finding that it is in the public interest and necessary or appropriate for the protection of investors. The director may not impose a fine under this section except after notice and opportunity for hearing. The fine imposed under this section may not exceed five thousand dollars for each act or omission that constitutes the basis for issuing the order. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 863.** A new section is added to chapter 48.17 RCW to read as follows: The commissioner shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the commissioner's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 864.** A new section is added to chapter 74.15 RCW to read as follows: The secretary shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the secretary's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 865.** A new section is added to chapter 47.68 RCW to read as follows: The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of



a release issued by the department of social and health services stating that the licensee is in compliance with the order. NEW SECTION. Sec. 866. A new section is added to chapter 71.12 RCW to read as follows: The department of health shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department of health's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. Sec. 867. RCW 66.20.320 and 1996 c 311 s 2 are each amended to read as follows: (1) The board shall regulate a required alcohol server education program that includes: (a) Development of the curriculum and materials for the education program; (b) Examination and examination procedures; (c) Certification procedures, enforcement policies, and penalties for education program instructors and providers; (d) The curriculum for an approved class 12 alcohol permit training program that includes but is not limited to the following subjects: (i) The physiological effects of alcohol including the effects of alcohol in combination with drugs; (ii) Liability and legal information; (iii) Driving while intoxicated; (iv) Intervention with the problem customer, including ways to stop service, ways to deal with the belligerent customer, and alternative means of transportation to get the customer safely home; (v) Methods for checking proper identification of customers; (vi) Nationally recognized programs, such as TAM (Techniques in Alcohol Management) and TIPS (Training for Intervention Programs) modified to include Washington laws and regulations. (2) The board shall provide the program through liquor licensee associations, independent contractors, private persons, private or public schools certified by the board, or any combination of such providers. (3) Except as provided in section 869 of this act, each training entity shall provide a class 12 permit to the manager or bartender who has successfully completed a course the board has certified. A list of the individuals receiving the class 12 permit shall be forwarded to the board on the completion of each course given by the training entity. (4) After January 1, 1997, the board shall require all alcohol servers applying for a class 13 alcohol server permit to view a video training session. Retail liquor licensees shall fully compensate employees for the time spent participating in this training session. (5) When requested by a retail liquor licensee, the board shall provide copies of videotaped training programs that have been produced by private vendors and make them available for a nominal fee to cover the cost of purchasing and shipment, with the fees being deposited in the liquor revolving fund for distribution to the board as needed. (6) Each training entity may provide the board with a video program of not less than one hour that covers the subjects in subsection (1)(d)(i) through (v) of this section that will be made available to a licensee for the training of a class 13 alcohol server. (7) Except as provided in section 869 of this act, applicants shall be given a class 13 permit upon the successful completion of the program. (8) A list of the individuals receiving the class 13 permit shall be forwarded to the board on the completion of each video training program. (9) The board shall develop a model permit for the class 12 and 13 permits. The board may provide such permits to training entities or licensees for a nominal cost to cover production. (10)(a) Persons who have completed a nationally recognized alcohol management or intervention program since July 1, 1993, may be issued a class 12 or 13 permit upon providing proof of completion of such training to the board. (b) Persons who completed the board's alcohol server training program after July 1, 1993, but before July 1, 1995, may be issued a class 13 permit upon providing proof of completion of such training to the board. NEW SECTION. Sec. 868. A new section is added to chapter 66.20 RCW to read as follows: The board shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. NEW SECTION. Sec. 869. A new section is added to chapter 66.24 RCW to read as follows: The board shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. NEW SECTION. Sec. 870. A new section is added to chapter 88.02 RCW to read as follows: The department shall immediately suspend the vessel registration or vessel dealer's registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the registration shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. Sec. 871. RCW 67.08.040 and 1993 c 278 s 14 are each amended to read as follows: Except as provided in RCW 67.08.100, upon the approval by the department of any application for a license, as hereinabove provided, and the filing of the bond the department shall forthwith issue such license. Sec. 872. RCW 67.08.100 and 1993 c 278 s 20 are each amended to read as follows: (1) The department may grant annual licenses upon application in compliance with the rules and regulations prescribed by the director, and the payment of the fees, the amount of which is to be set by the director in accordance with RCW 43.24.086, prescribed to promoters, managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the defense department or any bona fide athletic club which is a member of the Pacific northwest association of the amateur athletic union of the United States, holding and promoting athletic contests and where all funds are used primarily for the benefit of their members. (2) Any such license may be revoked by the department for any cause which it shall deem sufficient. (3) No person shall participate or serve in any of the above capacities unless licensed as provided in this chapter. (4) The referee for any boxing contest shall be designated by the department from among such licensed referees. (5) The referee for any wrestling exhibition or show shall be provided by the promoter and licensed by the department. (6) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. Sec. 873. RCW 19.02.100 and 1991 c 72 s 8 are each amended to read as follows: (1) The department shall not issue or renew a master license to any person if: (a) The person does not have a valid tax registration, if required; (b) The person is a corporation delinquent in fees or penalties owing to the

secretary of state or is not validly registered under Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute now or hereafter adopted which gives corporate or business licensing responsibilities to the secretary of state; or (c) The person has not submitted the sum of all fees and deposits required for the requested individual license endorsements, any outstanding master license delinquency fee, or other fees and penalties to be collected through the system. (2) Nothing in this section shall prevent registration by the state of an employer for the purpose of paying an employee of that employer industrial insurance or unemployment insurance benefits. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 874.**

RCW 43.24.080 and 1979 c 158 s 99 are each amended to read as follows: Except as provided in section 877 of this act, at the close of each examination the department of licensing shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of licensing and notify all applicants who have failed to pass the examination of that fact. **Sec. 875.** RCW

43.24.110 and 1986 c 259 s 149 are each amended to read as follows: Except as provided in section 877 of this act, whenever there is filed in a matter under the jurisdiction of the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. In addition, the governor shall appoint a consumer member of the committee. The decision of any three members of such committee shall be the decision of the committee. The appointed members of the committee shall be compensated in accordance with RCW

43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060. **Sec. 876.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to read as follows: Except as provided in section 877 of this act, any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal to superior court from the decision of the director of licensing, which shall be taken, prosecuted, heard, and determined in the manner provided in chapter 34.05 RCW. The decision of the superior court may be reviewed by the supreme court or the court of appeals in the same manner as other civil cases. **NEW SECTION. Sec. 877.**

A new section is added to chapter 43.24 RCW to read as follows: The department shall immediately suspend any license issued by the department of licensing of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 878.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to read as follows: All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on ~~((the date when this 1969 amendatory act takes effect))~~ August 11, 1969,

shall within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after ~~((this act takes effect))~~ August 11, 1969, shall, before so engaging, make an application in writing, subscribed to by such person or his agent, to the department of labor and industries, the application stating: (1) Location of place of manufacture or processing; (2) Kind of explosives manufactured, processed or used; (3) The distance that such explosives manufacturing building is located or intended to be located from the other factory buildings, magazines, inhabited buildings, railroads and highways and public utility transmission systems; (4) The name and address of the applicant; (5) The reason for desiring to manufacture explosives; (6) The applicant's citizenship, if the applicant is an individual; (7) If the applicant is a partnership, the names and addresses of the partners, and their citizenship; (8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship; and (9) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter. There shall be kept in the main office on the premises of each

explosives manufacturing plant a plan of said plant showing the location of all explosives manufacturing buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the department of labor and industries. The superintendent of each plant shall upon demand of said inspector furnish the following information: (a) The maximum amount and kind of explosive material which is or will be present in each building at one time. (b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades. Except as provided in RCW

70.74.370, the department of labor and industries shall as soon as possible after receiving such application cause an inspection to be made of the explosives manufacturing plant, and if found to be in accordance with RCW 70.74.030 and 70.74.050 and 70.74.061, such department shall issue a license to the person applying therefor showing compliance with the provisions of this chapter if the applicant demonstrates that either the applicant or the officers, agents or employees of the applicant are sufficiently experienced in the manufacture of explosives and the applicant meets the qualifications for a license under RCW

70.74.360. Such license shall continue in full force and effect until expired, suspended, or revoked by the department pursuant to this chapter. **Sec. 879.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to read as follows: Every person desiring to engage in the business of dealing in explosives shall apply to the department of labor and industries for a license therefor. Said application shall state, among other things: (1) The name and address of applicant; (2) The reason for desiring to engage in the business of dealing in explosives; (3) Citizenship, if an individual applicant; (4) If a partnership, the names and addresses of the partners and their citizenship; (5) If an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and (6) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter. Except as provided in RCW 70.74.370, the department of labor and

industries shall issue the license if the applicant demonstrates that either the applicant or the principal officers, agents, or employees of the applicant are experienced in the business of dealing in explosives, possess suitable facilities therefor, have

not been convicted of any crime that would warrant revocation or nonrenewal of a license under this chapter, and have never had an explosives-related license revoked under this chapter or under similar provisions of any other state. **Sec. 880.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to read as follows: (1) The department of labor and industries shall revoke and not renew the license of any person holding a manufacturer, dealer, purchaser, user, or storage license upon conviction of any of the following offenses, which conviction has become final: (a) A violent offense as defined in RCW 9.94A.030; (b) A crime involving perjury or false swearing, including the making of a false affidavit or statement under oath to the department of labor and industries in an application or report made pursuant to this title; (c) A crime involving bomb threats; (d) A crime involving a schedule I or II controlled substance, or any other drug or alcohol related offense, unless such other drug or alcohol related offense does not reflect a drug or alcohol dependency. However, the department of labor and industries may condition renewal of the license to any convicted person suffering a drug or alcohol dependency who is participating in an alcoholism or drug recovery program acceptable to the department of labor and industries and has established control of their alcohol or drug dependency. The department of labor and industries shall require the licensee to provide proof of such participation and control; (e) A crime relating to possession, use, transfer, or sale of explosives under this chapter or any other chapter of the Revised Code of Washington. (2) The department of labor and industries shall revoke the license of any person adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease. The director shall not renew the license until the person has been restored to competency. (3) The department of labor and industries is authorized to suspend, for a period of time not to exceed six months, the license of any person who has violated this chapter or the rules promulgated pursuant to this chapter. (4) The department of labor and industries may revoke the license of any person who has repeatedly violated this chapter or the rules promulgated pursuant to this chapter, or who has twice had his or her license suspended under this chapter. (5) The department of labor and industries shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department of labor and industries' receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. (6) Upon receipt of notification by the department of labor and industries of revocation or suspension, a licensee must surrender immediately to the department any or all such licenses revoked or suspended. **Sec. 881.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read as follows: (1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license. (2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority shall be adopted by rule. No retail license of any kind may be issued to: (a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft; (b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section; (c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee; or (d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington. (3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. (b) The board shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. (c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt. (d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence. (e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein. (4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee. (5)(a) At the time of the original issuance of a class H license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required. (b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect. (6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time. All conditions and restrictions imposed by the board in the issuance of

an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date. (7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises. (8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. (9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license. (10) The restrictions set forth in subsection (9) of this section shall not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation. (11) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or wholesaler license to an applicant assuming an existing retail or wholesaler license to continue the operation of the retail or wholesaler premises during the period the application for the license is pending and when the following conditions exist: (a) The licensed premises has been operated under a retail or wholesaler license within ninety days of the date of filing the application for a temporary license; (b) The retail or wholesaler license for the premises has been surrendered pursuant to issuance of a temporary operating license; (c) The applicant for the temporary license has filed with the board an application to assume the retail or wholesaler license at such premises to himself or herself; and (d) The application for a temporary license is accompanied by a temporary license fee established by the board by rule. A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for an additional sixty-day period upon payment of an additional fee and upon compliance with all conditions required in this section. Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses. Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full. **Sec. 882.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to read as follows: (1) The department shall issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and in all other respects ~~(meets)~~ meets the qualifications. The certificate shall bear the date of issuance, a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the department. A renewal fee shall be assessed for each certificate. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee. (2) The certificate of manufactured home installation provided for in this chapter grants the holder the right to engage in manufactured home installation throughout the state, without any other installer certification. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 883.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to read as follows: (1) The department shall establish a process to certify incinerator and landfill operators. To the greatest extent possible, the department shall rely on the certification standards and procedures developed by national organizations and the federal government. (2) Operators shall be certified if they: (a) Attend the required training sessions; (b) Successfully complete required examinations; and (c) Pay the prescribed fee. (3) By January 1, 1991, the department shall adopt rules to require incinerator and appropriate landfill operators to: (a) Attend a training session concerning the operation of the relevant type of landfill or incinerator; (b) Demonstrate sufficient skill and competency for proper operation of the incinerator or landfill by successfully completing an examination prepared by the department; and (c) Renew the certificate of

competency at reasonable intervals established by the department. (4) The department shall provide for the collection of fees for the issuance and renewal of certificates. These fees shall be sufficient to recover the costs of the certification program. (5)

The department shall establish an appeals process for the denial or revocation of a certificate. (6) The department shall establish a process to automatically certify operators who have received comparable certification from another state, the federal government, a local government, or a professional association. (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or operator of an incinerator or landfill may apply to the department for interim certification. Operators shall receive interim certification if they: (a) Have received training provided by a recognized national organization, educational institution, or the federal government that is acceptable to the department; or (b) Have received individualized training in a manner approved by the department; and (c) Have successfully completed any required examinations. (8) No interim certification shall be valid after January 1, 1992, and interim certification shall not automatically qualify operators for certification pursuant to subsections (2) through (4) of this section. (9) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 884.** A new section is added to chapter 70.95B RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 885.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to read as follows: Any license, permit, or certification provided for in this chapter may be revoked or suspended, and any license, permit, or certification application may be denied by the director for cause. If the director suspends a license under this chapter with respect to activity of a continuing nature under chapter 34.05 RCW, the director may elect to suspend the license for a subsequent license year during a period that coincides with the period commencing thirty days before and ending thirty days after the date of the incident or incidents giving rise to the violation. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 886.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to read as follows: (1) After January 1, 1991, a contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified. (2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee. (3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification. (4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds: (a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel; (b) Failing to file a work plan; (c) Failing to perform work pursuant to the work plan; (d) Failing to perform work that meets the requirements of the department; ~~((e))~~ (e) The certificate was obtained by error, misrepresentation, or fraud; or (f) If the person has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation. (6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses. (7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter. **Sec. 887.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to read as follows: (1) The director shall enforce all laws and rules relating to the licensing of mortgage brokers, grant or deny licenses to mortgage brokers, and hold hearings. (2) The director may impose the following sanctions: (a) Deny applications for licenses for: (i) Violations of orders, including cease and desist orders issued under this chapter; or (ii) any violation of RCW 19.146.050 or 19.146.0201 (1) through (9); (b) Suspend or revoke licenses for: (i) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license; (ii) Failure to pay a fee required by the director or maintain the required bond; (iii) Failure to comply with any directive or order of the director; or (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9) or (13), 19.146.205(3), or 19.146.265; (c) Impose fines on the licensee, employee or loan originator of the licensee, or other person subject to this chapter for: (i) Any violations of RCW 19.146.0201 (1) through (9) or (13), 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or 19.146.265; or (ii) Failure to comply with any directive or order of the director; (d) Issue orders directing a licensee, its employee or loan originator, or other person subject to this chapter to: (i) Cease and desist from conducting business in a manner that is injurious to the public or violates any provision of this chapter; or (ii) Pay restitution to an injured borrower; or (e) Issue orders removing from office or prohibiting from participation in the conduct of the affairs

of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under this chapter for: (i) Any violation of 19.146.0201 (1) through (9) or (13), 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or 19.146.265; or (ii) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license; (iii) Conviction of a gross misdemeanor involving dishonesty or financial misconduct or a felony after obtaining a license; or (iv) Failure to comply with any directive or order of the director. (3) Each day's continuance of a violation or failure to comply with any directive or order of the director is a separate and distinct violation or failure. (4) The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions. Every licensed mortgage broker that does not maintain a physical office within the state must maintain a registered agent within the state to receive service of any lawful process in any judicial or administrative noncriminal suit, action, or proceeding, against the licensed mortgage broker which arises under this chapter or any rule or order under this chapter, with the same force and validity as if served personally on the licensed mortgage broker. Service upon the registered agent shall be effective if the plaintiff, who may be the director in a suit, action, or proceeding instituted by him or her, sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address of the respondent or defendant on file with the director. In any judicial action, suit, or proceeding arising under this chapter or any rule or order adopted under this chapter between the department or director and a licensed mortgage broker who does not maintain a physical office in this state, venue shall be exclusively in the superior court of Thurston county. (5) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 888.**

A new section is added to chapter 75.25 RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 889.**

A new section is added to chapter 77.32 RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 890.** RCW 75.25.150 and 1994 c 255 s 7 are each amended to read as follows: It is unlawful to dig for, fish for, harvest, or possess shellfish, food fish, or seaweed without the licenses required by this chapter or with a suspended license pursuant to section 802 of this act. **NEW SECTION. Sec. 891.**

A new section is added to chapter 75.25 RCW to read as follows: Licenses issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services as a person in noncompliance with a support order. Fisheries patrol officers, ex officio fisheries patrol officers, and authorized fisheries employees shall enforce this section through checks of the department of licensing's computer data base. Presentation of a release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order. **NEW SECTION. Sec. 892.**

A new section is added to chapter 77.32 RCW to read as follows: Licenses issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services as a person in noncompliance with a support order. Wildlife agents and ex officio wildlife agents shall enforce this section through checks of the department of licensing's computer data base. Presentation of a release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order. **Sec. 893.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to read as follows: (1) Except as otherwise provided by this title, it is unlawful to engage in any of the following activities without a license or permit issued by the director: (a) Commercially fish for or take food fish or shellfish; (b) Deliver food fish or shellfish taken in offshore waters; (c) Operate a charter boat or commercial fishing vessel engaged in a fishery; (d) Engage in processing or wholesaling food fish or shellfish; or (e) Act as a guide for salmon for personal use in freshwater rivers and streams, other than that part of the Columbia river below the bridge at Longview. (2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, ~~and~~ the person is the named license holder or an alternate operator designated on the license, ~~and the person's license is not suspended pursuant to section 894 of this act.~~ (3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent. (4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules. **NEW SECTION. Sec. 894.**

A new section is added to chapter 75.28 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 895.** (1) The director of the department of fish and wildlife and the director of the department of information services shall jointly develop a comprehensive, state-wide implementation plan for the automated issuance, revocation, and general administration of hunting, fishing, and recreational licenses administered under the authority of the department of fish and wildlife to ensure compliance with the license suspension requirements for failure to pay child support in section 802 of this act. (2) The plan shall detail the implementation steps necessary to effectuate the automated administration of hunting, fishing, and recreational licenses and shall include recommendations regarding all costs and equipment associated with the plan. (3) The plan shall be submitted to the legislature

for review by September 1, 1997. **Sec. 896.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to read as follows: (1) If the ~~((office of support enforcement))~~ division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation: (a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry; (b) A statement that ~~((a notice of payroll deduction may be issued, or other income withholding action under chapter 26.18 or 74.20A RCW may be taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless: (i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or (ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~((and))~~ (c) A statement that the receiving parent might be required to submit an accounting of how the support is being spent to benefit the child; and (d) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as defined in section 802 of this act. As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support. (2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties. (a) The superior court shall include in all orders under this subsection that establish or modify a support obligation: (i) A statement that ~~((a notice of payroll deduction may be issued or other income))~~ withholding action (under chapter 26.18 or 74.20A RCW)) may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless: (A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or (B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and (ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child. As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate. (b) The superior court may order immediate or delayed income withholding as follows: (i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW. (ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that ~~((a notice of payroll deduction may be issued, or other income withholding action under chapter 26.18 or 74.20A RCW may be taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due. (c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the ~~((office of support enforcement))~~ division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the ~~((office of support enforcement's))~~ division of child support's subsequent service of an income withholding notice. (3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as defined in section 802 of this act. All administrative orders shall also state that ~~((a notice of payroll deduction may be issued, or other income withholding action taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless: (a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or (b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement. (4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that ~~((a notice of payroll deduction may be issued))~~ withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the ~~((office of support enforcement))~~ division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt. (5) Every support order shall state: (a) The address where the support payment is to be sent; (b) That ~~((a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 or 74.20A RCW may be taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of ((an order by the court)) a support order, unless: (i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or (ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; (c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based; (d) The support award as a sum certain amount; (e) The specific day or date on which the support payment is due; (f) The social security number, residence address, date of birth, telephone number, driver's license number, and name and address of the employer of the responsible parent; (g) The social security number and residence address of the physical custodian except as provided in subsection (6) of this section; (h) The names, dates of birth, and social security numbers, if any, of the dependent children; (i) ~~((In cases requiring payment to the Washington state~~

support registry, that the parties are to notify the Washington state support registry of any change in residence address. The responsible parent shall notify the registry of the name and address of his or her current employer.)) A provision requiring the responsible parent to keep the Washington state support registry informed of whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information; (j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW

26.09.105; (k) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; ~~((and))~~ (l) The reasons for not ordering health insurance coverage if the order fails to require such coverage; and (m) That the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as defined in section 802 of this act. (6) The physical custodian's address: (a) Shall be omitted from an order entered under the administrative procedure act. When the physical custodian's address is omitted from an order, the order shall state that the custodian's address is known to the ~~((office of support enforcement))~~ division of child support. (b) A responsible parent may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120 to the ~~((office of support enforcement))~~ division of child support. (7) ~~((The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV D of the social security act. (8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who have not made a written application for support enforcement services to the office of support enforcement and who are not recipients of public assistance is deemed to be a request for payment services only. (9)))~~ After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section. **Sec. 897.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to read as follows: The wage assignment order shall

be substantially in the following form: IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR  
THE COUNTY OF . . . . .  
, Oblige No. . . . . vs. , WAGE

ASSIGNMENT Obligor ORDER , Oblige No. . . . . vs. , WAGE  
THE STATE OF WASHINGTON TO: Employer  
AND TO: Obligor

The above-named obligee claims that the above-named obligor is subject to a support order requiring immediate income withholding or is more than fifteen days past due in either child support or spousal maintenance payments, or both, in an amount equal to or greater than the child support or spousal maintenance payable for one month. The amount of the accrued child support or spousal maintenance debt as of this date is . . . . . dollars, the amount of arrearage payments specified in the support or spousal maintenance order (if applicable) is . . . . . dollars per . . . . ., and the amount of the current and continuing support or spousal maintenance obligation under the order is . . . . . dollars per . . . . . You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you. If you possess any earnings or other remuneration for employment due and owing to the obligor, then you shall do as follows: (1) Withhold from the obligor's earnings or remuneration each month, or from each regular earnings disbursement, the lesser of: (a) The sum of the accrued support or spousal maintenance debt and the current support or spousal maintenance obligation; (b) The sum of the specified arrearage payment amount and the current support or spousal maintenance obligation; or (c) Fifty percent of the disposable earnings or remuneration of the obligor. (2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor. (3) Upon receipt of this wage assignment order you shall make immediate deductions from the obligor's earnings or remuneration and remit to the Washington state support registry or other address specified below the proper amounts at each regular pay interval. You shall continue to withhold the ordered amounts from nonexempt earnings or remuneration of the obligor until notified by: (a) The court that the wage assignment has been modified or terminated; or (b) The addressee specified in the wage assignment order under this section that the accrued child support or spousal maintenance debt has been paid. You shall promptly notify the court and the addressee specified in the wage assignment order under this section if and when the employee is no longer employed by you, or if the obligor no longer receives earnings or remuneration from you. If you no longer employ the employee, the wage assignment order shall remain in effect for one year after the employee has left your employment or you are no longer in possession of any earnings or remuneration owed to the employee, whichever is later. You shall continue to hold the wage assignment order during that period. If the employee returns to your employment during the one-year period you shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned to your employment within one year, the wage assignment will cease to have effect at the expiration of the one-year period, unless you still owe the employee earnings or other remuneration. You shall deliver the withheld earnings or remuneration to the Washington state support registry or other address stated below at each regular pay interval. You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any



other wage assignment or garnishment, except for another wage assignment or garnishment for child support or spousal maintenance, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER. REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT RENEWED A PROFESSIONAL, DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT EXCEEDS SIX MONTHS OF PAYMENTS.

DATED THIS . . . . day of . . . ., 19. . .

Obligee, Judge/Court Commissioner or obligee's

attorney Send withheld payments to: **Sec. 898.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to read as follows: (1) The ~~((office of support enforcement))~~ division of child support may issue a notice of payroll deduction: (a) As authorized by a support order that contains ~~((the income withholding notice provisions in RCW 26.23.050 or a substantially similar notice))~~ a notice clearly stating that child support may be collected by withholding from earnings, wages, or benefits without further notice to the obligated parent; or (b) After service of a notice containing an income-withholding provision under this chapter or chapter 74.20A RCW. (2) The ~~((office of support enforcement))~~ division of child support shall serve a notice of payroll deduction upon a responsible parent's employer or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW ~~((by personal service or by any form of mail requiring a return receipt))~~: (a) In the manner prescribed for the service of a summons in a civil action; (b) By certified mail, return receipt requested; or (c) By electronic means if there is an agreement between the secretary and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means. (3) Service of a notice of payroll deduction upon an employer or employment security department requires the employer or employment security department to immediately make a mandatory payroll deduction from the responsible parent's unpaid disposable earnings or unemployment compensation benefits. The employer or employment security department shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent's disposable earnings. (4) A notice of payroll deduction for support shall have priority over any wage assignment, garnishment, attachment, or other legal process. (5) The notice of payroll deduction shall be in writing and include: (a) The name and social security number of the responsible parent; (b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction; (c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; ~~((and))~~ (d) The address to which the payments are to be mailed or delivered; and (e) A notice to the responsible parent warning the responsible parent that, despite the payroll deduction, the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as defined in section 802 of this act. (6) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail. (7) An employer or employment security department that receives a notice of payroll deduction shall make immediate deductions from the responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the responsible parent is due to be paid. (8) An employer, or the employment security department, upon whom a notice of payroll deduction is served, shall make an answer to the ~~((office of support enforcement))~~ division of child support within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives unemployment compensation benefits from the employment security department, whether the employer or employment security department anticipates paying earnings or unemployment compensation benefits and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving unemployment compensation benefits from the employment security department, the answer shall state the present employer's name and address, if known. (9) The employer or employment security department may deduct a processing fee from the remainder of the responsible parent's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry. (10) The notice of payroll deduction shall remain in effect until released by the ~~((office of support enforcement))~~ division of child support, the court enters an order terminating the notice and approving an alternate arrangement under RCW 26.23.050 ~~((2))~~, or one year has expired since the employer has employed the responsible parent or has been in possession of or owing any earnings to the responsible parent or the employment security department has been in possession of or owing any unemployment compensation benefits to the responsible parent. (11) The division of child support may use uniform interstate withholding forms adopted by the United States department of health and human services to take withholding actions under this section when the responsible parent is receiving earnings or unemployment compensation in another state. **B. CHILD SUPPORT ENFORCEMENT Sec. 899.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to read as follows: (1) Whenever the department ~~((of social and health services))~~ receives an application for public assistance on behalf of a child, the department shall take appropriate action under the provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys. (2) The secretary may accept a request for support enforcement services on behalf of persons who are not recipients of public assistance and may take appropriate action to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Requests accepted under this subsection may be conditioned upon the payment of a fee as required through regulation issued by the secretary. ~~((Action may be taken under the provisions of chapter 74.20~~

RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations.) The secretary may establish by regulation, reasonable standards and qualifications for support enforcement services under this subsection. (3) The secretary may accept requests for support enforcement services from child support enforcement agencies in other states operating child support programs under Title IV-D of the social security act or from foreign countries, and may take appropriate action to establish and enforce support obligations, or to enforce subpoenas, information requests, orders for genetic testing, and collection actions issued by the other agency against the parent or other person owing a duty to pay support moneys, the parent or other person's employer, or any other person or entity properly subject to child support collection or information-gathering processes. The request shall contain and be accompanied by such information and documentation as the secretary may by rule require, and be signed by an authorized representative of the agency. The secretary may adopt rules setting forth the duration and nature of services provided under this subsection. (4) The department may take action to establish, enforce, and collect a support obligation, including performing related services, under this chapter and chapter 74.20A RCW, or through the attorney general or prosecuting attorney for action under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state. (5) Whenever a support order is filed with the Washington state support registry under chapter 26.23 RCW, the department may take appropriate action under the provisions of this chapter, chapter 26.23 or 74.20A RCW, or other appropriate law of this state to establish or enforce the support obligations contained in that order against the responsible parent or other persons owing a duty to pay support moneys. (6) The secretary may charge and collect a fee from the person obligated to pay support to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The fee charged shall be in addition to the support obligation. In no event may any moneys collected by the department (~~of social and health services~~) from the person obligated to pay support be retained as satisfaction of fees charged until all current support obligations have been satisfied. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to any person obligated to pay support. The secretary may, on showing of necessity, waive or defer any such fee. (7) Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations. (8) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed. (9) The secretary shall adopt rules conforming to federal laws, rules, and regulations required to be observed in maintaining the state child support enforcement program required under Title IV-D of the federal social security act. The adoption of these rules shall be calculated to promote the cost-effective use of the agency's resources and not otherwise cause the agency to divert its resources from its essential functions. **NEW SECTION. Sec. 900.** A new section is added to chapter 74.20A RCW to read as follows: CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to child support payments wrongfully or negligently retains child support payments owed to another or to the Washington state support registry, those payments retain their character as child support payments and may be collected by the division of child support using any remedy available to the division of child support under Washington law for the collection of child support. (2) Child support moneys subject to collection under this section may be collected for the duration of the statute of limitations as it applies to the support order governing the support obligations, and any legislative or judicial extensions thereto. (3) This section applies to the following: (a) Cases in which an employer or other entity obligated to withhold child support payments from the parent's pay, bank, or escrow account, or from any other asset or distribution of money to the parent, has withheld those payments and failed to remit them to the payee; (b) Cases in which child support moneys have been paid to the wrong person or entity in error; (c) Cases in which child support recipients have retained child support payments in violation of a child support assignment executed or arising by operation of law in exchange for the receipt of public assistance; and (d) Any other case in which child support payments are retained by a party not entitled to them. (4) This section does not apply to fines levied under section 901(3)(b) of this act. **NEW SECTION. Sec. 901.** A new section is added to chapter 74.20A RCW to read as follows: NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--LIABILITY. (1) The division of child support may issue a notice of noncompliance to any person, firm, entity, or agency of state or federal government that the division believes is not complying with: (a) A notice of payroll deduction issued under chapter 26.23 RCW; (b) A lien, order to withhold and deliver, or assignment of earnings issued under this chapter; (c) Any other wage assignment, garnishment, attachment, or withholding instrument properly served by the agency or firm providing child support enforcement services for another state, under Title IV-D of the federal social security act; (d) A subpoena issued by the division of child support, or the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act; (e) An information request issued by the division of child support, or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, to an employer or entity required to respond to such requests under section 905 of this act; or (f) The duty to report newly hired employees imposed by RCW 26.23.040. (2) Liability for noncompliance with a wage withholding, garnishment, order to withhold and deliver, or any other lien or attachment issued to secure payment of child support is governed by RCW 26.23.090 and 74.20A.100, except that liability for noncompliance with remittance time frames is governed by subsection (3) of this section. (3) The division of child support may impose fines of up to one hundred dollars per occurrence for: (a) Noncompliance with a subpoena or an information request issued by the division of child support, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act; (b) Noncompliance with the required time frames for remitting withheld support moneys to the Washington state support registry, or the agency or firm providing child support enforcement services for another state, except that no liability shall be established for failure to make timely remittance unless the division of child support has provided the person, firm, entity, or agency of state or federal government with written warning: (i) Explaining the duty to remit withheld payments promptly; (ii) Explaining the potential for fines for delayed submission; and (iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or federal government may seek assistance with child support withholding issues. (4) The division of child support may assess fines according to RCW 26.23.040 for

failure to comply with employer reporting requirements. (5) The division of child support may suspend licenses for failure to comply with a subpoena issued under section 906 of this act. (6) The division of child support may serve a notice of noncompliance by personal service or by any method of mailing requiring a return receipt. (7) The liability asserted by the division of child support in the notice of noncompliance becomes final and collectible on the twenty-first day after the date of service, unless within that time the person, firm, entity, or agency of state or federal government: (a) Initiates an action in superior court to contest the notice of noncompliance; (b) Requests a hearing by delivering a hearing request to the division of child support in accordance with rules adopted by the secretary under this section; or (c) Contacts the division of child support and negotiates an alternate resolution to the asserted noncompliance or demonstrates that the person, firm, entity, or agency of state or federal government has complied with the child support processes. (8) The notice of noncompliance shall contain: (a) A full and fair disclosure of the rights and obligations created by this section; and (b) Identification of the: (i) Child support process with respect to which the division of child support is alleging noncompliance; and (ii) State child support enforcement agency issuing the original child support process. (9) In an administrative hearing convened under subsection (7)(b) of this section, the presiding officer shall determine whether or not, and to what extent, liability for noncompliance exists under this section, and shall enter an order containing these findings. If liability does exist, the presiding officer shall include language in the order advising the parties to the proceeding that the liability may be collected by any means available to the division of child support under subsection (12) of this section without further notice to the liable party. (10) Hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. (11) After the twenty days following service of the notice, the person, firm, entity, or agency of state or federal government may petition for a late hearing. A petition for a late hearing does not stay any collection action to recover the debt. A late hearing is available upon a showing of any of the grounds stated in civil rule 60 for the vacation of orders. (12) The division of child support may collect any obligation established under this section using any of the remedies available under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the collection of child support. (13) The division of child support may enter agreements for the repayment of obligations under this section. Agreements may: (a) Suspend the obligation imposed by this section conditioned on future compliance with child support processes. Such suspension shall end automatically upon any failure to comply with a child support process. Amounts suspended become fully collectible without further notice automatically upon failure to comply with a child support process; (b) Resolve amounts due under this section and provide for repayment. (14) The secretary may adopt rules to implement this section. **Sec. 902.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to read as follows: (1) The employer shall be liable to the Washington state support registry, or to the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act and issuing a notice, garnishment, or wage assignment attaching wages or earnings in satisfaction of a support obligation, for one hundred percent of the amount of the support debt, or the amount of support moneys which should have been withheld from the employee's earnings, whichever is the lesser amount, if the employer: (a) Fails or refuses, after being served with a notice of payroll deduction, or substantially similar action issued by the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; (b) Fails or refuses to submit an answer to the notice of payroll deduction, or substantially similar action issued by the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act, after being served; or (c) Is unwilling to comply with the other requirements of RCW 26.23.060. (2) Liability may be established in superior court or may be established pursuant to ((RCW 74.20A.270)) section 901 of this act. Awards in superior court and in actions pursuant to ((RCW 74.20A.270)) section 901 of this act shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs as a part of the award. Debts established pursuant to this section may be collected ((pursuant to chapter 74.20A RCW utilizing any of the remedies contained in that chapter)) by the division of child support using any of the remedies available under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the collection of child support. **Sec. 903.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to read as follows: (1) Any person, firm, corporation, association, political subdivision or department of the state shall be liable to the department, or to the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act and issuing a notice, garnishment, or wage assignment attaching wages or earnings in satisfaction of a support obligation, in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of earnings, or the amount that should have been withheld, whichever amount is less, together with costs, interest, and reasonable attorney fees if that person or entity: (a) Fails to answer an order to withhold and deliver, or substantially similar action issued by the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act, within the time prescribed herein; (b) Fails or refuses to deliver property pursuant to said order; (c) After actual notice of filing of a support lien, pays over, releases, sells, transfers, or conveys real or personal property subject to a support lien to or for the benefit of the debtor or any other person; (d) Fails or refuses to surrender property distrainted under RCW 74.20A.130 upon demand; or (e) Fails or refuses to honor an assignment of earnings presented by the secretary. (2) The secretary is authorized to issue a notice of ((debt pursuant to RCW 74.20A.040 and to take appropriate action to collect the debt under this chapter if: (a) A judgment has been entered as the result of an action in superior court against a person, firm, corporation, association, political subdivision, or department of the state based on a violation of this section; or (b) Liability has been established under RCW 74.20A.270)) noncompliance under section 901 of this act or to proceed in superior court to obtain a judgment for noncompliance under this section. **Sec. 904.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156 are each reenacted and amended to read as follows: (1) The secretary may issue a notice of ((noncompliance)) retained support or notice to recover a support payment to any person ((firm, corporation, association, or political subdivision of the state of Washington or any officer or agent thereof who has violated chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040,)); (a) Who is in possession of support moneys, or who has had support moneys in his or her possession at some time in the past, which support moneys were or are claimed by the department as the property of the department by assignment, subrogation, or by operation of law or legal process under chapter 74.20A RCW ((if the support moneys have not been remitted to the department as required by law)); (b) Who has received a support payment erroneously directed to the wrong payee, or issued by the department in error; or (c) Who is in possession of a support payment obtained through the internal revenue service tax refund offset process, which payment was later reclaimed from the department by the internal revenue service as a result of an amended tax return filed by the obligor or the obligor's spouse. (2) The notice shall ((describe the claim of the department, stating)) state the legal basis for the claim and shall provide sufficient

detail to enable the person (~~(, firm, corporation, association, or political subdivision or officer or agent thereof upon whom service is made)~~) to identify the support moneys in issue (~~(or the specific violation of RCW 74.20A.100 that has occurred.~~ The notice may also make inquiry as to relevant facts necessary to the resolution of the issue)). (3) ~~The department shall serve the notice ((may be served)) by certified mail, return receipt requested, or in the manner of a summons in a civil action. ((Upon service of the notice all moneys not yet disbursed or spent or like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any adjudicative proceeding.))~~ (4) ~~The amounts claimed in the notice ((shall be answered under oath and in writing within twenty days of the date of service, which answer shall include true answers to the matters inquired of in the notice. The answer shall also either acknowledge)) shall become assessed, determined, and subject to collection twenty days from the date of service of the notice unless within those twenty days the person in possession of the support moneys: (a) Acknowledges the department's right to the moneys ((or application for)) and executes an agreed settlement providing for repayment of the moneys; or (b) Requests an adjudicative proceeding to ((contest the allegation that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been violated, or)) determine the rights to ownership of the support moneys in issue. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. The burden of proof to establish ownership of the support moneys claimed ((, including but not limited to moneys not yet disbursed or spent,)) is on the department. ((If no answer is made within the twenty days, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW 26.23.040. Any such debtor))~~ (5) ~~After the twenty-day period, a person served with a notice under this section may, at any time within one year from the date of service of the notice of support debt, petition the secretary or the secretary's designee for an adjudicative proceeding upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60. A copy of the petition shall also be served on the department. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending the final administrative order. Any such moneys held and/or taken by collection action ((prior to)) after the date of any such stay ((and any support moneys claimed by the department, including moneys to be received in the future to which the department may have a claim,)) shall be held ((in trust)) by the department pending the final order, to be disbursed in accordance with the final order. ((The secretary or the secretary's designee shall condition the stay to provide for the trust. If the petition is granted the issue in the proceeding is limited to the determination of the ownership of the moneys claimed in the notice of debt. The right to an adjudicative proceeding is conditioned upon holding of any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings. The presiding or reviewing officer shall enter an appropriate order providing for the terms of the trust.))~~ (6) ~~If the debtor fails to attend or participate in the hearing or other stage of an adjudicative proceeding, the presiding officer shall, upon showing of valid service, enter an order declaring the amount of support moneys, as claimed in the notice, to be assessed and determined and subject to collection action.~~ (7) ~~The department may take action to collect an obligation established under this section using any remedy available under this chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection of child support.~~ (8) ~~If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in an adjudicative proceeding, the judgment shall supersede the final administrative order. ((Any debt determined by the superior court in excess of the amount determined by the final administrative order shall be the property of the department as assigned under 42 U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or 74.20.330.)) The department may ((, despite any final administrative order,)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain such a judgment or to collect moneys determined by such a judgment to be due and owing. ((If public assistance moneys have been paid to a parent for the benefit of that parent's minor dependent children, debt under this chapter shall not be incurred by nor at any time be collected from that parent because of that payment of assistance. Nothing in this section prohibits or limits the department from acting pursuant to RCW 74.20.320 and this section to assess a debt against a recipient or ex-recipient for receipt of support moneys paid in satisfaction of the debt assigned under RCW 74.20.330 which have been assigned to the department but were received by a recipient or ex-recipient from another responsible parent and not remitted to the department. To collect these wrongfully retained funds from the recipient, the department may not take collection action in excess of ten percent of the grant payment standard during any month the public assistance recipient remains in that status unless required by federal law.))~~ (9) ~~If a person owing a debt established under this section is receiving public assistance, the department may collect the debt by offsetting up to ten percent of the grant payment received by the person. No collection action may be taken against the earnings of a person receiving cash public assistance to collect a debt assessed under this section.~~ (10) ~~Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under this section.~~ **NEW SECTION. Sec. 905.** A new section is added to chapter 74.20A RCW to read as follows: **ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY.** (1) Notwithstanding any other provision of Washington law, the division of child support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act may access records of the following nature, in the possession of any agency or entity listed in this section: (a) Records of state and local agencies, including but not limited to: (i) The center for health statistics, including but not limited to records of birth, marriage, and death; (ii) Tax and revenue records, including, but not limited to, information on residence addresses, employers, and assets; (iii) Records concerning real and titled personal property; (iv) Records of occupational, professional, and recreational licenses and records concerning the ownership and control of corporations, partnerships, and other business entities; (v) Employment security records; (vi) Records of agencies administering public assistance programs; and (vii) Records of the department of corrections, and of county and municipal correction or confinement facilities; (b) Records of public utilities and cable television companies relating to persons who owe or are owed support, or against whom a support obligation is sought, including names and addresses of the individuals, and employers' names and addresses pursuant to section 906 of this act and RCW 74.20A.120; and (c) Records held by financial institutions, pursuant to section 907 of this act. (2) Upon the request of the division of child support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the social security act, any employer shall provide information as to the employment, earnings, benefits, and residential address and phone number of any employee. (3) Entities in possession of records described in subsection (1)(a) and (c) of this section must provide information and records upon the request of the division of child support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act. The division of child

support may enter into agreements providing for electronic access to these records. (4) Public utilities and cable television companies must provide the information in response to a judicial or administrative subpoena issued by the division of child support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act. (5) Entities responding to information requests and subpoenas under this section are not liable for disclosing information pursuant to the request or subpoena. (6) The division of child support shall maintain all information gathered under this section confidential and shall only disclose this information as provided under RCW 26.23.120. (7) The division of child support may impose fines for noncompliance with this section using the notice of noncompliance under section 901 of this act. **NEW SECTION. Sec. 906.** A new section is added to chapter 74.20 RCW to read as follows: **SUBPOENA AUTHORITY--ENFORCEMENT.** In carrying out the provisions of this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the secretary and other duly authorized officers of the department may subpoena witnesses, take testimony, and compel the production of such papers, books, records, and documents as they may deem relevant to the performance of their duties. The division of child support may enforce subpoenas issued under this power according to section 901 of this act. **NEW SECTION. Sec. 907.** A new section is added to chapter 74.20A RCW to read as follows: **FINANCIAL INSTITUTION DATA MATCHES.** (1) Each calendar quarter financial institutions doing business in the state of Washington shall report to the department the name, record address, social security number or other taxpayer identification number, and other information determined necessary by the department for each individual who maintains an account at such institution and is identified by the department as owing a support debt. (2) The department and financial institutions shall enter into agreements to develop and operate a data match system, using automated data exchanges to the extent feasible, to minimize the cost of providing information required under subsection (1) of this section. (3) The department may pay a reasonable fee to a financial institution for conducting the data match not to exceed the actual costs incurred. (4) A financial institution is not liable for any disclosure of information to the department under this section. (5) The division of child support shall maintain all information gathered under this section confidential and shall only disclose this information as provided under RCW 26.23.120. **Sec. 908.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows: (1) The following are exempt from public inspection and copying: (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients. (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer. (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath. (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination. (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal. (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss. (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action. (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user. (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070. (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter. (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035. (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW. (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095. (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency. (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department. (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant. (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support

enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order. (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9). (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090. (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420. (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW. (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information. (bb) Financial and valuable trade information under RCW 51.36.120. (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030. (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. (ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. (ff) Business related information protected from public inspection and copying under RCW 15.86.110. (gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW. (hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents. (ii) Personal information in files maintained in a data base created under RCW 43.07.360. (2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function. (4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. **NEW SECTION. Sec. 909.** A new section is added to chapter 74.20 RCW to read as follows: **ORDERS FOR GENETIC TESTING.** (1) The division of child support may issue an order for genetic testing when providing services under this chapter and Title IV-D of the federal social security act if genetic testing: (a) Is appropriate in an action under chapter 26.26 RCW, the uniform parentage act; (b) Is appropriate in an action to establish support under RCW 74.20A.056; or (c) Would assist the parties or the division of child support in determining whether it is appropriate to proceed with an action to establish or disestablish paternity. (2) The order for genetic testing shall be served on the alleged parent or parents and the legal parent by personal service or by any form of mail requiring a return receipt. (3) Within twenty days of the date of service of an order for genetic testing, any party required to appear for genetic testing, the child, or a guardian on the child's behalf, may petition in superior court under chapter 26.26 RCW to bar or postpone genetic testing. (4) The order for genetic testing shall contain: (a) An explanation of the right to proceed in superior court under subsection (3) of this section; (b) Notice that if no one proceeds under subsection (3) of this section, the agency issuing the order will schedule genetic testing and will notify the parties of the time and place of testing by regular mail; (c) Notice that the parties must keep the agency issuing the order for genetic testing informed of their residence address and that mailing a notice of time and place for genetic testing to the last known address of the parties by regular mail constitutes valid service of the notice of time and place; (d) Notice that the order for genetic testing may be enforced through: (i) Public assistance grant reduction for noncooperation, pursuant to agency rule, if the child and custodian are receiving public assistance; (ii) Termination of support enforcement services under Title IV-D of the federal social security act if the child and custodian are not receiving public assistance; (iii) A referral to superior court for an appropriate action under chapter 26.26 RCW; or (iv) A referral to superior court for remedial sanctions under RCW 7.21.060. (5) The department may advance the costs of genetic testing under this section. (6) If an action is pending under chapter 26.26 RCW, a judgment for reimbursement of the cost of genetic testing may be awarded under RCW 26.26.100. (7) If no action is pending in superior court, the department may impose an obligation to reimburse costs of genetic testing according to rules adopted by the department to implement RCW 74.20A.056. **Sec. 910.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to read as follows: (1) The ~~((office of support enforcement))~~ division of child support, Washington state support registry, shall provide support enforcement services under the following circumstances: (a) Whenever public assistance under RCW 74.20.330 is paid; (b) ~~((Whenever a request for nonassistance support enforcement services under RCW 74.20.040(2) is received; (c))~~ Whenever a request for support enforcement services under RCW 74.20.040~~((3))~~ is received; ~~((d))~~ (c) When a support order which contains language directing a responsible parent to make support payments to the Washington state support registry under RCW 26.23.050 is submitted and the division of child support receives a written application for services or is already providing services; ~~((e))~~ When a support order is forwarded to the Washington state support registry by the clerk of a superior court under RCW 26.23.050(5); (f)) (d) When the obligor submits a support order or support payment, and an application, to the Washington state support registry. (2) The

~~((office of support enforcement))~~ division of child support shall continue to provide support enforcement services for so long as and under such conditions as the department shall establish by regulation or until the superior court enters an order removing the requirement that the obligor make support payments to the Washington state support registry as provided for in RCW 26.23.050~~((2))~~. **NEW SECTION. Sec. 911.** A new section is added to chapter 26.23 RCW to read as follows: **STATE CASE REGISTRY--SUBMISSION OF ORDERS.** (1) The division of child support, Washington state support registry shall operate a state case registry containing records of all orders establishing or modifying a support order that are entered after October 1, 1998. (2) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation that provide that support payments shall be made to the support registry. (3) The division of child support shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the federal social security act. (4) Effective October 1, 1998, the superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation. (5) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who have not made a written application for support enforcement services to the division of child support and who are not recipients of public assistance is deemed to be: (a) A request for payment services only if the order requires payment to the Washington state support registry; (b) A submission for inclusion in the state case registry if the order does not require that support payments be made to the Washington state support registry. **NEW SECTION. Sec. 912.** A new section is added to chapter 26.23 RCW to read as follows: **ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO UPDATE--PROVISIONS REGARDING SERVICE.** (1) Each party to a paternity or child support proceeding must provide the court and the Washington state child support registry with his or her: (a) Social security number; (b) Current residential address; (c) Date of birth; (d) Telephone number; (e) Driver's license number; and (f) Employer's name, address, and telephone number. (2) Each party to an order entered in a child support or paternity proceeding shall update the information required under subsection (1) of this section promptly after any change in the information. The duty established under this section continues as long as any monthly support or support debt remains due under the support order. (3) In any proceeding to establish, enforce, or modify the child support order between the parties, a party may demonstrate to the presiding officer that he or she has diligently attempted to locate the other party. Upon a showing of diligent efforts to locate, the presiding officer may allow, or accept as adequate, service of process for the action by delivery of written notice to the address most recently provided by the party under this section. (4) All support orders shall contain notice to the parties of the obligations established by this section and possibility of service of process according to subsection (3) of this section. **Sec. 913.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to read as follows: (1) There is created a Washington state support registry within the ~~((office of support enforcement))~~ division of child support as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall: (a) Provide a central unit for collection of support payments made to the registry; (b) Account for and disburse all support payments received by the registry; ~~((b))~~ (c) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties; ((e)) (d) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry; and (e) Maintain a state child support case registry to compile and maintain records on all child support orders entered in the state of Washington. (2) The ~~((office of support enforcement))~~ division of child support may assess and collect interest at the rate of twelve percent per year on unpaid child support that has accrued under any support order entered into the registry. This interest rate shall not apply to those support orders already specifying an interest assessment at a different rate. (3) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered. **Sec. 914.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153 are each reenacted and amended to read as follows: (1) The secretary may assert a lien upon the real or personal property of a responsible parent: (a) When a support payment is past due, if the parent's support order ~~((was entered in accordance with RCW 26.23.050(1))~~ contains notice that liens may be enforced against real and personal property, or notice that action may be taken under this chapter; (b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040; (c) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; (d) Twenty-one days after service of a notice and finding of parental responsibility; (e) Twenty-one days after service of a notice of support owed under RCW 26.23.110; or (f) When appropriate under RCW 74.20A.270. (2) The division of child support may use uniform interstate lien forms adopted by the United States department of health and human services to assert liens on a responsible parent's real and personal property located in another state. (3) The claim of the department for a support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in which such property is located. ~~((3))~~ (4) Whenever a support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be subject to the support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in RCW 74.20A.090 and 74.20A.130, unless: (a) A written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state; or (b) A determination has been made in an adjudicative proceeding pursuant to RCW 74.20A.055 or by a superior court ordering release of said support lien on the basis that no debt exists or that the debt has been satisfied. **Sec. 915.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to read as follows: (1) The secretary may issue to any person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States, an order to withhold and deliver property of any kind, including but not restricted to earnings which are or might become due, owing, or belonging to the debtor, when the

secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States property which is or might become due, owing, or belonging to said debtor. Such order to withhold and deliver may be issued: (a) ~~((When a support payment is past due))~~ At any time, if a responsible parent's support order: (i) Contains ~~((language directing the parent to make support payments to the Washington state support registry; and))~~ notice that withholding action may be taken against earnings, wages, or assets without further notice to the parent; or (ii) Includes a statement that other income-withholding action under this chapter may be taken without further notice to the responsible parent~~((, as provided for in RCW 26.23.050(1)))~~; (b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040; (c) Twenty-one days after service of a notice and finding of parental responsibility under RCW 74.20A.056; (d) Twenty-one days after service of a notice of support owed under RCW 26.23.110; (e) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; or (f) When appropriate under RCW 74.20A.270. (2) The order to withhold and deliver shall: (a) State the amount to be withheld on a periodic basis if the order to withhold and deliver is being served to secure payment of monthly current support; (b) State the amount of the support debt accrued; ~~((b))~~ (c) State in summary the terms of RCW 74.20A.090 and 74.20A.100; ~~((e))~~ (d) Be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. (3) The division of child support may use uniform interstate withholding forms adopted by the United States department of health and human services to take withholding actions under this section when the responsible parent is owed money or property that is located in another state. (4) Any person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States upon whom service has been made is hereby required to: (a) Answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein; and (b) Provide further and additional answers when requested by the secretary. ~~((4))~~ (5) Any such person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States in possession of any property which may be subject to the claim of the department ((of social and health services)) shall: (a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver; and (ii) Immediately deliver the property to the secretary as soon as the twenty-day answer period expires; (iii) Continue to withhold earnings payable to the debtor at each succeeding disbursement interval as provided for in RCW 74.20A.090, and deliver amounts withheld from earnings to the secretary on the date earnings are payable to the debtor; (iv) Deliver amounts withheld from periodic payments to the secretary on the date the payments are payable to the debtor; (v) Inform the secretary of the date the amounts were withheld as requested under this section; or (b) Furnish to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. ~~((5))~~ (6) An order to withhold and deliver served under this section shall not expire until: (a) Released in writing by the ((office of support enforcement)) division of child support; (b) Terminated by court order; or (c) The person or entity receiving the order to withhold and deliver does not possess property of or owe money to the debtor for any period of twelve consecutive months following the date of service of the order to withhold and deliver. ~~((6))~~ (7) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision, or department of the state, or agency, subdivision, or instrumentality of the United States subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. ~~((7))~~ (8) Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver. ~~((8))~~ (9) A person, firm, corporation, or association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States that complies with the order to withhold and deliver under this chapter is not civilly liable to the debtor for complying with the order to withhold and deliver under this chapter. ~~((9))~~ (10) The secretary may hold the money or property delivered under this section in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. ~~((10))~~ (11) Exemptions contained in RCW 74.20A.090 apply to orders to withhold and deliver issued under this section. ~~((11))~~ (12) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for judicial review. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy. ~~((12))~~ (13) An order to withhold and deliver issued in accordance with this section has priority over any other wage assignment, garnishment, attachment, or other legal process~~((, except for another wage assignment, garnishment, attachment, or other legal process for child support)).~~ ~~((13))~~ (14) The ((office of support enforcement)) division of child support shall notify any person, firm, corporation, association, or political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States required to withhold and deliver the earnings of a debtor under this action that they may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first disbursement to the department and one dollar for each subsequent disbursement under the order to withhold and deliver. **Sec. 916.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to read as follows: (1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the ~~((office of support enforcement))~~ division of child support, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in subsection (2) of this section. (2) The secretary of the department of social and health services ~~((shall))~~ may adopt rules ~~((which))~~: (a) That specify what information is confidential; (b) That specify the individuals or agencies to whom this information and these records may be disclosed~~((;))~~; (c) Limiting the purposes for which the information may be disclosed~~((, and the))~~; (d) Establishing procedures to obtain the information or records; or (e) Establishing safeguards necessary to comply with federal law requiring safeguarding of information. (3) The rules adopted under subsection (2) of this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to: (a)



When authorized or required by federal statute or regulation governing the support enforcement program; (b) To the person the subject of the records or information, unless the information is exempt from disclosure under RCW 42.17.310; (c) To government agencies, whether state, local, or federal, and including federally recognized tribes, law enforcement agencies, prosecuting agencies, and the executive branch, if the disclosure is necessary for child support enforcement purposes or required under Title IV-D of the federal social security act; (d) To the parties in a judicial or adjudicative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records; (e) To private persons, federally recognized tribes, or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department; (f) Disclosure of address and employment information to the parties to an action for purposes relating to a child support order, subject to the limitations in subsections (4) and (5) of this section; (g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the ((office of support enforcement)) division of child support as set forth in state and federal statutes; or (h) Disclosure of the information or records when authorized under RCW 74.04.060. ((3)) (4) Prior to disclosing the ((physical custodian's address under subsection (2)(f) of this section)) whereabouts of a parent or a party to a support order to the other parent or party, a notice shall be mailed, if appropriate under the circumstances, to the ((physical custodian)) parent or other party whose whereabouts are to be disclosed, at ((the physical custodian's)) that person's last known address. The notice shall advise the ((physical custodian)) parent or party that a request for disclosure has been made and will be complied with unless the department: (a) Receives a copy of a court order within thirty days which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the ((physical custodian)) parent or party whose address is to be disclosed or the child(, or the custodial parent requests a hearing to contest the disclosure); (b) Receives a hearing request within thirty days under subsection (5) of this section; or (c) Has reason to believe that the release of the information may result in physical or emotional harm to the party whose whereabouts are to be released, or to the child. (5) A person receiving notice under subsection (4) of this section may request an adjudicative proceeding under chapter 34.05 RCW, at which the person may show that there is reason to believe that release of the information may result in physical or emotional harm to the person or the child. The administrative law judge shall determine whether the ((address)) whereabouts of the ((custodial parent)) person should be disclosed based on ((the same standard as a claim of "good cause" as defined in 42 U.S.C. Sec. 602(a)(26)(e)) subsection (4)(c) of this section, however no hearing is necessary if the department has in its possession a protective order or an order limiting visitation or contact. ((4)) (6) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260((6)) (9). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure. ((5)) (7) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW. **Sec. 917.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to read as follows: (1) Application for a marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose, which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, social security number, birthplace, whether single, widowed or divorced, and whether under control of a guardian, residence during the past six months: PROVIDED, That each county may require such other and further information on said application as it shall deem necessary. (2) The county legislative authority may impose an additional fee up to fifteen dollars on a marriage license for the purpose of funding family services such as family support centers. **Sec. 918.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to read as follows: (1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in subsections (4), (5), (8), and (9) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state. (2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance. (3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child. (4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances: (a) If the order in practice works a severe economic hardship on either party or the child; (b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; (c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or (d) To add an automatic adjustment of support provision consistent with RCW 26.09.100. (5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to: (a) Require health insurance coverage for a child named therein; or (b) Modify an existing order for health insurance coverage. (6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances. (7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011 and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order. (8)(a) All child support decrees may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the adjustment by filing a motion and child support worksheets. (b) A party may petition for modification in cases of substantially changed circumstances under subsection (1) of this section at any time. However, if relief is granted under subsection (1) of this

section, twenty-four months must pass before a motion for an adjustment under (a) of this subsection may be filed. (c) If, pursuant to (a) of this subsection or subsection (9) of this section, the court adjusts or modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for an adjustment under (a) of this subsection may be filed. (d) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to subsection (1) of this section alleging that increase constitutes a substantial change of circumstances. (e) The department of social and health services may file an action at any time to modify an order of child support in cases of substantially changed circumstances if public assistance money is being paid to or for the benefit of the child. The determination of the existence of substantially changed circumstances by the department that lead to the filing of an action to modify the order of child support is not binding upon the court. (9) An order of child support may be adjusted twenty-four months from the date of the entry of the decree or the last adjustment or modification, whichever is later, based upon changes in the economic table or standards in chapter 26.19 RCW. **Sec. 919.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to read as follows: In this chapter: (1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent. (2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state. (3) "Duty of support" means an obligation imposed or imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support. (4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period. (5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state. (6) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by ~~(chapter 6.27)~~ RCW 50.04.080, to withhold support from the income of the obligor. (7) "Initiating state" means a state ~~((the))~~ from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act ~~((is filed for forwarding to a responding state))~~. (8) "Initiating tribunal" means the authorized tribunal in an initiating state. (9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage. (10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage. (11) "Law" includes decisional and statutory law and rules and regulations having the force of law. (12) "Obligee" means: (a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered; (b) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or (c) An individual seeking a judgment determining parentage of the individual's child. (13) "Obligor" means an individual, or the estate of a decedent: (a) Who owes or is alleged to owe a duty of support; (b) Who is alleged but has not been adjudicated to be a parent of a child; or (c) Who is liable under a support order. (14) "Register" means to record or file in the appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically, a support order or judgment determining parentage. (15) "Registering tribunal" means a tribunal in which a support order is registered. (16) "Responding state" means a state ~~((the))~~ in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act. (17) "Responding tribunal" means the authorized tribunal in a responding state. (18) "Spousal support order" means a support order for a spouse or former spouse of the obligor. (19) "State" means a state of the United States, the District of Columbia, ~~((the Commonwealth of))~~ Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term ~~((state))~~ includes: (i) An Indian tribe ((and includes)); and (ii) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders ((that)) which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act. (20) "Support enforcement agency" means a public official or agency authorized to seek: (a) Enforcement of support orders or laws relating to the duty of support; (b) Establishment or modification of child support; (c) Determination of parentage; or (d) Location of obligors or their assets. (21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, that provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorneys' fees, and other relief. (22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage. **Sec. 920.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to read as follows: (1) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order: (a) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or (b) Until ~~((each individual party has))~~ all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction. (2) A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter. (3) If a child support order of this state is modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only: (a) Enforce the order that was modified as to amounts accruing before the modification; (b) Enforce nonmodifiable aspects of that order; and (c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification. (4) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order pursuant to this chapter or a law substantially similar to this chapter. (5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the

issuing tribunal. (6) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state. **Sec. 921.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to read as follows: (1) If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized. (2) If a proceeding is brought under this chapter, and ~~((one))~~ two or more child support orders have been issued ~~((in))~~ by tribunals of this state or another state with regard to ~~((an))~~ the same obligor and ~~((a))~~ child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction: (a) If only one of the tribunals ~~((has issued a child support order))~~ would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized. (b) ~~((If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal must be recognized. (c))~~ If ~~((two or more tribunals have issued child support orders for the same obligor and child, and))~~ more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized. ~~((d) If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state may issue a child support order, which must be recognized. (2) The tribunal that has issued an order recognized under subsection (1) of this section is the tribunal having continuing, exclusive jurisdiction.))~~ (c) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized. (3) If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under subsection (2) of this section. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination. (4) The tribunal that issued the controlling order under subsection (1), (2), or (3) of this section is the tribunal that has continuing, exclusive jurisdiction under RCW 26.21.115. (5) A tribunal of this state which determines by order the identity of the controlling order under subsection (2)(a) or (b) of this section or which issues a new controlling order under subsection (2)(c) of this section shall state in that order the basis upon which the tribunal made its determination. (6) Within thirty days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order. **Sec. 922.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to read as follows: (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward three copies of the petition and its accompanying documents: ~~((1))~~ (a) To the responding tribunal or appropriate support enforcement agency in the responding state; or ~~((2))~~ (b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged. (2) If a responding state has not enacted the Uniform Interstate Family Support Act or a law or procedure substantially similar to the Uniform Interstate Family Support Act, a tribunal of this state may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state. **Sec. 923.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to read as follows: (1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to RCW 26.21.205(3), it shall cause the petition or pleading to be filed and notify the petitioner ~~((by first class mail))~~ where and when it was filed. (2) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following: (a) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage; (b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance; (c) Order income withholding; (d) Determine the amount of any arrearages, and specify a method of payment; (e) Enforce orders by civil or criminal contempt, or both; (f) Set aside property for satisfaction of the support order; (g) Place liens and order execution on the obligor's property; (h) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment; (i) Issue a bench warrant or writ of arrest for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant or writ of arrest in any local and state computer systems for criminal warrants; (j) Order the obligor to seek appropriate employment by specified methods; (k) Award reasonable attorneys' fees and other fees and costs; and (l) Grant any other available remedy. (3) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based. (4) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation. (5) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order ~~((by first class mail))~~ to the petitioner and the respondent and to the initiating tribunal, if any. **Sec. 924.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to read as follows: If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner ~~((by first class mail))~~ where and when the pleading was sent. **Sec. 925.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to read as follows: (1) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter. (2) A support enforcement agency that is providing services to the petitioner as appropriate shall: (a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent; (b) Request an appropriate tribunal to set a date, time, and place for a hearing; (c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties; (d) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice ~~((by first class mail))~~ to the petitioner; (e) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the

respondent or the respondent's attorney, send a copy of the communication ((by first class mail)) to the petitioner; and (f) Notify the petitioner if jurisdiction over the respondent cannot be obtained. (3) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency. **Sec. 926.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to read as follows: ((+)) An income-withholding order issued in another state may be sent ((by first class mail)) to the person or entity defined as the obligor's employer under ((chapter 6.27)) RCW 50.04.080 without first filing a petition or comparable pleading or registering the order with a tribunal of this state. ((Upon receipt of the order, the employer shall: (a) Treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this state; (b) Immediately provide a copy of the order to the obligor; and (c) Distribute the funds as directed in the income-withholding order. (2) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this state. RCW 26.21.510 applies to the contest. The obligor shall give notice of the contest to any support enforcement agency providing services to the obligee and to: (a) The person or agency designated to receive payments in the income-withholding order; or (b) If no person or agency is designated, the obligee.)) **NEW SECTION. Sec. 927.** A new section is added to chapter 26.21 RCW to read as follows: **EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER STATE.** (1) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor. (2) The employer shall treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this state. (3) Except as provided in subsection (4) of this section and section 928 of this act, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify: (a) The duration and amount of periodic payments of current child support, stated as a sum certain; (b) The person or agency designated to receive payments and the address to which the payments are to be forwarded; (c) Medical support, whether in the form of periodic cash payment, stated as sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment; (d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sum certain; and (e) The amount of periodic payments of arrearages and interest on arrearages, stated as sum certain. (4) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to: (a) The employer's fee for processing an income withholding order; (b) The maximum amount permitted to be withheld from the obligor's income; and (c) The times within which the employer must implement the withholding order and forward the child support payment. **NEW SECTION. Sec. 928.** A new section is added to chapter 26.21 RCW to read as follows: **COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS.** If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees. **NEW SECTION. Sec. 929.** A new section is added to chapter 26.21 RCW to read as follows: **IMMUNITY FROM CIVIL LIABILITY.** An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income. **NEW SECTION. Sec. 930.** A new section is added to chapter 26.21 RCW to read as follows: **PENALTIES FOR NONCOMPLIANCE.** An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state. **NEW SECTION. Sec. 931.** A new section is added to chapter 26.21 RCW to read as follows: **CONTEST BY OBLIGOR.** (1) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. RCW 26.21.510 applies to the contest. (2) The obligor shall give notice of the contest to: (a) A support enforcement agency providing services to the obligee; (b) Each employer that has directly received an income-withholding order; and (c) The person or agency designated to receive payments in the income-withholding order, or if no person or agency is designated, to the obligee. **Sec. 932.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to read as follows: (1) A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the support enforcement agency of this state or to the superior court of any county in this state where the obligor resides, works, or has property: (a) A letter of transmittal to the tribunal requesting registration and enforcement; (b) Two copies, including one certified copy, of all orders to be registered, including any modification of an order; (c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage; (d) The name of the obligor and, if known: (i) The obligor's address and social security number; (ii) The name and address of the obligor's employer and any other source of income of the obligor; and (iii) A description and the location of property of the obligor in this state not exempt from execution; and (e) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted. (2) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. (3) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought. **Sec. 933.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to read as follows: (1) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. ((Notice must be given by certified or registered mail or by any means of personal service authorized by the law of this state.)) The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order. (2) The notice must inform the nonregistering party: (a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state; (b) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of receipt by certified or registered mail or personal service of the notice given to a nonregistering party within the state and within sixty days after the date of receipt by certified or registered mail or personal service of the notice on a nonregistering party outside of the state; (c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted;

and (d) Of the amount of any alleged arrearages. (3) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state. **Sec. 934.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to read as follows: (1) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after the date of receipt of certified or registered mail or the date of personal service of notice of the registration on the nonmoving party within this state, or, within sixty days after the receipt of certified or registered mail or personal service of the notice on the nonmoving party outside of the state. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to RCW 26.21.540. (2) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law. (3) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties ~~((by first class mail))~~ of the date, time, and place of the hearing. **Sec. 935.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to read as follows: (1) After a child support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if ~~((the))~~ section 937 of this act does not apply and after notice and hearing ~~((and))~~ it finds that: (a) The following requirements are met: (i) The child, the individual obligee, and the obligor do not reside in the issuing state; (ii) A petitioner who is a nonresident of this state seeks modification; and (iii) The respondent is subject to the personal jurisdiction of the tribunal of this state; or (b) ~~((An individual party or))~~ The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the ((individual)) parties who are individuals have filed ((a)) written consents in the issuing tribunal ((providing that)) for a tribunal of this state ((may)) to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under the Uniform Interstate Family Support Act, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order. (2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner. (3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under RCW 26.21.135 establishes the aspects of the support order that are nonmodifiable. (4) On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal ~~((of))~~ having continuing, exclusive jurisdiction. ~~((5) Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.)~~ **Sec. 936.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to read as follows: A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall: (1) Enforce the order that was modified only as to amounts accruing before the modification; (2) Enforce only nonmodifiable aspects of that order; (3) Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and (4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement. **NEW SECTION. Sec. 937.** A new section is added to chapter 26.21 RCW to read as follows: **JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF INDIVIDUAL PARTIES RESIDE IN THIS STATE.** (1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order. (2) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this chapter do not apply. **NEW SECTION. Sec. 938.** A new section is added to chapter 26.21 RCW to read as follows: **NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.** Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction. **Sec. 939.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to read as follows: (1) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child. (2) In a proceeding to determine parentage, a responding tribunal of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW, procedural and substantive law of this state, and the rules of this state on choice of law. **NEW SECTION. Sec. 940.** A new section is added to chapter 26.21 RCW to read as follows: **ADOPTION OF RULES.** The secretary of the department of social and health services shall issue such rules as necessary to act as the administrative tribunal pursuant to RCW 26.21.015. **Sec. 941.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to read as follows: (1) The department of social and health services shall adopt rules for the distribution of support money collected by the ~~((office of support enforcement))~~ division of child support. These rules shall: (a) Comply with ~~((42 U.S.C. Sec. 657))~~ Title IV-D of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996; (b) Direct the ~~((office of support enforcement))~~ division of child support to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution: (i) The location of the custodial parent is unknown; (ii) The support debt is in litigation; (iii) The ~~((office of support enforcement))~~ division of child support cannot identify the responsible parent or the custodian; (c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and (d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant. (2) The ~~((office of~~

support enforcement)) division of child support may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall: (a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent; (b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and (c) File a copy of the notice with the clerk of the court that entered the original support order. (3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support. **Sec. 942.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each amended to read as follows: (1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child under a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with ~~((42 U.S.C. Sec. 657))~~ RCW 26.23.035. (2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation. (3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270. (4) No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7). For the period July 1, 1993, through June 30, 1995, a collection action may be taken against parents of children with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care. The child support obligation shall be calculated pursuant to chapter 26.19 RCW. **Sec. 943.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended to read as follows: Whenever a custodian of children, or other person, receives support moneys paid to them which moneys are paid in whole or in part in satisfaction of a support obligation which has been assigned to the department pursuant to ~~((42 U.S.C. Sec. 602(A)(26)(a)))~~ Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 or RCW 74.20.330 or to which the department is owed a debt pursuant to RCW 74.20A.030, the moneys shall be remitted to the department within eight days of receipt by the custodian or other person. If not so remitted the custodian or other person shall be indebted to the department as a support debt in an amount equal to the amount of the support money received and not remitted. By not paying over the moneys to the department, a custodial parent or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the department of any support delinquency owed which is not already assigned to the department or to any support delinquency which may accrue in the future in an amount equal to the amount of support money retained. The department may utilize the collection procedures in chapter 74.20A RCW to collect the assigned delinquency to effect recoupment and satisfaction of the debt incurred by reason of the failure of the custodial parent or other person to remit. The department is also authorized to make a set-off to effect satisfaction of the debt by deduction from support moneys in its possession or in the possession of any clerk of the court or other forwarding agent which are paid to the custodial parent or other person for the satisfaction of any support delinquency. Nothing in this section authorizes the department to make set-off as to current support paid during the month for which the payment is due and owing. **Sec. 944.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to read as follows: (1) Whenever public assistance is paid under ~~((this title))~~ a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any unpaid support obligation or support debt which has accrued at the time the assignment is made. (2) Payment of public assistance under ~~((this title))~~ a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 shall: (a) Operate as an assignment by operation of law; and (b) Constitute an authorization to the department to provide the assistance recipient with support enforcement services. **Sec. 945.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read as follows: (1) Within ten days after the birth of any child, the attending physician, midwife, or his or her agent shall: (a) Fill out a certificate of birth, giving all of the particulars required, including: (i) The mother's name and date of birth, and (ii) if the mother and father are married at the time of birth or the father has signed an acknowledgment of paternity, the father's name and date of birth; and (b) File the certificate of birth together with the mother's and father's social security numbers with the ~~((local))~~ state registrar of ((the district in which the birth occurred)) vital statistics. (2) The local registrar shall forward the birth certificate, any signed affidavit acknowledging paternity, and the mother's and father's social security numbers to the state office of vital statistics pursuant to RCW 70.58.030. (3) The state ~~((office))~~ registrar of vital statistics shall make available to the ~~((office of support enforcement))~~ division of child support the birth certificates, the mother's and father's social security numbers and paternity affidavits. (4) Upon the birth of a child to an unmarried woman, the attending physician, midwife, or his or her agent shall: (a) Provide an opportunity for the child's mother and natural father to complete an affidavit acknowledging paternity. The completed affidavit shall be filed with the ~~((local))~~ state registrar of vital statistics. The affidavit shall contain or have attached: (i) A sworn statement by the mother consenting to the assertion of paternity and stating that this is the only possible father; (ii) A statement by the father that he is the natural father of the child; (iii) A sworn statement signed by the mother and the putative father that each has been given notice, both orally and in writing, of the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to

minority status, and responsibilities that arise from, signing the affidavit acknowledging paternity; (iv) Written information, furnished by the department of social and health services, explaining the implications of signing, including parental rights and responsibilities; and ~~((iv))~~ (v) The social security numbers of both parents. (b) Provide written information and oral information, furnished by the department of social and health services, to the mother and the father regarding the benefits of having ~~((he))~~ the child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services. The oral and written information shall also include information regarding the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor any rights afforded due to minority status, and responsibilities that arise from, signing the affidavit acknowledging paternity. (5) The physician or midwife or his or her agent is entitled to reimbursement for reasonable costs, which the department shall establish by rule, when an affidavit acknowledging paternity is filed with the state ~~((office))~~ registrar of vital statistics. (6) If there is no attending physician or midwife, the father or mother of the child, householder or owner of the premises, manager or superintendent of the public or private institution in which the birth occurred, shall notify the local registrar, within ten days after the birth, of the fact of the birth, and the local registrar shall secure the necessary information and signature to make a proper certificate of birth. (7) When an infant is found for whom no certificate of birth is known to be on file, a birth certificate shall be filed within the time and in the form prescribed by the state board of health. (8) When no putative father is named on a birth certificate of a child born to an unwed mother the mother may give any surname she so desires to her child but shall designate in space provided for father's name on the birth certificate "None Named". **Sec. 946.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to read as follows: (1) A man is presumed to be the natural father of a child for all intents and purposes if: (a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court; or (b) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation; (c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and (i) He has acknowledged his paternity of the child in writing filed with the state registrar of vital statistics, (ii) With his consent, he is named as the child's father on the child's birth certificate, or (iii) He is obligated to support the child under a written voluntary promise or by court order; (d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; (e) He acknowledges his paternity of the child pursuant to RCW 70.58.080 or in a writing filed with the state ~~((office))~~ registrar of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, if she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the state registrar of vital statistics. An acknowledgment of paternity under RCW 70.58.080 shall be a legal finding of paternity of the child sixty days after the acknowledgment is filed with the center for health statistics unless the acknowledgment is sooner rescinded or challenged. After the sixty-day period has passed, the acknowledgment may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. Legal responsibilities of the challenger, including child support obligations, may not be suspended during the challenge, except for good cause shown. Judicial and administrative proceedings are neither required nor permitted to ratify an unchallenged acknowledgment of paternity filed after the effective date of this section. In order to enforce rights of residential time, custody, and visitation, a man presumed to be the father as a result of filing a written acknowledgment must seek appropriate judicial orders under this title; (f) The United States immigration and naturalization service made or accepted a determination that he was the father of the child at the time of the child's entry into the United States and he had the opportunity at the time of the child's entry into the United States to admit or deny the paternal relationship; or (g) Genetic testing indicates a ninety-eight percent or greater probability of paternity. (2) A presumption under this section may be rebutted in an appropriate action only by clear, cogent, and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man. **NEW SECTION. Sec. 947.** A new section is added to chapter 26.26 RCW to read as follows: **PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.** In all actions brought under this chapter, bills for pregnancy, childbirth, and genetic testing shall: (1) Be admissible as evidence without requiring third-party foundation testimony; and (2) Constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. **Sec. 948.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to read as follows: (1) The secretary may, in the absence of a superior court order, or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. (2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: **PROVIDED,** That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. (3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include: (a) A statement of the name of the recipient or custodian and the name of the child or children for whom support is sought; (b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged; (c) A statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future; (d) ~~((A statement that the alleged responsible parent may challenge the~~

~~presumption of paternity; (e))~~) A statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action; ~~((f))~~ (e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice. (4) A responsible parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection. An adjudicative proceeding shall be held in the county of residence or other place convenient to the responsible parent. (a) If the responsible parent files the application within twenty days, the department shall schedule an adjudicative proceeding to hear the parent's objection and determine the parents' support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order; (b) If the responsible parent fails to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection; (c) If the responsible parent files the application more than twenty days after, but within one year of the date of service, the department shall schedule an adjudicative proceeding to hear the parents' objection and determine the parent's support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action; (d) If the responsible parent files the application more than one year after the date of service, the department shall schedule an adjudicative proceeding at which the responsible parent must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action; (i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the parent's support obligation; (ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The responsible parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support; (e) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules. (5)~~((a))~~) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation. ~~((b) If a responsible parent provides credible evidence at an adjudicative proceeding that would rebut the presumption of paternity set forth in RCW 26.26.040, the presiding officer shall direct the department to refer the issue for scheduling of an appropriate hearing in superior court to determine whether the presumption should be rebutted.)~~ (6) If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. (7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order. (8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer. **Sec. 949.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5 are each reenacted and amended to read as follows: (1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state ~~((office))~~ registrar of vital statistics before July 1, 1997, the ~~((office of support enforcement))~~ division of child support may serve a notice and finding of parental responsibility on him. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the ~~((center for health))~~ state registrar of vital statistics, and shall state that: (a) The alleged father may file an application for an adjudicative proceeding at which he will be required to appear and show cause why the amount stated in the finding of financial responsibility as to support is incorrect and should not be ordered; (b) An alleged father may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the ~~((office of support enforcement))~~ division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and (c) If the alleged father does not request that a blood or genetic test be administered or file an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.060 that the parent-child relationship does not exist. (2) An alleged father who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. (3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days: (a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and (b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent. (4) An alleged father who denies being a responsible parent may request that a blood or genetic test be



administered at any time. The request for testing shall be in writing and served on the ~~((office of support enforcement))~~ division of child support personally or by registered or certified mail. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's last known address. (5) If the test excludes the alleged father from being a natural parent, the ~~((office of support enforcement))~~ division of child support shall file a copy of the results with the state ~~((office))~~ registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state ~~((office))~~ registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select. (6) The alleged father may, within twenty days after the date of receipt of the test results, request the ~~((office of support enforcement))~~ division of child support to initiate an action under RCW 26.26.060 to determine the existence of the parent-child relationship. If the ~~((office of support enforcement))~~ division of child support initiates a superior court action at the request of the alleged father and the decision of the court is that the alleged father is a natural parent, the alleged father shall be liable for court costs incurred. (7) If the alleged father does not request the ~~((office of support enforcement))~~ division of child support to initiate a superior court action, or if the alleged father fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.060. (8)(a) If an alleged father has signed an affidavit acknowledging paternity that has been filed with the state registrar of vital statistics after July 1, 1997, within sixty days from the date of filing of the acknowledgment: (i) The division of child support may serve a notice and finding of parental responsibility on him as set forth under this section; and (ii) The alleged father or any other signatory may rescind his acknowledgment of paternity. The rescission shall be notarized and delivered to the state registrar of vital statistics personally or by registered or certified mail. (b) If the alleged father does not file an application for an adjudicative proceeding or rescind his acknowledgment of paternity, the amount of support stated in the notice and finding of parental responsibility becomes final, subject only to a subsequent determination under RCW 26.26.060 that the parent-child relationship does not exist. (c) An alleged father who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation. (i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. (ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent. (d) If an alleged father makes a request for genetic testing, the department shall proceed as set forth under section 909 of this act. (e) If the alleged father does not request an adjudicative proceeding, or if the alleged father fails to rescind his filed acknowledgment of paternity, the notice of parental responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.060. (9) Affidavits acknowledging paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26 and 70.58 RCW. (10) The department and the department of health may adopt rules to implement the requirements under this section. **NEW SECTION. Sec. 950.** A new section is added to chapter 26.18 RCW to read as follows: **CHILD SUPPORT LIENS--CREATION--ATTACHMENT.** Child support debts, not paid when due, become liens by operation of law against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien attaches to all real and personal property of the debtor on the date of filing with the county auditor of the county in which the property is located. **Sec. 951.** RCW 26.23.040 and 1994 c 127 s 1 are each amended to read as follows: (1) Except as provided in subsection (3) of this section, all employers doing business in the state of Washington, and to whom the department of employment security has assigned the standard industrial classification sic codes listed in subsection (2) of this section, shall report to the Washington state support registry: (a) The hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and (b) The rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment. (2) Employers in the standard industrial classifications that shall report to the Washington state support registry include: (a) Construction industry sic codes: 15, general building; 16, heavy construction; and 17, special trades; (b) Manufacturing industry sic code 37, transportation equipment; (c) Business services sic codes: 73, except sic code 7363 (temporary help supply services); and health services sic code 80. (3) Employers are not required to report the hiring of any person who: (a) Will be employed for less than one month duration; (b) Will be employed sporadically so that the employee will be paid for less than three hundred fifty hours during a continuous six-month period; or (c) Will have gross earnings less than three hundred dollars in every month. The secretary of the department of social and health services may adopt rules to establish additional exemptions if needed to reduce unnecessary or burdensome reporting. (4) Employers may report by mailing the employee's copy of the W-4 form, or other means authorized by the registry which will result in timely reporting. (5) Employers shall submit reports within thirty-five days of the hiring, rehiring, or return to work of the employee. The report shall contain: (a) The employee's name, address, social security number, and date of birth; and (b) The employer's name, address, and employment security reference number or unified business identifier number. (6) An employer who fails to report as required under this section shall be given a written warning for the first violation and shall be subject to a civil penalty of up to two hundred dollars per month for each subsequent violation after the warning has been given. All violations within a single month shall be considered a single violation for purposes of assessing the penalty. The penalty may be imposed and collected by the ~~((office of support enforcement))~~ division of child support under ~~((RCW 74.20A.270))~~ section 901 of this act. (7) ~~((The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support obligation or debt of the employee. If the employee does not owe such an obligation or a debt, the registry shall not create a record regarding the employee and the information contained in the notice shall be promptly destroyed. Prior to the destruction of the notice, the department of social and health services shall make the information contained in the notice available to other state agencies, based upon the written request of an agency's director or chief executive, specifically for comparison with records or information possessed by the requesting agency to detect improper or fraudulent claims. If, after~~

comparison, no such situation is found or reasonably suspected to exist, the information shall be promptly destroyed by the requesting agency. Requesting agencies that obtain information from the department of social and health services under this section shall maintain the confidentiality of the information received, except as necessary to implement the agencies' responsibilities.) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support debt of the employee. The registry may, however, retain information for a particular employee for as long as may be necessary to: (a) Transmit the information to the national directory of new hires as required under federal law; or (b) Provide the information to other state agencies for comparison with records or information possessed by those agencies as required by law. Information that is not permitted to be retained shall be promptly destroyed. Agencies that obtain information from the department of social and health services under this section shall maintain the confidentiality of the information received, except as necessary to implement the agencies' responsibilities. **Sec. 952.** RCW 26.23.040 and 1997 c ... s 951 (section 951 of this act) are each amended to read as follows: (1) ~~(Except as provided in subsection (3) of this section,)~~ All employers doing business in the state of Washington, and to whom the department of employment security has assigned ~~((the))~~ a standard industrial classification sic code ~~((s listed in subsection (2) of this section,))~~ shall report to the Washington state support registry: (a) The hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and (b) The rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment. ~~((2) Employers in the standard industrial classifications that shall report to the Washington state support registry include: (a) Construction industry sic codes: 15, general building; 16, heavy construction; and 17, special trades; (b) Manufacturing industry sic code 37, transportation equipment; (c) Business services sic codes: 73, except sic code 7363 (temporary help supply services); and health services sic code 80. (3) Employers are not required to report the hiring of any person who: (a) Will be employed for less than one month duration; (b) Will be employed sporadically so that the employee will be paid for less than three hundred fifty hours during a continuous six-month period; or (c) Will have gross earnings less than three hundred dollars in every month.))~~ The secretary of the department of social and health services may adopt rules to establish additional exemptions if needed to reduce unnecessary or burdensome reporting. ~~((4))~~ (2) Employers may report by mailing the employee's copy of the W-4 form, or other means authorized by the registry which will result in timely reporting. ~~((5))~~ (3) Employers shall submit reports within ~~((thirty-five))~~ twenty days of the hiring, rehiring, or return to work of the employee, except as provided in subsection (4) of this section. The report shall contain: (a) The employee's name, address, social security number, and date of birth; and (b) The employer's name, address, ~~((and))~~ employment security reference number ~~((or))~~, unified business identifier number and identifying number assigned under section 6109 of the internal revenue code of 1986. ~~((6))~~ (4) In the case of an employer transmitting reports magnetically or electronically, the employer shall report newly hired employees by two monthly transmissions, if necessary, not less than twelve days nor more than sixteen days apart. (5) An employer who fails to report as required under this section shall be given a written warning for the first violation and shall be subject to a civil penalty of up to two hundred dollars per month for each subsequent violation after the warning has been given. All violations within a single month shall be considered a single violation for purposes of assessing the penalty. The penalty may be imposed and collected by the division of child support under RCW 74.20A.--- (section 901 of this act). ~~((7))~~ (6) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support debt of the employee. The registry may, however, retain information for a particular employee for as long as may be necessary to: (a) Transmit the information to the national directory of new hires as required under federal law; or (b) Provide the information to other state agencies for comparison with records or information possessed by those agencies as required by law. Information that is not permitted to be retained shall be promptly destroyed. Agencies that obtain information from the department of social and health services under this section shall maintain the confidentiality of the information received, except as necessary to implement the agencies' responsibilities. **Sec. 953.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c 375 s 3 are each reenacted and amended to read as follows: (1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following: (a) The last known residence of each party; (b) The social security number of each party; (c) The date and place of the marriage; ~~((e))~~ (d) If the parties are separated the date on which the separation occurred; ~~((d))~~ (e) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant; ~~((e))~~ (f) Any arrangements as to the residential schedule of, decision making for, dispute resolution for, and support of the children and the maintenance of a spouse; ~~((f))~~ (g) A statement specifying whether there is community or separate property owned by the parties to be disposed of; ~~((g))~~ (h) The relief sought. (2) Either or both parties to the marriage may initiate the proceeding. (3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of health. **Sec. 954.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are each reenacted and amended to read as follows: (1) The court may, and upon request of a party shall, require the child, mother, and any alleged or presumed father who has been made a party to submit to blood tests or genetic tests of blood, tissues, or other bodily fluids. If ~~((an alleged father))~~ a party objects to a proposed order requiring ~~((him to submit to paternity))~~ blood or genetic tests, the court ~~((may))~~ shall require the party making the allegation of possible paternity to provide sworn testimony, by affidavit or otherwise, stating the facts upon which the allegation is based. The court shall order blood or genetic tests if it appears that a reasonable possibility exists that the requisite sexual contact occurred or where nonpaternity is alleged, that the requisite sexual contact did not occur. The tests shall be performed by an expert in paternity blood or genetic testing appointed by the court. The expert's verified report identifying the blood or genetic characteristics observed is admissible in evidence in any hearing or trial in the parentage action, if (a) the alleged or presumed father has had the opportunity to gain information about the security, validity, and interpretation of the tests and the qualifications of any experts, and (b) the report is accompanied by an affidavit from the expert which describes the expert's qualifications as an expert and analyzes and interprets the results. Verified documentation of the chain of custody of the blood or genetic samples tested is admissible to establish the chain of custody. The court may consider published sources as aids to interpretation of the test results. (2)(a) Any objection to genetic testing results must be made in writing and served upon the opposing party, within twenty days before any hearing at which such results may be introduced into evidence. (b) If an objection is not made as provided in this subsection, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy. (3) The court, upon request by a party, shall order that additional blood or genetic tests be performed by the same or other experts qualified in paternity blood or genetic testing, if the party requesting additional tests advances the full costs of the additional testing within

a reasonable time. The court may order additional testing without requiring that the requesting party advance the costs only if another party agrees to advance the costs or if the court finds, after hearing, that (a) the requesting party is indigent, and (b) the laboratory performing the initial tests recommends additional testing or there is substantial evidence to support a finding as to paternity contrary to the initial blood or genetic test results. The court may later order any other party to reimburse the party who advanced the costs of additional testing for all or a portion of the costs. (4) In all cases, the court shall determine the number and qualifications of the experts. **Sec. 955.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to read as follows: (1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes. (2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued. (3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800. (4) The judgment and order shall contain the social security numbers of all parties to the order. (5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child. ~~((5))~~ (6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW. ~~((6))~~ (7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party. ~~((7))~~ (8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody. ~~((8))~~ (9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW. ~~((9))~~ (10) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST. ~~((10))~~ (11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state. **Sec. 956.** RCW 70.58.055 and 1991 c 96 s 1 are each amended to read as follows: (1) To promote and maintain nation-wide uniformity in the system of vital statistics, the certificates required by this chapter or by the rules adopted under this chapter shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics including social security numbers. (2) The state board of health by rule may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form and shall not be subject to the view of the public or for certification purposes except upon order of the court. The state board of health may eliminate from the forms items that it determines are not necessary for statistical study. (3) Each certificate or other document required by this chapter shall be on a form or in a format prescribed by the state registrar. (4) All vital records shall contain the data required for registration. No certificate may be held to be complete and correct that does not supply all items of information called for or that does not satisfactorily account for the omission of required items. (5) Information required in certificates or documents authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar. **X. MISCELLANEOUS NEW SECTION. Sec. 1001.** The following acts or parts of acts are each repealed: (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1, 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120; and (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3. **NEW SECTION. Sec. 1002.** **QUESTIONNAIRES.** The department of social and health services shall create a questionnaire, asking businesses for information regarding available and upcoming job opportunities for welfare recipients. The department of revenue shall include the questionnaire in a regular quarterly mailing. The department of social and health services shall receive responses and use the information to develop work activities in the areas where jobs will be available. **NEW SECTION. Sec. 1003.** **PART HEADINGS, CAPTIONS, AND TABLE OF CONTENTS NOT LAW.** Part headings, captions, and the table of contents used in this act are not any part of the law. **NEW SECTION. Sec. 1004.** The governor and the department of social and health services shall seek all necessary exemptions and waivers from and amendments to federal statutes, rules, and regulations and shall report to the appropriate committees in the house of representatives and senate quarterly on the efforts to secure the federal changes to permit full implementation of this act at the earliest possible date. **NEW SECTION. Sec. 1005.** Sections 1, 2, 103 through 108, 110, 202, 203, 205, 206, 301, 302, 304, 305, 311, 313 through 319, 327 through 329, 402, 503, and 702 through 707 of this act constitute a new chapter in Title 74 RCW. **NEW SECTION. Sec. 1006.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state. As used in this section, "allocation of federal funds to the state" means the allocation of federal funds that

are appropriated by the legislature to the department of social and health services and on which the department depends for carrying out any provision of the operating budget applicable to it. NEW SECTION. Sec. 1007. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 1008. (1) Section 307 of this act expires June 30, 1999. (2) Section 804 of this act expires December 31, 2000. (3) Section 813 of this act expires July 29, 2001. NEW SECTION. Sec. 1009. (1) Sections 1, 2, 101 through 112, 201 through 207, 301 through 329, 401, 402, 501 through 504, 601, 705 through 708, 896, 899 through 951, 953 through 956, and 1001 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately. (2) Sections 801 through 813 and 815 through 895, 897, and 898 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997. (3) Sections 701 through 704 of this act take effect January 1, 1998. (4) Section 952 of this act takes effect October 1, 1998."

#### MOTION

Senator Kline moved that the following amendment to the striking amendment by Senator Deccio be adopted:

On page 8, after line 13 of the amendment, insert the following: "NEW SECTION. Sec. 113. A new section is added to chapter 74.08 RCW to read as follows: GOOD CAUSE EXEMPTIONS. The department shall establish by rule good cause exemptions consistent with the family violence options of Sec. 402 (a)(7) of Title IV-A of the federal social security act as amended by P.L. 104-193. Individuals granted a good cause exemption may not be subject to work requirements, child support cooperation requirements, and time limits of chapter . . . , Laws of 1997 (this act). The department shall periodically review such exemptions to determine when they are no longer necessary." Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Kline on page 8, after line 13, to the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Absent: Senator Kohl - 1. Excused: Senators Benton and Prentice - 2.

#### MOTION

Senator Brown moved that the following amendment to the striking amendment by Senator Deccio be adopted:

On page 21, beginning on line 16 of the amendment, after "keep" strike "one hundred twenty dollars and one-third of the remainder" and insert "one-half" Senator Sheldon demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brown on page 21, beginning on line 16, to the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senators Benton and Prentice - 2.

#### MOTION

Senator Patterson moved that the following amendment to the striking amendment by Senator Deccio be adopted:

On page 39, beginning on line 5 of the amendment, after "(5)" strike all material through "section." on line 8 and insert "If child care services are not available to a family, the period of such unavailability shall not be counted as part of the sixty-month time limit set in section 103 of this act." Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Patterson on page 39, beginning on line 5, to the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

## ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senators Benton and Prentice - 2.

## MOTION

Senator Wojahn moved that the following amendments to the striking amendment by Senator Deccio be considered simultaneously and be adopted: Beginning on page 1, line 22 of the amendment, strike all material through "repealed." on page 47, line 25 and insert the following: "**NEW SECTION. Sec. 1. INTENT.** The legislature finds that it is in the public interest that the state adopt public assistance policies for needy families that stress: The central role of employment in reducing poverty and need; the temporary nature of public assistance; the importance of the state's efforts in sustaining economic independence and promoting occupational and income advancement; and the continuing responsibility of the state to protect children and other vulnerable residents. Therefore, the legislature intends that: (1) Work should provide the best opportunity for needy families to raise their incomes and leave poverty; (2) Parents should be responsible for support of their children. Child support will be aggressively pursued to assure that responsibility is fulfilled; (3) Those recipients who can work shall immediately participate in mandatory work or work preparation activities; (4) Sanctions for nonparticipation shall be clear, timely, and progressive; (5) Work should pay and the incentives in the system should support unsubsidized employment opportunities; (6) Education and job training should be accessible so an entry-level job can be the first step on a career ladder; (7) The individual shall sign a statement of personal responsibility, acknowledging responsibility for moving quickly into the world of work; (8) The state should help provide the tools for assistance recipients to get and keep a job, and improve their opportunity for advancement; (9) Essential services that low and moderate-income families need for sustaining independence, including health care insurance and child care, should be affordable and accessible; (10) Assistance should be available for those unable to perform self-sustaining work; (11) Individuals temporarily not able to work will be responsible for participating in activities designed to help them achieve self-sufficiency; (12) Legal immigrants should be eligible for the same programs as other residents; (13) State agencies involved with the temporary assistance for needy families program will be focused on moving people into self-sustaining work; (14) The state's goals should be supported by working through public and private providers who are most effective in getting people ready for and into unsubsidized employment; (15) Partnerships should be built with local governments, business, labor, and civic and religious organizations to mobilize the resources of communities to help families raise their incomes and leave poverty; and (16) WorkFirst should recognize the distinct needs and resources of communities and provide recipients with programs suited to the different labor markets of the state.

### I. GENERAL PROVISIONS

**Sec. 101.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended to read as follows: All assistance granted under this title shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be enacted, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing act. There is no legal entitlement to temporary assistance for needy families. **Sec. 102.** RCW 74.08.025 and 1981 1st ex. s. c 6 s 9 are each amended to read as follows: Public assistance ~~((shall))~~ may be awarded to any applicant: (1) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and (2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and (3) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: **PROVIDED,** That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act. **NEW SECTION. Sec. 103.** A new section is added to chapter 74.12 RCW to read as follows: **TIME LIMITS.** (1) A family that includes an adult who has received temporary assistance for needy families for sixty months after the effective date of this section shall be ineligible for further temporary assistance for needy families assistance. (2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the family member was a minor child and not the head of the household or married to the head of the household. (3) The legislature recognizes that under P.L. 104-193 the department may exempt no more than twenty percent of the temporary assistance for needy families caseload from the sixty-month time limit. The legislature further recognizes that not all adult recipients of temporary assistance for needy families can be expected to attain self-sufficiency within this time limit. Because the sixty-month time limit will not be applicable to recipients until 2002, the legislature further believes that it is appropriate to engage in the study required in section 501 of this act before making decisions about caseload exemptions. **Sec. 104.** RCW 74.12.035 and 1985 c 335 s 1 are each amended to read as follows: (1) ~~((A family or assistance unit is not eligible for aid for any month if for that month the total income of the family or assistance unit, without application of income disregards, exceeds one hundred eighty five percent of the state standard of need for a family of the same composition: PROVIDED, That for the purposes of determining the total income of the family or assistance unit, the earned income of a dependent child who is a full-time student for whom aid to families with dependent children is being provided shall be disregarded for six months per calendar year. (2)))~~ Participation in a strike does not constitute good cause to leave or to refuse to seek or accept employment. Assistance is not payable to a family for any month in which any caretaker relative with whom the child is living is, on the last day of the month, participating in a strike. An individual's need shall not be included in determining the amount of aid payable for any month to a family or assistance unit

if, on the last day of the month, the individual is participating in a strike. ~~((3))~~ (2) Children over eighteen years of age and under nineteen years of age who are otherwise eligible for temporary assistance for needy families and who are full-time students (reasonably expected to complete a program of) attending secondary school, or the equivalent level of vocational or technical training (~~(, before reaching nineteen years of age)~~) are eligible to receive ~~((aid to families with dependent children: PROVIDED HOWEVER, That if such students do not successfully complete such program before reaching nineteen years of age, the assistance rendered under this subsection during such period shall not be a debt due the state))~~ temporary assistance for needy families. **NEW SECTION. Sec. 105.** A new section is added to chapter 74.12A RCW to read as follows: **GRANT DIVERSION.** The legislature recognizes there are low-income employable families who are in danger of becoming reliant on public assistance. With minimal short-term help from the state, these families can remain intact, actively involved in the labor market, and financially self-sufficient. Therefore, the legislature finds it is in the public interest to establish a grant diversion program to help at-risk families remain off temporary assistance for needy families. (1) The department may provide state-funded cash aid to meet short-term need, thereby allowing employable low-income families to remain off assistance. (2) Diversion assistance may include cash or vouchers in payment for the following needs: (a) Child care; (b) Housing assistance; (c) Transportation-related expenses; (d) Food; (e) Medical costs not covered under chapter 74.09 RCW; and (f) Employment-related expenses that are necessary to keep or obtain paid unsubsidized employment. (3) Diversion assistance is available once in each twelve-month period. Recipients of diversion assistance are not included in the temporary assistance for needy families program. (4) Diversion assistance may not exceed one thousand five hundred dollars for each instance. (5) To be eligible for diversion assistance, a family must otherwise be eligible for, but not receiving, temporary assistance for needy families. (6) Families ineligible for temporary assistance for needy families due to sanction, noncompliance, the lump sum income rule, or any other reason are not eligible for diversion assistance. (7) Families must provide evidence showing that a bona fide need exists according to subsection (2) of this section in order to be eligible for diversion assistance. (8) If the recipient of diversion assistance receives temporary assistance for needy families assistance within a period specified by the department, but not to exceed twelve months following the receipt of diversion assistance, the amount of the diversion assistance shall be recovered by the state by deduction from the recipient's temporary assistance for needy families grant. (9) If funds appropriated for grant diversion are exhausted, the department shall discontinue the program in this section. **Sec. 106.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to read as follows: Medical assistance may be provided in accordance with eligibility requirements established by the department (~~(of social and health services)~~), as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for ~~((aid to families with dependent children))~~ temporary assistance for needy families, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) categorically related individuals who ((would be eligible for but choose not to receive cash assistance)) meet the income and resource requirements of the cash assistance programs; (5) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; ~~((and))~~ (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act; and (8) persons allowed by section 1931 of the social security act for whom funding is appropriated. **NEW SECTION. Sec. 107.** A new section is added to chapter 74.08 RCW to read as follows: **GOOD CAUSE EXEMPTIONS.** The department shall establish by rule good cause exemptions consistent with the family violence options of Sec. 402 (a)(7) of Title IV-A of the federal social security act as amended by P.L. 104-193. Individuals granted a good cause exemption may not be subject to work requirements, child support cooperation requirements, and time limits of section 103 of this act. The department shall periodically review such exemptions to determine when they are no longer necessary. **NEW SECTION. Sec. 108.** A new section is added to chapter 74.12 RCW to read as follows: **STATE-FUNDED TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.** (1) The department may provide state-funded temporary assistance for needy families and medical assistance to needy families if: The needy caretaker relative is disabled; the needy caretaker relative is needed in the home to care for a disabled family member; or the needy nonparent caretaker relative is at least fifty years old. (2) Such assistance shall be provided under the same rules and in the same amount as under the temporary assistance for needy families program except: Such families shall not be subject to temporary assistance for needy families WorkFirst requirements unless they volunteer and they will not be subject to the sixty-month time limit in section 103 of this act. (3) The department may use state funds as appropriated to provide such benefits. **NEW SECTION. Sec. 109.** The following acts or parts of acts are each repealed: (1) RCW 74.12.420 and 1994 c 299 s 9; and (2) RCW 74.12.425 and 1994 c 299 s 10. **II. WORKFIRST NEW SECTION. Sec. 201.** A new section is added to chapter 74.25 RCW to read as follows: **STATEMENT OF PERSONAL RESPONSIBILITY.** (1) A family receiving or applying for assistance under the temporary assistance for needy families program is ineligible for continued or new assistance if the recipient and the department have not completed a statement of personal responsibility satisfying the requirements of this section. (2) The statement of personal responsibility shall emphasize the importance of work. (3) The statement of personal responsibility shall contain, but is not limited to (a) an explanation of Washington's WorkFirst program, including time limits; (b) the rights and responsibilities of the recipient in the WorkFirst program; (c) a list of the available programs for which the family is eligible; and (d) the sanctions imposed on the recipient for refusing or failing to participate in the WorkFirst program. **NEW SECTION. Sec. 202.** A new section is added to chapter 74.25 RCW to read as follows: **WASHINGTON WORKFIRST PROGRAM.** (1) There is established in the department the WorkFirst program, the welfare-to-work program for temporary assistance for needy families. The department shall administer the program consistent with the temporary assistance for needy families provisions of P.L. 104-193. In operating the WorkFirst program the department shall require recipients of temporary assistance for needy families to engage in work activities, as defined in P.L. 104-193 on the effective date of this section, including: (a) Unsubsidized paid employment in the private or public sector; (b) Subsidized paid employment in the private or public sector; (c) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available; (d) On-the-job training; (e) Job search and job readiness assistance; (f) Community service programs; (g) Vocational educational training, not

to exceed twelve months with respect to any individual; (h) Job skills training directly related to employment, including structured pursuit of self-employment opportunities that involves development of a business plan and meets criteria for micro-credit and micro-enterprise opportunities; (i) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a GED; (j) Satisfactory attendance at secondary school or in a course of study leading to a GED, in the case of a recipient who has not completed secondary school or received such a certificate; (k) The provision of child care services to an individual who is participating in a community service program; or (l) Other activities as defined by the department that are directly related to improving the recipient's employability and lead to the first available job. (2) All recipients of temporary assistance for needy families shall participate in the WorkFirst program except single custodial parent recipients with a child under age one year. The exemption shall not exceed a total of twelve months. (3) The department shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned activity, or failing or refusing to accept or retain employment. (4) All teen parents under age eighteen years who are approved for assistance shall, as a condition of receiving benefits, actively progress toward the completion of a high school diploma, GED, or an approved alternative education program. (5) The department may provide employment and training and education support services to assist temporary assistance for needy families recipients under chapter 74.12 RCW to obtain employment. (6) The department may contract with public and private employment and training agencies and other public service entities to carry out the purposes of Washington's WorkFirst program. (7) The department shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter. NEW SECTION. Sec. 203. A new section is added to chapter 74.25 RCW to read as follows: JOB SEARCH. (1) The department shall require temporary assistance for needy families recipients to engage in initial and ongoing job search. Failure to participate in the job search component shall result in sanctions under section 204 of this act. (2) The Washington WorkFirst program shall include an initial job search component in which each nonexempt recipient of temporary assistance for needy families shall participate. The initial job search component will last four weeks for each recipient. Each recipient shall be required to attend initial job search component activities at least thirty hours per week. The initial job search component shall serve as an assessment tool to determine a recipient's employability. If a recipient fails to find paid employment during the initial job search component, the department may refer the recipient to those work activities that are directly related to improving the recipient's employability. Priority shall be given to work activities that simulate the work environment. (3) As used in this section, "initial job search" means an activity in which nonexempt recipients engage each weekday upon entering the Washington WorkFirst program. The component shall provide classroom instruction and a minimum of fifteen hours per week of structured, individual job search activities. (a) Individual job search shall include individual and group activities. (b) Job search instruction shall be structured in such a way as to replicate the demands of a work environment. It shall include, at a minimum, information on how to apply for work, the current labor market, and available work force development resources. (4) Ongoing job search shall include regular, structured work search and weekly reporting of work search plans and results. NEW SECTION. Sec. 204. A new section is added to chapter 74.08 RCW to read as follows: SANCTIONS FOR NONCOOPERATION. Cooperation with the requirements of Washington's WorkFirst program is required, unless exempt under this title. Failure to cooperate, absent good cause, shall result in sanctions, including but not limited to, reductions of the family's cash assistance grant. The department shall adopt by rule, standards for the imposition of such sanctions. NEW SECTION. Sec. 205. A new section is added to chapter 74.25 RCW to read as follows: WORKFIRST--SERVICE AREAS--PROGRAMS. (1) The legislature finds that moving those eligible for assistance to self-sustaining employment is a goal of the WorkFirst program. It is the intent of WorkFirst to aid a participant's progress to self-sufficiency by allowing flexibility within the state-wide program to reflect community resources, the local characteristics of the labor market, and the composition of the caseload. Program success will be enhanced through effective coordination at regional and local levels, involving employers, labor representatives, educators, community leaders, local governments, and social service providers. (2) The secretary shall establish WorkFirst service areas for purposes of planning WorkFirst programs and for distributing WorkFirst resources. Service areas shall reflect identifiable labor markets. (3) By July 31st of each odd-numbered year, a plan for the WorkFirst program shall be developed for each service area. The plan shall be prepared in consultation with local and regional sources, adapting the state-wide WorkFirst program to achieve maximum effect for the participants and the communities within which they reside. Local consultation shall include to the greatest extent possible input from local and regional planning bodies for social services and work force development. The regional and local administrator shall consult with employers of various sizes, labor representatives, training and education providers, program participants, economic development organizations, community organizations, tribes, and local governments in the preparation of the service area plan. (4) The secretary shall have final authority in plan approval or modification. Local program implementation may deviate from the state-wide program if specified in a service area plan, as approved by the secretary. The local service area plans may adjust the temporary assistance for needy families cash grant for participants in that area, under RCW 74.04.770, and an adjustment to the grant may not exceed five percent of the state-wide grant established by the secretary. Local administrators may adapt service delivery to reflect local labor market and caseload characteristics, consistent with the service area plan, as approved by the secretary. Sec. 206. RCW 74.04.770 and 1983 1st ex. s. c 41 s 38 are each amended to read as follows: The department shall establish consolidated standards of need each fiscal year which may vary by geographical areas, program, and family size, for ~~((aid to families with dependent children))~~ temporary assistance for needy families, refugee assistance, supplemental security income, and general assistance. Standards for ~~((aid to families with dependent children))~~ temporary assistance for needy families, refugee assistance, and general assistance shall be based on studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance and operations, personal maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but unless explicitly required by federal statute, there shall not be proration of any portion of assistance grants unless the amount of the grant standard is equal to the standard of need. The department is authorized to establish rateable reductions and grant maximums consistent with federal law. Further, the department may adjust payment standards, within each WorkFirst service area, by up to five percent, either up or down, to reflect labor market conditions, resources needed to support work and mobilize and leverage local resources, or cost-of-living differences within local geographic areas. Payment level will be equal to need or a lesser amount if rateable reductions or grant maximums are imposed. In no case shall a recipient of supplemental security income receive a state supplement less than the minimum required by federal law. The department may establish a separate standard for shelter provided at no

cost. **NEW SECTION. Sec. 207.** A new section is added to chapter 74.25 RCW to read as follows: **WORKER PROTECTIONS.** (1) Recipients of public assistance who participate in WorkFirst activities shall be entitled to certain protections as provided in this section. In addition, the department shall ensure, according to the criteria in this section, that existing workers are not displaced from employment as a result of the participation of public assistance recipients in department-mandated or authorized WorkFirst activities. (2) Work positions, paid or unpaid, held by public assistance recipients as a department-authorized WorkFirst activity shall not be created as the result of, nor result in, any of the following: (a) The filling of a position created by termination, layoff, or work force reduction; (b) The filling of positions that would otherwise be promotional opportunities for current employees; (c) The filling of a position before compliance with applicable personnel procedures or provisions of collective bargaining agreements; (d) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific work site, or the filling of a work assignment in any bargaining unit in which regular employees are on layoff; (e) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers; or (f) Decertification of any collective bargaining unit. (3) Participants in WorkFirst activities who receive a wage shall be deemed employees, and as such shall be paid and receive benefits in accordance with local, state, and federal law governing occupational health and safety, minimum wage standards, worker compensation insurance, and unemployment insurance. (4) A participant who does not receive a wage should not be required to participate in WorkFirst activities, other than job search, for a number of hours greater than participant's monthly temporary assistance for needy families benefit divided by the greater of the state or federal minimum wage. (5) Participants in WorkFirst activities who do not receive a wage shall be deemed employees for purposes of medical aid benefits under chapter 51.36 RCW and in accordance with local, state, and federal law shall be covered by appropriate occupational health and safety regulations. The agency or organization that provides the position shall be the employer and, as such any and all premiums or assessments due in relation to such benefits are the obligation of and shall be paid by the agency. (6) Subsection (2) of this section does not apply to public assistance recipients who secure unsubsidized paid employment outside of WorkFirst. (7) WorkFirst employment positions shall not in any way be related to political, electoral, partisan, or religious activities. **NEW SECTION. Sec. 208.** A new section is added to chapter 74.25 RCW to read as follows: **COMMUNITY JOBS AND SUBSIDIZED EMPLOYMENT PROGRAMS.** (1) The department shall establish the community jobs program and the subsidized employment program within WorkFirst to provide recipients of temporary assistance for needy families valuable work experience, increase their labor market participation, and meet business and community needs. (2) The community jobs program shall provide work opportunities through nonprofit corporations. This shall be a mandatory program as determined by the department. (a) The department shall contract with local nonprofit corporations for the operation of these programs. The contractor shall be responsible for identifying work sites, referring recipients to work sites, and providing support for recipients as necessary. The contractor shall be considered the employer of the participant. (b) The contractor shall receive the temporary assistance for needy families recipient's monthly benefit allotment and an additional payment, which together will cover the participant's wages, job development, employee counseling, and administrative costs, including the cost of employer-paid payroll taxes. Industrial insurance and other applicable federal payroll taxes shall be deducted from wages received by the employee. (c) In lieu of a grant from the department, the recipient shall receive wages from the contractor. (d) In identifying recipients to place in the program, the department shall target recipients who have limited prior work experience; have low educational attainment; have children older than two years of age; or have received public assistance for at least six months. (e) A temporary assistance for needy families recipient may participate in the community jobs program for twelve months. At the discretion of the department, the referral to community jobs may be renewed. This section does not exempt the participant from mandatory, ongoing job search requirements. (3) The department may use cash grants as a wage subsidy in order to provide full-time employment opportunities in the private sector for temporary assistance for needy families recipients. In no case will the wage subsidy exceed the value of the cash grant for which the participant would be eligible through temporary assistance for needy families. This shall be a voluntary program and no person will be sanctioned by the department for failure to participate. (a) The department shall adopt rules establishing the criteria for employer participation and the participation of recipients of temporary assistance for needy families in the wage subsidy program. Once the recipient is hired, the wage subsidy shall be authorized for up to nine months. (b) In developing job opportunities through the subsidized employment program, the department shall give priority to jobs with a career ladder or reasonable opportunity for wage increases, either with the subsidized employer or with another employer in the same industrial sector. At the end of the subsidized employment, it is expected that the employee be maintained in full-time, unsubsidized employment by the employer. (4) Participants in the community jobs program and the wage subsidy program shall remain eligible for medical benefits.

**NEW SECTION. Sec. 209.** A new section is added to chapter 74.04 RCW to read as follows: **OUTCOME MEASURES.** The WorkFirst program shall be evaluated through a limited number of outcome measures designed to hold each region accountable for program success. The outcomes measured used for evaluation shall include: (1) Exits through employment; (2) Employment retention rates; measured every six months for up to two years after leaving temporary assistance for needy families; (3) Reduction in average grant through increased recipient earnings; and (4) Number of recipients working part time and full time. **NEW SECTION. Sec. 210.** The following acts or parts of acts are each repealed: (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5; (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126 s 6; (3) RCW 74.25.030 and 1991 c 126 s 7; (4) RCW 74.25.040 and 1994 c 299 s 8; (5) RCW 74.25A.005 and 1994 c 299 s 19 & 1986 c 172 s 1; (6) RCW 74.25A.010 and 1994 c 299 s 20 & 1986 c 172 s 2; (7) RCW 74.25A.020 and 1994 c 299 s 21 & 1986 c 172 s 3; (8) RCW 74.25A.030 and 1994 c 299 s 22 & 1986 c 172 s 4; (9) RCW 74.25A.040 and 1986 c 172 s 5; (10) RCW 74.25A.045 and 1994 c 299 s 23; (11) RCW 74.25A.050 and 1994 c 299 s 24 & 1986 c 172 s 6; (12) RCW 74.25A.060 and 1986 c 172 s 7; (13) RCW 74.25A.070 and 1986 c 172 s 8; and (14) RCW 74.25A.080 and 1994 c 299 s 25 & 1986 c 172 s 9.

**III. CHILD CARE NEW SECTION. Sec. 301.** A new section is added to chapter 74.12 RCW to read as follows: **CHILD CARE.** (1) The department shall administer a child care subsidy program designed to serve families on Washington's WorkFirst program and those families who are at or below one hundred seventy-five percent of the federal poverty level. (2) All families participating in the child care subsidy program shall have access to the child care of their choice. However, the child care providers must comply with applicable licensing rules set by the department if they are required by law to comply with these rules.



(3) The department shall establish the eligibility and copayment structure of the child care subsidy program. (4) The department shall administer the program within available funds.

**IV. IMMIGRANTS NEW SECTION. Sec. 401.** A new section is added to chapter 74.08 RCW to read as

follows: **IMMIGRANTS--ELIGIBILITY--GENERALLY.** (1) The state shall exercise its option under P.L. 104-193, as amended, to provide benefits and services to legal immigrants under temporary assistance for needy families, medicaid, and social services block grant programs. (2) The department may provide state-funded cash, food, and medical assistance to legal immigrants who are not eligible for federal benefits due to their immigrant status and the provisions of P.L. 104-193. (3) Legal immigrants who are not eligible for the supplemental security income program as a result of P.L. 104-193 are eligible to apply for benefits under the state's general assistance programs. The department shall redetermine income and resource eligibility at least annually, in accordance with existing state policy.

**NEW SECTION. Sec. 402.** A new section is added to chapter 74.08 RCW to read as follows: **IMMIGRANTS--STATE CASH AND MEDICAL PROGRAMS.** (1) The department may provide state-funded cash and medical assistance to legal immigrants including those permanently residing in the United

States under color of law who are not eligible under federal law for the temporary assistance for needy families program solely due to their date of entry or their immigration status. (2) Such assistance shall be provided under the same rules and in the same amount as under the temporary assistance for needy families program. Any month in which a family receives such assistance should be considered a month in which the family received temporary assistance for needy families for the purpose

of the sixty-month time limit. (3) The department may use state general assistance and state medical care services funds as may be appropriated to provide such benefits. (4) The department may provide state-funded medical care services, including long-term care, to legal immigrants including those permanently residing in the United States under color of law who are not eligible under federal law for the federal medicaid program solely due to their date of entry or their immigration status.

**NEW SECTION. Sec. 403.** A new section is added to chapter 74.08 RCW to read as follows: **IMMIGRANTS--FOOD**

**ASSISTANCE.** (1) The department may establish a state-funded food assistance program for legal immigrants who do not qualify for federal food stamps solely due to the immigrant exclusions under P.L. 104-193. The rules and benefit amounts for the state food assistance program shall be the same as in the federal food stamp program. (2) The department shall enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program.

**NEW SECTION. Sec. 404.** A new section is added to chapter 74.08 RCW to read as follows: **SPONSOR-DEEMING FOR LEGAL IMMIGRANTS.** (1) Except as provided in subsection

(2) of this section, in determining the eligibility and amount of benefits for state-funded general assistance or state-funded food stamps, the department may provide that the income and resources of an alien shall be deemed to include the income and resources of any individual, and his or her spouse, who executes an affidavit of support under section 213A of the federal immigration and nationality act on behalf of the alien for a period of five years following the execution of that affidavit of support. (2) The sponsor-deeming provisions of subsection (1) of this section do not apply to the following: (a) An alien who has worked forty qualifying quarters of coverage as defined under Title II of the social security act or can be credited with such qualifying quarters as provided under P.L. 104-193 Sec. 435; (b) An alien who is lawfully residing in any state and is a veteran of, or on active duty in, the armed forces of the United States, or the spouse or unmarried dependent child of such individual; (c) An alien who served in the armed forces of an allied country, or was employed by an agency of the federal government, during a military conflict between the United States and a military adversary; (d) Aliens who are victims of domestic violence and who petition for legal status under the federal violence against women act; (e) For a period not to exceed twelve months, an alien for whom a determination has been made by the department that, in the absence of the assistance provided by the department, the alien would be unable to obtain food and shelter, taking into account the alien's own income plus any cash, food, housing, or other assistance provided by other individuals including the sponsor; and (f) An alien who achieves United States citizenship through naturalization pursuant to chapter 2 of Title III of the immigration and nationality act.

**NEW SECTION. Sec. 405.** A new section is added to chapter 74.08 RCW to read as follows: **NATURALIZATION FACILITATION.** The department shall make an affirmative effort to identify and contact legal immigrants receiving public assistance to facilitate their applications for naturalization.

**V. STUDIES NEW SECTION. Sec. 501.** **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STUDIES.** (1) The

office of financial management shall contract with a qualified and objective research organization to evaluate the critical elements of the program in chapter . . . , Laws of 1997 (this act). Within available funds appropriated for this purpose, the research shall address the impact of the program in promoting self-sufficiency, in reducing poverty, and in improving the well-being of the families in this state. In addition, the evaluation shall specifically examine: (a) The effectiveness of the program design and of the implementation of the program by state agencies in generating community and employer participation to address the employment and family needs of program participants; (b) The impact of such components as wage subsidies and community employment and the roles of private sector and nonprofit employers in promoting unsubsidized employment; (c) Participation by employed recipients and former recipients in the community college or other education and training programs and the impact of such participation; (d) The impact of employment produced by the program on the labor market and on the availability of child care; (e) The effectiveness of employment produced by the program in reducing poverty; (f) The impact of other elements, such as diversion, the state-funded temporary assistance for needy families program, and sanctions in achieving the purposes of this program; and (g) The effect of child support collections on the economic status of recipients of temporary assistance for needy families and successful collection strategies involving these families. The evaluation in this section shall commence on the effective date of this section and shall be completed by June 30, 2001. The office of financial management shall ensure that reports are provided to the legislature annually before the start of the legislative session and that definitive responses to the research questions are available before the start of the 2002 legislative session. (2) Exemption Characteristics. The office of financial management shall contract with a qualified and objective research organization to study carefully the characteristics of adult recipients of temporary assistance for needy families to determine the profile of recipients for whom a hardship exemption to time limits should apply or where it may be in the best interests of the state to broaden eligibility for state-funded temporary assistance for needy families. Specifically, the research shall address the extent and nature of the barriers to independence based upon the personal characteristics of adults in the temporary assistance for needy families program. The office of financial management shall submit a final report on the findings of this research by December 15, 1998. This final report shall include an evaluation of the characteristics of adult recipients, including a careful estimate of the prevalence of serious disability and other barriers that may prevent self-

participation to address the employment and family needs of program participants; (b) The impact of such components as wage subsidies and community employment and the roles of private sector and nonprofit employers in promoting unsubsidized employment; (c) Participation by employed recipients and former recipients in the community college or other education and training programs and the impact of such participation; (d) The impact of employment produced by the program on the labor market and on the availability of child care; (e) The effectiveness of employment produced by the program in reducing poverty; (f) The impact of other elements, such as diversion, the state-funded temporary assistance for needy families program, and sanctions in achieving the purposes of this program; and (g) The effect of child support collections on the economic status of recipients of temporary assistance for needy families and successful collection strategies involving these families. The evaluation in this section shall commence on the effective date of this section and shall be completed by June 30, 2001. The office of financial management shall ensure that reports are provided to the legislature annually before the start of the legislative session and that definitive responses to the research questions are available before the start of the 2002 legislative session. (2) Exemption Characteristics. The office of financial management shall contract with a qualified and objective research organization to study carefully the characteristics of adult recipients of temporary assistance for needy families to determine the profile of recipients for whom a hardship exemption to time limits should apply or where it may be in the best interests of the state to broaden eligibility for state-funded temporary assistance for needy families. Specifically, the research shall address the extent and nature of the barriers to independence based upon the personal characteristics of adults in the temporary assistance for needy families program. The office of financial management shall submit a final report on the findings of this research by December 15, 1998. This final report shall include an evaluation of the characteristics of adult recipients, including a careful estimate of the prevalence of serious disability and other barriers that may prevent self-

supporting employment. The research shall provide recommendations regarding how best to establish criteria for exemptions to the five-year limit, how to establish whether an adult recipient has satisfied those criteria, and whether and in what ways the criteria for the state-funded program should be narrowed or widened. **VI. DATA SHARING NEW SECTION. Sec. 601.** It is the intent of the legislature to allow the department of social and health services access to employment security department confidential employer wage files, for statistical analysis, research, or evaluation of work force participation of department of social and health services' clients. This information is needed to monitor and evaluate department client outcomes in employment, to fulfill agency performance reporting requirements of chapter 43.88 RCW, for department management in evaluating and planning for changing social needs, and in the effective development and implementation of programs to achieve goals of the department of social and health services. Chapter 50.38 RCW and federal law mandate the use of labor market information, including employment security department payroll and wage files, in the planning, coordination, management, implementation, and evaluation of state programs like those of the department of social and health services. RCW 50.13.060 requires privacy protection of personal records obtained from employment security department confidential employer wage files. Through individual matches with accessed employment security department confidential employer wage files, the department of social and health services shall report only aggregate, statistical, group level data. **NEW SECTION.**

**Sec. 602.** A new section is added to chapter 43.20A RCW to read as follows: The employment security department shall provide to the department of social and health services confidential employer wage files for statistical analysis, research, and evaluation purposes as provided in sections 604 and 605 of this act. The department of social and health services shall limit access of its agency personnel to those professional research and technical information systems personnel needed to produce and analyze wage file data. **NEW SECTION. Sec. 603.** A new section is added to chapter 50.13 RCW to read as follows: The employment security department shall provide to the department of social and health services confidential employer wage files for statistical analysis, research, and evaluation purposes as provided in sections 604 and 605 of this act.

The department of social and health services shall limit access of its agency personnel to those professional research and technical information systems personnel needed to produce and analyze wage file data. **NEW SECTION. Sec. 604.** A new section is added to chapter 43.20A RCW to read as follows: (1) The information provided by the employment security department under sections 602 and 603 of this act for statistical analysis, research, and evaluation purposes shall be used to measure the work force participation of department clients. (2) The department shall protect the privacy of confidential personal data supplied under sections 602 and 603 of this act consistent with chapter 50.13 RCW and the terms and conditions of a formal data-sharing agreement between the two departments. The misuse or unauthorized use of confidential data supplied by the employment security department is subject to the penalties in RCW 50.13.080. **NEW SECTION. Sec. 605.** A new section is added to chapter 50.13 RCW to read as follows: (1) The information provided by the employment security department under sections 602 and 603 of this act for statistical analysis, research, and evaluation purposes shall be used to measure the work force participation of department clients. (2) The department shall protect the privacy of confidential personal data supplied under sections 602 and 603 of this act consistent with chapter 50.13 RCW and the terms and conditions of a formal data-sharing agreement between the two departments. The misuse or unauthorized use of confidential data supplied by the employment security department is subject to the penalties in RCW 50.13.080. **VII.**

**MISCELLANEOUS NEW SECTION. Sec. 701.** A new section is added to chapter 74.12 RCW to read as follows: **EARNINGS DISREGARDS AND EARNED INCOME CUTOFFS.** (1) In addition to their monthly benefit payment, a family may earn and keep one-half of its earnings during every month it is eligible to receive assistance under this section. (2) In no event may a family be eligible for temporary assistance for needy families if its monthly gross earned income exceeds the maximum earned income level as set by the department. In calculating a household's gross earnings, the department shall disregard the earnings of a minor child who is: (a) A full-time student; or (b) A part-time student carrying at least half the normal school load and working fewer than thirty-five hours per week. **Sec. 702.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows: For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply: (1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance. (2) "Department"—The department of social and health services. (3) "County or local office"—The administrative office for one or more counties or designated service areas. (4) "Director" or "secretary" means the secretary of social and health services. (5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program. (6)(a) "General assistance"—Aid to persons in need who: (i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance; (ii) Meet one of the following conditions: (A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal ((aid to families with dependent children)) temporary assistance for needy families program(= PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance); or (B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. (C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW.

Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program; (iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and (iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a

number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt. (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance: (i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or (ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of ~~((aid to families with dependent children))~~ temporary assistance for needy families whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received. (c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication: (i) First failure: One week; (ii) Second failure within six months: One month; (iii) Third and subsequent failure within one year: Two months. (d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies. (e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information. (f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so. (g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal ~~((aid to families with dependent children))~~ temporary assistance for needy families program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal ~~((aid to families with dependent children))~~ temporary assistance for needy families program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls. (7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance. (8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance. (9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department. (10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources. (a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need. (b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance. (c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars. Recipients of temporary assistance for needy families may retain a motor vehicle, other than a motor home, used and useful having an equity value not to exceed five thousand dollars. (d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars. (e) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the ~~((aid to families with dependent children))~~ temporary assistance for needy families program rules adopted by the department. (f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That: (A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale; (B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630; (C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and (D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property. (11) "Income"—(a) All appreciable gains in real or personal property (cash

or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of ~~((aid to families with dependent children))~~ temporary assistance for needy families is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance. (b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource. (12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family. (13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom. (14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary. **NEW SECTION. Sec. 703.** A new section is added to chapter 74.12 RCW to read as follows: PATERNITY ESTABLISHMENT. In order to be eligible for temporary assistance for needy families, applicants shall, at the time of application for assistance, provide the names of both parents of their child or children, whether born or unborn, unless the applicant meets good cause criteria for refusing such identification. **NEW SECTION. Sec. 704.** A new section is added to chapter 74.12 RCW to read as follows: TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. (1) The department may (a) coordinate with and cooperate with eligible Indian tribes that elect to operate a tribal temporary assistance for needy families program as provided for in P.L. 104-193; and (b) upon approval by the secretary of the federal department of health and human services of a tribal temporary assistance for needy families program, transfer a fair and equitable amount of the state maintenance of effort funds to the eligible Indian tribe. (2) An eligible Indian tribe exercising its authority under P.L. 104-193 to operate a tribal temporary assistance for needy families program as a condition of receiving state maintenance of effort funds shall operate the program on a state fiscal year basis. If a tribe decides to cancel a tribal temporary assistance for needy families program, it shall notify the department no later than ninety days before the start of the state fiscal year. **NEW SECTION. Sec. 705.** A new section is added to chapter 50.40 RCW to read as follows: (1) An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not the individual owes an uncollected overissuance of food stamps as defined under subsection (7) of this section. If the individual discloses that he or she owes an uncollected overissuance of food stamps and is determined to be eligible for unemployment compensation, the commissioner shall notify the state food stamp agency enforcing those obligations that the individual has been determined to be eligible for unemployment compensation. (2) The commissioner shall deduct and withhold from any unemployment compensation payable to an individual who owes an uncollected overissuance of food stamps as defined under subsection (7) of this section: (a) The amount specified by the individual to the commissioner to be deducted and withheld under this subsection, if neither (b) nor (c) of this subsection is applicable; (b) The amount, if any, determined pursuant to an agreement submitted to the state food stamp agency under section 13(c)(3)(A) of the food stamp act of 1977; or (c) Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant section 13(c)(3)(B) of the food stamp act of 1977. (3) Any amount deducted and withheld under subsection (2) of this section shall be paid by the commissioner to the appropriate state food stamp agency. (4) Any amount deducted and withheld under subsection (2) of this section shall be treated for all purposes as if it were paid to the individual as unemployment compensation and paid by that individual to the state food stamp agency in satisfaction of the individual's uncollected overissuance. (5) For the purposes of this section, "unemployment compensation" means any compensation payable under this chapter including amounts payable by the commissioner under an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment. (6) This section applies only if appropriate arrangements have been made for reimbursement by the state food stamp agency for the administrative costs incurred by the commissioner under this section which are attributable to the repayment of uncollected overissuance to the state food stamp agency. (7) "Uncollected overissuances of food stamps" as used in this section means only those obligations which are being enforced pursuant to section 13(c)(1) of the food stamp act of 1977. (8) This section applies only if arrangements have been made for reimbursement by the state food stamp agency for the administrative costs incurred by the commissioner under this section which are attributable to the state food stamp agency." Renumber the remaining parts and sections consecutively and correct any internal references accordingly. On page 210, beginning on line 11 of the amendment, strike all of section 1005 Renumber the remaining sections consecutively and correct internal references accordingly. On page 210, beginning on line 32 of the amendment, after "(1)" strike all material through "(2)" on line 34. Renumber the remaining subsection consecutively. On page 211, beginning on line 2 of the amendment, after "(1)" strike all material through "immediately." on line 7 and insert "Sections 1, 101 through 109, 201 through 210, 301, 405, 501, 601 through 605, and 701 through 705 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997." On page 211, beginning on line 12 of the amendment, after "(3)" strike all material through "(4)" on line 14 Debate ensued. Senator Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Wojahn on page 1, line 22; page 210, beginning on lines 11 and 32; and page 211, beginning on lines 2 and 12; to the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were adopted, the President voting 'aye,' by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 24. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24. Excused: Senator Benton - 1.

EDITOR'S NOTE: Senator Hale originally voted 'aye,' but before the roll call was completed, she stood, was recognized by the President, and changed her vote from 'aye' to 'nay,' and that 'nay' vote was not recorded.

#### MOTION

At 11:52 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:58 a.m. by President Owen.

#### MOTION

Senator Hale: "I move for immediate reconsideration of the vote by which the amendments by Senator Wojahn to the striking amendment by Senator Deccio were adopted."

#### REMARKS BY SENATOR JOHNSON

Senator Johnson: "Mr. President, speaking on behalf of the motion, Senator Hale's vote had not been properly recorded. That was acknowledged by the President. So, by means of clarifying that, the motion has been made. I urge the adoption of the motion for immediate reconsideration."

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

The President declared the question before the Senate to be the roll call on the motion by Senator Hale to immediately reconsider the vote by which the amendments by Senator Wojahn were adopted to the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll and the motion for reconsideration of the vote on the amendments to the striking amendment was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Excused: Senator Benton - 1.

The President declared the question before the Senate to be the adoption of the amendments by Senator Wojahn on page 1, line 22; page 210, beginning on lines 11 and 32; and page 211, beginning on lines 2 and 12; on reconsideration, to the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Wojahn on page 1, line 22; page 210, beginning on lines 11 and 32; and page 211, beginning on lines 2 and 12; on reconsideration, to the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll and the amendments, on reconsideration, to the striking amendment were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Benton - 1.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Deccio to Second Substitute Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll and the striking amendment was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Excused: Senator Benton - 1.

#### MOTION

On motion of Senator Johnson, the following title amendment was adopted:

On page 1, line 2 of the title, after "1996;" strike the remainder of the title and insert "amending RCW 74.08.025, 74.08.340, 74.09.510, 74.04.515, 74.09.800, 74.08.331, 28A.630.876, 50.16.030, 74.04.050, 41.06.380, 74.12.255, 74.04.0052, 26.16.205, 74.12.410, 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.08.350, 18.08.350, 18.11.160, 18.16.100, 18.27.060, 18.28.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.106.070, 18.130.150, 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130, 19.158.050, 19.166.040, 21.20.110, 66.20.320, 67.08.040, 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060, 19.146.220, 75.25.150, 75.28.010, 26.23.050, 26.18.100, 26.23.060, 74.20.040, 26.23.090, 74.20A.100, 26.23.045, 26.23.030, 74.20A.080, 26.23.120, 26.04.160, 26.09.170, 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580, 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330, 70.58.080, 26.26.040, 74.20A.055, 26.23.040, 26.23.040, 26.26.130, and 70.58.055; reenacting and amending RCW 74.04.005, 18.145.080, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056, 26.09.020, and 26.26.100; adding new sections to chapter 74.12 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 50.62 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a new section to chapter 70.95B RCW; adding new sections to chapter 75.25 RCW; adding new sections to chapter 77.32 RCW; adding a new section to chapter 75.28 RCW; adding new sections to chapter 74.20 RCW; adding new sections to chapter 26.23 RCW; adding new sections to chapter 26.21 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.18 RCW; adding a new chapter to Title 74 RCW; creating new sections; repealing RCW 74.12.420, 74.12.425, 74.25.010, 74.25.020, 74.25.030, 74.25.040, 74.25.900, 74.25.901, 74.04.770, 74.08.120, and 74.08.125; providing effective dates; providing expiration dates; and declaring an emergency."

#### MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5677.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5677 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Deccio, Finkbeiner, Goings, Hale, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 29. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 19. Excused: Senator Benton - 1. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:29 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, March 4, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FIFTIETH DAY, MARCH 3, 1997**

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**FIFTY-FIRST DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, March 4, 1997

The Senate was called to order at 12:00 noon by President Pro Tempore Newhouse. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 3, 1997

SB 5081 Prime Sponsor, Senator Kohl: Authorizing law enforcement officers to impound the vehicles of persons who are patronizing prostitutes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5173 Prime Sponsor, Senator Schow: Improving the liquor license schematic of the state of Washington. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5173 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

March 3, 1997

SB 5244 Prime Sponsor, Senator Oke: Allowing trained volunteers to enforce the disabled persons' parking permit law. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long and McCaslin.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5504 Prime Sponsor, Senator Prince: Exempting from certain electrician licensing provisions people who install pumps to deliver well water to homes. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5612 Prime Sponsor, Senator Long: Providing qualifications for granting certificates of registration to architects. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5612 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5651 Prime Sponsor, Senator Anderson: Restricting actions against employers under industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5738 Prime Sponsor, Senator Horn: Requiring that terminated employees be paid within five days of the last date of employment and prohibiting employers from requiring employees to turn over tips. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5738 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5739 Prime Sponsor, Senator Horn: Establishing when employers are required to compensate employees for employee wearing apparel. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5739 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5749 Prime Sponsor, Senator Heavey: Providing for a certificate of competency as a medical gas piping installer. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5769 Prime Sponsor, Senator Johnson: Concerning the theft of beverage crates and merchandise pallets. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5769 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Long and McCaslin.



Passed to Committee on Rules for second reading.

February 28, 1997

SB 5808 Prime Sponsor, Senator Horn: Reducing the tax on spirits for the state general fund. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not refer to Committee on Ways and Means. Signed by Senator Heavey.

Referred to Committee on Ways and Means.

February 28, 1997

SB 5810 Prime Sponsor, Senator Deccio: Regulating employment of minors. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

February 28, 1997

SB 5850 Prime Sponsor, Senator Anderson: Changing provisions related to employment in the construction industry. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5862 Prime Sponsor, Senator Roach: Protecting sport shooting ranges. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Haugen and Kline.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5871 Prime Sponsor, Senator Roach: Redefining law enforcement officer to include a port district officer. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 1997

SJM 8010 Prime Sponsor, Senator Strannigan: Encouraging the federal government to enact laws permitting airbag deactivation switches to be installed in new and used vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8010 be substituted therefor, and the substitute memorial do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 21, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Ronda Cahill, appointed February 21, 1997, for a term ending December 31, 2001, as a member of the Public Disclosure Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

March 1, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Carver Gayton, appointed March 1, 1997, for a term ending at the pleasure of the Governor, as Commissioner of the Employment Security Department.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor.

MESSAGE FROM THE HOUSE

February 28, 1997

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,  
ENGROSSED HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1061,  
HOUSE BILL NO. 1066,  
HOUSE BILL NO. 1098,  
HOUSE BILL NO. 1099,  
HOUSE BILL NO. 1102,  
HOUSE BILL NO. 1103,  
SUBSTITUTE HOUSE BILL NO. 1104,  
SUBSTITUTE HOUSE BILL NO. 1141,  
HOUSE BILL NO. 1165,  
HOUSE BILL NO. 1172,  
HOUSE BILL NO. 1196,  
HOUSE BILL NO. 1197,  
HOUSE BILL NO. 1202,  
HOUSE BILL NO. 1207,  
HOUSE BILL NO. 1252,  
ENGROSSED HOUSE BILL NO. 1254,  
SUBSTITUTE HOUSE BILL NO. 1272,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292,  
HOUSE BILL NO. 1297,  
HOUSE BILL NO. 1309,  
HOUSE BILL NO. 1312,  
HOUSE BILL NO. 1398,  
SUBSTITUTE HOUSE BILL NO. 1485, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6042 by Senators Wood, Horn and Haugen

AN ACT Relating to telecommunications access to limited-access highway rights-of-way; amending RCW 47.44.020; adding a new chapter to Title 47 RCW; and declaring an emergency.  
Referred to Committee on Transportation.

SB 6043 by Senator Heavey

AN ACT Relating to service credit for Peace Corps service; and amending RCW 41.40.170.  
Referred to Committee on Ways and Means.

SB 6044 by Senators Roach, Deccio, Schow and Johnson

AN ACT Relating to distribution of taxes on labor and property used in relation to railroad property and fuel used in rail transportation; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 47 RCW.  
Referred to Committee on Ways and Means.

SB 6045 by Senators West, Spanel, Strannigan and Oke (by request of Governor Locke)

AN ACT Relating to the efficient use of general fund moneys; adding new sections to chapter 43.79 RCW; and making appropriations.  
Referred to Committee on Ways and Means.

SB 6046 by Senator Finkbeiner

AN ACT Relating to a study by the utilities and transportation commission on universal telecommunications service; and creating new sections.  
Referred to Committee on Energy and Utilities.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1017 by House Committee on Natural Resources (originally sponsored by Representatives Sehlin, Anderson, Koster, Quall, Huff, L. Thomas and Dunn)

Exchanging state-owned aquatic lands with privately owned lands.

Referred to Committee on Natural Resources and Parks.

EHB 1027 by Representatives Schoesler, Chandler, Sheahan, Sterk, McMorris, Honeyford, Dyer, Mielke and D. Schmidt

Restricting mailings and public service broadcasts by state officials.

Referred to Committee on Government Operations.

SHB 1061 by House Committee on Natural Resources (originally sponsored by Representatives Sheldon, Mielke and Grant)

Restricting the state parks and recreation commission authority to regulate metal detectors.

Referred to Committee on Natural Resources and Parks.

HB 1066 by Representatives Pennington, Chopp, Mason, Costa, Skinner, Hankins, Ogden and L. Thomas

Providing for the maintenance of state facilities.

Referred to Committee on Government Operations.

HB 1098 by Representatives Carlson, H. Sommers, Cooke, Conway, Sehlin, Ogden, Wolfe, Blalock, Constantine, Tokuda, Hatfield, Dunn, Wood, O'Brien, Veloria, Kessler, Cairnes, Murray, Keiser, Sheldon, Anderson, Cody, Kenney, Scott, Dunshee and Mason (by request of Joint Committee on Pension Policy)

Changing teachers' retirement system plan III contribution rates.

Referred to Committee on Ways and Means.

HB 1099 by Representatives Cooke, Ogden, Sehlin, Carlson, Wolfe, H. Sommers, Dyer, Cairnes, Murray and Mason (by request of Joint Committee on Pension Policy)

Transferring law enforcement officers' and fire fighters' retirement system plan I service.

Referred to Committee on Ways and Means.

HB 1102 by Representatives Lambert, H. Sommers, Cooke, Carlson, Conway, Ogden and Mason (by request of Joint Committee on Pension Policy)

Retirement benefits based on excess compensation.

Referred to Committee on Ways and Means.

HB 1103 by Representatives Sehlin, Carlson, Ogden, Cairnes and Anderson (by request of Joint Committee on Pension Policy)

Specifying eligibility for survivor benefits.

Referred to Committee on Ways and Means.

SHB 1104 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Cooke, Carlson, Ogden, Sehlin and Mason) (by request of Joint Committee on Pension Policy)

Placing restrictions on postretirement employment.

Referred to Committee on Ways and Means.

SHB 1141 by House Committee on Government Administration (originally sponsored by Representatives Scott, Dunshee and Poulsen) (by request of Governor Lowry)

Eliminating boards and commissions.

Referred to Committee on Government Operations.

HB 1165 by Representatives Backlund, O'Brien, Skinner, Cairnes, Dyer, Dunn, Lambert, Sherstad, Sterk, Delvin and Mielke

Creating the crimes of homicide by watercraft and assault by watercraft.

Referred to Committee on Law and Justice.

HB 1172 by Representatives D. Sommers, Sterk, O'Brien, Koster, Thompson, Delvin, Sherstad, Schoesler, Hatfield and Conway

Concerning the failure to register as a sex offender.

Referred to Committee on Human Services and Corrections.

HB 1196 by Representatives McDonald, Costa, Sheahan, Sterk and Skinner (by request of Secretary of State Munro)

Regulating registration of charitable trusts.

Referred to Committee on Law and Justice.

HB 1197 by Representatives Sheahan, Constantine and Costa

Allowing an interlocal agreement between a county and municipality to transfer jurisdiction over a defendant.

Referred to Committee on Law and Justice.

HB 1202 by Representatives Quall, Dickerson, Poulsen, Smith, O'Brien, Costa, Ogden and Mason

Adopting the recommendations of the task force examining high school credit equivalencies.

Referred to Committee on Education.

HB 1207 by Representatives D. Schmidt, Dunshee, Poulsen, Kessler and Mielke (by request of Military Department)

Revising provisions for enhanced 911 excise taxes.

Referred to Committee on Energy and Utilities.

HB 1252 by Representatives Wensman, Costa, Sheahan, Sterk, Lantz, Skinner, Kenney and Lambert (by request of Secretary of State Munro)

Regulating the dissolution of limited partnerships.

Referred to Committee on Law and Justice.

EHB 1254 by Representatives Sterk, D. Sommers, Carrell, Mulliken, Delvin, Chandler, O'Brien and Bush

Prohibiting destruction of driving records for alcohol or drug-related offenses.

Referred to Committee on Law and Justice.

SHB 1272 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Delvin, Chandler, Robertson, McMorris, Honeyford and Mulliken)

Establishing water conservancy boards.

Referred to Committee on Agriculture and Environment.

ESHB 1292 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Lisk, Quall, Linville, Thompson, Mulliken, Sheldon, Grant, D. Schmidt, Skinner, Robertson, Boldt, Honeyford and Clements)

Expanding claims management authority for industrial insurance rating programs.

Referred to Committee on Commerce and Labor.

HB 1297 by Representatives DeBolt, Sheahan, Ballasiotes, Costa, Benson, McMorris, Thompson, Lambert, Radcliff, K. Schmidt, Mitchell, Sherstad, Robertson, Pennington, Hickel, Kastama, Sullivan, Sump, Sheldon, Delvin, Cooke, Morris, Wensman, Mason and Mielke

Including the existence of a no contact order as an aggravating circumstance in first degree murder.

Referred to Committee on Law and Justice.

HB 1309 by Representatives Mielke, Mulliken, Sterk, McMorris, Pennington, Bush, Doumit, McDonald, Boldt, Thompson, Costa and Dunn

Creating the crime of disarming a law enforcement officer.

Referred to Committee on Law and Justice.

HB 1312 by Representatives Sherstad, Sheahan, O'Brien, Costa and Dunshee

Providing for additional judges for Snohomish county superior court.

Referred to Committee on Law and Justice.

HB 1398 by Representatives Benson, Sheahan, Sump, Wood, O'Brien and Gombosky (by request of Administrator for the Courts)

Creating additional judicial positions in the Spokane superior court.

Referred to Committee on Law and Justice.

SHB 1485 by House Committee on Natural Resources (originally sponsored by Representatives Linville, Buck, Hatfield, Chandler, Cooper, Sump, Regala, Butler, Anderson, Doumit, Morris, Sheldon, Tokuda, Kessler, Scott, Blalock and Dickerson)

Requiring the department of fish and wildlife to report to the legislature regarding salmon harvests.

Referred to Committee on Natural Resources and Parks.

MOTION

At 12:04 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, March 5, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

***JOURNAL OF THE SENATE***

***FIFTY-FIRST DAY, MARCH 4, 1997***

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**FIFTY-SECOND DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, March 5, 1997

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Kline, Prentice, Roach and Zarelli. On motion of Senator Franklin, Senators Fairley, Kline and Prentice were excused. On motion of Senator Hale, Senators Roach and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Grant Osborne and Jennifer Marcure, presented the Colors. Elder James Erlandson of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 4, 1997

SB 5041 Prime Sponsor, Senator Benton: Implementing appeals procedures and judicial review standards for several environmental regulation hearings and appeals boards. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5041 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5051 Prime Sponsor, Senator McCaslin: Providing for review of orders and decisions by growth management hearings boards. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading

March 3, 1997

SB 5087 Prime Sponsor, Senator Roach: Regulating the use of taped interviews of child victims of sex abuse for use as evidence. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5087 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Kline, Long, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5160 Prime Sponsor, Senator McCaslin: Eliminating the presidential primary. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Patterson.

Passed to Committee on Rules for second reading.

SB 5185 Prime Sponsor, Senator Horn: Revising procedures for growth management hearings boards. Reported by  
Committee on Government Operations

March 4, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and  
Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading.

SB 5187 Prime Sponsor, Senator Goings: Authorizing the sharing of medical information in certain emergency situations.  
Reported by Committee on Law and Justice

March 3, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Kline, Long, Stevens and  
Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

SB 5191 Prime Sponsor, Senator Goings: Increasing penalties for methamphetamine crimes. Reported by Committee on Law  
and Justice

March 3, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5228 Prime Sponsor, Senator Deccio: Providing for the prevention of workplace violence in health care settings.  
Reported by Committee on Health and Long-Term Care

March 4, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

SB 5282 Prime Sponsor, Senator Long: Extending the scope of hit and run involving death. Reported by Committee on Law  
and Justice

March 3, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Kline, Long, Stevens and  
Zarelli.

Passed to Committee on Rules for second reading.

SB 5297 Prime Sponsor, Senator Franklin: Establishing health care benefits for mastectomies. Reported by Committee on  
Health and Long-Term Care

March 4, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley,  
Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1997



SB 5315 Prime Sponsor, Senator Anderson: Exempting from taxation and valuation of property improvements used for fish and habitat restoration and protection and water quantity and quality improvement programs. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5321 Prime Sponsor, Senator Deccio: Improving access for oral health care services for rural and underserved populations. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5321 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5322 Prime Sponsor, Senator Deccio: Removing regulatory barriers to the provision of oral health care services to rural, remote, and underserved populations. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5351 Prime Sponsor, Senator Benton: Exempting small scale mining from the requirement of obtaining a hydraulic permit. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5351 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5354 Prime Sponsor, Senator Benton: Removing the commissioner of public lands and adding the secretary of state to the membership of the capitol committee. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5374 Prime Sponsor, Senator Morton: Funding conservation districts to address nonpoint source pollution water quality problems. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5451 Prime Sponsor, Senator Wojahn: Notifying applicants for a marriage license of relevant domestic abuse laws. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Strannigan.

Passed to Committee on Rules for second reading.

SB 5460 Prime Sponsor, Senator McCaslin: Limiting the use of public funds for political activities. Reported by Committee on Government Operations March 4, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading.

SB 5491 Prime Sponsor, Senator Stevens: Revising provision for termination of parent and child relationship. Reported by Committee on Human Services and Corrections March 4, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

SB 5492 Prime Sponsor, Senator Loveland: Establishing a rural development council. Reported by Committee on Commerce and Labor March 3, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

SB 5499 Prime Sponsor, Senator Roach: Defining when an assault on a bus driver constitutes assault in the third degree. Reported by Committee on Law and Justice March 3, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SB 5505 Prime Sponsor, Senator Morton: Directing the department of ecology to assist growing communities in securing safe and reliable water sources. Reported by Committee on Agriculture and Environment March 4, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5505 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

SB 5506 Prime Sponsor, Senator McCaslin: Increasing flexibility for counties and cities in implementing growth management. Reported by Committee on Government Operations March 4, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5521 Prime Sponsor, Senator Haugen: Authorizing a county research service. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn, Patterson and Swanson.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5613 Prime Sponsor, Senator Winsley: Authorizing reserved parking for homeowners near colleges. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5620 Prime Sponsor, Senator Haugen: Granting additional authority to aquifer protection areas. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5650 Prime Sponsor, Senator McDonald: Allowing cities to assume jurisdiction over water or sewer districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5665 Prime Sponsor, Senator Strannigan: Providing requirements for mental health utilization review. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5667 Prime Sponsor, Senator Roach: Providing for certification of professional guardians. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5667 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5672 Prime Sponsor, Senator Strannigan: Authorizing drug-free zones around public housing authority facilities. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Hargrove, Kline, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5684 Prime Sponsor, Senator Horn: Prescribing procedures for decreasing fire protection district commissioners.  
Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5693 Prime Sponsor, Senator Roach: Providing for the protection of private information. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5693 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley, Haugen and Kline.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5714 Prime Sponsor, Senator Rossi: Concerning the classification of forest practices and the regulation of forest practices by state and local entities. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5736 Prime Sponsor, Senator Roach: Increasing county burial costs for indigent deceased veterans. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5750 Prime Sponsor, Senator Winsley: Allowing commercial property casualty policies to be issued prior to filing the form or rate with the insurance commissioner. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Prentice.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5754 Prime Sponsor, Senator Horn: Regulating boxing, kickboxing, martial arts, and wrestling. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5758 Prime Sponsor, Senator McCaslin: Implementing the recommendations of the land use study commission. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5770 Prime Sponsor, Senator Stevens: Protecting child records. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5775 Prime Sponsor, Senator McCaslin: Providing additional exemptions from state law for the handling of hazardous devices. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5776 Prime Sponsor, Senator McCaslin: Revising the public disclosure law. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Patterson and Swanson.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5785 Prime Sponsor, Senator Swecker: Providing for consolidation of ground water rights of exempt wells. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5785 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Oke, Newhouse and Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5799 Prime Sponsor, Senator Deccio: Transferring funds for plant pest control activities. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5799 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5831 Prime Sponsor, Senator Newhouse: Eliminating provisions allowing adjacent counties as the venue of actions by or against counties. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5844 Prime Sponsor, Senator Fraser: Freeing the base for transfers of marine and nonhighway fuel taxes. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Transportation.

March 4, 1997

SB 5848 Prime Sponsor, Senator Benton: Revising insurance coverage of pharmacy services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin and Wojahn.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5874 Prime Sponsor, Senator Hale: Establishing the confidentiality of voluntary compliance efforts by financial institutions. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Prentice.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5875 Prime Sponsor, Senator Swanson: Creating the joint select committee on veterans and military personnel affairs. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5875 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5886 Prime Sponsor, Senator Strannigan: Providing a stable funding source for fisheries enhancement and habitat restoration. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That Substitute Senate Bill No. 5886 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Stevens and Swecker.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5894 Prime Sponsor, Senator Roach: Enhancing training of correctional personnel. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5896 Prime Sponsor, Senator Roach: Creating the civil rights act of 1997. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Goings, Hargrove, Kline, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5915 Prime Sponsor, Senator Anderson: Allowing counties planning under the growth management act to establish industrial land banks as permissible urban growth outside of an urban growth area. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5946 Prime Sponsor, Senator Anderson: Revising property tax exemptions for persons confined in adult family homes and certain boarding homes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

March 3, 1997

SB 5950 Prime Sponsor, Senator Schow: Lowering the rate of taxation for social card games. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5958 Prime Sponsor, Senator Strannigan: Exempting licensed nursing homes and licensed boarding homes from the business and occupation tax. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5959 Prime Sponsor, Senator Anderson: Allowing for the establishment of restricted seed potato production areas. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5965 Prime Sponsor, Senator Schow: Providing for changes in agency experience ratings for industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5965 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5976 Prime Sponsor, Senator Deccio: Clarifying who may legally use the title "nurse." Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5976 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5983 Prime Sponsor, Senator Schow: Assisting industrial investments and projects of state-wide significance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5983 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5991 Prime Sponsor, Senator Horn: Providing for the quality awards council. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5998 Prime Sponsor, Senator Haugen: Restructuring the state cosmetology, barbering, esthetics, and manicuring advisory board. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 6000 Prime Sponsor, Senator Schow: Creating a program for compulsive gambling education and awareness. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

March 4, 1997

SB 6001 Prime Sponsor, Senator Long: Requiring a community-based response system for certain families referred to child protective services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl and Schow.

Referred to Committee on Ways and Means.

March 4, 1997

SB 6002 Prime Sponsor, Senator Long: Supervising mentally ill offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

March 4, 1997

SB 6007 Prime Sponsor, Senator Winsley: Eliminating the operating expenses limitation on mutual savings banks. Reported by Committee on Financial Institutions, Insurance and Housing



MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Heavey and Prentice.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 6011 Prime Sponsor, Senator Rossi: Directing an audit of LAMP, LITE, and companion projects. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Refer the bill to Committee on Transportation without recommendation. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Referred to Committee on Transportation.

March 4, 1997

SB 6015 Prime Sponsor, Senator Deccio: Repealing water recreation facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6015 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 6019 Prime Sponsor, Senator Deccio: Stabilizing long-term care for persons with developmental disabilities living in the community and in residential habilitation centers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6019 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Franklin, Strannigan and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

HOLD.

March 4, 1997

SB 6033 Prime Sponsor, Senator Prentice: Establishing the National Research Center for Aviation History, Space, and Technology at the Museum of Flight. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Refer the bill to Committee on Ways and Means without recommendation. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

March 4, 1997

SB 6036 Prime Sponsor, Senator Schow: Providing on-the-job training opportunities for undertrained, underemployed, or unemployed persons. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

March 4, 1997

SCR 8407 Prime Sponsor, Senator Franklin: Establishing an interagency task force to conduct a study of contingent work force issues. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Strannigan, Senate Bill No. 5041, Senate Bill No. 5322, Senate Bill No. 5505, and Senate Bill No. 5950 were referred to the Committee on Ways and Means.

On motion of Senator Strannigan, Senate Bill No. 6019 was held on the desk.

#### MESSAGE FROM THE HOUSE

March 3, 1997

MR. PRESIDENT:

The House passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1079,

SUBSTITUTE HOUSE BILL NO. 1105,

SUBSTITUTE HOUSE BILL NO. 1501,

HOUSE BILL NO. 1573, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6047 by Senators Oke and Fraser (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to the clean Washington center; amending RCW 70.95H.900, 70.95H.005, and 70.95H.030; and declaring an emergency.

Referred to Committee on Agriculture and Environment.

SB 6048 by Senators Strannigan and Oke

AN ACT Relating to tax exemptions for federally qualified health centers; amending RCW 82.04.4289; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 6049 by Senators Rossi, Benton, Stevens, Oke and Schow

AN ACT Relating to educational grants; and adding a new section to chapter 28A.200 RCW.

Referred to Committee on Education.

SB 6050 by Senator Oke

AN ACT Relating to tax exemptions for state route number 16 corridor improvements constructed under chapter 47.46 RCW; amending RCW 82.29A.130; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6051 by Senators Jacobsen, Spanel, Goings, Swanson and Kohl

AN ACT Relating to disclosure of gender equity in athletics information in public schools; and amending RCW 28A.320.205.

Referred to Committee on Education.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1079 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Bush, Dunn, McDonald, L. Thomas, Reams, Carrell, Buck, Radcliff, Mulliken, Sump, B. Thomas, Hickel, D. Schmidt, McMorris, Sheahan, Mitchell, Johnson, Lisk, Chandler, Talcott, Thompson, Clements, Backlund, Mastin, Koster, DeBolt, Carlson, D. Sommers, Boldt, Alexander, Schoesler, Sterk, Honeyford, Parlette, Sherstad, Smith, Mielke, Cairnes and Robertson)

Requiring personal responsibility.

Referred to Committee on Health and Long-Term Care.

SHB 1105 by House Committee on Appropriations (originally sponsored by Representatives Ogden, Sehlin, H. Sommers, Lambert, Carlson, Wolfe, Anderson and Scott) (by request of Joint Committee on Pension Policy)

Providing retirement credit for leave for legislative service.

Referred to Committee on Ways and Means.

SHB 1501 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Robertson, Scott and Mielke) (by request of Department of Licensing)

Clarifying and making technical corrections to driver's license statutes.

Referred to Committee on Transportation.

HB 1573 by Representatives Dunn, Ogden, Carlson, Mason, Radcliff, Kenney, Cole, Wolfe, Van Luven, Sheldon, O'Brien, D. Schmidt, Alexander, Mielke, Cooke, Boldt, Keiser, Costa and Cooper

Authorizing educational agencies to rent, sell, or transfer assistive technology.

Referred to Committee on Education.

#### MOTION

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

#### SENATE RESOLUTION 1997-8630

By Senators McAuliffe, Sheldon, Goings, Kohl, Rasmussen, Thibaudeau, Swecker, Wojahn, Deccio, Franklin, Wood, Hochstatter, Newhouse, Rossi, Snyder, McCaslin, Hale and Haugen

WHEREAS, A significant number of the public education staff, serving the needs of the children of this state, are classified school employees; and

WHEREAS, Classified school employees are instrumental in the fulfilling of this state's paramount responsibility to educate children; and

WHEREAS, Classified school employees are involved in maintaining school buildings, providing safe transportation to and from school facilities, keeping school facilities clean and orderly, assisting students in the classroom, and providing many other necessary services; and

WHEREAS, These dedicated individuals deserve recognition and thanks for the excellent work they are doing for this state, for their communities, and for the children enrolled in Washington's public schools;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the week of March third through the seventh as Classified School Employee Week in Washington State, and urge all citizens to join in recognizing the dedication and hard work of these individuals.

#### MOTION

At 10:13 a.m. on motion of Senator Strannigan, the Senate was declared to be at ease.

The Senate was called to order at 11:06 a.m. by President Owen.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Washington Dairy Ambassador Group, who were seated on the rostrum: Lisa Watters, the State Dairy Ambassador from Vancouver; Alternate Ambassador Ann Bishop from Stanwood; and Alternate Ambassador Kari Kaech from Mt. Vernon.

With permission of the Senate, business was suspended to permit Dairy Ambassador Lisa to address the Senate.

The President also welcomed and introduced the 1996-1997 Washington Dairy Family of the Year, Ted and Jean Oien from Stanwood, who were seated in the gallery.

#### MOTION

On motion of Senator Strannigan, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5316, by Senators West, Strannigan, Winsley, Wood, Hale, Horn, Kohl, Prince, Oke, Patterson, Roach, Deccio, Schow, Hochstatter, Bauer, Sheldon and Heavey

Using credit and debit cards when parking at the state convention and trade center.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5316.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn and Wood - 41. Voting nay: Senators Loveland, Snyder and Thibaudeau - 3. Excused: Senators Fairley, Kline, Prentice, Roach and Zarelli - 5. SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Senator Strannigan: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through March 19, 1997."

The President declared the question before the Senate to be the motion by Senator Strannigan to limit debate. The motion by Senator Strannigan carried and debate is limited through March 19, 1997.

#### SECOND READING

SENATE BILL NO. 5003, by Senators Swecker, Loveland, McDonald, Sheldon, Winsley, Goings, Deccio, Rasmussen, Hale, Stevens, Johnson, McCaslin, Rossi, Oke, Zarelli and Roach

Providing property tax exemptions for property with an assessed value of less than five hundred dollars.

#### MOTIONS

On motion of Senator Strannigan, Substitute Senate Bill No. 5003 was substituted for Senate Bill No. 5003 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Strannigan, the rules were suspended, Substitute Senate Bill No. 5003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5003.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5003 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Newhouse - 1. Excused: Senators Kline and Prentice - 2. SUBSTITUTE SENATE BILL NO. 5003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5138, by Senators Oke, Snyder, Swecker and Winsley (by request of Parks and Recreation Commission)

Changing provisions relating to offenses committed in state parks or parkways.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5138.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators McDonald and Newhouse - 2. Excused: Senators Kline and Prentice - 2. SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Newhouse was excused.

#### SECOND READING

SENATE BILL NO. 5068, by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

Regulating registration of charitable trusts.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5068.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5068 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Kline, Newhouse and Prentice - 3. SENATE BILL NO. 5068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5177, by Senators Horn, Wood, Prince, Winsley, Deccio and Johnson

Facilitating smoother flow of traffic.

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5177 was substituted for Senate Bill No. 5177 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5177.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Long - 1. Excused: Senators Kline, Newhouse and Prentice - 3. SUBSTITUTE SENATE BILL NO. 5177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Zarelli and Rasmussen

Honoring law enforcement officers.

The joint memorial was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Joint Memorial No. 8003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8003.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8003 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Kline, Newhouse and Prentice - 3. SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority, was declared passed.

## SECOND READING

SENATE BILL NO. 5220, by Senators Long, Fraser, Winsley, Bauer, Franklin and Patterson (by request of Joint Committee on Pension Policy)

Establishing minimum benefits on the Washington state patrol retirement system.

The bill was read the second time.

## MOTIONS

On motion of Senator Fraser, the following amendment was adopted:

On page 1, beginning on line 13, strike all material down to and including "immediately." on page 2, line 2. On motion of Senator Long, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "RCW;" insert "and" On page 1, line 3 of the title, strike "; and declaring an emergency"

## MOTION

On motion of Senator Long, the rules were suspended, Engrossed Senate Bill No. 5220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5220.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5220 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Kline, Newhouse and Prentice - 3. ENGROSSED SENATE BILL NO. 5220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Schow was excused.

#### SECOND READING

SENATE BILL NO. 5221, by Senators Long, Winsley, Fraser, Bauer, Franklin and Patterson (by request of Joint Committee on Pension Policy)

Specifying eligibility for survivor benefits.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5221.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Kline, Newhouse, Prentice and Schow - 4. SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:03 p.m., on motion of Senator Strannigan, the Senate was declared to be at ease.

The Senate was called to order at 6:23 p.m. by President Owen.

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

#### REPORTS OF STANDING COMMITTEES

March 5, 1997

SB 5005 Prime Sponsor, Senator Long: Concerning concurrent and consecutive sentencing for violent offenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5005 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5006 Prime Sponsor, Senator Long: Enhancing sentences and supervision of sex offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5044 Prime Sponsor, Senator Benton: Revising AIDS-related crimes. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fairley and Kline.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5098 Prime Sponsor, Senator Loveland: Changing provisions relating to bond debt service payments from the community and technical college capital projects account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5135 Prime Sponsor, Senator Roach: Impounding vehicles driven by a person with a suspended or revoked license. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5137 Prime Sponsor, Senator McAuliffe: Raising the penalty for vehicular assault. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Hargrove, Kline, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5170 Prime Sponsor, Senator Roach: Penalizing the making of a false accusation of child abuse during a judicial proceeding relating to the creation of a parenting plan. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5192 Prime Sponsor, Senator Kohl: Paying interest on retroactive raises for ferry workers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5192 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Jacobsen, Patterson, Prentice and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and Morton.

Passed to Committee on Rules for second reading.



March 4, 1997

SB 5261 Prime Sponsor, Senator Hargrove: Providing safeguards to prevent using drivers' licenses and identicards to commit welfare fraud. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5261 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5276 Prime Sponsor, Senator Swecker: Providing an alternative for persons whose water rights permits were conditioned due to impact on existing rights or established flows. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5276 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5278 Prime Sponsor, Senator Patterson: Requiring court-ordered use of long-term pharmaceutical birth control for mothers who have given birth to a baby with drug addiction. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Franklin, Hargrove and Schow.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5304 Prime Sponsor, Senator Fairley: Considering drug-induced helplessness or physical incapacity as an element of rape in the second degree. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Hargrove, Kline, Long and McCaslin.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5313 Prime Sponsor, Senator Wood: Establishing the advanced environmental mitigation revolving fund. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5313 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Prentice, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senators Heavey and Patterson.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5318 Prime Sponsor, Senator Haugen: Preserving writs of restitution when partial payment is accepted. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5319 Prime Sponsor, Senator Hochstatter: Requiring the superintendent of public instruction to maintain support for the state-wide coordination of vocational student leadership organizations. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5333 Prime Sponsor, Senator Stevens: Prohibiting discrimination against students educated in private, parochial, and home-based instruction. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5336 Prime Sponsor, Senator Horn: Clarifying and harmonizing provisions affecting cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5363 Prime Sponsor, Senator Snyder: Increasing the dollar amount allowed for contracts in which public officers have an interest. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5363 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5512 Prime Sponsor, Senator Stevens: Prohibiting requiring the admission of guilt to receive treatment in child abuse and neglect. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5512 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5524 Prime Sponsor, Senator Haugen: Setting out bid requirements for emergency public works projects. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5524 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5525 Prime Sponsor, Senator Haugen: Allowing for exemptions from competitive bidding in some circumstances. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5525 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5528 Prime Sponsor, Senator Kohl: Protecting children and vulnerable adults by using background checks. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

March 3, 1997

SB 5529 Prime Sponsor, Senator Kohl: Requiring a landlord to provide a rent receipt if requested. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5529 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Kline, Long and McCaslin.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5532 Prime Sponsor, Senator McCaslin: Requiring mediation before appeal of land-use decisions involving conditional use permits. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5532 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5538 Prime Sponsor, Senator Long: Requiring permission before disclosing the address of a child victim or witness or the address of a parent of a child victim or witness. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5555 Prime Sponsor, Senator Stevens: Establishing parents' rights in common school education. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator McAuliffe.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5562 Prime Sponsor, Senator Long: Revising provisions relating to the involuntary commitment of mentally ill persons. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5562 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Franklin, Haugen, Schow and Stevens.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5568 Prime Sponsor, Senator Finkbeiner: Establishing public utility tax credits for weatherization and energy assistance programs. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Finkbeiner, Chair; Brown, Jacobsen, Strannigan and Swanson.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5574 Prime Sponsor, Senator Horn: Instituting property tax reform. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5575 Prime Sponsor, Senator Winsley: Regulating mortgage brokers. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5582 Prime Sponsor, Senator Roach: Prohibiting the purchase of liquor by intoxicated persons. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5582 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5592 Prime Sponsor, Senator Stevens: Providing for abstinence education. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5603 Prime Sponsor, Senator Stevens: Allowing parents access to student records and prohibiting their release without parental consent. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5605 Prime Sponsor, Senator Deccio: Counting certain local sales tax revenue as locally generated. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prince, Chair; Benton, Vice Chair; Goings, Heavey, Horn, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senator Wood, Vice Chair.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5606 Prime Sponsor, Senator Rasmussen: Establishing parameters for solid waste facility locational standards. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5606 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators McAuliffe, Newhouse and Oke.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5631 Prime Sponsor, Senator Wood: Exempting education loan guarantee services from business and occupation tax. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5635 Prime Sponsor, Senator Fraser: Authorizing reimbursement and eliminating compensation for members of air pollution control authorities. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5635 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5670 Prime Sponsor, Senator McCaslin: Regulating solid waste collection certificates in effect within cities and towns. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5670 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senator Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5671 Prime Sponsor, Senator McCaslin: Requiring adoption of de facto rules. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5671 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senator Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5681 Prime Sponsor, Senator McCaslin: Penalizing assault of health care personnel. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5685 Prime Sponsor, Senator Roach: Calculating child support. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5685 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5687 Prime Sponsor, Senator Schow: Making minor possession of tobacco a class 3 civil infraction and clarifying penalties for violation of current laws regarding youth access to tobacco. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Heavey and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Fraser.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5695 Prime Sponsor, Senator Roach: Increasing sentences for crimes involving firearms. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5696 Prime Sponsor, Senator Roach: Balancing the powers of the commission on judicial conduct. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5696 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5710 Prime Sponsor, Senator Hargrove: Changing provisions relating to juvenile care and treatment by the department of social and health services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5710 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5719 Prime Sponsor, Senator Haugen: Clarifying and making technical corrections to driver's license statutes. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5741 Prime Sponsor, Senator Wood: Requiring a statement of permitted uses and use restrictions for condominiums.  
Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5755 Prime Sponsor, Senator Swecker: Authorizing service of process by posting in disputes involving mobile home landlords and tenants. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5760 Prime Sponsor, Senator Long: Authorizing courts to order evaluation and treatment of mentally ill offenders.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5764 Prime Sponsor, Senator Johnson: Authorizing charter schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Goings and McAuliffe.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5768 Prime Sponsor, Senator Horn: Creating supported employment programs. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5781 Prime Sponsor, Senator McCaslin: Requiring voter approval of city assumption of water or sewer systems.  
Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5781 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5782 Prime Sponsor, Senator Swecker: Changing bidding for water-sewer districts. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5783 Prime Sponsor, Senator Swecker: Changing provisions relating to public water systems. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5783 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5789 Prime Sponsor, Senator Stevens: Requiring information prepared or distributed by school districts regarding instructional programs, operation, and maintenance to be complete and accurate. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5791 Prime Sponsor, Senator Deccio: Revising the regulation of liquor sales in designated restricted liquor zones. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5791 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5798 Prime Sponsor, Senator Swecker: Developing and expanding the secondary materials industry. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5798 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5802 Prime Sponsor, Senator Horn: Attempting to integrate planning, review, and terminology among growth management, environmental and ecological protection, and other related areas. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5803 Prime Sponsor, Senator Finkbeiner: Allowing electronic distribution of rules notices. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5811 Prime Sponsor, Senator Roach: Including foreign terrorism in the definition of criminal act for the purposes of crime victim compensation and assistance. Reported by Committee on Ways and Means



MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5813 Prime Sponsor, Senator McDonald: Regulating automated teller machines. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5813 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Finkbeiner, Hale, Heavey and Prentice.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5817 Prime Sponsor, Senator Rasmussen: Establishing procedure and requirements for the removal and transfer of a portion of certain cities or towns from one school district to another. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5817 be substituted therefor, and the substitute bill do pass. Signed by Senators Hochstatter, Chair; Goings, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5827 Prime Sponsor, Senator Roach: Collecting the cost of governmental entities using collection agencies. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5832 Prime Sponsor, Senator Roach: Regulating notice of claim liens. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5832 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin and Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5834 Prime Sponsor, Senator Fairley: Providing entrepreneurial opportunities for disabled persons. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5834 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser and Heavey.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5836 Prime Sponsor, Senator Johnson: Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5836 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Rasmussen.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5841 Prime Sponsor, Senator Hochstatter: Regulating public water systems. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5842 Prime Sponsor, Senator Swecker: Pertaining to litter control and recycling. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5842 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5851 Prime Sponsor, Senator Morton: Developing an existing ground water right. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 5851 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 3, 1997

SB 5859 Prime Sponsor, Senator Roach: Clarifying the crime of coercion. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5859 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5861 Prime Sponsor, Senator Roach: Authorizing exceeding maximum penalties for crimes involving firearms and deadly weapons. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5861 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Haugen, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5864 Prime Sponsor, Senator Roach: Renaming first-degree reckless endangerment as drive-by shooting. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5867 Prime Sponsor, Senator Sellar: Allowing special excise taxes in certain cities and towns for tourism promotion. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5867 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5877 Prime Sponsor, Senator Newhouse: Limiting the right to assign lottery winnings. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5901 Prime Sponsor, Senator Kohl: Requiring notice to an insured before an insurance company negotiates or settles any claim or suit. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5901 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5903 Prime Sponsor, Senator Hale: Authorizing the use of local hotel-motel taxes for operation of performing and cultural arts facilities. Reported by Committee on Government Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5904 Prime Sponsor, Senator Wood: Raising the total amount of waivers allowed for Central Washington University. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5904 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Hale, Kohl, Patterson, Prince, Sheldon and West.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5919 Prime Sponsor, Senator Roach: Authorizing a study of the special sex offender sentencing alternative. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5923 Prime Sponsor, Senator West: Expanding eligibility for the educational opportunity grant program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5925 Prime Sponsor, Senator West: Conditioning the use of college credits for the teachers' salary schedule. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe and Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5927 Prime Sponsor, Senator Wood: Changing higher education financing. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5927 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Sheldon and West.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5933 Prime Sponsor, Senator Swecker: Revising provisions for dangerous dogs. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5936 Prime Sponsor, Senator Kohl: Creating pilot projects creating fee-based offender educational and vocational programs. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5936 be substituted therefor, and the substitute bill do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5938 Prime Sponsor, Senator Roach: Revising sentencing provisions. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

March 5, 1997

SB 5945 Prime Sponsor, Senator Prentice: Certifying resident managers of mobile home parks. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale and Kline.

Referred to Committee on Ways and Means.

March 4, 1997

SB 5954 Prime Sponsor, Senator West: Regulating claims against the University of Washington. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5970 Prime Sponsor, Senator Schow: Modifying fireworks statutes. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5970 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5984 Prime Sponsor, Senator Schow: Regulating power generator installations. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5994 Prime Sponsor, Senator Schow: Regulating registration of contractors. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 5994 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5997 Prime Sponsor, Senator Haugen: Requiring periodic inspections for the regulation of cosmetology, barbering, esthetics, and manicuring. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

March 5, 1997

SB 6006 Prime Sponsor, Senator Finkbeiner: Relating to restructuring the electric utility industry. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6006 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Rossi and Strannigan.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Jacobsen and Swanson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 6014 Prime Sponsor, Senator Finkbeiner: Regulating city ownership or operation of a telecommunications system. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Rossi and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Jacobsen and Swanson.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 6022 Prime Sponsor, Senator Winsley: Protecting certain information concerning financial institutions. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 6022 be substituted therefor, and the substitute bill do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 6030 Prime Sponsor, Senator Schow: Establishing a performance audit and operations review of the workers' compensation system. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6030 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 6034 Prime Sponsor, Senator Anderson: Relating to unemployment insurance benefits and contributions. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6034 be substituted therefor, and the substitute bill do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 6046 Prime Sponsor, Senator Finkbeiner: Creating a study by the utilities and transportation commission on universal telecommunications service. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 7901 Prime Sponsor, Senator Johnson: Authorizing charter schools (Introduced with House sponsors). Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

Referred to Committee on Ways and Means.

March 4, 1997

SJM 8009 Prime Sponsor, Senator Rasmussen: Promoting the use of the Eddie Eagle Gun Safety Program in our schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1997

SCR 8408 Prime Sponsor, Senator Morton: Creating a water resource policy report to analyze and explain water resource statutes and rules. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That Substitute Senate Bill No. 8408 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Johnson, Senate Bill No. 5005, Senate Bill No. 5313, Senate Bill No. 5685, Senate Bill No. 5696, Senate Bill No. 5834, and Senate Bill No. 5945 were referred to the Committee on Ways and Means.

On motion of Senator Johnson, Senate Bill No. 5695 and Senate Bill No. 5925 were referred to the Committee on Rules.

MOTION

On motion of Senator Johnson, Senate Bill No. 6019, which was held on the desk this morning, was referred to the Committee on Ways and Means.

MOTION

At 6:25 p.m., on motion of Senator Johnson, the Senate adjourned until 8:00 a.m., Thursday, March 6, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FIFTY-SECOND DAY, MARCH 5, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTY-THIRD DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Thursday, March 6, 1997

The Senate was called to order at 8:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Goings, Hargrove, McDonald, Prince, Roach and Wojahn. On motion of Senator Hale, Senators McDonald, Prince and Roach were excused. On motion of Senator Franklin, Senators Goings and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Dustin Wilson and Amanda Nettleton, presented the Colors. Elder James Erlandson of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6052 by Senators Kohl, Long, Patterson and Rasmussen (by request of Department of Social and Health Services)

AN ACT Relating to background reviews of persons with access to children and vulnerable adults; amending RCW 9.96A.020, 41.06.475, and 43.20A.710; adding new sections to chapter 43.20A RCW; and repealing RCW 72.23.035.

Referred to Committee on Human Services and Corrections.

SB 6053 by Senators Spanel, Snyder, Loveland, Wojahn, McAuliffe, Patterson, Goings and Kohl (by request of Governor Locke)

AN ACT Relating to property tax relief by allowing for valuation increases to be spread over time, allowing for a property tax credit, and reducing the one hundred six percent limit; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, 84.70.010, 84.52.080, 84.56.050, 84.36.383, 84.36.385, 84.36.387, 84.36.389, 84.55.005, 84.55.010, 84.55.020, 35.61.210, 70.44.060, 84.08.115, and 84.55.120; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SJR 8212 by Senators Spanel, Snyder, Loveland, Wojahn, McAuliffe, Goings and Kohl (by request of Governor Locke)

Amending the state Constitution to allow for property tax relief.

Referred to Committee on Ways and Means.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Long, Gubernatorial Appointment No. 9124, Lyle Quasim, as Secretary of the Department of Social and Health Services, was confirmed.

Senators Long, Thibaudeau, Deccio, Rasmussen and Oke spoke to the confirmation of Lyle Quasim as Secretary of the Department of Social and Health Services.

APPOINTMENT OF LYLE QUASIM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley and Wood - 42. Voting nay: Senator Zarelli - 1. Absent: Senator Hargrove - 1. Excused: Senators Goings, McDonald, Prince, Roach and Wojahn - 5. MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9229, Thomas A. Green, as a member of the Transportation Commission, was confirmed.

APPOINTMENT OF THOMAS A. GREEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44. Excused: Senators Brown, Goings, McDonald, Prince and Wojahn - 5.

MOTION

On motion of Senator Strannigan, Gubernatorial Appointment No. 9120, Steve Kolodney, as Director of the Department of Information Services, was confirmed.

Senators Strannigan, Bauer and Swanson spoke to the confirmation of Steve Kolodney as Director of the Department of Information Services.

APPOINTMENT OF STEVE KOLODNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Excused: Senators Goings, McDonald, Prince and Wojahn - 4.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9172, David Lamb, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

Senators Wood and Snyder spoke to the confirmation of David Lamb as a member of the Board of Trustees for The Evergreen State College.

APPOINTMENT OF DAVID LAMB



The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Excused: Senators McDonald, Prince and Wojahn - 3.

#### SECOND READING

SENATE BILL NO. 5132, by Senators Zarelli, Schow, Winsley and Oke

Simplifying designation of school bus stops as drug-free zones.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5132.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Prince - 2. SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5472, by Senators West, Spanel, McDonald, Kohl, Long, Sheldon, Strannigan, Oke and Winsley

Creating the caseload forecast council.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5472 was substituted for Senate Bill No. 5472 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5472.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5472 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Prince - 2. SUBSTITUTE SENATE BILL NO. 5472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5243, by Senators Oke, Rasmussen, Winsley, Morton, Benton, Prince, Stevens, Horn, Zarelli, Long, Roach, Swecker, Deccio, McCaslin, Hale, Sellar, Johnson, Bauer, McAuliffe and Haugen

Exempting disabled veterans from reservation fees for state parks.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5243.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5243 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Prince - 2. SENATE BILL NO. 5243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5295, by Senators Roach, Goings, Kohl, Wojahn, Zarelli, Schow and Patterson

Revising district court procedures regarding small claims and appeals.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5295.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Kline - 1. Excused: Senators McDonald and Prince - 2. SUBSTITUTE SENATE BILL NO. 5295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Snyder was excused.

#### SECOND READING

SENATE BILL NO. 5010, by Senators Prentice and Winsley (by request of Pollution Liability Insurance Agency)

Expanding the duties of the director of the Washington state pollution liability insurance agency.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5010 was substituted for Senate Bill No. 5010 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5010.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators McDonald, Prince and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5371, by Senators Rossi, Brown, Hochstatter, Strannigan and Winsley (by request of Utilities and Transportation Commission)

Exempting regulated utilities from seeking commission preapproval of some short-term notes having a maturity of twelve or fewer months.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Senate Bill No. 5371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5371.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators McDonald, Prince and Snyder - 3. SENATE BILL NO. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5154, by Senators Horn, Heavey and Prince

Extending the vehicle gross weight schedule.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Swanson: "Senator Horn, would this break down into layman's language like a third truck--a third whatchamacallit--to a third trailer on a truck?"

Senator Horn: "No, this is the six and seven axle without the third trailer."

Senator Swanson: "Thank you."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Horn, would you tell me how long a triple trailer is--the axle of a triple trailer? Do you know? I don't mean to embarrass you, but I am adamantly opposed to triple trailers and I think we need to clarify this."

Senator Horn: "I'm sorry, I do not know what the length of a triple trailer is. I can get that information and contact you later."

Senator Wojahn: "Well, it won't do very much good if this is the same--if we are going to vote on it now. Senator Prince isn't here today is he? Does anyone know what the triple trailer length is--the axle? I hate to delay this, but I think we need to put this down until we get the answers. Thank you."

Further debate ensued.

Senator Wojahn withdrew her opposition to the bill, since the bill deals only with weight.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5154.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Prince - 2. SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5253, by Senators Strannigan, Oke, Hargrove, Roach, Morton, Swecker, Horn and Winsley

Allowing nonresidents under the age of fifteen to obtain a free fishing license.

The bill was read the second time.

#### MOTION

On motion of Senator Strannigan, the rules were suspended, Senate Bill No. 5253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5253.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Prince - 2. SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5266, by Senators Horn, Fraser, Newhouse and Schow (by request of Department of Licensing)

Regulating engineers and land surveyors.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5266.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Prince - 2. SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5144, by Senator Roach

Modifying numerous local government administrative requirements.

## MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5144 was substituted for Senate Bill No. 5144 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5144.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Prince - 2. SUBSTITUTE SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 9:30 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

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

## SECOND READING

SENATE JOINT RESOLUTION NO. 8204, by Senators McCaslin and Haugen

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

The joint resolution was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Joint Resolution No. 8204 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8204.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8204 and the joint resolution passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau,

West, Winsley and Wojahn - 40. Voting nay: Senators Benton, Hochstatter, Loveland, Newhouse, Stevens, Strannigan and Zarelli - 7. Absent: Senator Wood - 1. Excused: Senator Prince - 1. SENATE JOINT RESOLUTION NO. 8204, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5281, by Senators Morton, Rasmussen and Stevens (by request of Department of Agriculture)

Updating and modifying certain noxious weed provisions.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5281 was substituted for Senate Bill No. 5281 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendment by Senators Haugen and Snyder be adopted:

On page 6, line 6, after "products." insert the following: "In counties with designations of spartina as a noxious aquatic weed, one member of the county noxious weed board shall have knowledge of this weed and its control." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Snyder on page 6, line 6, to Substitute Senate Bill No. 5281.

The motion by Senator Haugen carried and the amendment was adopted.

#### MOTION

On motion of Senator Morton, the following amendments by Senators Morton and Loveland were considered simultaneously and were adopted:

On page 9, line 9, strike "fifty registered voters within the county" and insert "five hundred registered voters that are land owners within the county" On page 13, line 26, after "(2)" strike "Forest" and insert "Farm and agricultural lands classified under RCW 84.34.020(2) and forest"

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5281.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5281 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5200, by Senators Wood, Kohl, Winsley and Bauer (by request of Higher Education Coordinating Board)

Referencing the prior fiscal period rather than biennia for refunds and recoveries to the state educational trust fund.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5200.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5200 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5514, by Senators Morton, Rasmussen and Swecker (by request of Department of Agriculture)

Authorizing fees for commodity commissions and the department of agriculture.

The bill was read the second time.

## MOTIONS

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was adopted: On page 3, after line 13, insert the following: "NEW SECTION. Sec. 5. A new section is added to chapter 15.66 RCW to read as follows: The wheat commission may raise the rate of annual assessment in excess of the fiscal growth factor under chapter 43.135 RCW from one-half percent of the net receipts at the first point of sale to one percent. The assessment limits established by this section are set solely to provide prior legislative authority for the purpose of RCW 43.135.055 and may not be construed as providing a limitation on the authority of the commission to alter assessments in any manner not limited by RCW 43.135.055. However any alteration in assessments made under the authority of this section shall be made in compliance with the procedural requirements established by this chapter for altering or amending such assessments." Renumber the remaining section consecutively. On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 4 of the title, after "43.23 RCW;" insert "adding a new section to chapter 15.66 RCW;"

## MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5514.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. ENGROSSED SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5394, by Senators Hochstatter, West and Spanel (by request of Office of Financial Management)

Regarding school audits.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5394 was substituted for Senate Bill No. 5394 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5394.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5394 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SUBSTITUTE SENATE BILL NO. 5394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5119, by Senators Swecker, Snyder and Roach

Compensating members of the forest practices appeals board.

## MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5119 was substituted for Senate Bill No. 5119 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment by Senators Benton, Swecker and Heavey be adopted:

On page 1, after line 5, insert the following: "**Sec. 1.** RCW 68.52.220 and 1994 c 223 s 77 are each amended to read as follows: The affairs of the district shall be managed by a board of cemetery district commissioners composed of three members. Members of the board shall receive ~~((no compensation for their services, but))~~ fifty dollars per day or portion thereof, not to exceed four thousand eight hundred dollars per year, for attendance at board meetings and for performance of other services in behalf of the district. In addition, members of the board shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17 RCW. The initial cemetery district commissioners shall assume office immediately upon their election and qualification. Staggering of terms of office shall be accomplished as follows: (1) The person elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall assume office immediately after they are elected and qualified but their terms of office shall be calculated from the first day of January after the election. Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office as provided in RCW 29.04.170. The polling places for a cemetery district election may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account." Renumber the sections consecutively and correct any internal references accordingly.

## POINT OF ORDER

Senator Haugen: "Mr. President, I would like to raise the scope and object on this amendment. I believe the title of the bill deals with the Forest Practices Appeals Board and this amendment would include the cemetery district commissioners under that."

## MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 5119 was deferred.

President Pro Tempore Newhouse assumed the Chair.

## SECOND READING

SENATE BILL NO. 5199, by Senators Wood, Kohl, Winsley, Bauer, Hale, Sheldon, Horn and Oke (by request of Higher Education Coordinating Board)

Requiring the higher education coordinating board to develop models for the delivery of technology-based programs.

The bill was read the second time.

## MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.



The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5199.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 5119 and the pending amendment by Senators Benton, Swecker and Heavey on page 1, after line 5, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Haugen, the President finds that Substitute Senate Bill No. 5119 is a measure which permits the Director of the Environmental Review Hearings Office to determine which duties of the Forest Practice Appeals Board merit compensation.

"The amendment by Senators Benton, Swecker and Heavey would provide that members of cemetery boards receive compensation, as well as expense reimbursement.

"The President, therefor, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Benton, Swecker and Heavey on page 1, after line 5, to Substitute Senate Bill No. 5119 was ruled out of order.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5119.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5119 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator McCaslin - 1. Excused: Senator Prince - 1. SUBSTITUTE SENATE BILL NO. 5119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Benton was excused.

#### SECOND READING

SENATE BILL NO. 5085, by Senators Roach, Swecker, McCaslin and Winsley

Removing a defense to the crime of criminal conspiracy.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5085.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Kline, Swanson and Thibaudeau - 3. Excused: Senators Benton and Prince - 2. SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5347, by Senators Roach, Oke, Winsley, Snyder, Bauer, Swecker, Morton, Schow, Zarelli, Rossi, Strannigan and Rasmussen

Creating a program for juvenile fishing only waters.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5347 was substituted for Senate Bill No. 5347 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hale, Senator Sellar was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5347.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:37 a.m., on motion of Senator Johnson, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:15 p.m. by President Owen.

At 1:15 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 1:18 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Anderson, Gubernatorial Appointment No. 9160, Sheryl S. Hershey, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

Senators Anderson and Spanel spoke to the confirmation of Sheryl S. Hershey, as a member of the Board of Trustees for Bellingham Technical College.

## MOTION

On motion of Senator Hale, Senators Deccio and Winsley were excused.

## APPOINTMENT OF SHERYL S. HERSHEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 45. Absent: Senator Hargrove - 1. Excused: Senators Deccio, Prince and Winsley - 3.

## SECOND READING

SENATE BILL NO. 5140, by Senators Long, Zarelli, Schow, Kohl, Franklin, Hargrove and Winsley (by request of Department of Corrections)

Revising provisions relating to community placement of offenders.

The bill was read the second time.

## MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5140.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5229, by Senators Prince, Loveland, Morton, Oke, Stevens, Fraser, Swecker, Rasmussen, Hochstatter, Johnson, Bauer, Horn, Snyder, Winsley, Roach, McDonald and Haugen

Extending permitted uses of assembly halls and meeting places to maintain property tax exemptions.

The bill was read the second time.

## MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5229.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5139, by Senators Oke, Snyder, Swecker and Winsley (by request of Parks and Recreation Commission)

Regarding enterprise activities of the state parks and recreation commission.

The bill was read the second time.

## MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5139.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5273, by Senators Morton, Fraser, Swecker, Prentice, Strannigan and Haugen

Regulating compensatory mitigation.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5273 was substituted for Senate Bill No. 5273 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 7, after "habitat" strike "for necessary or unavoidable development" On page 3, line 5, after "impacts." strike all material through "chapters." on line 12. Renumber remaining subsections accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Heavey on page 2, line 7, and page 3, line 5, to Substitute Senate Bill No. 5273.

The motion by Senator Heavey failed and the amendments were not adopted.

## MOTION

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 12 after "option." insert the following: "It shall further be the policy of the state to encourage the active involvement of citizens from local communities in developing mitigation plans." On page 3, after line 30, insert the following: "(d) Provide for compliance with the public participation requirements of this section." On page 4, after line 33, insert the following: "(5) When an environmental regulatory agency receives a proposed compensatory mitigation plan from a project proponent, the agency shall ensure that ample opportunities for public involvement in the review and development of a draft memorandum of agreement are provided. When a draft memorandum of agreement has been reached between the project proponents and the environmental regulatory agency or agencies, the agency or agencies shall hold a public hearing on the draft agreement. The public hearing shall be held in the local community of the project requiring the mitigation to occur. The agency or agencies involved in the decision whether to enter the agreement shall respond to the public comments received." Renumber subsections and correct internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 2, line 12; page 3, after line 30; and page 4, after line 33; to Substitute Senate Bill No. 5273.

The motion by Senator Fraser failed and the amendments were not adopted on a rising vote.

## MOTION

Senator Heavey moved that the following amendment be adopted:

On page 4, line 12, after "values" strike ", compared to the existing conditions," Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 4, line 12, to Substitute Senate Bill No. 5273.  
The motion by Senator Heavey failed and the amendment was not adopted.

#### MOTION

Senator Fraser moved that the following amendment be adopted:  
On page 5, line 4, after "mitigation" delete "for sediment dredging or capping actions that" and insert "for the cleanup of hazardous substances under federal or state cleanup laws where the cleanup action plan ensures that the cleanup actions will" Debate ensued.  
The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 5, line 4, to Substitute Senate Bill No. 5273.  
The motion by Senator Fraser carried and the amendment was adopted.

#### MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5273.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 39. Voting nay: Senators Brown, Fairley, Heavey, Kline, Kohl, Patterson, Schow, Swanson and Thibaudeau - 9. Excused: Senator Prince - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5372, by Senators Finkbeiner, Brown, Hochstatter, Strannigan and Rossi (by request of Utilities and Transportation Commission)

Limiting the number of times the maximum disposal fee at a radioactive waste disposal site may be adjusted.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5372.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.  
Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:13 p.m., on motion of Senator Johnson, the Senate adjourned until 8:00 a.m., Friday, March 7, 1997.

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FIFTY-THIRD DAY, MARCH 6, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**FIFTY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, March 7, 1997

The Senate was called to order at 8:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Prince and Sellar. On motion of Senator Hale, Senators Prince and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Erica Olson and Kerrick Olson presented the Colors. Elder James Erlandson of the Reorganized Church of Jesus Christ of Latter-Day Saints of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

SB 5084 Prime Sponsor, Roach: Allowing a court to award attorneys' fees and other court costs to an individual or small business that successfully appeals a state agency directive in court. Reported by Committee on Ways and Means March 4, 1997

**MAJORITY Recommendation:** That Second Substitute Senate Bill No. 5084 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

SB 5240 Prime Sponsor, Senator West: Requiring the governor's signature on proposed agency rules filed with the code reviser. Reported by Committee on Ways and Means March 4, 1997

**MAJORITY Recommendation:** That Second Substitute Senate Bill No. 5240 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

SB 5258 Prime Sponsor, Senator Hochstatter: Providing medical assistance in public schools. Reported by Committee on Ways and Means March 5, 1997

**MAJORITY Recommendation:** Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

SB 5284 Prime Sponsor, Senator Long: Providing for additional judges for Snohomish county superior court. Reported by Committee on Ways and Means March 5, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5288 Prime Sponsor, Senator McCaslin: Creating additional judicial positions in the Spokane superior court. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5361 Prime Sponsor, Senator Wood: Regulating charter use of Washington state ferries. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5470 Prime Sponsor, Senator Rossi: Doubling penalties for passing school buses. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5470 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5566 Prime Sponsor, Senator Sheldon: Collecting solid waste or recyclables. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5567 Prime Sponsor, Senator Sheldon: Relaxing front end length limits on garbage trucks. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5567 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1997

SB 5590 Prime Sponsor, Senator Newhouse: Funding a biosolids management program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture and Environment. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5718 Prime Sponsor, Senator Wood: Protecting certain personal information in state motor vehicle and driver records.  
Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1997

SB 5922 Prime Sponsor, Senator West: Limiting capital expenditures and public indebtedness on capital projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5922 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR  
VETO MESSAGE ON ENGROSSED SENATE BILL NO. 7902

March 6, 1997

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 7902 entitled:  
"AN ACT Relating to lowering business and occupation tax rates;"

This legislation would reduce the business and occupation (B&O) tax rates on services to the pre-1993 level of 1.5 percent. In addition, the B&O tax credit for research and development is made consistent with the B&O tax rates established in this bill. This legislation would reduce General Fund revenues by \$193.3 million for the 1997-99 biennium.

I believe Washington's citizens deserve reasonable, fair and sustainable tax reform that does not jeopardize future investments in education and public safety, and that tax reform should also provide for the maintenance of a healthy economy for future generations. I would have preferred to roll back the B&O tax to pre-1993 levels beginning July 1, 1997. However, this bill, in combination with previously proposed property tax legislation, reduces the General Fund-State revenues by more than \$400 million in the 1997-99 biennium. The size of the total reduction is not compatible with my proposed budget for state spending, which balances revenues and expenses. Enactment of Senate Bill No. 7902 would require reductions in my proposed enhancements in education, further reductions in human services, or a lower ending fund balance, all of which I do not support.

I am committed to reducing the B&O tax to pre-1993 rates, and have introduced Senate Bill No. 6024 which would do so beginning July 1, 1998. My legislation would reduce revenues by \$94.3 million in the 1997-99 biennium, an integral part of my tax reduction and budget plan.

In light of the many other tax-cut proposals suggested by the Legislature and my own priority on education, Senate Bill No. 6024 is the most reasonable way to achieve the B&O tax rollback.

For these reasons I have vetoed Engrossed Senate Bill No. 7902, and urge you to support Senate Bill No. 6024.

Respectfully submitted,  
GARY LOCKE, Governor

MOTION

On motion of Senator Johnson, the Veto Message on Engrossed Senate Bill No. 7902 was held on the desk.

MESSAGES FROM THE HOUSE

March 5, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1033,  
SUBSTITUTE HOUSE BILL NO. 1174,  
SUBSTITUTE HOUSE BILL NO. 1200,  
SUBSTITUTE HOUSE BILL NO. 1212,  
SUBSTITUTE HOUSE BILL NO. 1313,  
HOUSE BILL NO. 1431,  
HOUSE BILL NO. 1590,  
HOUSE BILL NO. 1604,  
SUBSTITUTE HOUSE BILL NO. 1632,  
SUBSTITUTE HOUSE BILL NO. 1693, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk



March 6, 1997

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1457,  
HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1459,  
SUBSTITUTE HOUSE BILL NO. 1499,  
HOUSE BILL NO. 1500,  
SUBSTITUTE HOUSE BILL NO. 1510,  
SUBSTITUTE HOUSE BILL NO. 1535,  
SUBSTITUTE HOUSE BILL NO. 1585,  
SUBSTITUTE HOUSE BILL NO. 1586,  
HOUSE BILL NO. 1610,  
HOUSE BILL NO. 1611,  
SUBSTITUTE HOUSE BILL NO. 1620,  
HOUSE BILL NO. 1684,  
HOUSE BILL NO. 1743,  
HOUSE BILL NO. 1761,  
HOUSE BILL NO. 1802,  
HOUSE BILL NO. 1810, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6054 by Senator West

AN ACT Relating to unemployment compensation eligibility for educational employees; and amending RCW 50.44.050 and 50.44.053.  
Referred to Committee on Ways and Means.

SB 6055 by Senators Swecker, Hargrove, Strannigan, Zarelli, Hochstatter, Stevens, Oke and Anderson

AN ACT Relating to limiting public funding for abortions; amending RCW 9.02.100, 9.02.110, and 9.02.140; adding a new section to chapter 9.02 RCW; repealing RCW 9.02.160; and declaring an emergency.  
Referred to Committee on Law and Justice.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1033 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Honeyford, Sheahan, Grant and Chandler)

Revising requirements for grain facilities under the Washington clean air act.

Referred to Committee on Agriculture and Environment.

SHB 1174 by House Committee on Government Administration (originally sponsored by Representatives Koster, Dunn, McMorris and Boldt)

Extending less than county-wide port districts.

Referred to Committee on Government Operations.

SHB 1200 by House Committee on Government Administration (originally sponsored by Representatives Buck, D. Schmidt and Dunn)

Revising the code of ethics for municipal officers.

Referred to Committee on Government Operations.

SHB 1212 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Scott, Mielke and Dunn)

Making corrections regarding combining water-sewer districts.

Referred to Committee on Government Operations.

SHB 1313 by House Committee on Law and Justice (originally sponsored by Representatives McDonald, Sheahan, Bush, Robertson, Conway, Lantz and Talcott)

Providing for additional judges for the Pierce county superior court.

Referred to Committee on Law and Justice.

HB 1431 by Representatives Skinner, Romero, Honeyford, Linville and Costa

Designating significant historic places.

Referred to Committee on Government Operations.

HB 1457 by Representatives Chandler, Fisher and Zellinsky (by request of Department of Licensing)

Regulating the issuance and cost of permits and certificates issued by the department of licensing.

Referred to Committee on Transportation.

HB 1458 by Representatives Zellinsky, Fisher and Robertson (by request of Department of Licensing)

Regulating vehicle and vessel licensing.

Referred to Committee on Transportation.

HB 1459 by Representatives Cairnes, Fisher and Chandler (by request of Department of Licensing)

Regulating licensees of the department of licensing.

Referred to Committee on Transportation.

SHB 1499 by House Committee on Trade and Economic Development (originally sponsored by Representatives Schoesler, Sheahan, Doumit, Morris, Tokuda, Kessler, Scott and Dickerson) (by request of Department of Community, Trade, and Economic Development)

Establishing a rural development council.

Referred to Committee on Commerce and Labor.

HB 1500 by Representatives Mastin, Grant, Doumit and Kessler (by request of County Road Administration Board)

Revising eligibility for rural arterial programs.

Referred to Committee on Transportation.

SHB 1510 by House Committee on Government Administration (originally sponsored by Representatives Wensman, D. Schmidt, Scott, Doumit and Cooper)

Regulating statements of financial matters.

Referred to Committee on Government Operations.

SHB 1535 by House Committee on Health Care (originally sponsored by Representatives Sherstad, Cody, Dyer, Murray, Cooke, O'Brien, Cooper, Wolfe, Cole, Veloria, Butler, Ogden, Anderson, Mason and Van Luven)

Declaring a naturopath a health care practitioner for certain purposes.

Referred to Committee on Health and Long-Term Care.

SHB 1585 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Huff, L. Thomas, Clements, H. Sommers, Wolfe and Carlson) (by request of State Investment Board)

Authorizing the state investment board to delegate certain powers and duties.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1586 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Huff, L. Thomas, Clements, H. Sommers, Wolfe and Carlson) (by request of State Investment Board)

Authorizing the state investment board to create public entities for the purposes of handling real estate and other investment assets.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1590 by Representatives Dyer and Backlund

Defining health plan.

Referred to Committee on Health and Long-Term Care.

HB 1604 by Representatives Cairnes, O'Brien, Radcliff, Hankins, Mielke, K. Schmidt, Fisher, Mitchell, Skinner, Johnson, Hatfield, Buck and Clements

Clarifying advertising requirements for limousines.

Referred to Committee on Transportation.

HB 1610 by Representatives DeBolt, Poulsen, Mastin, Hankins and Kessler (by request of Utilities and Transportation Commission)

Exempting regulated utilities from seeking commission preapproval of some short-term notes having a maturity of twelve or fewer months.

Referred to Committee on Energy and Utilities.

HB 1611 by Representatives DeBolt, Poulsen, Mastin, Hankins and Kessler (by request of Utilities and Transportation Commission)

Allowing a telecommunications company to reduce a rate or charge in a more streamlined manner.

Referred to Committee on Energy and Utilities.

SHB 1620 by House Committee on Health Care (originally sponsored by Representatives Dyer, Zellinsky, Cody, Skinner, Backlund and Sherstad)

Abrogating the corporate practice of medicine doctrine.

Referred to Committee on Health and Long-Term Care.

SHB 1632 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Scott, Reams, Kenney, Blalock, Dickerson, Wood, Ogden, Costa, Dunn, Tokuda, Butler and Cole) (by request of Attorney General Gregoire)

Establishing a study group to determine whether further training for state investigators is needed.

Referred to Committee on Government Operations.

HB 1684 by Representatives Carlson, Radcliff, Mason, Kessler, Ogden, O'Brien, Kenney and Costa (by request of State Board for Community and Technical Colleges)

Requiring only collected building fees of community and technical colleges to be paid to the state treasury.

Referred to Committee on Higher Education.

SHB 1693 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas and Wolfe)

Allowing credit for reinsured ceded risks.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1743 by Representatives Dyer, Cody, Kenney, Cooke and Blalock

Allowing the department of community, trade, and economic development to adopt rules to carry out the long-term care ombudsman program.

Referred to Committee on Health and Long-Term Care.

HB 1761 by Representatives D. Schmidt, Scott, Talcott and Lambert

Revising provisions for mutual aid and interlocal agreements.

Referred to Committee on Government Operations.

HB 1802 by Representatives Hankins, Fisher and Mitchell (by request of Utilities and Transportation Commission)

Requiring auto transport companies to report revenues to the UTC on a yearly basis.

Referred to Committee on Transportation.

HB 1810 by Representatives D. Sommers, Carlson, Radcliff, H. Sommers, Talcott, Ogden, Mielke and Pennington

Revising provision for funding additional education centers.

Referred to Committee on Education.

#### MOTION

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

#### SENATE RESOLUTION 1997-8631

By Senators Swanson, Kohl, Fairley, Franklin, Spanel, Benton, Thibaudeau, Long, Jacobsen, Winsley, Wojahn, Patterson, McAuliffe, Sheldon, Hale, Deccio, Hochstatter, Swecker, Wood and Rasmussen

WHEREAS, Women of every age, race, ethnicity, religion, sexual orientation, economic status, occupation, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as a volunteer and have played a critical role in the nurturing of our children; and

WHEREAS, Women have served as leaders of progressive, social movements to secure individual rights and freedoms; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific, governmental, literary, and artistic accomplishments; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Women continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security and peace; and

WHEREAS, Washington State has always been a champion of womens' rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, having the highest proportion of women legislators of any state legislature in the history of the United States; and

WHEREAS, 1997 is the eighty-seventh anniversary of womens' suffrage in Washington State and the seventy-seventh anniversary of womens' suffrage in the United States; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Women's History Month; and

WHEREAS, The United Nations has proclaimed March 8 to be International Womens' Day since 1975; and

WHEREAS, The 1995 Fourth World Conference on Women in Beijing brought together over 47,000 women and men from one hundred eighty-nine countries who unanimously agreed that inequalities between women and men persist around the world with serious consequences to the well-being of all people.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors and celebrates the women of our state, country, and the world, and recognizes March 8 as International Womens' Day and March as National Womens' History Month.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9127, Evelyn P. Yenson, as Director of the Department of Licensing, was confirmed.

#### APPOINTMENT OF EVELYN P. YENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Finkbeiner - 1. Excused: Senators Prince and Sellar - 2.

#### MOTION

On motion of Senator Swecker, Senator Finkbeiner was excused.

#### MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9212, Linda G. Tompkins, as a member of the Transportation Commission, was confirmed.

Senators McCaslin, Wood and Brown spoke to the confirmation of Linda G. Tompkins as a member of the Transportation Commission.

#### APPOINTMENT OF LINDA G. TOMPKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Finkbeiner, Prince and Sellar - 3.

#### MOTION

On motion of Senator Deccio, Gubernatorial Appointment No. 9122, Bruce Miyahara, as Secretary of the Department of Health, was confirmed.

Senators Deccio and Prentice spoke to the confirmation of Bruce Miyahara as Secretary of the Department of Health.

#### APPOINTMENT OF BRUCE MIYAHARA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Sellar - 2.

#### SECOND READING

SENATE BILL NO. 5183, by Senators Roach, Fairley and Winsley

Allowing an interlocal agreement between a county and municipality to transfer jurisdiction over a defendant.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5183 was substituted for Senate Bill No. 5183 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Goings was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5183.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Goings, Prince and Sellar - 3. SUBSTITUTE SENATE BILL NO. 5183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5064, by Senators Roach, Haugen, Johnson, Winsley and Rossi (by request of Secretary of State Munro)

Regulating the dissolution of limited partnerships.

#### MOTION

Senator Roach moved that Senate Bill No. 5064 not be substituted.

The President declared the question before the Senate to be the motion by Senator Roach that Senate Bill No. 5064 not be substituted.

The motion by Senator Roach carried and Senate Bill No. 5064 was not substituted.

Senate Bill No. 5064 was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5064.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Goings, McCaslin, Prince and Sellar - 4. SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5267, by Senators Horn, Heavey, Schow and Newhouse (by request of Department of Licensing)

Correcting real estate brokers and salespersons statutes for administrative and practical purposes.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5267 was substituted for Senate Bill No. 5267 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5267.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Goings, Prince and Sellar - 3. SUBSTITUTE SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5223, by Senators Roach, Winsley, Long, Loveland, Bauer, Franklin, Fraser and McAuliffe (by request of Joint Committee on Pension Policy)

Changing teachers' retirement system plan III contribution rates.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5223.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5223 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Sellar - 2. SENATE BILL NO. 5223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5312, by Senators Wood, Haugen and Prince (by request of Department of Transportation)

Facilitating sale of materials from department of transportation lands.

#### MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5312 was substituted for Senate Bill No. 5312 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5312.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5365, by Senators Snyder, West, Loveland, Brown, Rasmussen, Fairley, Spanel, Hargrove, Sheldon, Roach, Fraser, Wojahn, Franklin, Kline, Oke and Schow

Prohibiting disability retirement benefits resulting from criminal conduct.

## MOTIONS

On motion of Senator Snyder, Substitute Senate Bill No. 5365 was substituted for Senate Bill No. 5365 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5365.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5365 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SUBSTITUTE SENATE BILL NO. 5365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5089, by Senators Roach, Zarelli, Swecker and Hochstatter

Requiring previous bail jumpers to post bail.

## MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5089 was substituted for Senate Bill No. 5089 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5089.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5089 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SUBSTITUTE SENATE BILL NO. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5163, by Senators Haugen and Schow

Filing financing statements.

The bill was read the second time.

### MOTION

Senator Winsley moved that the following amendments by Senator Kline be considered simultaneously and be adopted:

On page 1, line 13, after "lapse.", strike "At the time of" and insert, "Immediately following a date which is four and one-half years after" On page 1, line 15, after "statement.", insert the following: "Failure to provide this notice does not give rise to a cause of action against the state or its officers or employees." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kline on page 1, lines 13 and 15, to Senate Bill No. 5163.

The motion by Senator Winsley carried and the amendments by Senator Kline were adopted.

### MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Senate Bill No. 5163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5163.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5163 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. ENGROSSED SENATE BILL NO. 5163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

EDITOR'S NOTE: See Personal Privilege remarks by Senator Sellar, later in the day, for further remarks on the history of the Senate.

### HISTORICAL SIGNIFICANCE

Senator Snyder: "Mr. President, I rise to a point--I guess I'll call it historical significance. The 1927 Legislature convened in the old building down town and they spent the first fifty-six days there. On March 7, 1927, which happened to be the fifty-seventh day instead of what we are on--the fifty-fourth, they convened in the building down town at nine o'clock and recessed and marched up the hill and reconvened in a joint session in the Senate. *It was raining like hell, but I remember it cleared off and was sunny as we came up the hill.*

"I just thought that we should note that they did come up and they had a joint session in the Senate Chambers. The journal is rather vague, except that the Governor spoke and all the members of the Capitol Committee and they had a University of Washington group that sang songs and so forth. I went back in the manuals and in the journals and dug a little thing. There were ninety-seven members in the House. Eighty-eight of them were Republicans, eight were Democrats and there was one Progressive. In the Senate, there were forty Republicans and two Democrats. I don't know which was the minority leader and which one was the caucus chair. It doesn't say that. There were thirty-two farmers in the House and one of them called himself a city farmer. Irv, I don't know what a city farmer is. There were twelve farmers in the Senate. They had fifteen attorneys in the House and nine in the Senate. The first woman elected to the Senate and serving, from Spokane, was a lady by the name of Reba Hurn. She had been elected four years prior to that.

"There were a few names that you might know--some of us who have been around--Irv and myself. There was a twenty-two year old member in the House of Representatives from Rainier, Washington, a fellow by the name of Chester Blesen. Chester lobbied around here for a lot of years for the city of Seattle, after that. The chairman of the Appropriations Committee in the House was a fellow by the name of Goldsworthy. His son later served in the Legislature. Vic Zednick was Secretary of the Senate. Vic was later a member here and he was a member of the House back in about 1911 or 1913. There was a gentleman by the name of John Jones that served from Waterville. I remember John Jones; he was a member over the years--for a lot of years. They called him Jack Rabbit Jones and I remember he told me about when they walked up the hill, they carried their bill books. They must not have had very many bills introduced in those days if they could carry their bill books up the hill.

"I just thought that probably today shouldn't pass without mentioning this. By the way, I mentioned Chester Blesen was twenty-two, yet the youngest member in the Senate, that session, was forty-one and there was only one member over seventy and that was seventy-four. The rest of them were in that forty, fifty, sixty category.

"At 10:00 o'clock, seventy years ago today is when they first met in this building in a joint session in the Senate. Thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "Thank you, Senator Snyder. What position did you hold at that time?"

#### REMARKS BY SENATOR LOVELAND

Senator Loveland: "Thank you, Mr. President. I am a history buff myself and one of the things that I am most concerned about is us losing the information and losing the perspective of what goes on here. Therefore, Mr. President, I would ask that Senator Snyder's remarks be spread across the Journal."

#### REPLY BY THE PRESIDENT

President Owen: "Hearing no objection, so ordered. It is our intent to put Senator Snyder in the archives, as well."

#### REMARKS BY SENATOR WOOD

Senator Wood: "Thank you, Mr. President. I just wanted to add one little piece to what Senator Snyder said about Reba Hurn, the first woman Senator. At the end of her term, the gentlemen in the Senate--the Senators--gave her a diamond pin for keeping her place and acting like a lady."

#### REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. Senator Snyder, it was really nice to bring that information to us. You talked about that forty to two ratio and I sat here and drooled--you know, wishful thinking. Really, I am curious about how did that guy get the name Jack Rabbit?"

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Thank you, Mr. President. Speaking about Reba Hurn from Spokane--she became a senior member of the Senate and wanted a spot on the Rules Committee, as I remember the history of this. The gentlemen on Rules said, 'You wouldn't like to be on Rules, because we put our feet on the desk and we spit on the floor and in the spittoons and sometimes miss and we smoke cigars. But she insisted on being on it. She was a ranking member, so they reduced the number on the Rules Committee, so there was one less, so she couldn't get on. Then, they made her chairman of drainage, dikes and ditches, but they didn't give her any bills, so that is the story of Reba Hurn, one of our first women in the State Legislature."

#### MOTION

At 9:21 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9125, Annette Sandberg, as Chief of the Washington State Patrol, was confirmed.

Senators McCaslin, Hale, Wood, Prentice, Rasmussen, Thibaudeau and Roach spoke to the confirmation of Annette Sandberg as Chief of the Washington State Patrol.

#### APPOINTMENT OF ANNETTE SANDBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon,

Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator West - 1. Excused: Senator Prince - 1.

#### SECOND READING

SENATE BILL NO. 5033, by Senator Roach

Providing a rebuttable presumption that the possessor of stolen access devices, checks, or drafts has knowledge that they are stolen.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5033 was substituted for Senate Bill No. 5033 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the following amendment was adopted:

On page 6, after line 3, insert the following: "**Sec. 4.** RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read as follows: (1) A person is guilty of theft in the second degree if he or she commits theft of: (a) Property or services which exceed(s) two hundred and fifty dollars in value other than a firearm as defined in RCW 9.41.010, but does not exceed one thousand five hundred dollars in value; or (b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or (c) An access device; or (d) A motor vehicle, of a value less than one thousand five hundred dollars; or (e) A check or draft. (2) Theft in the second degree is a class C felony." Renumber the remaining section consecutively.

#### MOTION

Senator Fairley moved that the following amendment be adopted:

On page 6, beginning on line 4, strike all of section 4 Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 6, beginning on line 4, to Substitute Senate Bill No. 5033.

The motion by Senator Fairley failed and the amendment was not adopted on a rising vote.

#### MOTIONS

On motion of Senator Roach, the following title amendment was adopted:

On page 1, line 2 of the title, after "9A.56.140," strike "and 9A.56.010" and insert "9A.56.010, and 9A.56.040" On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 5033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Roach, I carry checks with different numbers in my possession all of the time. How would this affect me?"

Senator Roach: "Senator Franklin, presumedly, those checks have your name or the account of something that you would control. So, it would be no problem, at all, for you. We are talking about, for instance, an individual driving a car pulled over for, maybe a traffic infraction, and someone just glances in the back seat and sees a pile of checks which is something that occurs often. If the checks have multiple references, in terms of the bank numbers--obviously, these checks did not belong to the person driving the car and they are not a store keeper on the way to the bank. We need to crack down on this. I am with you. I have, probably five different accounts--my husband and I, myself, my campaign, and so forth and so forth. Many people share that, but those are our accounts. If they have been sold--and those accounts are not yours--it is a very serious offense.

"Remember, there is more money lost in this fashion than with credit cards theft. To mention one more thing, all of law enforcement is supporting this bill. Every law enforcement agency in the state of Washington--the Washington State Association of Prosecuting Attorneys and financial institutions are also supporting this bill."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Roach, you are going beyond answering the question. Members can only speak once."

#### POINT OF INQUIRY

Senator Loveland: "Senator Roach, did I hear you say that the Prosecutor's Association supported this?"

Senator Roach: "My recollection is 'yes,' and I have down in my notes, the Washington State Association of Prosecuting Attorneys were in favor of the bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5033.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 38. Voting nay: Senators Brown, Fairley, Kline, Loveland, McAuliffe, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 10. Excused: Senator Prince - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Wojahn, all the remarks on Engrossed Substitute Senate Bill No. 5075 will be spread on the Journal.

## SECOND READING

SENATE BILL NO. 5075, by Senators Swecker and Rasmussen

Regulating use activities.

## MOTION

On motion of Senator Swecker, Substitute Senate Bill No. 5075 was substituted for Senate Bill No. 5075 and the substitute bill was placed on second reading and read the second time.

## MOTION BY SENATOR SWECKER

Senator Swecker: "I move that the following amendment be adopted:  
On page 1, line 16, after "area" strike "of equal size"

## REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. The underlying bill directs the counties and local jurisdictions to set aside certain lands for aquaculture to occur. One of the criticisms of the bill was that it was too restrictive in terms of the county's options, so I am striking the words 'of equal size; to give the counties a lot more flexibility in how they actually perform this duty, and I urge your support of the amendment."

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 1, line 16, to Substitute Senate Bill No. 5075.

The motion by Senator Swecker carried and the amendment was adopted.

## MOTION BY SENATOR SPANEL

Senator Spanel: "I move adoption of the following amendment by Senators Spanel and Haugen:

On page 1, line 6, strike everything beginning with "is" through "permits." on page 2, line 5, and insert the following: "is dependent on the use of the water area. Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity. Local shoreline master plans should therefore recognize the potential impact of aquaculture on existing uses and natural systems. (2) The legislature further finds that: (a) aquacultural activities and structures should be located in areas where the navigational access of upland owners, recreational boaters and commercial traffic is not significantly restricted. Recognition should be given to the possible detrimental impact aquacultural development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area; (b) aquacultural development may adversely impact the value of shorefront properties, and the value of such real property may be the principal asset for many Washington residents; (c) as aquaculture technology expands with increasing knowledge and experience, emphasis should be placed on structures which do not significantly interfere with navigation or impair the aesthetic quality of Washington shorelines; and (d) water surface, column, and bedland areas suitable for aquaculture are limited to certain sites. These sites are subject to pressures from competing uses and degradation of water quality. The shoreline program is intended to provide a comprehensive land and water use plan which will reduce these conflicts and provide for appropriate uses. Therefore, a special effort should be made through the shoreline management program to identify and resolve resource use conflicts and resource management issues in regard to use of identified sites."

## REMARKS BY SENATOR SPANEL

Senator Spanel: "This amendment is offered to try to make the bill a little bit better, in fact, a lot better. In statute right now, under the shoreline management plan, there are water dependent uses of the shorelines that is a preferred use. Those particular preferred uses are then addressed further in WACs. What this bill does, is put part of the WACs into statute. What this amendment does is put some more of the WACs into statute which would clarify the uses of, some definitions, about aquaculture.

"For any of you who represent shoreline, people living on shoreline properties, counties that have shorelines, shoreline property, this bill should be of much interest to you. And if we are going to pass it, it is essential that this amendment pass, as it will define some potential locations for aquaculture, some different definitions of what counties need to look at when they do their master programs. I ask for your support of this amendment."

#### REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. I rise in opposition to this amendment. Many of the provisions that are contained in this amendment are highly directive toward local master program planning. And again, it's my intent with the legislation, to give the local governments the maximum amount of flexibility. I think it's inappropriate for us to superimpose these kinds of requirements on local government, and I urge you oppose--vote 'no'--on this amendment."

#### REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you, Mr. President. Well, I would encourage you to vote for this amendment. I think few people realize that this bill is probably one of the biggest mandates we're going to be putting on local government, but it is truly unfunded. Now, the way the bill is drafted, it says that they must revisit the shoreline management amendments. I asked the Department of Ecology how many times do they amend their shorelines plans. Well, actually, of the two hundred and forty cities and counties in the state that have shoreline management

plans, about twenty to twenty-five of them amend them every year. This bill says that if you do that, then you first before you do anything, no matter whether it's to put in a port or anything else, you first must go back and deal with your aquaculture amendment, and make sure that you allow for siting. Well, now, our good friend will say that that is not a problem.

"Well, I want to share with you my file. Here's my file on just Skagit County, alone--Skagit County alone. It is a huge process that Skagit County has to go through. They have to have public hearings, and believe me, they're not pleasant public hearings. They have to adopt these and then they go to the Shoreline Management Board, and then, in fact, Skagit County. After two years, they are now in court. They are now in court. It is a huge impact for a county to go through this process. This bill says, 'Folks, you've got to go through it. Anytime you make any kind of revision to your shoreline plan, you've got to go through this process again.' Now, for many of you who do not represent areas that are surrounded by water, this doesn't mean much to you, but this is a huge mandate. This amendment truly does help local government. It will take the sting out, but it also takes the mandate out. I urge your support."

#### REMARKS BY SENATOR KLINE

Senator Kline: "Thank you, Mr. President. It's ironic that we often hear from the other side of the aisle that growth management, as it's presently constituted, is primarily directed towards local government. The fact is that the growth management act has historically allowed--historically in the last four to six years--allowed local governments to choose those areas in which they're going to have greater environmental protections and those areas in which they'll allow greater density. To say that this amendment is highly directive of local government is to forget what is being amended out. Let me read, for example, from section 3 of the language which would be amended out under this amendment: 'Each local government shall revise the local master program to comply with this. Any other amendments to the local master program shall be held in abeyance until the master program is revised to comply with this section.' In other words, whatever other local problems you have that you're dealing with in your current local program, forget about it until you deal first with aquaculture.

"I understand that there is some sympathy for the feeling that growth management as it's proceeded on the state level is a little too directive. But that's the evil which this amendment seeks to cure. It's the language of the bill that is so highly directive against local government's flexibility. I certainly urge a 'yes' vote on the amendment. Thank you."

#### REMARKS BY SENATOR SPANEL

Senator Spanel: "To close debate on this amendment. It is really important. If you look at that basic bill, Subsection 2 says, 'No master program may prohibit aquaculture uses or structures.' I don't know of any that do. Two of the counties--all three counties that I represent have revised their shoreline master programs. They all allow room for aquaculture. There could be some area that there would be no places allowed, because you have to look at water quality, you have to look at the use of the area, because when we talk about preferred use we are talking about a lot of uses, not just aquaculture. We're talking about recreational boating, we're talking about tug boats. We're talking about the economic and the commerce of this state. And so to say in statute, aquaculture is the preferred use, it's a major change to state law and the Shoreline Management Act. I urge you to support this amendment."

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Spanel and Haugen on page 1, line 6, to Substitute Senate Bill No. 5075.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Prince - 1.

#### MOTION

Senator Morton: "I move that the rules be suspended and Engrossed Substitute Senate Bill No. 5075 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage."

#### REMARKS BY PRESIDENT OWEN

President Owen: "Senator Morton has moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5075 be advanced to third reading, the second reading considered the third and the bill be placed on final passage. Hearing no objection, so ordered."

#### REMARKS BY SENATOR MORTON

Senator Morton: "Thank you, Mr. President. Ladies and gentlemen of the Senate, as we have more and more of our agricultural land impacted because of various problems, we're going to begin to need more and more of aquaculture enhanced. This is a bill that does that. This is a matter worldwide, not just with our own state. We are blessed in our state with a beautiful Puget Sound area that is very scenic, but also very useful. I would encourage, then, your yes vote on this bill as we begin to cultivate the aquaculture industry, and make this state a much more business friendly state. Thank you."

#### REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President. Members of the Senate, I urge a 'no' vote on this bill. This bill is both a special interest bill and an anti local government bill. Why is it special interest? It's special interest because it gives one use, net pens, priority over all other uses in some areas of our waters. It competes with other uses like boating, and other purposes of our beautiful marine waters. The other reason is it's anti local government. Why is it anti local government? Because it takes away the traditional discretion that local jurisdictions have to plan their shorelines under our Shoreline Management Act. This says not only that you can't prohibit net pens, it also says that if you have an effect of not allowing them, you must amend your shoreline management plan to allow them. Not only do you have to amend it, but it goes to the head of the list. Local government has to amend it to allow these before it amends it to allow for anything else. I think that's special interest and anti local government. It eliminates local discretion. I urge a 'no' vote."

#### REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. I rise to speak in favor of the legislation. The legislation is actually very permissive to local government. I think the real issue is that in a number of counties shoreline residents don't want to have net pen facilities sited in front of their property--their homes. I think that's a legitimate concern. In a number of cases, that concern has been taken to the extreme by local government, and they virtually excluded aquaculture from their shoreline master program.

"This bill simply says that if you are going to exclude aquaculture from some areas that you're planning for, then, at least you must indicate where aquaculture is permitted. It doesn't restrict the amount of exclusion that can be made by a county, it doesn't dictate how much area must be designated where aquaculture is permitted. It just says that if there are suitable areas where the county can designate that aquaculture is permitted, that they must do that. The idea that we're requiring local government to amend their master program is a fallacy. In fact, local governments routinely amend their master programs. The legislation says they don't have to take any action at all on this legislation until the next time they would routinely amend their master program, anyway. At that time they simply have to consider this issue and decide where they want to designate that aquaculture is an appropriate use. This is a very small part of the process for amending a master program. It's done all the time by local government, and this won't add a significant burden to that process.

"In the final analysis, it's unfortunate, but salmon aquaculture started at the University of Washington here in the Northwest in the 1960s. Since that time, our industry has simply not been ever able to get a strong foothold in the state because of the permitting process. In other countries, over one third of the salmon produced in the world are produced in salmon net pens, and over half the dollar value of salmon is produced in net pens. It's unfortunate that our state has never had the opportunity to participate significantly in this industry. We feel this is a step, a small step, toward helping resolve that problem. I hope you will support it."

#### REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Mr. President. I, too, rise in support of this bill. In my district, in Manchester, we have probably the largest, I'm sure it's the largest--salmon net pen farm in the state of Washington, and I've spent a lot of time around that net pen, a number of net pens they have there. They're located in a good spot. They're providing fresh salmon year round. And I know that that's an issue with some of you here, that you would never eat a fish that came out of a net pen, or you don't think that the quality is there. But the world does. I passed out to each of you salmon market information coming from Alaska when I was up there on the Pacific Fisheries Legislative Task Force. I think we really need to take a close look at these figures. Even if you don't care about salmon, or have never consumed a salmon, we need to understand what's happening worldwide.

"The United States, as you look at this chart, is out of the market, and we're losing millions and millions of dollars in jobs because they're going to other countries. Japan requires and wants fresh salmon daily--every day--and their Shushi bars, they say they can consume these net pen salmon without any problem. Other salmon that are the natural native salmon, they have to cook those. So, they're the ones controlling the market. You can see by the chart what's happening.

"Boldt's decision in this state ruined salmon for everybody, I think, and has made the salmon in some people's mind a species that's being distinguished as no longer available. In fact, I'll close with this little comment. In Issaquah, I went to the hatchery and saw some notes from young people that had seen what was going on in this hatchery, and one note in particular said, 'This is the first time I really understood the whole life cycle of the salmon. This is just neat.' And the bottom line, he said, 'I'll never eat one.' And that's not what we want to happen. It's a good product, we want people to consume salmon, and I think this bill would help put Washington back in the game of providing salmon for everybody."

#### REMARKS BY SENATOR SPANEL

Senator Spanel: "Thank you, Mr. President. It has been stated that it's a simple issue to amend the shoreline master plan or to redo it. In Skagit County it took two to three years and even longer for the process to occur of bringing all the parties together and working out an agreement. The aquaculture issue, salmon net pens, was the major issue. Some of them located in that county already are in shallow water. It is not good water conditions. Some are located in very good water conditions, and that is allowed there. But, there's a lot of issues that are brought in.

“When I came to the Legislature in 1987, this was an issue. It was an issue for the next few years. Basically, it centered around-- we had interim criteria for the siting of salmon net pens. It was never really resolved. There have been people working on it ever since then, but we have not changed the law and put that into law what the permanent criteria should be. Location is a factor. It's not just a simple thing of having fish in the pens, there's an escapement factor. There have been many, with the weather, breaks in the pens and the net pen fish mingle with the wild salmon. There are lots of discussions of whether that is good or bad, and a lot of people do not feel it is good.

“The economic reality, the price is too high right now, and that's one reason there hasn't been a major expansion. But, I think the thing why I'm asking you to vote 'no' on this bill is because, basically, it is a preemption of local government and their shoreline master plans. It's not only a long process, but it also is a process that they have work out with DOE, and DOE is pretty strict, and I would say, fought the counties hard on the aquaculture issue, and made sure that they did have siting in their master programs. This bill is a preemption. It is costly. It costs dollars, a lot of dollars. We're not providing any money. This bill didn't go through the Ways and Means Committee, and so I suggest that you just vote no, and let it continue to be worked out. Actually, this particular issue is in the courts right now, and that's where it should be taken care of, instead of by changing the law.”

#### REMARKS BY SENATOR HAUGEN

Senator Haugen: “Thank you, Mr. President. Once again, this is my file on Skagit County, alone. I have a whole file cabinet with a whole drawer on Island County. I wish my good friends on the other side of the aisle were in my office this morning when my two Republican county commissioners from Island County were here--Skagit County were here--who are now being sued. Explain to them why this isn't a mandate, why this isn't a mandate with no funding. I wish you would call up my Republican county commissioners in Island County and tell them why this isn't the mandate.

“This will generate a whole, new round of debate about aquaculture in those counties that are entirely made up of islands. I can assure you, and they amend their shoreline master plans often to put in harbors, and to put in docks, and every time they do that, they have to go through this process. They have to hold public hearings. They have to have lots of information provided for the citizens, and it is a very costly process. Both of those counties have got plans in place. Skagit County's is being challenged in the courts right now. Let's not start the debate all over for a special interest group. I urge you to vote 'no.'”

#### REMARKS BY SENATOR MORTON

Senator Morton: “Thank you, Mr. President. Ladies and gentlemen of the Senate, since we're repeating somewhat, as the Senator did from the Tenth District, I want to remind you, also, of the hazards that we're facing in agricultural enterprises daily. And the need to emphasize more and more the use of our aquaculture facilities and opportunities in this state, combined with the opportunity to launch into an industry which worldwide we're missing out on, and which we need to address more and more. Plus, the state standards that we have are there on the books to be followed. The counties involved need to obey, of course, and follow those standards as best can be applied in those counties. Yes, it's an added responsibility on those counties, but, yes, it's an added industry and an asset to those counties, as they become involved in this industry to benefit not only the counties, but also to benefit the state of Washington. I encourage your 'yes' vote. Thank you, Mr. President.”

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5075.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Excused: Senator Prince - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Sellar: “May I speak on a point of personal privilege? Just following up on Senator Snyder's remarks this morning--who so nicely gave us some history. Senator Newhouse reports that the daughter of Jack Rabbit Jones lives in Yakima, so Senator Newhouse called her and asked her how her father got his name. She said that there were two things. Number one, his initials are J. R. and some people think that is where it came from. She said there is also a story that when he started in politics, in a bet or some type of statement, he said that he would provide a dinner that was indigenous to his district. Somebody asked him what he had in this district and he said, 'jack rabbits.' Also, she stated that her older brother was a page for her father and helped move to this building. Thank you for that bit of history and Irv's follow up.”

#### SECOND READING

SENATE BILL NO. 5152, by Senators Prince, Bauer, Wojahn, Horn, Oke, Winsley and Patterson (by request of Joint Legislative Audit and Review Committee)

Allowing the department of social and health services access to employment security department data on clients in the job opportunities and basic skills training program and any subsequent state welfare program.

#### MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5152.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SUBSTITUTE SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5448, by Senators Deccio, Wojahn, Wood and Fairley

Merging the health professions account and the medical disciplinary account.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5448.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5448 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5047, by Senators Benton and Zarelli

Arming community corrections officers.

The bill was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Heavey: "Senator Benton, as an emergency clause--we've seen far too many of them--what is in this bill that necessitates cutting off the people's right of referendum?"

Senator Benton: "I believe that when there are lives in jeopardy, Senator Heavey, an emergency clause is warranted. Clearly, the substance of this bill indicates that there are lives in jeopardy."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5047.



## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5047 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 40. Voting nay: Senators Fairley, Fraser, Heavey, Kline, Kohl, Prentice, Thibaudeau and Wojahn - 8. Excused: Senator Prince - 1. SENATE BILL NO. 5047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5341, by Senators Roach, Sheldon and Rasmussen

Revising authority of the Washington economic development authority to finance projects.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5341 was substituted for Senate Bill No. 5341 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5341.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Heavey - 1. Excused: Senator Prince - 1. SUBSTITUTE SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5271, by Senators Horn, Spanel and Long (by request of Legislative Ethics Board)

Allowing an elected official to prepare and send guest editorials or columns that include arguments for or against ballot propositions if the editorial or column is requested by a newspaper.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Franklin: "Senator Horn, I am always very, very leery about what we as public servants do in regards to our officers and our staff, because you never know when we will be brought under closer scrutiny by the media, by those who are always checking on us. What is the potential for abuse of this piece of legislation--to go and do other things? I am very leery about that."

Senator Horn: "Senator Franklin, I think the portion for abuse is very limited. This applies only if you have been invited to respond as a guest editor. You certainly, as an individual, have the right to speak out at any time and you can do that any way you want to do. However, because of some interpretation of a question that might come up, could you use--like--your aide to prepare your speech or help you type it--something like that--because that would be a misuse, perhaps, of office facilities. So, this only allows you to use your support staff to do something that you have the right to do with or without

them there. I think that is a very limited situation that comes up. This has been pretty narrowly drafted to protect that situation.”

Senator Franklin: “You mentioned ‘that you would be invited.’ What happens if a media--a newspaper--chooses a certain group to invite, would I, not be one of the chosen few, have the opportunity to write and have that accepted--let’s say equal time?”

Senator Horn: “You have a situation right now that the Governor’s office may speak out on an issue and use his staff to do it and if something came up relative to something that came up in the Senate or House, they could not use their staff to respond. You, as an individual, can speak out however you want to. This merely is the support you need to prepare something. Now, you have that--you know--we have those types of things coming pro and con in the Voter’s Pamphlet. that we ask legislators to prepare that position, we allow them to use the staff to prepare those positions at that time. I think, in general, the newspapers, if they are coming up on a guest editorial are trying to get a balanced position on this, because they have had one side speak out . They would like to hear from the other side.”

Further debate ensued.

#### POINT OF INQUIRY

Senator Heavey: “Senator Horn, the gallant gentleman from Mercer Island, this narrow exception only applies for the newspaper? We cannot submit a guest editorial opinion? It is limited--that limited--even if we wrote it ourselves--but we just happened to have our aide type it, we couldn’t submit a guest editorial opinion?”

Senator Horn: “That is correct. You could not submit a guest editorial unless you were invited.”

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5271.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 30. Voting nay: Senators Bauer, Fairley, Franklin, Fraser, Goings, Haugen, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson and Zarelli - 18. Excused: Senator Prince - 1. SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the first order of business.

#### REPORTS OF STANDING COMMITTEES

March 6, 1997

SB 5795 Prime Sponsor, Senator Benton: Regulating vehicle and vessel licensing. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Patterson.

Passed to Committee on Rules for second reading.

March 6, 1997

SB 5797 Prime Sponsor, Senator Benton: Regulating the issuance and cost of permits and certificates issued by the department of licensing. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Morton, Oke and Patterson.

Passed to Committee on Rules for second reading.

March 6, 1997

SB 5961 Prime Sponsor, Senator Goings: Providing changes to terminal audit violation penalties. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Patterson.

Passed to Committee on Rules for second reading.

March 6, 1997

SB 5968 Prime Sponsor, Senator Thibaudeau: Regulating electric-assisted bicycles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Patterson.

Passed to Committee on Rules for second reading.

March 6, 1997

SB 6050 Prime Sponsor, Senator Oke: Providing tax exemptions for state route number 16 corridor improvements constructed under chapter 47.46 RCW. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass and refer the bill to Committee on Ways and Means. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Jacobsen, Morton, Oke and Patterson.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Johnson, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

March 6, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 6, 1997, Governor Locke approved the following Senate Bill entitled: Senate Bill No. 5835  
Relating to limiting property taxes by reducing the state levy, reducing the one hundred six percent limit calculation, and allowing for valuation increases to be spread over time.

Sincerely,  
EVERETT BILLINGSLEA, General Counsel

MOTION

At 11:52 a.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Monday, March 10, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 7, 1997

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**FIFTY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, March 10, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Benton, Hargrove, Prince and West. On motion of Senator Hale, Senators Anderson and Benton were excused. On motion of Senator Franklin, Senator Hargrove was excused. The Sergeant at Arms Color Guard, consisting of Pages Shawn Aust and Jessica Hinshaw, presented the Colors. Reverend Jim Bosman, pastor of the Lopez Island Community Church, and a guest of Senator Dan McDonald, offered the prayer.

## MOTION

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

### REPORTS OF STANDING COMMITTEE

March 7, 1997

SB 5286 Prime Sponsor, Senator Horn: Clarifying the taxation of intangible personal property. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5286 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5322 Prime Sponsor, Senator Deccio: Removing regulatory barriers to the provision of oral health care services to rural, remote, and underserved populations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Rules without recommendation. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5508 Prime Sponsor, Senator Hochstatter: Enacting the third grade reading accountability act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5508 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Brown, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 6004 Prime Sponsor, Senator Wood: Creating the K-20 education technology revolving fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Long, Loveland, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 6039 Prime Sponsor, Senator West: Imposing fines or regulatory assessments under the insurance code. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Kohl, Loveland, Sheldon, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

## INTRODUCTION AND FIRST READING

SB 6056 by Senators Wojahn, Fairley and Thibaudeau (by request of Governor Locke)

AN ACT Relating to the office of health policy; amending RCW 43.70.066, 43.70.068, and 43.72.310; reenacting and amending RCW 42.17.310; adding new sections to chapter 43.73 RCW; adding a new section to chapter 41.06 RCW; repealing RCW 43.73.010, 43.73.020, and 43.73.040; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

### MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9218, David Williams, as a member of the Marines Employees' Commission, was confirmed.

### APPOINTMENT OF DAVID WILLIAMS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senators Prince and West - 2. Excused: Senators Anderson, Benton and Hargrove - 3. SECOND READING

SENATE BILL NO. 5337, by Senators Stevens, Deccio and Swecker

Extending less than county-wide port districts.

### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5337 was substituted for Senate Bill No. 5337 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5337.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5337 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 38. Voting nay: Senators Haugen, Heavey, Kohl, Loveland, Patterson, Spanel, Swanson, Thibaudeau and Wojahn - 9. Excused: Senators Anderson and Benton - 2. SUBSTITUTE SENATE BILL NO. 5337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5359, by Senators Swecker, Fraser, West and Winsley

Clarifying the exemption from sales and use taxation of the materials used by small companies in the design and development of aircraft parts, auxiliary equipment, and aircraft modification.

### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5359 was substituted for Senate Bill No. 5359 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5359.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Anderson and Benton - 2. SUBSTITUTE SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. We occasionally have memorable occasions here on the Senate floor and we had one a few minutes ago when Senator Stevens--you know, Senator Stevens--that is Senator Stevens, just so everyone recognizes her. She made her maiden speech, short as it was. We do appreciate it and I don't know if you want it spread upon the Journal or one of the scraps of paper we have up here, but we would be honored if you would present a gift to each one of us. If it is food, it should be lo-cal; if it is drink, it should be non-alcoholic; and if you are going to buy clothing, I wear a 34 R."

#### SECOND READING

SENATE BILL NO. 5434, by Senators Stevens, Hargrove, Anderson, Rasmussen, Rossi and Benton

Providing for designation of mineral resource lands.

The bill was read the second time.

#### MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5434.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 33. Voting nay: Senators Fairley, Finkbeiner, Franklin, Fraser, Heavey, Kline, Kohl, Patterson, Schow, Sheldon, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 15. Excused: Senator Anderson - 1. SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5327, by Senators Hargrove, Morton, Loveland, Rossi, Stevens, Snyder and Oke

Creating a habitat incentive program through the department of fish and wildlife.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5327.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5111, by Senators Winsley and Loveland

Requiring the preparation of maps by county assessors for listing of real estate.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5111.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5111 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SENATE BILL NO. 5111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5526, by Senators McDonald, Sellar and Anderson

Allowing for the diversion of certain river or stream waters without a permit.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5526 was substituted for Senate Bill No. 5526 and the substitute bill was placed on second reading and read the second time.

Senator Morton moved that the following amendment be adopted:

On page 2, line 26, after "and is" insert "not" Debate ensued.

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

## MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 5526 was deferred.

## SECOND READING

SENATE BILL NO. 5527, by Senators McDonald, Rasmussen, Sellar, Fraser and Anderson

Providing incentives for water-efficient irrigation systems.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5527 was substituted for Senate Bill No. 5527 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5527.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5527 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5016, by Senators McCaslin and Haugen (by request of Department of Community, Trade, and Economic Development)

Making local improvements.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5016.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5016 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SENATE BILL NO. 5016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5018, by Senator Roach (by request of Statute Law Committee)

Making technical corrections to the Revised Code of Washington.

The bill was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5018.

## ROLL CALL



The Secretary called the roll on the final passage of Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SENATE BILL NO. 5018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5142, by Senators Roach, Loveland and Winsley

Allowing county clerks to collect civil judgments where the county is the creditor.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5142 was substituted for Senate Bill No. 5142 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5142.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5155, by Senators Horn, Heavey and Prince

Adjusting vehicle width limits.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5155.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5155 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SENATE BILL NO. 5155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5157, by Senators Zarelli, Stevens and Kohl

Providing tax exemptions for items obtained to replace weather-damaged items.

## MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5157.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5195, by Senators Deccio and Newhouse (by request of Department of Revenue)

Providing for taxation of membership sales in discount programs.

The bill was read the second time.

## MOTION

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5195.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Fraser - 1. Excused: Senator Anderson - 1. SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 10:10 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:18 a.m. by President Owen.

## MOTION

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

### SENATE RESOLUTION 1997-8633

By Senators Thibaudeau, Snyder, McDonald, Benton, Rasmussen, Haugen, McAuliffe, Wojahn, Bauer, Loveland, Sheldon, Kohl, Swanson, Fraser, Spanel, Fairley, Prentice, Kline, Jacobsen, Wood, Sellar, Hale, Heavey, Winsley, Finkbeiner, Deccio, Horn, Patterson, Stevens, Long, Swecker, Newhouse, Franklin, Johnson, Morton, Prince, Goings, Hochstatter, Roach, Brown, Zarelli, Rossi, McCaslin, Oke, Schow, West, Hargrove, Strannigan and Anderson

WHEREAS, The Washington State Senate has the pleasure of welcoming the birth of Emily Nicole Locke; and

WHEREAS, Emily was born to Governor Gary Locke and his wife, Mona, at 9:30 p.m. Sunday at Swedish Medical Center; and

WHEREAS, Emily is a healthy 5 pound, 9 ounce baby; and

WHEREAS, Emily is the first child for the Lockes and only the third child born to a Governor while in office;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate offer its congratulations and best wishes to the Governor and his wife on the birth of their daughter.

President Owen requested that all Senators be included as sponsors of Senate Resolution 1997-8633.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5107, by Senators Roach and Johnson

Modifying consent provisions under the Washington business corporation act.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5107 was substituted for Senate Bill No. 5107 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5107.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Sellar - 1. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5375, by Senators Rossi, Hargrove, Sellar, Winsley, Strannigan, Morton, Finkbeiner, Oke, Hochstatter and Long

Redefining a distributing organization to include a public health department.

#### MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5375 was substituted for Senate Bill No. 5375 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47.

Absent: Senator Patterson - 1. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5303, by Senators Sellar, Snyder, Anderson, Wojahn, McAuliffe, Kohl, Deccio and Schow

Creating a task force on tourism promotion and development.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5303 was substituted for Senate Bill No. 5303 and the substitute bill was placed on second reading and read the second time.

Senator Brown moved that the following amendment be adopted:

On page 2, line 4 after "bureaus," insert the following: "the Washington festivals and events association," Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 2, line 4, to Substitute Senate Bill No. 5303.

The motion by Senator Brown carried and the amendment was adopted.

#### MOTION

On motion of Senator Schow, the rules were suspended, Engrossed Substitute Senate Bill No. 5303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5303.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5303 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5217, by Senators Bauer, Winsley, Franklin, Long, Fraser, Roach, Loveland, Rasmussen, Goings, Swecker, Kohl, Oke, Patterson and Haugen (by request of Joint Committee on Pension Policy)

Providing death benefits for volunteer fire fighters.

The bill was read the second time.

#### MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 5217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5217.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5217 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SENATE BILL NO. 5217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5269, by Senators Winsley and Snyder (by request of State Investment Board)

Authorizing the state investment board to delegate certain powers and duties.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5269.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Fraser - 1. Excused: Senator Anderson - 1. SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5270, by Senators Winsley and Snyder (by request of State Investment Board)

Authorizing the state investment board to create public entities for the purposes of handling real estate and other investment assets.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5270 was substituted for Senate Bill No. 5270 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5270.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Fraser - 1. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5060, by Senators Haugen and Roach

Clarifying driving statutes.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5060 was substituted for Senate Bill No. 5060 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5060.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 9:22 p.m. by Senator Johnson.  
There being no objection, the Acting President returned the Senate to the first order of business.

## REPORTS OF STANDING COMMITTEES

March 10, 1997

SB 5005 Prime Sponsor, Senator Long: Concerning concurrent and consecutive sentencing for violent offenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5005 be substituted as recommended by Committee on Law and Justice, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Long, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5006 Prime Sponsor, Senator Long: Enhancing sentences and supervision of sex offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5006 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5044 Prime Sponsor, Senator Benton: Revising AIDS-related crimes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5044 be substituted as recommended by Committee on Law and Justice, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 1997

SB 5077 Prime Sponsor, Senator Morton: Requiring integrated pest management. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5077 be substituted as recommended by Committee on Agriculture and Environment, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 6, 1997

SB 5102 Prime Sponsor, Senator Oke: Revising the provision imposing an annual recreational surcharge on certain personal use food fish licenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5102 be substituted as recommended by Committee on Natural Resources and Parks, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Brown, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5106 Prime Sponsor, Senator McAuliffe: Creating the Washington advanced college tuition payment program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5106 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, McDonald, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5120 Prime Sponsor, Senator Morton: Providing for fish enhancement with remote site incubators. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5120 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5123 Prime Sponsor, Senator Kohl: Protecting victims from sexually aggressive youth. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5123 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5127 Prime Sponsor, Senator Wojahn: Providing additional funding for trauma care services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5127 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, Roach, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5156 Prime Sponsor, Senator Zarelli: Requiring approval by a two-thirds vote of each house to amend Initiative 601. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Brown, Fraser, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5173 Prime Sponsor, Senator Schow: Improving the liquor license schematic of the state of Washington. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5173 be substituted as recommended by Committee on Commerce and Labor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5178 Prime Sponsor, Senator Wood: Adopting the diabetes cost reduction act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5178 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Brown, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5179 Prime Sponsor, Senator Deccio: Correcting inequities in the nursing facility reimbursement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5179 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5184 Prime Sponsor, Senator Roach: Authorizing an additional rod recreational fishing license. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5184 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Brown, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5227 Prime Sponsor, Senator Deccio: Regulating the sales of nonprofit hospitals. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5227 be substituted as recommended by Committee on Health and Long-Term Care, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5230 Prime Sponsor, Senator Rossi: Revising current use taxation provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5255 Prime Sponsor, Senator Swecker: Establishing notification of parent or legal guardian prior to abortion by a minor. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.



MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Brown, Fraser, Kohl, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5306 Prime Sponsor, Senator Zarelli: Allowing for the testing of offenders for HIV and other communicable diseases. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5306 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5313 Prime Sponsor, Senator Wood: Establishing the advanced environmental mitigation revolving fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5313 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 6, 1997

SB 5325 Prime Sponsor, Senator Hargrove: Allowing counties to have certain lands transferred from the state back to the county. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5325 be substituted as recommended by Committee on Natural Resources and Parks, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, Roach, Rossi, Schow, Snyder, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5360 Prime Sponsor, Senator Hargrove: Providing commercial salmon fishers with a license renewal process when they opt to not renew for a season. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5360 be substituted as recommended by Committee on Natural Resources and Parks, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5368 Prime Sponsor, Senator Snyder: Providing supplemental appropriation authority for the development loan fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5409 Prime Sponsor, Senator Long: Modifying child death review. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5409 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5442 Prime Sponsor, Senator Swecker: Permitting expedited flood damage repairs during flooding emergencies. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5442 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5452 Prime Sponsor, Senator Hale: Exempting nonprofit cancer centers from property tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5505 Prime Sponsor, Senator Morton: Directing the department of ecology to assist growing communities in securing safe and reliable water sources. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5505 be substituted as recommended by Committee on Agriculture and Environment, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5509 Prime Sponsor, Senator Rossi: Changing definitions regarding offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Loveland and Thibaudeau.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5521 Prime Sponsor, Senator Haugen: Authorizing a county research service. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5521 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5528 Prime Sponsor, Senator Kohl: Protecting children and vulnerable adults by using background checks. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5528 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5553 Prime Sponsor, Senator Wood: Enhancing vehicle titling and licensing. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Goings, Heavey, Horn, Morton, Oke, Patterson, Prentice and Sellar.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5562 Prime Sponsor, Senator Long: Revising provisions relating to the involuntary commitment of mentally ill persons. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5562 be substituted as recommended by Committee on Human Services and Corrections, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5633 Prime Sponsor, Senator Strannigan: Requiring a performance audit of the department of transportation. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5657 Prime Sponsor, Senator Strannigan: Authorizing the director of general administration to enter into leases of up to ten years without a review by the office of financial management. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5660 Prime Sponsor, Senator Kohl: Requiring notice of enforcement actions taken against child day-care centers and family day-care providers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5660 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5696 Prime Sponsor, Senator Roach: Balancing the powers of the commission on judicial conduct. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5696 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Fraser, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5710 Prime Sponsor, Senator Hargrove: Changing provisions relating to juvenile care and treatment by the department of social and health services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5710 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser, Loveland, Sheldon and Thibaudeau.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5722 Prime Sponsor, Senator Fraser: Establishing a public schools license plate. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Haugen, Heavey, Horn, Jacobsen, Oke, Patterson, Prentice and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Morton and Sellar.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5734 Prime Sponsor, Senator Finkbeiner: Changing school levy provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5734 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Brown, Fraser, Kohl, Long, McDonald, Rossi, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5740 Prime Sponsor, Senator Hargrove: Assisting distressed rural counties. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5740 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5742 Prime Sponsor, Senator Wood: Rescinding a retirement allowance agreement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5744 Prime Sponsor, Senator Hale: Extending the time for legislative review of agency rules. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Kohl, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5759 Prime Sponsor, Senator Long: Changing sex offender risk level classification and public notification procedures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5759 as recommended by Committee on Human Services and Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5760 Prime Sponsor, Senator Long: Authorizing courts to order evaluation and treatment of mentally ill offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5760 be substituted as recommended by Committee on Human Services and Corrections, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5791 Prime Sponsor, Senator Deccio: Revising the regulation of liquor sales in designated restricted liquor zones. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5791 be substituted as recommended by Committee on Commerce and Labor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5842 Prime Sponsor, Senator Swecker: Pertaining to litter control and recycling. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5842 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5844 Prime Sponsor, Senator Fraser: Freeing the base for transfers of marine and nonhighway fuel taxes. Reported by Committee on Transportation

MAJORITY Recommendation: That Senate Bill No. 5844 be substituted as recommended by Committee on Natural Resources and Parks, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5886 Prime Sponsor, Senator Strannigan: Providing a stable funding source for fisheries enhancement and habitat restoration. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5886 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5919 Prime Sponsor, Senator Roach: Authorizing a study of the special sex offender sentencing alternative. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Senate Bill No. 5919 be substituted as recommended by the Committee on Human Services and Corrections, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Long, McDonald, Roach, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley, and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5927 Prime Sponsor, Senator Wood: Changing higher education financing. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5927 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Kohl, Long, McDonald, Sheldon, Snyder, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5930 Prime Sponsor, Senator Patterson: Requiring liability coverage for motor vehicle registration. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5930 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Sellar.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5935 Prime Sponsor, Senator Wojahn: Providing for the recovery of the costs of long-term medical care paid by the department of social and health services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5935 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Roach and Schow.

Passed to Committee on Rules for second reading.

March 10, 1997

SB 5938 Prime Sponsor, Senator Roach: Revising sentencing provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

March 7, 1997

SB 5946 Prime Sponsor, Senator Anderson: Revising property tax exemptions for persons confined in adult family homes and certain boarding homes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

SB 5997 Prime Sponsor, Senator Haugen: Requiring periodic inspections for the regulation of cosmetology, barbering, esthetics, and manicuring. Reported by Committee on Ways and Means March 10, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, Rossi, Schow, Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

SB 6000 Prime Sponsor, Senator Schow: Creating a program for compulsive gambling education and awareness. Reported by Committee on Ways and Means March 7, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

SB 6002 Prime Sponsor, Senator Long: Supervising mentally ill offenders. Reported by Committee on Ways and Means March 10, 1997

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6002 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

SB 6003 Prime Sponsor, Senator Kohl: Establishing the Seattle Reign license plate. Reported by Committee on Transportation March 10, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 6003 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Goings, Haugen, Heavey, Jacobsen, Patterson, Prentice and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Morton and Sellar.

Passed to Committee on Rules for second reading.

SB 6042 Prime Sponsor, Senator Wood: Regulating telecommunications access to limited-access highway rights-of-way. Reported by Committee on Transportation March 10, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 6042 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

SB 7900 Prime Sponsor, Senator Swecker: Implementing the model toxics control act policy advisory committee recommendations (Introduced with House sponsors). Reported by Committee on Ways and Means March 6, 1997

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture and Environment. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 10, 1997

SJR 8206 Prime Sponsor, Senator Zarelli: Encapsulating Initiative 601 into the Washington state Constitution. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Brown, Fraser, Loveland, Sheldon, Snyder and Thibaudeau.

Passed to Committee on Rules for second reading.

#### MOTION

At 9:24 p.m., on motion of Senator Strannigan, the Senate adjourned until 8:30 a.m., Tuesday, March 11, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### **JOURNAL OF THE SENATE**

**FIFTY-SEVENTH DAY, MARCH 10, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### **FIFTY-EIGHTH DAY**

#### MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 11, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Hargrove and Sellar. On motion of Senator Franklin, Senators Brown and Hargrove were excused. On motion of Senator Hale, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Candace Noyes and Antonio Iannarone, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 7, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1047,  
SUBSTITUTE HOUSE BILL NO. 1124,  
HOUSE BILL NO. 1162,  
SUBSTITUTE HOUSE BILL NO. 1314,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360,  
SUBSTITUTE HOUSE BILL NO. 1383,  
SUBSTITUTE HOUSE BILL NO. 1393,  
ENGROSSED HOUSE BILL NO. 1394,  
SUBSTITUTE HOUSE BILL NO. 1395,



ENGROSSED HOUSE BILL NO. 1411,  
HOUSE BILL NO. 1421,  
HOUSE BILL NO. 1424,  
SUBSTITUTE HOUSE BILL NO. 1491,  
HOUSE BILL NO. 1593, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6057 by Senators Schow and Hargrove

AN ACT Relating to joint residential placement; amending RCW 26.09.004, 26.09.187, and 26.09.260; adding new sections to chapter 26.09 RCW; and creating a new section.  
Referred to Committee on Law and Justice.

SB 6058 by Senators Swecker and Oke

AN ACT Relating to limiting public funding for abortions; amending RCW 9.02.100, 9.02.110, and 9.02.140; adding a new section to chapter 9.02 RCW; repealing RCW 9.02.160; and declaring an emergency.  
Referred to Committee on Ways and Means.

SJM 8013 by Senators Benton, Patterson, Morton and Oke

Petitioning Congress to recognize the significant burden to the roadways and border crossings from the North American Free Trade Agreement.

Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1010 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Mitchell, Hankins, Cairnes, Skinner and Mielke)

Establishing procedures for federal transportation pass-through moneys.

Referred to Committee on Transportation.

SHB 1047 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Radcliff, Dunn and O'Brien)

Changing tuition waivers for members of the Washington national guard and employees of institutions of higher education.

Referred to Committee on Higher Education.

SHB 1124 by House Committee on Higher Education (originally sponsored by Representatives Quall, Carlson, Mason, Radcliff, Hatfield, Chopp, Lantz, O'Brien, Kessler, Murray, Gombosky, Morris and Costa)

Requiring that information about state higher education support be given to students with their tuition and fee bills.

Referred to Committee on Higher Education.

HB 1162 by Representatives Dyer and Cody (by request of Department of Social and Health Services)

Providing for delegation of lien and subrogation rights to medical health care systems by contract.

Referred to Committee on Health and Long-Term Care.

SHB 1314 by House Committee on Law and Justice (originally sponsored by Representatives Bush, Cooper, Carrell, Wood, Smith, Lambert, McDonald, Benson, Mielke, Cole, Talcott, Romero, Mastin, Scott, Sheahan, Lantz, L. Thomas, D. Schmidt, Cooke, Sherstad, Wensman and Dunn)

Computing the time within which an act is to be done.

Referred to Committee on Law and Justice.

ESHB 1360 by House Committee on Government Administration (originally sponsored by Representatives K. Schmidt, Scott, Zellinsky and Schoesler)

Allowing state patrol officers to engage in private employment.

Referred to Committee on Government Operations.

SHB 1383 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Sheahan, Dickerson, Ballasiotes, Constantine, Costa, Radcliff, McDonald, Mason, Schoesler, Mitchell, Blalock, L. Thomas, Sheldon, Wensman, Kenney and Kessler)

Establishing restitution for rape of a child.

Referred to Committee on Law and Justice.

SHB 1393 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner and Kenney)

Regulating board of industrial insurance appeals.

Referred to Committee on Law and Justice.

EHB 1394 by Representatives Blalock, Costa, Radcliff, O'Brien and Skinner

Concerning the witnesses of an execution.

Referred to Committee on Law and Justice.

SHB 1395 by House Committee on Government Administration (originally sponsored by Representatives D. Sommers, Sheldon, Gombosky, Dunn, Cairnes, Sterk, D. Schmidt, Mulliken, Boldt, Benson, McMorris, Murray, Tokuda, Scott and Regala)

Clarifying procedures for filling vacancies.

Referred to Committee on Government Operations.

EHB 1411 by Representatives L. Thomas, Grant, Zellinsky, DeBolt and Benson

Authorizing the collection of fees for consumer loans.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1421 by Representatives Mitchell, Ogden, Carlson, Scott, Fisher, Hickel, Costa, Robertson, Radcliff, Carrell, Lambert, Talcott, O'Brien and L. Thomas

Using transportation centers.

Referred to Committee on Transportation.

HB 1424 by Representatives Skinner and Murray

Revising provisions for kidney dialysis centers.

Referred to Committee on Health and Long-Term Care.

SHB 1491 by House Committee on Children and Family Services (originally sponsored by Representatives Cody, Cooke, Tokuda, Dyer, Murray, Ogden and Costa)

Changing references from guide or service dog to dog guide or service animal.

Referred to Committee on Human Services and Corrections.

HB 1593 by Representatives Scott, Zellinsky and Sheldon

Collecting solid waste or recyclables.

Referred to Committee on Transportation.

#### MOTION

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

#### SENATE RESOLUTION 1997-8632

By Senator Rasmussen

WHEREAS, Washington is home to 930 dairy farms and 263,000 dairy cows; and  
WHEREAS, Washington's dairy cows are the third most productive in America, averaging more than 3,800 pounds of milk per cow above the national average; and  
WHEREAS, In the latest statistics, milk production in Washington increased four percent for a total annual production of 5.2 billion pounds in 1994; and  
WHEREAS, Washington's livestock and livestock products established an all-time record high value, with milk as the number-one commodity in the category; and  
WHEREAS, Our state's dairy farmers contribute approximately \$700 million to the state's economy each year, a figure that has been increasing; and  
WHEREAS, Milk production ranks second in dollar value among all of Washington's bountiful agricultural commodities; and  
WHEREAS, In addition, many of Washington's manufactured dairy products, such as butter, cheeses, and ice cream, have seen remarkable increases in production and value in recent years; and  
WHEREAS, Washington's dairy industry is actually older than the state itself; and  
WHEREAS, The first creamery in Washington was started, at Cheney, in 1880, at a time when cattle outnumbered territorial residents by more than two-to-one; and  
WHEREAS, Citizens throughout the state today honor this special industry with the annual Dairy Day celebration at the state capitol; and  
WHEREAS, The Washington State Dairy Federation is the proud sponsor of this observance; and  
WHEREAS, Lisa Watters, a graduate of Prairie High School in Vancouver, and a junior at Washington State University, is representing the dairy industry with distinction as the reigning Washington State Dairy Ambassador, as well as serving an eleven month internship with the Washington Dairy Products Commission; and  
WHEREAS, Her alternates are Ann Bishop of Stanwood, who represents the Snohomish County dairy farmers; and Kari Kaech of Mount Vernon, a junior at Washington State University, who serves as Skagit County Dairy Ambassador; and  
WHEREAS, Ted and Jean Oien of Stanwood are admirably representing the dairy farmers of Washington as the 1997 Washington State Dairy Family of the Year;  
NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Lisa Watters, alternates Ann Bishop and Kari Kaech, and to Ted and Jean Oien.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5206, by Senators Wood, Kohl, Bauer, Winsley, Sheldon, Prince, Patterson, Hale and Jacobsen

Exempting Wyoming students admitted to the University of Washington's medical school from the tuition differential.

The bill was read the second time.

## MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5206.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5206 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Voting nay: Senator Wojahn - 1. Excused: Senators Brown, Hargrove and Sellar - 3. SENATE BILL NO. 5206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Heavey: "Mr. President, a point of personal privilege. Thank you, Mr. President, and members of the body. I guess I believe in starting the day with getting the tough things over with. Approximately ten days ago, I caused some concern and some anger and probably even some amusement when I made several motions in an attempt to get to the ninth order of business. This was done during one of our pro forma situations and while I am mischievous by nature and I promise you, I will continue to be so, and I have made it patently clear that I believe the pro forma sessions are patently unconstitutional without a quorum. That said--it was done while many Senators and the President were preparing to go to the other body to honor former legislators who had passed away during the previous year. Because of that, I seriously believe and have been concerned that the timing of the motions was wrong and ill-considered. Personally, I have been greatly concerned that I unduly offended many of you.

"Therefore, I seek some atonement and reconciliation. I offended many of you; I was wrong and it was ill-considered. I sincerely apologize and seek your forgiveness. Thank you for listening and for your consideration."

## SECOND READING

SENATE BILL NO. 5219, by Senators Winsley, Long, Fraser, Bauer and Franklin (by request of Joint Committee on Pension Policy)

Transferring law enforcement officers' and fire fighters' retirement system plan I service.

The bill was read the second time.

## MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5219.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Hargrove - 1. SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5363, by Senators Snyder, Haugen and Hargrove

Increasing the dollar amount allowed for contracts in which public officers have an interest.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5363 was substituted for Senate Bill No. 5363 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5363.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Anderson, Newhouse, Prince and Sheldon - 4. SUBSTITUTE SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5421, by Senators Schow, Newhouse, Prentice and Horn (by request of Gambling Commission)

Updating provisions about the seizure and forfeiture of gambling-related property.

## MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5421 was substituted for Senate Bill No. 5421 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5421.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5421 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5492, by Senators Loveland, Sellar, Prince and Hale (by request of Department of Community, Trade, and Economic Development)

Establishing a rural development council.

## MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5492 was substituted for Senate Bill No. 5492 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5492.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MOTION FOR RECONSIDERATION

Prior notice being given, Senator Horn moved to reconsider the vote by which Substitute Senate Bill No. 5030 failed to pass the Senate, The President declared the question before the Senate to be the motion by Senator Horn to reconsider the vote by which Substitute Senate Bill No. 5030 failed to pass the Senate.

The motion for reconsideration of the bill passed on a rising vote.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5030, on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5030, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson and Wojahn - 23. SUBSTITUTE SENATE BILL NO. 5030, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5503, by Senators Anderson, Kohl, Winsley, Bauer, Hale, Wood, McAuliffe, Goings, Spanel and Patterson (by request of State Board for Community and Technical Colleges)

Adopting recommendations of the state board for community and technical colleges regarding the 1991 merger of community and technical colleges.

The bill was read the second time.

#### MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 5503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5503.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5503 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Hargrove - 1. SENATE BILL NO. 5503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5743, by Senators Wood, Kohl, Hale and Kline (by request of Department of Revenue)

Creating a leasehold excise tax exemption for organizations qualified under section 501(c)(3) of the internal revenue code that provide student housing.

The bill was read the second time.

## MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5743.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5035, by Senator Roach

Providing a rebuttable presumption that the possessor of stolen mail has knowledge that the mail is stolen.

## MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on second reading and read the second time.

Senator Fairley moved that the following amendment be adopted:

On page 3, line 18 after "wife and were" strike "living" and insert "residing in, and intended to continually reside in," Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 3, line 18, to Substitute Senate Bill No. 5035.

The motion by Senator Fairley carried and the amendment was adopted.

## MOTION

Senator Haugen moved that the following amendment be adopted:

On page 10, beginning on line 19, strike all of section 10 Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 10, line 19, to Substitute Senate Bill No. 5035.

The motion by Senator Haugen carried and the amendment was adopted on a rising vote.

## MOTIONS

On motion of Senator Roach, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "9A RCW;" insert "and" On page 1, line 3 of the title, after "penalties" strike "; and declaring an emergency" On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5035.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senators Fairley, Heavey and Swanson - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5479, by Senators Benton, West, Hochstatter, Swecker, McDonald and Oke

Changing time periods for provisional status for certificated employees.

#### MOTIONS

On motion of Senator Hochstatter, Substitute Senate Bill No. 5479 was substituted for Senate Bill No. 5479 and the substitute bill was placed on second reading and read the second time.

Senator McAuliffe moved that the following amendment by Senators McAuliffe, Rasmussen and Goings be adopted:

On page 1, line 10, after "district" strike all the material down to and including "~~district~~)" and insert ", unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district" Debate ensued.

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

Further debate ensued.

#### MOTION

On motion of Senator Sheldon, and there being no objection, the demand for a roll call was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Rasmussen and Goings on page 1, line 10, to Substitute Senate Bill No. 5479.

The motion by Senator McAuliffe carried and the amendment was adopted.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe, Rasmussen and Goings be adopted:

On page 2, line 10, after "RCW 28A.405.100." insert "During the second year of employment, an employee shall be notified before February 1 preceding the commencement of the third year of employment whether or not his or her performance needs improvement and a plan shall be developed with the employee to help the employee improve performance." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Rasmussen and Goings on page 2, line 10, to Substitute Senate Bill No. 5479.

The motion by Senator McAuliffe failed and the amendment was not adopted.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Engrossed Substitute Senate Bill No. 5479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5479.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5479 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senators Prentice and Swanson - 2. ENGROSSED SUBSTITUTE SENATE BILL NO. 5479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5082, by Senators Hargrove, Long, Franklin, Oke and Winsley

Revising procedures for mental health and chemical dependency treatment for minors.



## MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5082 was substituted for Senate Bill No. 5082 and the substitute bill was placed on second reading and read the second time.

Senator Kohl moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 6, at the beginning of line 27, strike all material through "section" on page 7, line 19 and insert the following: "~~(2) The department shall ensure a review is conducted no later than sixty days following admission to determine whether it is medically appropriate to continue the child's treatment on an inpatient basis. The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract. If the county designated mental health professional determines that continued inpatient treatment of the child is no longer medically appropriate, the professional shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination. (3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.)~~ The department shall, at thirty-day intervals following the judicial review conducted under RCW 71.34.080"

On page 7, at the beginning on line 25, strike all material through "of" and insert the following: "(2) In making a determination under" On page 7, at the beginning of line 31, strike "(4)" and insert "(3)" On page 8, at the beginning of line 5, strike "(5)" and insert "(4)" On page 8, beginning on line 6, after "required by" strike "subsections (1) and (2) of" On page 8, at the beginning of line 8, strike "(6)" and insert "(5)" On page 14, after line 32, insert the following: "NEW SECTION. Sec. 15. A new section is added to chapter 71.34 RCW to read as follows: (1) A judicial hearing shall be held within seventy-two hours of the minor's admission to inpatient mental health treatment under section 13 of this act. The seventy-two hours excludes Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney. (2) The hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained. (3) At the hearing, the evidence in support of the petition shall be presented by the treatment provider. (4) The minor shall be present at the hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing. (5) If the parents are opposed to the child's admission to treatment, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent. (6) At the hearing, the minor shall have the following rights: (a) To be represented by an attorney; (b) To present evidence on his or her own behalf; (c) To question persons testifying in support of the petition. (7) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication. (8) Rules of evidence shall not apply to this hearing. (9) For continued inpatient treatment, the court must find by a preponderance of the evidence that: (a) Continued inpatient mental health treatment is medically appropriate for the minor; and (b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility to which continued inpatient care is sought and the minor is not suitable for a less restrictive treatment alternative. (10) If the court finds that the minor meets the criteria, the court shall authorize continued inpatient treatment subject to the reviews conducted under RCW 71.34.025. If the court determines that the minor does not meet the criteria, the minor shall be released. (11) Nothing in this section prohibits the professional person in charge of the evaluation and treatment facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary." Renumber the remaining sections consecutively and correct any internal references accordingly. On page 20, after line 27, insert the following: "NEW SECTION. Sec. 22. A new section is added to chapter 70.96A RCW to read as follows: (1) A judicial hearing shall be held within seventy-two hours of the minor's admission to inpatient mental health treatment under section 21 of this act. The seventy-two hours excludes Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney. (2) The hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained. (3) At the hearing, the evidence in support of the petition shall be presented by the treatment provider. (4) The minor shall be present at the hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing. (5) If the parents are opposed to the child's admission to treatment, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent. (6) At the hearing, the minor shall have the following rights: (a) To be represented by an attorney; (b) To present evidence on his or her own behalf; (c) To question persons testifying in support of the petition. (7) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication. (8) Rules of evidence shall not apply to this hearing. (9) For continued inpatient treatment, the court must find by a preponderance of the evidence that: (a) Continued inpatient mental health treatment is medically appropriate for the minor; and (b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility to which continued inpatient care is sought and the minor is not suitable for a less restrictive treatment alternative. (10) If the court finds that the minor meets the criteria, the court shall authorize continued inpatient treatment subject to the reviews conducted under RCW 71.34.025. If the court determines that the minor does not meet the criteria, the minor shall be released. (11) Nothing in this section prohibits the professional person in charge of the evaluation and treatment facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary." Renumber the remaining sections consecutively and correct any internal references accordingly. Beginning on page 20, at the beginning of line 36, strike all material through "(2) of" on page 21, line 34, and insert "(2) The department shall ensure a review is conducted no later than sixty days following admission to determine whether it is medically appropriate to continue the child's treatment on an inpatient basis. The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract. If the county designated chemical dependency specialist determines that continued"

inpatient treatment of the child is no longer medically appropriate, the specialist shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination. (3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.) The department shall, at thirty-day intervals following the judicial review conducted under section 22 of this act, conduct reviews of the treatment status of each minor admitted to inpatient treatment, under section 21 of this act, to determine whether it is medically appropriate to continue the minor's treatment under inpatient status. The reviews shall be conducted by a professional person at the department or at a contracted agency. (2) In making a determination under" On page 22, line 1, strike "(4)" and insert "(3)" On page 22, line 14, strike "(5)" and insert "(4)" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kohl on pages 6, 7, 8, 14, 20, and 22 to Substitute Senate Bill No. 5082.

The motion by Senator Kohl failed and the amendments were not adopted.

#### MOTION

Senator Kohl moved that the following amendments be considered simultaneously and be adopted:

On page 10, line 35, after "(1)" strike "Any provider of" and insert the following: "Any licensed or certified professional person who is a provider of outpatient mental health treatment and who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents if: (a) The minor signs a written consent authorizing the disclosure; or (b) such professional person determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. The notice shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the mental health facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent. (2) Any provider other than those in subsection (1) of this section who provides mental health" On page 11, at the beginning of line 3, strike "(2)" and insert "(3)" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kohl on page 10, line 35, and page 11, at the beginning of line 3, to Substitute Senate Bill No. 5082.

The motion by Senator Kohl failed and the amendments were not adopted.

#### MOTION

Senator Long moved that the following amendments by Senators Long and Hargrove be considered simultaneously and be adopted:

On page 13, line 25, after "minor" strike all material through "thirteen" and insert "admitted to inpatient treatment under section 8 or 13 of this act" On page 20, after line 27, insert the following: "(6) Any minor child admitted to inpatient treatment under this section shall be discharged immediately from inpatient treatment upon written request of the parent." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Long and Hargrove on page 13, line 25, and page 20, after line 27, to Substitute Senate Bill No. 5082.

The motion by Senator Long carried and the amendments were adopted.

#### MOTION

Senator Kohl moved that the following amendments be considered simultaneously and be adopted:

On page 13, beginning on line 31, after "request" strike "that the" and insert "a" On page 13, line 33, after "treatment." insert "The professional person shall be an independent, unbiased professional who has no fiduciary interest in, nor receives compensation from, the facility." On page 20, line 5, after "request" strike "that" On page 20, line 8, after "treatment." insert "The professional person shall be an independent, unbiased professional who has no fiduciary interest in, nor receives compensation from, the facility." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kohl on page 13, lines 31 and 33, and page 20, lines 5 and 8, to Substitute Senate Bill No. 5082.

The motion by Senator Kohl failed and the amendments were not adopted.

#### MOTION

Senator Franklin moved that the following amendment by Senators Franklin, Long and Hargrove be adopted:

On page 14, line 21, after "social worker" insert ", unless the social worker is appropriately trained and qualified by education and experience, as defined by the department, in psychiatric social work" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin, Long and Hargrove on page 14, line 21, to Substitute Senate Bill No. 5082.

The motion by Senator Franklin carried and the amendment was adopted.

#### MOTION

Senator Franklin moved that the following amendment by Senators Franklin, Long and Hargrove be adopted:  
On page 23, after line 13, insert the following: "NEW SECTION. Sec. 27. The department of social and health services shall adopt rules defining "appropriately trained professional person" for the purposes of conducting mental health and chemical dependency evaluations under sections 13(3), 14(1), 21(3), and 23(1) of this act." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin, Long and Hargrove on page 23, after line 13, to Substitute Senate Bill No. 5082.

The motion by Senator Franklin carried and the amendment was adopted.

#### MOTION

On motion of Senator Long, the rules were suspended, Engrossed Substitute Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Swanson: "Will the maker of this bill yield to an inquiry--a question--whoever made this bill up?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, do you yield? He yields."

Senator Swanson: "One of the concerns I have--I received a call yesterday from one of the county commissioners about unfunded mandates. Does this bill have any unfunded mandates that would affect cities and counties?"

Senator Hargrove: "Not to my knowledge. It has some responsibilities for the Department of Social and Health Services, but no additional responsibilities for counties. In fact, it probably would have less responsibilities than had we passed the amendments that we defeated. If we had passed those, then we probably would have added some. So, 'no,' it doesn't."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5082.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 35. Voting nay: Senators Brown, Fairley, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 14. ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:33 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:43 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5133, by Senators Zarelli and Schow

Prohibiting censorship of United States and Washington history.

#### MOTIONS

On motion of Senator Hochstatter, Substitute Senate Bill No. 5133 was substituted for Senate Bill No. 5133 and the substitute bill was placed on second reading and read the second time.

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Goings be adopted:

On page 1, line 8, strike "religious" Debate ensued.

#### POINT OF INQUIRY

Senator Finkbeiner: "Senator McAuliffe, what part of this bill would open up school prayer in any way in our public schools? I don't see the word 'prayer' listed in this bill. I understand your concern about the posting of the writings of our founding fathers, but what part would specifically open up prayer in our public schools?"

Senator McAuliffe: "This bill would permit any prayer, if it was included in writings or speeches of our founding fathers, to be read or posted in any class. So, in a shop class, a student may walk in and you would have a prayer that comes from our forefathers posted in that shop class. That would be bringing prayer into a class that has no context to the curriculum."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Goings on page 1, line 8, to Substitute Senate Bill No. 5133.

The motion by Senator McAuliffe failed and the amendment was not adopted.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Goings be adopted:

On page 1, line 13, after "Washington" insert "when consistent with the curriculum being taught" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Goings on page 1, line 13, to Substitute Senate Bill No. 5133.

The motion by Senator McAuliffe failed and the amendment was not adopted.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Goings be adopted:

On page 1, line 13, after "Washington." insert "Nothing in this section shall be construed to permit any historical document to be used as either a written or verbal prayer in any public school building, public school classroom, or event sponsored by a public school under circumstances that would violate Article 1, section 11 and Article 9, section 4 of the state Constitution." Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McAuliffe and Goings on page 1, line 13, to Substitute Senate Bill No. 5133.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 27.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Substitute Senate Bill No. 5133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5133.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5133 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 19. SUBSTITUTE SENATE BILL NO. 5133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5763, by Senators Finkbeiner, Brown, Rossi, McAuliffe, Roach, Kohl, Jacobsen, Hochstatter, Haugen, Goings and West

Prohibiting the taxation of internet service providers as network telephone service providers.

#### MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5763 was substituted for Senate Bill No. 5763 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 5763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5763.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:21 p.m., on motion of Senator Johnson, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:32 p.m. by President Owen.

At 1:32 p.m., there being no objection, President Owen declared the Senate to be at ease.

The Senate was called to order at 1:35 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5513, by Senators Oke, Spanel, Wood and Horn

Excepting certain vessels from registration.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5513 was substituted for Senate Bill No. 5513 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5513.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 45. Absent: Senators Brown, McCaslin and Winsley - 3. Excused: Senator Finkbeiner - 1. SUBSTITUTE SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5593, by Senators Oke and Rasmussen (by request of Department of Revenue)

Excluding materials purchased by farmers to improve wildlife habitat or forage from the definition of "sale at retail" or "retail sale" for tax purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5593.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5017, by Senator Roach (by request of Statute Law Committee)

Making technical corrections affecting the department of financial institutions.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5017.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Sheldon, the following resolution was adopted.

#### SENATE RESOLUTION 1997-8634

By Senators Sheldon and Rasmussen

WHEREAS, The citizens of the state of Washington have lost a loyal and dedicated public servant with the passing of Thomas J. Kenyon; and

WHEREAS, Many lives were saved by his commitment to the community in providing emergency medical services; and

WHEREAS, He spent hundreds of hours teaching his craft to other professionals and the general public, resulting in significant contributions to his profession that will be reflected in the careers of his colleagues for years to come; and

WHEREAS, He also found time to participate in the political process on behalf of his profession, fellow firefighters and the general public; and

WHEREAS, His dedication to his profession was surpassed only by his love for his wife and infant daughter; and  
WHEREAS, We share the sense of loss felt by many throughout the state of Washington;  
NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby formally  
convey our most sincere condolences to the family of Thomas J. Kenyon, and we hereby urge all citizens of the state of  
Washington to join us in recognizing and honoring his life of service.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mrs. Thomas J. Kenyon, who was seated in the gallery.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5483, by Senators Johnson, Oke, Snyder, Prentice, Kohl, Rossi, Spanel, Swecker and Schow  
Licensing whitewater river outfitters.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5483 was substituted for Senate Bill No. 5483 and the  
substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5483 was advanced to third  
reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill  
No. 5483.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5483 and the bill passed the Senate by  
the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove,  
Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse,  
Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan,  
Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Benton, Finkbeiner,  
Hochstatter and Morton - 4. SUBSTITUTE SENATE BILL NO. 5483, having received the constitutional majority, was  
declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5348, by Senators Roach, Long, Zarelli, Wood, Bauer, McCaslin, Johnson, Oke, Rossi,  
Swecker, Benton, Anderson, Hargrove, Patterson, Goings, Heavey, Snyder, Winsley, Strannigan, Schow and Rasmussen

Adding additional circumstances for the commission of aggravated first degree murder.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5348 was substituted for Senate Bill No. 5348 and the  
substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5348 was advanced to third  
reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill  
No. 5348.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5348 and the bill passed the Senate by  
the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 38. Voting nay: Senators Brown, Fairley, Franklin, Heavey, Kline, Kohl, McAuliffe, Prentice, Spanel, Thibaudeau and Wojahn - 11. SUBSTITUTE SENATE BILL NO. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5526, deferred on second reading March 10, 1997, after Senator Morton had moved that an amendment on page 2, line 26, be adopted and Senator Fraser had demanded a roll call with the demand being sustained.

#### MOTION

On motion of Senator Morton, and there being no objection, the amendment on page 2, line 26, to Substitute Senate Bill No. 5526, was withdrawn.

#### MOTION

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5526.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5526 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 29. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 20. SUBSTITUTE SENATE BILL NO. 5526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5203, by Senators Roach, Johnson, Hargrove, Zarelli, Benton, Goings, Oke and Long

Making a defendant's knowledge that a murder victim was pregnant aggravated first degree murder.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Swecker, Senators Anderson and Hale were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5203.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Brown, Fairley, Heavey, Kline, Kohl, Prentice, Spanel, Thibaudeau and Wojahn - 9. Absent: Senator McCaslin - 1. Excused: Senators Anderson and Hale - 2. SENATE BILL NO. 5203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING



SENATE BILL NO. 5511, by Senators Stevens, Hargrove, Zarelli, Haugen, Benton, Strannigan, Rasmussen, Hochstatter, Schow and Goings

Modifying provisions relating to retention of reports of child abuse or neglect.

#### MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5511 was substituted for Senate Bill No. 5511 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5511.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Sheldon - 1. Absent: Senator Roach - 1. Excused: Senators Anderson and Hale - 2. SUBSTITUTE SENATE BILL NO. 5511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5222, by Senators Fraser, Winsley, Long, Bauer and Franklin (by request of Joint Committee on Pension Policy)

Retirement benefits based on excess compensation.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5222.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5222 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Anderson and Hale - 2.

SENATE BILL NO. 5222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5112, by Senators Oke and Winsley

Providing property tax refund interest from the date of collection.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5112 was substituted for Senate Bill No. 5112 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Kline was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5112.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senators Kohl, Snyder and Thibaudeau - 3. Excused: Senators Anderson, Hale and Kline - 3. SUBSTITUTE SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5642, by Senators Spanel and Oke

Regulating the taking of dungeness crab in Puget Sound.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5642.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5642 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Anderson, Hale and Kline - 3. SENATE BILL NO. 5642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5395, by Senators West, Hochstatter and Spanel (by request of Office of Financial Management)

Changing the formula for determining average salaries for certificated instructional staff.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5395.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel and Swanson - 18. Excused: Senator Kline - 1. SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5070, by Senators Haugen and McCaslin

Allowing for reasonable use exceptions in the development of certain lands.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5070 was substituted for Senate Bill No. 5070 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5070.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Kline - 1. SUBSTITUTE SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8010, by Senators Strannigan and Oke

Encouraging the federal government to enact laws permitting airbag deactivation switches to be installed in new and used vehicles.

## MOTIONS

On motion of Senator Strannigan, Substitute Senate Joint Memorial No. 8010 was substituted for Senate Joint Memorial No. 8010 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Strannigan, the rules were suspended, Substitute Senate Joint Memorial No. 8010 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8010.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8010 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Brown - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8010, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5480, by Senators Wood, Haugen, Horn, Prentice, Sellar, Oke and Winsley

Authorizing city and town transportation funding.

#### MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5480 was substituted for Senate Bill No. 5480 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Fraser: "Senator Wood, my question is, does this amount to--is this bill a property tax increase bill--question one, and the other is, would it vary the revenue by year depending on how much of the property tax the junior districts were using?"

Senator Wood: "The property--I don't consider it a property tax bill, but the piece about the junior taxing districts is already there. It just hasn't been used. It is not another piece of tax. This would be a portion of the property tax that has not been used by the junior taxing districts."

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5480.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Sellar, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 40. Voting nay: Senators Benton, Heavey, Hochstatter, Roach, Rossi, Schow, Stevens, Strannigan and Zarelli - 9. SUBSTITUTE SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5364, by Senator Snyder

Authorizing counties to designate an unclassified position for their 911 emergency communications systems.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5364.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5462, by Senators Hale, Anderson, Haugen, Patterson, Goings, McCaslin and Winsley

Changing local government permit timeline provisions.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5462 was substituted for Senate Bill No. 5462 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator McCaslin, Senator Schow was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5462.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5462 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 41. Voting nay: Senators Fraser, Heavey, Kline, Prentice, Thibaudeau and Wojahn - 6. Absent: Senator McAuliffe - 1. Excused: Senator Schow - 1. SUBSTITUTE SENATE BILL NO. 5462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5146, by Senators Winsley, Fraser, Roach, Anderson and Patterson

Adding an additional member to the state investment board, representing a retired member of the teachers' retirement system.

## MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5146 was substituted for Senate Bill No. 5146 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5146.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SUBSTITUTE SENATE BILL NO. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5732, by Senators Benton, Heavey and Oke

Delivering the cancellation notice for an insurance policy.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5732.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5464, by Senators Kohl, Wood, Jacobsen, Winsley, Bauer, Hale, Patterson, Prince, Brown, Spanel, Sheldon, McAuliffe, Wojahn, Franklin, Thibaudeau, Snyder and Kline

Extending gender equity provisions.

#### MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5464 was substituted for Senate Bill No. 5464 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5464.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5464 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5517, by Senators Wood, Kohl, Bauer, Patterson, Winsley, Brown, Goings, Fraser, Loveland, Benton, Sellar, Franklin and Oke

Requiring one student member on each state institution of higher education's governing board.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5517.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 2; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Horn, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Oke, Patterson, Rasmussen, Rossi, Sellar, Snyder, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 30. Voting nay: Senators Anderson, Deccio, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Prince, Roach, Schow, Sheldon, Spanel, Stevens, West and Zarelli - 17. Absent: Senators Newhouse and Prentice - 2. SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Hargrove, McCaslin, Snyder, Patterson and Oke

Petitioning for a plaque honoring veterans dying from war-related injuries received in the southeast Asia theater of operations.

The joint memorial was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following amendment by Senators Hargrove and McCaslin was adopted:

On page 1, beginning on line 18, strike all material through "operations; and" on line 20, and insert the following: "WHEREAS, Joel Dean Smith, deceased spouse of Bonne Smith, who sustained massive war-related injuries that resulted in the amputation of both legs at the hip and who suffered physically and emotionally for over twenty years is representative of many thousands of Washington state residents who have died and will die from war-related injuries received in the southeast Asia theater of operations; and" On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hale, Senator Newhouse was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8001.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Newhouse - 1. ENGROSSED SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

#### MOTION

At 4:16 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:59 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5331, by Senators Swecker and Fraser (by request of Department of Ecology)

Revising provisions for solid waste permits.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5331.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senators Hargrove and McDonald - 2. SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5086, by Senators Roach, McDonald, Schow, Swecker, Johnson, McCaslin, Oke and Long

Prohibiting mandatory child support for postsecondary education of adult children.

The bill was read the second time.

#### MOTION

Senator Kline moved that the following amendment be adopted:

On page 4, line 15, after "may" insert: "not" and on line 17, after "(this act)" strike the remainder of the subsection. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 4, line 15, to Senate Bill No. 5086.

The motion by Senator Kline failed and the amendment was not adopted.

#### MOTION

Senator Spanel moved that the following amendment be adopted:

On page 4, after line 23, insert the following: "**Sec. 4.** RCW 26.09.175 and 1992 c 229 s 3 are each amended to read as follows: (1) A proceeding for the modification of an order of child support shall commence with the filing of a petition and worksheets. The petition shall be in the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution. (2) The petitioner shall serve upon the other party the summons, a copy of the petition, all financial documentation required to make a determination under RCW 26.19.071, and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030, the summons, petition, all financial documentation required to make a determination under RCW 26.19.071, and worksheets shall also be served on the attorney general. Proof of service shall be filed with the court. (3) The responding party's answer, all financial documentation required to make a determination under RCW 26.19.071, and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner. (4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing. (5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits, the petition, answer, and worksheets only. (6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony. (7) The court may require payment of attorneys' fees and may dismiss the petition without prejudice if a party fails to provide information required under this section." Renumber the remaining sections consecutively and correct internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Spanel on page 4, line 23, to Senate Bill No. 5086.



The motion by Senator Spanel failed and the amendment was not adopted.

#### MOTION

Senator Thibaudeau moved that the following amendments be considered simultaneously and be adopted: On page 1, line 10, after "education." strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers v. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent." On page 2, line 10, after "age" insert "unless the court finds the child, due to his or her extreme financial hardship, will be unable to enroll in any course of study in any institution of higher education without such support, in which case the court may enter an order for support for such amount and under such circumstances as are reasonable, considering the circumstances of all parties" On page 2, after line 10, strike sections three through seven. Renumber the remaining section consecutively Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Thibaudeau on page 1, line 10; page 2, line 10; and page 2, after line 10; to Senate Bill No. 5086.

The motion by Senator Thibaudeau failed and the amendments were not adopted.

#### MOTION

Senator Patterson moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 10 after "education." strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers v. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent. On page 2, line 10, after "age" insert "unless the court finds there are exceptional medical circumstances such as the existence of the child's developmental or chronic functional disability, in which case the court may enter an order for such amount and under such circumstances as are reasonable, considering the circumstances of all parties" On page 2, after line 10, strike sections three through seven. Renumber the remaining section consecutively. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Patterson on page 1, line 10; page 2, line 10; and page 2, after line 10; to Senate Bill No. 5086.

The motion by Senator Patterson carried and the amendments were adopted.

#### MOTION

Senator Brown moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 10, after "education." strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers v. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent. On page 2, line 10, after "age" insert "unless the parents submit to the court a jointly agreed to plan in which support amounts and conditions are established" On page 2, after line 10 strike sections three through seven. Renumber the remaining section consecutively Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Brown on page 1, line 10; page 2, line 10; and page 2, after line 10; to Senate Bill No. 5086.

The motion by Senator Brown failed and the amendments were not adopted on a rising vote.

#### MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5086 was deferred.

#### MOTION

There being no objection, on motion of Senator Johnson, the Senate resumed consideration of Senate Bill No. 5086.

#### MOTION FOR RECONSIDERATION

Senator Johnson moved that the Senate immediately reconsider the vote by which the amendments by Senator Patterson on page 1, line 10, page 2, line 10; and page 2, after line 10; were adopted to Senate Bill No. 5086. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson to reconsider the vote by which the amendments by Senator Patterson on page 1, line 10, page 2, line 10; and page 2, after line 10, were adopted to Senate Bill No. 5086.

The motion by Senator Johnson carried and the Senate will reconsider the amendments.

## MOTION

On motion of Senator Johnson, the amendments by Senator Patterson on page 1, line 10; page 2, line 10; and page 2, after line 10; were not adopted, on reconsideration, on a rising vote.

## MOTION

On motion of Senator Hargrove, the following amendments by Senators Patterson and Hargrove were considered simultaneously and were adopted:

On page 1, line 10 after "education." strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers v. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent. On page 2, line 10, after "age" insert "unless the court finds there are exceptional medical circumstances such as the existence of the child's developmental or chronic functional disability, in which case the court may enter an order for such amount and under such circumstances as are reasonable, considering the circumstances of all parties"

## MOTION

Senator Heavey moved that the following amendments be considered simultaneously and be adopted: Beginning on page 1, line 10, after "education." strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers V. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent." On page 2, line 9, strike "A" and insert "Subject to the provisions of RCW 26.19.090, a" Beginning on page 2, line 11, strike sections 3 through 8 and insert the following: "**Sec. 3.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows: (1) ~~((The child support schedule shall be advisory and not mandatory for postsecondary educational support.))~~ (2) When considering whether to order support for postsecondary educational expenses,) The court shall ~~((determine whether))~~ not award postsecondary educational support unless the court finds that the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. ~~((3))~~ (2) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing ~~((as defined by the institution))~~. For purposes of this subsection, "good academic standing" means enrolled in a course of study and making customary progress towards completion within the period of time it is expected to take to complete the course. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions. ~~((4))~~ (3) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. ~~((5))~~ (4) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities. ~~((6))~~ (5) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Heavey on page 1, line 10; page 2, line 9; and beginning on page 2, line 11; to Senate Bill No. 5086.

The motion by Senator Heavey failed and the amendments were not adopted.

## MOTION

Senator Spanel moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 1, line 10, after "education." strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers v. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent." On page 2, line 9, strike "A" and insert "Subject to the provisions of RCW 26.19.090, a" Beginning on page 2, line 11, strike sections 3 through 8 and insert the following: "**Sec. 3.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows: (1) ~~((The child support schedule shall be advisory and not mandatory for postsecondary educational support.))~~ (2) When considering whether to order support for postsecondary educational expenses,) The court shall ~~((determine whether))~~ not award postsecondary educational support unless the court finds that the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and

current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. ~~((3))~~ (2) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions. A child whose medical condition temporarily changes or deteriorates following initial enrollment and who is unable to achieve good academic standing is not obligated to continue uninterrupted enrollment as a condition of receiving the support, so long as the condition exists. ~~((4))~~ (3) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. ~~((5))~~ (4) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities. ~~((6))~~ (5) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Spanel on page 1, line 10; page 2, line 9; and beginning on page 2, line 11; to Senate Bill No. 5086.

The motion by Senator Spanel failed and the amendments were not adopted on a rising vote.

#### MOTION

Senator Kohl moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 1, line 10, after "education," strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers v. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent." On page 2, line 9, strike "A" and insert "Subject to the provisions of RCW 26.19.090, a" Beginning on page 2, line 11, strike sections 3 through 8 and insert the following: "**Sec. 3.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows: (1) ~~(The child support schedule shall be advisory and not mandatory for postsecondary educational support. (2) When considering whether to order support for postsecondary educational expenses,)~~ The court shall ((determine whether)) not award postsecondary educational support unless the court finds that the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. (2) The combined obligation of both parents shall not exceed the highest tuition, fees, room, and board charged to a resident undergraduate student at a state institution of higher education in this state, together with a reasonable amount for textbooks and supplies. The limitation in this subsection does not apply if the court determines in a specific case that there are exceptional circumstances, such as the existence of a developmental or chronic functional disability. A desire to enroll in a school outside of this state is not, by itself, an exceptional circumstance. (3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions. (4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. (5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities. (6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kohl on page 1, line 10; page 2, line 9; and beginning on page 2, line 11; to Senate Bill No. 5086.

The motion by Senator Kohl failed and the amendments were not adopted.

#### MOTION

Senator Loveland moved that the following amendments by Senators Loveland and Kohl be considered simultaneously and be adopted: Beginning on page 1, line 10, after "education," strike the remainder of the section and insert "The legislature declares determining the amount of, if any, postsecondary support to be provided adult children is primarily the responsibility of the parents regardless of their marital status and should be the subject of judicial consideration only when extraordinary circumstances exist. Consequently, the legislature intends to modify the ruling in *Childers v. Childers*, 84 Wn. 2d 592 (1978) and cases which follow the *Childers* precedent." On page 2, line 9, strike "A" and insert "Subject to the provisions of RCW 26.19.090, a" Beginning on page 2, line 11, strike sections 3 through 8 and insert the following: "**Sec. 3.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows: (1) ~~(The child support schedule shall be~~

advisory and not mandatory for postsecondary educational support. ~~(2) When considering whether to order support for postsecondary educational expenses,)~~ The court shall ~~((determine whether))~~ not award postsecondary educational support unless the court finds that the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs and resources; the expectations of the parties for their children when the parents were together and whether support would likely have been provided if the parents had stayed together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; other children of either parent for whom postsecondary educational support may be required; and the parents' level of education, standard of living, and current and future resources. ~~((Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. (3)))~~ (2) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions. ~~((4))~~ (3) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. ~~((5))~~ (4) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities. ~~((6))~~ (5) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Loveland and Kohl on page 1, line 10; page 2, line 9; and beginning on page 2, line 11; to Senate Bill No. 5086.

The motion by Senator Loveland failed and the amendments were not adopted.

#### MOTION

Senator Fairley moved that the following amendment by Senators Fairley, Spanel, Thibaudeau, Kohl and Loveland be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows: (1) ~~((The child support schedule shall be advisory and not mandatory for postsecondary educational support. (2) When considering whether to order support for postsecondary educational expenses,))~~ The court shall ~~((determine whether))~~ not award postsecondary educational support unless the court finds that the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs and resources; the expectations of the parties for their children when the parents were together and whether support would likely have been provided if the parents had stayed together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; other children of either parent for whom postsecondary educational support may be required; and the parents' level of education, standard of living, and current and future resources. ~~((Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.))~~ The court shall determine and specify the amount of contribution, if any, to be made by the child. The child support schedule shall be advisory and not mandatory in determining the amount of postsecondary support. (2) The combined obligation of both parents shall not exceed the highest tuition, fees, room, and board charged to a resident undergraduate student at a state institution of higher education in this state, together with a reasonable amount for textbooks and supplies. The limitation in this subsection does not apply if the court determines in a specific case that there are exceptional circumstances, such as the existence of a developmental or chronic functional disability. A desire to enroll in a school outside of this state is not, by itself, an exceptional circumstance. (3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing ~~((as defined by the institution))~~. For purposes of this subsection, "good academic standing" means enrolled in a course of study and making customary progress towards the completion within the period of time it is expected to take to complete the course. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions. A child whose medical condition temporarily changes or deteriorates following initial enrollment and who is unable to achieve good academic standing is not obligated to continue uninterrupted enrollment as a condition of receiving the support, so long as the condition exists. (4) The child shall ~~((also))~~ make available all academic and registration records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225. (5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities. (6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent ~~((who has been receiving the support transfer payments))~~ with whom the child resides. **NEW SECTION. Sec. 2.** This act does not apply to orders regarding postsecondary education child support entered before the effective date of this section." Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Fairley, Spanel, Thibaudeau, Kohl and Loveland to Senate Bill No. 5086.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Prince, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 23. Voting nay: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West and Zarelli - 26.

#### MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5086.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West and Zarelli - 27. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Prince, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 22. ENGROSSED SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Hale, Senator Zarelli was excused.

On motion of Senator Franklin, Senators Jacobsen and Prentice were excused.

#### SECOND READING

SENATE BILL NO. 5063, by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

Clarifying naming conventions for corporations and units of government.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5063.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45. Absent: Senator Newhouse - 1. Excused: Senators Jacobsen, Prentice and Zarelli - 3. SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Hale, Senator McCaslin was excused.

On motion of Senator Franklin, Senator Wojahn was excused.

#### SECOND READING

SENATE BILL NO. 5065, by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

Regulating naming of businesses.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5065.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley and Wood - 42. Absent: Senators Kline and Schow - 2. Excused: Senators Jacobsen, McCaslin, Prentice, Wojahn and Zarelli - 5. SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Schow was excused.

#### SECOND READING

SENATE BILL NO. 5098, by Senators Loveland, Sheldon, Snyder, Fairley and Kohl

Changing provisions relating to bond debt service payments from the community and technical college capital projects account.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5098 was substituted for Senate Bill No. 5098 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5098.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 42. Absent: Senators Snyder and Swanson - 2. Excused: Senators Jacobsen, McCaslin, Prentice, Schow and Wojahn - 5. SUBSTITUTE SENATE BILL NO. 5098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5104, by Senators Oke, Loveland, Hale, Morton, Swecker, Rossi, Snyder, West, Bauer, Haugen and Rasmussen

Creating the Washington pheasant enhancement program.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "Senator Oke, what is an 'upland bird?'"

Senator Oke: "An 'upland bird' in eastern Washington is any of the species that we have over there--pheasants, Hungarian partridge, chucker--any of those types of birds--and quails. So, all of those are considered 'upland birds' and to be successful, you need to have good legs, good dogs and, the Lord willing, have an opportunity to do well."

Further debate ensued.

#### MOTION

On motion of Senator Goings, Senators Bauer and Franklin were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5104.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 43. Absent: Senator Swanson - 1. Excused: Senators Bauer, Franklin, Jacobsen, McCaslin and Wojahn - 5. SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5113, by Senator Oke

Refunding certain license fees.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5113.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley and Zarelli - 43. Absent: Senator Wood - 1. Excused: Senators Bauer, Franklin, Jacobsen, McCaslin and Wojahn - 5. SENATE BILL NO. 5113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5121, by Senators Johnson, Newhouse and Winsley

Waiving or cancelling interest or penalties for certain estate tax returns.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5121 was substituted for Senate Bill No. 5121 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5121.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Bauer, Jacobsen and McCaslin - 3. SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5125, by Senators Deccio, Wojahn and Winsley (by request of Department of Social and Health Services)

Authorizing revisions in medical assistance managed care contracting under federal demonstration waivers.

#### MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5125 was substituted for Senate Bill No. 5125 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5125.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Jacobsen and McCaslin - 2. SUBSTITUTE SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5149, by Senators Long, Spanel, Horn and Kohl (by request of Legislative Ethics Board)

Revising restrictions on legislators' newsletters.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5149 was substituted for Senate Bill No. 5149 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

#### MOTION

On motion of Senator Prentice, Senator Franklin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5149.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.



Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Franklin, Jacobsen and McCaslin - 3. SUBSTITUTE SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 11, 1997

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4412, and the same is herewith transmitted.

TIMOTHY MARTIN, Chief Clerk

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4412 by Representative Lisk

Allowing introduction of a joint bill on making welfare work.

#### MOTION

On motion of Senator Johnson, the rules were suspended and House Concurrent Resolution No. 4412 was advanced to second reading and placed on the second reading calendar.

#### MOTION

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

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representative Lisk

Allowing introduction of a joint bill on making welfare work.

The concurrent resolution was read the second time.

WHEREAS, The members of the legislature have decided to introduce a bill in the House of Representatives relating to making welfare work; and

WHEREAS, The members desire to have the House bill on making welfare work jointly sponsored in a manner consistent with the provisions of SCR 8401 as adopted by the legislature;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That a House bill relating to making welfare work may be introduced as a joint bill, in the manner set forth in SCR 8401, so long as that bill is introduced no later than March 15, 1997.

#### POINT OF INQUIRY

Senator Snyder: "Senator Johnson, it says, 'Now, therefore, be it resolved, by the House of Representatives of the state of Washington, the Senate concurring, that a House Bill relating to making welfare work may be introduced as a joint bill--.' Do we have joint bills or do we just have jointly sponsored bills--a House Bill that is jointly sponsored? Is the wording just right? Do we need an amendment to clear that up?"

Senator Johnson: "The issue before the body, I believe Senator Snyder, is whether this House Concurrent Resolution is proper as it is placed on the second reading calendar."

Senator Snyder: "Well, that is my question. Before we advance it to third reading, do we need an amendment to clear up that point?"

Senator Johnson: "I am not aware of any such need."

Senator Snyder: "Well, it might be technically incorrect here and I wouldn't want to be delaying things for three or four days if we pass this and then come to find out that there is a problem with it."

MOTION

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage

CALL FOR PREVIOUS QUESTION

Senators Johnson, McDonald and Strannigan called for the previous question.

MOTION

On motion of Senator Johnson, and there being no objection, the demand for the previous question was withdrawn. The President declared the question before the Senate to be the roll call on the adoption of House Concurrent Resolution No. 4412.  
Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4412 and the resolution passed by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Excused: Senators Jacobsen and McCaslin - 2. HOUSE CONCURRENT RESOLUTION NO. 4412, having received the constitutional majority, was declared passed.

MOTION

At 7:19 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Wednesday, March 12, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**FIFTY-EIGHTH DAY, MARCH 11, 1997**

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**FIFTY-NINTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, March 12, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Hargrove, Patterson and Schow. On motion of Senator Franklin, Senators Hargrove and Patterson were excused. On motion of Senator Hale, Senator Schow was excused.

The Pacific Girl Scout Troop No. 427 of Olympia, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 12, 1997

GA 9132 DR. LOREN ANDERSON, reappointed January 28, 1997, for a term ending March 26, 2000, as a member of the Higher Education Facilities Authority.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9135 DARRELL BEERS, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.  
Reported by Committee on Higher Education

March 12, 1997

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9140 SCOTT BRUNDAGE, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.  
Reported by Committee on Higher Education

March 12, 1997

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9143 PHYLLIS J. CAMPBELL, reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

March 12, 1997

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9155 RICARDO R. GARCIA, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.  
Reported by Committee on Higher Education

March 12, 1997

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9156 KATHLEEN GUTIERREZ, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Everett Community College District No. 5.  
Reported by Committee on Higher Education

March 12, 1997

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9157 ELLING B. HALVORSON, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.  
Reported by Committee on Higher Education

March 12, 1997

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9159 GARY HEALEA, reappointed January 28, 1997, for a term ending September 30, 2001 as a member of the Board of Trustees for Lower Columbia Community College District No. 13.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9162 BETTY HOGAN, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Pierce Community College District No. 11.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9164 DONALD JACOBSON, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Renton Technical College District No. 27.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9167 VELTRY JOHNSON, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9174 JOHN E. LANTZ, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Tacoma Community College District No. 22.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9178 ROBERT J. MARGULIS, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Bellevue Community College District No. 8.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9180 GUY McMINDS, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9193 FELIX RAMON, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Big Bend Community College District No. 18.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9194 MARY H. ROBERTS, reappointed January 28, 1997, for a term ending September 30, 1998, as a member of the Board of Trustees for Edmonds Community College District No. 23.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9201 GAY V. SELBY, reappointed January 28, 1997, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9203 DAVID SHAW, reappointed January 28, 1997, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9204 JAMES E. SHERRILL, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Centralia Community College District No. 12.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 12, 1997

GA 9205 ALISON W. SING, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Edmonds Community College District No. 23.  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9208 CHANG M. SOHN, reappointed January 28, 1997, for a term ending June 30, 2000, as a member of the Higher Education Coordinating Board. March 12, 1997  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9209 DENNIS F STEFFANI, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Cascadia Community College District No. 30. March 12, 1997  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9210 DR. ALEXANDER SWANTZ, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Walla Walla Community College District No. 20. March 12, 1997  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

GA 9211 MARY SWENSON, reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Western Washington University. March 12, 1997  
Reported by Committee on Higher Education

MAJORITY Recommendation. That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

March 10, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Charlie Brydon, appointed March 10, 1997, for a term ending January 15, 2003, as a member of the Liquor Control Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor.

MESSAGES FROM THE HOUSE

March 10, 1997

MR.. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,  
ENGROSSED HOUSE BILL NO. 1205,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1230, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 10, 1997

MR.. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1077,  
SUBSTITUTE HOUSE BILL NO. 1086,  
SUBSTITUTE HOUSE BILL NO. 1089,  
SUBSTITUTE HOUSE BILL NO. 1114,  
HOUSE BILL NO. 1119,  
HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1187,  
HOUSE BILL NO. 1188,  
SUBSTITUTE HOUSE BILL NO. 1193,  
HOUSE BILL NO. 1198,  
HOUSE BILL NO. 1488,  
SUBSTITUTE HOUSE BILL NO. 1594,  
HOUSE BILL NO. 1646, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 11, 1997

MR.. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,  
SUBSTITUTE HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1195,  
SUBSTITUTE HOUSE BILL NO. 1234,  
SUBSTITUTE HOUSE BILL NO. 1249,  
SUBSTITUTE HOUSE BILL NO. 1259,  
SUBSTITUTE HOUSE BILL NO. 1260,  
SUBSTITUTE HOUSE BILL NO. 1266,  
HOUSE BILL NO. 1278,  
HOUSE BILL NO. 1353,  
HOUSE BILL NO. 1367,  
HOUSE BILL NO. 1368,  
HOUSE BILL NO. 1388,  
SUBSTITUTE HOUSE BILL NO. 1425,  
SUBSTITUTE HOUSE BILL NO. 1426,  
SUBSTITUTE HOUSE BILL NO. 1429,  
SUBSTITUTE HOUSE BILL NO. 1433,  
SUBSTITUTE HOUSE BILL NO. 1437,  
SUBSTITUTE HOUSE BILL NO. 1441,  
SUBSTITUTE HOUSE BILL NO. 1464,  
HOUSE BILL NO. 1473,  
SUBSTITUTE HOUSE BILL NO. 1505,  
HOUSE BILL NO. 1514,  
ENGROSSED HOUSE BILL NO. 1533,  
HOUSE BILL NO. 1534,  
HOUSE BILL NO. 1539,  
SUBSTITUTE HOUSE BILL NO. 1541,  
HOUSE BILL NO. 1551,  
SUBSTITUTE HOUSE BILL NO. 1568,  
SUBSTITUTE HOUSE BILL NO. 1596,  
SUBSTITUTE HOUSE BILL NO. 1605,  
SUBSTITUTE HOUSE BILL NO. 1613,  
ENGROSSED HOUSE BILL NO. 1647,  
SUBSTITUTE HOUSE BILL NO. 1657,  
SUBSTITUTE HOUSE BILL NO. 1658, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6059 by Senators Strannigan and Prentice (by request of Health Care Authority)

AN ACT Relating to basic health plan agents' and brokers' commissions; and amending RCW 70.47.015.

Referred to Committee on Health and Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1056 by House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Pennington, Doumit, Mielke, Johnson, Buck, Kessler, Sheldon, Mastin, Grant, Thompson, DeBolt, Quall, Boldt and Linville)

Transferring the status of the Elk River Preserve from a natural area preserve to a natural resources conservation area.

Referred to Committee on Natural Resources and Parks.

SHB 1077 by House Committee on Law and Justice (originally sponsored by Representatives Sterk, D. Sommers, Boldt and Sheahan)

Specifying the official forms of establishing proof of identity.

Referred to Committee on Law and Justice.

ESHB 1085 by House Committee on Education (originally sponsored by Representatives Mulliken, Johnson, Koster, Backlund, Sump, Talcott, Crouse, Thompson, Mielke, Bush, Sherstad, Carrell, Smith and Van Luven)

Requiring notification before a school conducts certain tests, questionnaires, surveys, analyses, or evaluations.

Referred to Committee on Education.

SHB 1086 by House Committee on Education (originally sponsored by Representatives Mulliken, Johnson, Koster, Sump, Thompson, Crouse, Mielke and Sherstad)

Establishing criteria that limit school employees' ability to remove students from school.

Referred to Committee on Education.

SHB 1089 by House Committee on Children and Family Services (originally sponsored by Representatives Cooke, Tokuda, Radcliff, Backlund, Boldt, Mason and Cairnes)

Correcting references to the former aid to families with dependent children program.

Referred to Committee on Health and Long-Term Care.

SHB 1114 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, McMorris, Delvin, Mulliken, Johnson, Schoesler and Honeyford)

Revising regulations concerning reclaimed water.

Referred to Committee on Agriculture and Environment.

HB 1119 by Representatives Schoesler, Sheldon, Buck, Hatfield, Johnson, Kessler and Boldt

Extending the expiration date of an act requiring the purchaser of privately owned timber to report to the department of revenue.

Referred to Committee on Ways and Means.

HB 1181 by Representatives Sterk, O'Brien and Crouse

Taking judicial notice of radar evidence.

Referred to Committee on Law and Justice.



HB 1187 by Representatives Alexander, Van Luven, McMorris, DeBolt, Morris, Voloria, Sheldon, Pennington, Sump and Hatfield

Contracting with associate development organizations.

Referred to Committee on Commerce and Labor.

HB 1188 by Representatives Carlson, Mason, Radcliff, Kenney, Butler, O'Brien, Van Luven, Sheahan, Dunn, Dyer, Chopp and Murray

Exempting Wyoming students admitted to the University of Washington's medical school from the tuition differential.

Referred to Committee on Higher Education.

SHB 1190 by House Committee on Government Administration (originally sponsored by Representatives Backlund, Huff, Lambert, McMorris, Cairnes, Honeyford, Sherstad, McDonald, D. Schmidt and Wensman)

Requiring preliminary compliance reviews of performance audits and consideration of performance audit recommendations in budget preparation.

Referred to Committee on Ways and Means.

SHB 1193 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Dunn, L. Thomas, Wolfe, Scott and Wensman)

Controlling personal service contracts.

Referred to Committee on Government Operations.

SHB 1195 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Robertson, Schoesler, Dunshee, Sterk, Scott, K. Schmidt, Buck, Smith, Delvin, Hickel, Carlson, Hatfield, DeBolt, Dunn and Mulliken)

Requiring proof of auto insurance to drivers' license examiners.

Referred to Committee on Transportation.

HB 1198 by Representatives Mitchell, Fisher, Robertson, Johnson, Costa and L. Thomas

Regulating motor vehicle dealer practices.

Referred to Committee on Commerce and Labor.

EHB 1205 by Representatives Lambert, Koster, McMorris, L. Thomas, Pennington, Sump, Carrell, Johnson, Sheahan, Cooke, Schoesler, Mielke, McDonald, Zellinsky and Thompson

Prohibiting specified sex offenses against children.

Referred to Committee on Law and Justice.

ESHB 1230 by House Committee on Education (originally sponsored by Representatives Backlund, Johnson, Lambert, Carrell, Sherstad, D. Schmidt, Thompson, Boldt and Pennington)

Protecting students' religious rights.

Referred to Committee on Education.

SHB 1234 by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Mason, Clements, Mulliken, Thompson, McMorris, Reams, Honeyford, Sterk, Kenney, Blalock, Cody, Keiser, Conway, Cooper, O'Brien, Tokuda, Dunshee, Wood, Fisher and Kastama)

Modifying the size of the state advisory board of plumbers.

Referred to Committee on Commerce and Labor.

SHB 1249 by House Committee on Government Administration (originally sponsored by Representatives Dunn, Costa, Sheahan, Sterk, Lantz, Kenney, Lambert, Skinner, Gardner, D. Schmidt, D. Sommers, Ogden, O'Brien, Dunshee, B. Thomas, Wensman, Mason and Kessler) (by request of Secretary of State Munro)

Streamlining registration and licensing of businesses.

Referred to Committee on Government Operations.

SHB 1259 by House Committee on Natural Resources (originally sponsored by Representatives Sump, Sheldon, McMorris, Doumit, Dyer, Butler, Buck, Regala, B. Thomas, Thompson, Chandler, Linville, Sullivan, O'Brien, Lantz and Johnson)

Concerning habitat conservation plans.

Referred to Committee on Natural Resources and Parks.

SHB 1260 by House Committee on Law and Justice (originally sponsored by Representatives Skinner, Dyer, Cody, Backlund, Murray, Anderson, O'Brien, Mason and Quall)

Providing that communications between certified counselors and their clients are privileged.

Referred to Committee on Human Services and Corrections.

SHB 1266 by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody and Cole)

Exempting certain information provided to the health care policy board and interagency quality committee from public disclosure.

Referred to Committee on Health and Long-Term Care.

HB 1278 by Representatives K. Schmidt, Hatfield, Mitchell, Pennington, Scott, Mielke, Cody, Honeyford and Delvin

Concerning the labeling of malt liquor packages.

Referred to Committee on Commerce and Labor.

HB 1353 by Representatives Buck, Fisher, K. Schmidt, Mitchell and Wensman (by request of Department of Transportation)

Facilitating sale of materials from department of transportation lands.

Referred to Committee on Transportation.

HB 1367 by Representatives Johnson, Cole, Smith, Schoesler, Poulsen, O'Brien, Linville, Costa, Blalock, Cooper, Dickerson, Dunshee, Mason, Keiser, Wensman, Wood, Kessler and Gombosky (by request of Superintendent of Public Instruction Bergeson)

Allowing surplus educational property to be given or loaned to entities for educational use.

Referred to Committee on Education.

HB 1368 by Representatives Huff, Hatfield and Blalock

Easing restrictions on gambling fund-raisers.

Referred to Committee on Commerce and Labor.

HB 1388 by Representatives Conway, Ballasiotes, Sullivan, Dickerson, Cairnes, Quall, Robertson, Wood, Blalock, O'Brien, Scott, Wensman, Cooper, Costa and Ogden

Requiring that private organizations that contract with the department to operate work release facilities go through the siting process.

Referred to Committee on Human Services and Corrections.

SHB 1425 by House Committee on Capital Budget (originally sponsored by Representatives Romero, D. Schmidt, Scott and Chopp)

Adopting the recommendations of the alternative public works methods oversight committee.

Referred to Committee on Government Operations.

SHB 1426 by House Committee on Commerce and Labor (originally sponsored by Representatives Bush, McMorris and Dickerson) (by request of Department of Social and Health Services)

Revising provisions for liens filed by the department of social and health services.

Referred to Committee on Commerce and Labor.

SHB 1429 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Sump, O'Brien, Sullivan, Mielke, Mulliken and Sherstad)

Penalizing cigarette discard.

Referred to Committee on Natural Resources and Parks.

SHB 1433 by House Committee on Capital Budget (originally sponsored by Representatives Sump, McMorris, Ballasiotes, DeBolt, Sheahan, Talcott, Quall, D. Sommers, Honeyford, Chandler, Schoesler, Crouse, Mastin and Mielke)

Leasing property to counties for correctional facilities.

Referred to Committee on Human Services and Corrections.

SHB 1437 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Mason, Radcliff, O'Brien, Kenney, Dunn, Dickerson, Butler, Mielke, Scott, Cole, Chopp, Gombosky, Ogden, Murray and Costa)

Extending gender equity provisions.

Referred to Committee on Higher Education.

SHB 1441 by House Committee on Law and Justice (originally sponsored by Representatives McDonald, Pennington, Ballasiotes, Mielke, Hatfield, Lambert, Doumit, Costa, Bush, Dickerson, O'Brien, Keiser, Kastama and Smith)

Penalizing voyeurism.

Referred to Committee on Law and Justice.

SHB 1464 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Linville) (by request of Department of Agriculture)

Updating and modifying certain noxious weed provisions.

Referred to Committee on Agriculture and Environment.

HB 1473 by Representatives Sheldon, Buck, Veloria, Morris, Kessler, Scott and Dickerson

Providing supplemental appropriation authority for the development loan fund.

Referred to Committee on Ways and Means.

HB 1488 by Representatives Chandler, Linville, L. Thomas, Sheldon, Schoesler, Veloria, McMorris and Honeyford

Requiring the commissioner of public lands to be on the Puget Sound action team.

Referred to Committee on Agriculture and Environment.

SHB 1505 by House Committee on Government Administration (originally sponsored by Representatives Cairnes, O'Brien, Robertson, Delvin, Scott, McDonald, L. Thomas, Costa, Linville, Mitchell, Schoesler, Mielke, Thompson, Carrell, Conway and Dunn)

Protecting privacy of law enforcement personnel.

Referred to Committee on Government Operations.

HB 1514 by Representatives Conway, McMorris and Schoesler (by request of Joint Task Force on Nonpayment of Employer Obligations)

Establishing requirements for keeping records of unified business identifier account numbers.

Referred to Committee on Commerce and Labor.

EHB 1533 by Representatives Sehlin, Quall, K. Schmidt, D. Schmidt, Scott and Hankins

Using county road funds.

Referred to Committee on Transportation.

HB 1534 by Representative Crouse

Revising provisions relating to intimidation of witnesses.

Referred to Committee on Law and Justice.

HB 1539 by Representatives Honeyford, Fisher, Schoesler and Sheldon

Regulating fire district associations.

Referred to Committee on Government Operations.

SHB 1541 by House Committee on Law and Justice (originally sponsored by Representatives Sump, McMorris, Sheahan, Sheldon, Crouse, Sherstad, Honeyford, DeBolt, Koster, Chandler, Linville, Clements, Boldt, Sterk, Smith, Conway and Bush)

Protecting sport shooting ranges.

Referred to Committee on Law and Justice.

HB 1551 by Representatives Mason, Carlson, Radcliff, Kenney, Cooper, Conway, Costa, Sullivan, Wolfe, Scott, O'Brien and Wood

Increasing fiscal flexibility for institutions of higher education.

Referred to Committee on Higher Education.

SHB 1568 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Zellinsky and Fisher) (by request of Washington State Patrol)

Restricting the distance a vehicle may travel in a two-way left-turn lane.

Referred to Committee on Transportation.

SHB 1594 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Zellinsky, Scott and Sheldon)

Relaxing front end length limits on garbage trucks.

Referred to Committee on Transportation.

SHB 1596 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Dunshee, Gardner, L. Thomas and Dunn)

Concerning the transfer of solid waste regulatory authority back and forth between cities and the utilities and transportation commission.

Referred to Committee on Government Operations.

SHB 1605 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Radcliff, Ballasiotes, Quall, Dunn and Sullivan)

Providing for disclosure of information concerning the disease status of offenders.

Referred to Committee on Human Services and Corrections.

SHB 1613 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Regala)

Funding a biosolids management program.

Referred to Committee on Agriculture and Environment.

HB 1646 by Representatives Quall, Ballasiotes, Dickerson and Sullivan

Extending the existence of the indeterminate sentence review board.

Referred to Committee on Human Services and Corrections.

EHB 1647 by Representatives Radcliff, Van Luven, Mason, Carlson, Veloria, Morris, Ogden, Kenney and Costa

Establishing a home tuition program.

Referred to Committee on Higher Education.

SHB 1657 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Linville)

Allowing the pass-through of disposal fees for certain solid waste collection companies.

Referred to Committee on Agriculture and Environment.

SHB 1658 by House Committee on Energy and Utilities (originally sponsored by Representatives Honeyford, Poulsen, Cooper, Crouse and Mastin)

Authorizing the utilities and transportation commission to exempt electrical and natural gas companies from securities regulation.

Referred to Committee on Energy and Utilities.

## SECOND READING

SENATE BILL NO. 5191, by Senators Goings, Roach, Haugen, Schow, Oke, Winsley and Rasmussen

Increasing penalties for methamphetamine crimes.

## MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5191 was substituted for Senate Bill No. 5191 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5191.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5191 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Hargrove, Patterson and Schow - 3. SUBSTITUTE SENATE BILL NO. 5191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5244, by Senators Oke, Fairley, Winsley, Deccio, Prince, Horn, Benton, Swecker, Finkbeiner, Sellar, McDonald and McAuliffe

Allowing trained volunteers to enforce the disabled persons' parking permit law.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5244.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46. Voting nay: Senator Zarelli - 1. Excused: Senators Hargrove and Schow - 2. SENATE BILL NO. 5244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5254, by Senators Long, Roach, Haugen, Jacobsen, Fraser, Zarelli, Strannigan, Deccio, Thibaudeau, Wood, Fairley, Goings and Winsley

Limiting liability of owners or possessors for injuries to recreational users.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5254 was substituted for Senate Bill No. 5254 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5254.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5254 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SUBSTITUTE SENATE BILL NO. 5254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5257, by Senators Hochstatter, McAuliffe, Johnson, Zarelli, Finkbeiner, Rasmussen, Goings and Sheldon

Changing the name of the noncertificated employee category.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Senate Bill No. 5257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5257.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5257 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SENATE BILL NO. 5257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5272, by Senators Long, Spanel and Horn (by request of Legislative Ethics Board)

Limiting political activities of citizen members of the legislative ethics board.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5272.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SENATE BILL NO. 5272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5283, by Senators Hargrove and Long

Clarifying deductions from offender funds other than wages and gratuities.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5283.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5283 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Patterson and Strannigan - 2. Excused: Senator Schow - 1. SENATE BILL NO. 5283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senators McCaslin and Winsley were excused.

#### SECOND READING

SENATE BILL NO. 5287, by Senators Horn, McCaslin, Wood, Prince and Hale

Repealing Title 45 RCW concerning townships.

The bill was read the second time.

#### MOTION

On motion of Senator Horn the rules were suspended, Senate Bill No. 5287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5287.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5287 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 46. Excused: Senators McCaslin, Schow and Winsley - 3. SENATE BILL NO. 5287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5299, by Senators Swecker, Fraser and Oke

Requiring that a petition of review be served upon local government.

The bill was read the second time.

#### MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5299.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 47. Excused:



Senators Schow and Winsley - 2. SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5838, by Senators Swecker, Morton and Winsley

Requiring health boards to respond to requests for on-site sewage permits in a timely manner.

#### MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5838.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5193, by Senators Prentice, Newhouse, Sellar, Morton, Deccio, Rasmussen, Winsley and Hale (by request of Department of Revenue)

Revising sales and use tax exemptions for farmworker housing.

The bill was read the second time.

#### MOTION

Senator Stevens moved that the following amendment be adopted:

On page 3, beginning on line 17, strike all of section 3 Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 3, beginning on line 17, to Senate Bill No. 5193.

The motion by Senator Stevens failed and the amendment was not adopted.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5193.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5020, by Senators Fairley and Winsley

Making certain sentencing conditions set by local judges enforceable county-wide.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5020.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5401, by Senators Sellar, Snyder and Haugen

Setting compensation for public utility district commissioners.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5401 was substituted for Senate Bill No. 5401 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5401.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 47. Voting nay: Senator Zarelli - 1. Excused: Senator Schow - 1. SUBSTITUTE SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5066, by Senators Roach, Haugen, Johnson and Winsley (by request of Secretary of State Munro)

Regulating trademarks.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5066.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5634, by Senators Wojahn, Deccio, Winsley, Long, Horn and Kohl

Providing for osteoporosis prevention and treatment education.

#### MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5634.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5274, by Senators Schow, Hochstatter, Zarelli, Stevens, Strannigan, Rasmussen, Deccio, Benton, Roach, Horn and Winsley

Limiting disclosure of students' social security numbers.

#### MOTION

Senator Hochstatter moved that Senate Bill No. 5274 be substituted for Senate Bill No. 5274 and the bill be placed on second reading and read the second time.

#### MOTION

Senator McAuliffe moved that Senate Bill No. 5274 not be substituted.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the positive motion by Senator Hochstatter to substitute Senate Bill No. 5274.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Hochstatter to substitute Senate Bill No. 5274 carried by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Spanel,

Stevens, Strannigan, Swanson, Swecker, West, Wood and Zarelli - 31. Voting nay: Senators Bauer, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Sheldon, Snyder, Thibaudeau, Winsley and Wojahn - 18.

Substitute Senate Bill No. 5274 was read the second time.

#### MOTION

Senator Zarelli moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 10, after "the" strike "sole" On page 1, line 12, after "74.09.5256" insert ", or for the purpose of compliance with any other explicit federal law requiring such disclosure" On page 1, line 15, after "a form" insert ", to be signed by the parent or guardian," On page 1, line 17, after "(a)" strike all material through "74.09.5256" and insert "The specific purpose for which the student's social security number is needed" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Zarelli on page 1, lines 10, 12, 15, and 17, to Substitute Senate Bill No. 5274.

The motion by Senator Zarelli carried and the amendments were adopted.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Engrossed Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5274.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Fairley, Fraser, McAuliffe and Thibaudeau - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5739, by Senators Horn, Haugen, Schow, Rasmussen and Wood

Establishing when employers are required to compensate employees for employee wearing apparel.

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5739 was substituted for Senate Bill No. 5739 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendment be adopted:

Beginning on page 2, line 21, after "(2)" strike all material through "apparel" on page 3, line 6, and insert "If an employer requires an employee to wear a white shirt or blouse or dark pants or skirt, the employee is required to provide this apparel. Any other employer-required wearing apparel must be provided by or compensated for by the employer" Renumber remaining subsections and correct internal references accordingly. Debate ensued.

#### POINT OF INQUIRY

Senator McCaslin: "Senator Heavey, would this require me to have the state pay for a necktie for me? I would be happy--I might vote for it if that is the case."

Senator Heavey: "No."

Senator McCaslin: "It says, 'Employer required wearing apparel,' which I am required--I am required to wear a tie--'must be provided by or compensated for by the employer.' So, I think it would, so I am going to vote against it. I have enough ties."

Further debate ensued.

#### POINT OF ORDER

Senator Horn: "A point of order. I would request that the gentleman speak to the amendment, not the underlying bill."

#### REPLY BY THE PRESIDENT

President Owen: "Please speak to the amendment, Senator Kline."  
Further debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Heavey: "A point of parliamentary inquiry, Mr. President. The Senator from the Forty-first District admonished the Senator from the Thirty-seventh District for speaking to the underlying bill. We are required to keep our comments germane to the subject, so how could the underlying bill, when you have an amendment to it, not be germane to the subject before us?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Heavey, you can reference the underlying bill, but if your discussion is totally on the underlying bill, that would be inappropriate."

The President declared the question before the Senate to be the adoption of the amendment by Senator Heavey on page 2, line 21, to Substitute Senate Bill No. 5739.

The motion by Senator Heavey carried and the amendment was adopted.

#### MOTION

Senator Johnson moved that further consideration of Substitute Senate Bill No. 5739 be deferred.

#### OBJECTION TO MOTION TO DEFER SUBSTITUTE SENATE BILL NO. 5739

Senator Heavey objected to the motion to defer Substitute Senate Bill No. 5739 and demanded a roll call. The demand for a roll call was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Johnson to defer further consideration of Substitute Senate Bill No. 5739.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Johnson to defer further consideration of Substitute Senate Bill No. 5739 carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23.

#### SECOND READING

SENATE BILL NO. 5656, by Senators Zarelli, Kline, Hargrove, Stevens, McCaslin, Oke and Goings

Penalizing voyeurism.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5656 was substituted for Senate Bill No. 5656 and the substitute bill was placed on second reading and read the second time.

Senator Fairley moved that the following amendments be considered simultaneously and be adopted:

On page 2, beginning on line 4, strike all material through "remain;" on line 6 Reletter the remaining subsection consecutively. On page 2, beginning on line 11, after "if" strike ": (a) For" and insert ", for" On page 2, beginning on line 16, after "privacy" strike all material through "residence" on line 20 Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Zarelli, are you speaking about 'peeping toms?'"

Senator Zarelli: "Yes, ma'am, I am."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fairley on page 2, beginning on lines 4, 11, and 16, to Substitute Senate Bill No. 5656.

The motion by Senator Fairley failed and the amendments were not adopted on a rising vote.

#### MOTION

On motion of Senator Zarelli, the following amendments were considered simultaneously and were adopted:  
On page 2, line 22, after "to" strike everything down to and including "(b)" on line 25. On page 2, line 29, after "facility" strike everything down to and including "investigation" on line 31.

#### MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5656.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5656 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 36. Voting nay: Senators Fairley, Finkbeiner, Fraser, Heavey, Kline, Kohl, McAuliffe, Prentice, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 13. ENGROSSED SUBSTITUTE SENATE BILL NO. 5656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5311, by Senators Finkbeiner, Haugen, Heavey, Benton, Winsley and Deccio

Requiring more private sector representation on the information services board.

#### MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5311 was substituted for Senate Bill No. 5311 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 5311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5311.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5311 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5340, by Senators Hochstatter, Johnson, Zarelli, Oke and Finkbeiner

Changing probation provisions for certificated educational employees.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5340.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Brown - 1. SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Newhouse assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5385, by Senators Oke and Prentice (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

Eliminating pooling of the resource management cost account and removing reference to agricultural college lands.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5385 was substituted for Senate Bill No. 5385 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5385.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5387, by Senators McDonald, Prentice, Kline, Oke and Spanel (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

Establishing the trust land transfer program.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5387 was substituted for Senate Bill No. 5387 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5387.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47. Voting nay: Senators Morton and Wojahn - 2. SUBSTITUTE SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5426, by Senator McCaslin

Deleting references to the former judicial council.

The bill was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5426.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5426 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5422, by Senators Schow, Newhouse, Prentice and Horn (by request of Gambling Commission)

Updating professional gambling definitions.

The bill was read the second time.

## MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5422 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5422.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5422 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5445, by Senators Deccio, Wojahn, Wood, Fairley and Winsley

Making technical corrections to statutes administered by the department of health.

## MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on second reading and read the second time.



On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5445.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:24 a.m., on motion of Senator Johnson, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:32 p.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1997-8635

By Senator Haugen

WHEREAS, It is the policy of the Washington State Legislature to honor meritorious service and to recognize excellence in all fields of endeavor; and

WHEREAS, On February 28, 1997, the United States Navy retired Attack Squadron 196 and the historic A-6E Intruder bomber that they flew with great pride; and

WHEREAS, The naval aviators of Attack Squadron 196 were based at Whidbey Island Naval Air Station; and

WHEREAS, eighty-six Whidbey Island crewmen gave their lives in service of their country while flying the A-6E Intruder, including thirty killed in combat; and

WHEREAS, Attack Squadron 196 flew more sorties and suffered greater losses than any other carrier-based squadron in the Vietnam War; and

WHEREAS, The Whidbey Island Naval Air Station has served as the training base and home to A-6E Intruder crews and their families for more than thirty years; and

WHEREAS, The A-6E was a carrier-based bomber designed to evade enemy radar by flying at treetop height in all weather conditions; and

WHEREAS, The A-6E Intruder was the mainstay of carrier aviation during the Vietnam War, as well as during combat operations in Grenada, Lebanon, Libya, and the Persian Gulf in the 1980s, and in the air war during Operation Desert Storm in 1991,

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate the distinguished service of the A-6E Intruder bomber; and

BE IT FURTHER RESOLVED, That the Senate express honor and recognize the men and women of United States Navy Attack Squadron 196 who maintained and flew this plane for the past thirty years.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Captain Larry Munns, Commanding Officer of the Whidbey Island Naval Air Station, and Captain Terry Toms, Commander of the Attack Wing of the U. S. Pacific Fleet, who were seated in the gallery.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5486, by Senators Morton, Snyder and Prince (by request of County Road Administration Board)

Revising eligibility for rural arterial programs.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Senate Bill No. 5486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator Johnson was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5486.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5486 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Finkbeiner - 1. Excused: Senator Johnson - 1. SENATE BILL NO. 5486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5499, by Senators Roach, Johnson, Goings, Jacobsen, Haugen, Horn, Zarelli, McCaslin, Long, Franklin, Winsley, Oke and Rasmussen

Defining when an assault on a bus driver constitutes assault in the third degree.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5499.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Absent: Senators Deccio and Wojahn - 2. Excused: Senator Johnson - 1. SENATE BILL NO. 5499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Swecker, Senators Benton, Deccio, Hale and McDonald were excused,

#### SECOND READING

SENATE BILL NO. 5507, by Senators Prince, Hochstatter, Morton and Rasmussen

Allowing the holder of a juvenile agricultural driving permit to participate in school traffic safety classes.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Senate Bill No. 5507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5507.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5507 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Benton, Deccio, Johnson and McDonald - 5. SENATE BILL NO. 5507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5518, by Senators McCaslin, Hale, Horn, Winsley and Oke

Clarifying the application of the housing for older persons act.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5518.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Benton, Hale, Johnson and McDonald - 4. SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5519, by Senators Sellar and Oke

Enhancing compliance with sentence conditions.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5519.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5519 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Benton, Hale, Johnson and McDonald - 4. SENATE BILL NO. 5519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5520, by Senator McCaslin

Revising provisions relating to intimidation of witnesses.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5520.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5520 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44. Absent: Senator Wojahn - 1. Excused: Senators Benton, Hale, Johnson and McDonald - 4. SENATE BILL NO. 5520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5530, by Senators Morton and Rasmussen

Defining agriculture.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5530.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5530 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45. Absent: Senator Zarelli - 1. Excused: Senators Hale, Johnson and McDonald - 3. SENATE BILL NO. 5530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5532, by Senators McCaslin, Haugen and Winsley

Requiring mediation before appeal of land-use decisions involving conditional use permits.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5532 was substituted for Senate Bill No. 5532 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Swecker, Senator Wood was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5532.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5532 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Hale, Johnson, McDonald and Wood - 4. SUBSTITUTE SENATE BILL NO. 5532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5538, by Senators Long, Hargrove, Zarelli, Oke and Winsley

Requiring permission before disclosing the address of a child victim or witness or the address of a parent of a child victim or witness.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5538

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5538 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Johnson and McDonald - 2. SENATE BILL NO. 5538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5539, by Senators Oke and Horn (by request of Washington State Patrol)

Changing accident report requirements.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5539 was substituted for Senate Bill No. 5539 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5539.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Johnson - 1. SUBSTITUTE SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5541, by Senators Wood, Goings and Winsley (by request of Washington State Patrol)

Restricting the distance a vehicle may travel in a two-way left-turn lane.

#### MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5541 was substituted for Senate Bill No. 5541 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5541.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5541 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45. Voting nay: Senators Morton, Sellar and Zarelli - 3. Excused: Senator Johnson - 1. SUBSTITUTE SENATE BILL NO. 5541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5551, by Senators Prince, Fraser, Haugen, Jacobsen, McAuliffe and Winsley

Designating significant historic places.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5551.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Johnson - 1. SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5570, by Senators Newhouse, Schow, Horn, Heavey, Franklin, Fraser and Oke (by request of Joint Task Force on Nonpayment of Employer Obligations)

Expanding tax evasion penalties.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5570.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5570 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Johnson - 1. SENATE BILL NO. 5570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5571, by Senators Newhouse, Schow, Anderson, Horn, Heavey, Franklin, Fraser, Long and Oke (by request of Joint Task Force on Nonpayment of Employer Obligations)

Providing for a single form for employers to report unemployment insurance contributions and industrial insurance premiums and assessments.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5571.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5571 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 48. Absent: Senator Wood - 1. SENATE BILL NO. 5571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5603, by Senators Stevens, Zarelli, Johnson, Roach, Oke and Hochstatter

Allowing parents access to student records and prohibiting their release without parental consent.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Senate Bill No. 5603 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5603.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5603 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5613, by Senators Winsley, Rasmussen, Haugen, Prince, Wood, Schow, Jacobsen, Heavey, Goings, Patterson and Finkbeiner

Authorizing reserved parking for homeowners near colleges.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5613.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Finkbeiner - 1. SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

## MOTION

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

### SENATE RESOLUTION 1997-8618

By Senators Fraser, Swecker, Wood, Sheldon, Kohl, Bauer, Jacobsen, Spanel, Sellar, Winsley, Swanson, Prince, Hale, Patterson, McAuliffe, Brown, Prentice, Kline, Franklin, Snyder, Goings, Loveland and Thibaudeau

WHEREAS, The state of Washington recognizes the wisdom of those who thirty years ago decided to establish a new four-year state college in Olympia to serve the people of Southwest Washington and across the state; and

WHEREAS, Then Governor Evans, members of the 1967 Washington State Senate and House of Representatives, members of the Temporary Advisory Council on Public Higher Education, members of the Board of the Southwest Washington State College Committee, and the presidents of the four-year public colleges and universities demonstrated farsighted vision in founding The Evergreen State College, and in determining that the new school should take advantage of the best of current knowledge about effective teaching and learning methods; and

WHEREAS, In response to the Legislature's mandate that this new college meet the needs of the students of today and of the future, the early planners restructured the delivery of higher education and developed an innovative alternative approach to the delivery of education; and

WHEREAS, That restructuring has proven to be successful, not only in effective teaching and learning, but also in efficiency of delivery; and

WHEREAS, These founding principles and the college's unique focus on teaching and learning have guided Evergreen through twenty-five years of making a profound and positive difference in the lives of thousands of students; and



WHEREAS, Evergreen has become nationally and internationally recognized as a center for innovation in higher education, has been consulted in planning new public universities, has been studied by scholars of education, and is the model for educational reform in K-12, in colleges and universities, and in workplace education; and

WHEREAS, Evergreen's collaborative, interdisciplinary approach to learning and problem solving is increasingly the model for many forward-thinking workplaces; and

WHEREAS, This month marks the passage of thirty years since enabling legislation was signed into law creating The Evergreen State College;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the accomplishments of The Evergreen State College, proclaim this to be The Evergreen State College Day, and celebrate and honor The Evergreen State College for its contributions to the Olympia community and to the state of Washington.

Senators Fraser, Prince, Swecker, Brown, Kohl, Wood, Bauer, Finkbeiner and Snyder spoke to Senate Resolution 1997-8618.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jane Jervis, President, members of the board of trustees, staff members and faculty of The Evergreen State College, who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Daniel J. Evans, former Governor when The Evergreen State College was founded, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Daniel J. Evans, the second President of The Evergreen State College and former United States Senator, to address the Senate.

#### PERSONAL PRIVILEGE

Senator Fraser: "A point of personal privilege, Mr. President. I would just like to let the members know that there is a reception in the State Reception Room for Evergreen State College people. So, if there is anybody you would like to visit with, if the occasion presents itself today, please do that."

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5565, by Senators Winsley, Haugen and Hale (by request of Secretary of State Munro)

Facilitating review of election procedures.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following amendment was adopted:

On page 2, beginning on line 10, after "(c)" strike all material down to and including "cycle." on line 13, and insert "~~((Each county shall be reviewed under this section not less than once every four years.))~~" On motion of Senator Winsley, the rules were suspended, Engrossed Senate Bill No. 5565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5565.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5565 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Roach - 1. Absent: Senator McDonald - 1. ENGROSSED SENATE BILL NO. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5218, by Senators Fraser, Winsley, Long, Bauer, Franklin, Roach and Loveland (by request of Joint Committee on Pension Policy)

Placing restrictions on postretirement employment.

### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5218 was substituted for Senate Bill No. 5218 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

### MOTION

On motion of Senator Hale, Senator Swecker was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5218.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5218 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator McDonald - 1. Excused: Senator Swecker - 1. SUBSTITUTE SENATE BILL NO. 5218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5188, by Senators Goings, Long, Hargrove, Zarelli, Schow, Winsley and Rasmussen

Revising policies concerning health care and information about the health status of inmates.

### MOTIONS

On motion of Senator Goings, Substitute Senate Bill No. 5188 was substituted for Senate Bill No. 5188 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goings, the rules were suspended, Substitute Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

### MOTIONS

On motion of Senator Hale, Senators Deccio, McDonald and Wood were excused.

On motion of Senator Kline, Senator Franklin was excused.

### POINT OF INQUIRY

Senator Heavey: "Senator Goings, on page three of the bill, it references RCW 70.02.060. On line thirty-six, it references RCW 70.24.105, Section 4 and on page four, line 5, it references RCW 9.94A.030. Could you explain to me and the body what those RCWs provide for?"

Senator Goings: "Senator Heavey, thank you very much for the question. In drafting this legislation, which did have very bipartisan support, and working with members on both sides of the aisle, it was our indication that in order to address this legislation properly, not to invade anyone's personal privacy, and to encompass all RCWs appropriately, we would cover and make sure the inmates rights were sustained in some areas, but the public's right to know, also, when it comes to a death row inmate. Off the top of my head, I cannot give you the specific meaning of those RCWs. I appreciate Senator Heavey asking that question and I am sure we all found it informative, but again I would urge adoption of Substitute Senate Bill No 5188. Thank you, Mr. President and Senator Heavey."

Further debate ensued.

## POINT OF INQUIRY

Senator Goings: "I was just going to ask the distinguished colleague from the Thirty-fourth District, if he knew what those RCWs referred to?"

Senator Heavey did not respond.

## PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I think Senator Goings is such a nice young man, I want to give him some advice from an old turkey over here. When a very intelligent attorney gets up and asks you a question like that--let me tell you what I did when Jerry Hughes was here--I made a speech one night and Senator Hughes rose and said, 'Will Senator McCaslin yield to a question?' Then I got and I said, 'Yes.' He asked me the question and then I said, 'I said I would yield; I didn't say I would answer it.'"

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5188.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 4; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley and Wojahn - 39. Voting nay: Senators Brown, Kline, Kohl and Prentice - 4. Absent: Senator Zarelli - 1. Excused: Senators Deccio, Franklin, McDonald, Swecker and Wood - 5. SUBSTITUTE SENATE BILL NO. 5188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5072, by Senators Kohl, Roach, Fairley, Hargrove, Haugen, Goings, McCaslin, Long, Winsley and Oke

Increasing the penalty for providing liquor to persons under age twenty-one.

The bill was read the second time.

## MOTION

On motion of Senator Kohl, the rules were suspended, Senate Bill No. 5072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5072.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5072 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Excused: Senators Deccio, Franklin, McDonald, Swecker and Wood - 5. SENATE BILL NO. 5072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5118, by Senators McAuliffe, Hargrove, Winsley, Long and Sheldon

Changing school truancy petition provisions.

## MOTIONS

On motion of Senator Hochstatter, Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hochstatter, the rules were suspended, Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Hale, Senator West was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5118.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators McDonald, Swecker and West - 3. SUBSTITUTE SENATE BILL NO. 5118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5190, by Senators Goings, Long, Hargrove, Zarelli, Bauer, Schow, Oke, Winsley, McCaslin, Rasmussen and Haugen

Limiting health care for inmates sentenced to death.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5190.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Winsley, Wood and Zarelli - 37. Voting nay: Senators Fairley, Haugen, Heavey, Kline, Kohl, McAuliffe, Prentice, Thibaudeau and Wojahn - 9. Excused: Senators McDonald, Swecker and West - 3. SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1959, by Representatives Robertson, Grant, Mulliken, Cairnes, Mastin, Ogden, Keiser, Dunn and Cooke

Providing business and occupation tax exemptions for wholesale car auctions.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, House Bill No. 1959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1959.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1959 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Kline - 1. Excused: Senators McDonald and West - 2. HOUSE BILL NO. 1959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5620, by Senators Haugen and McCaslin

Granting additional authority to aquifer protection areas.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5620.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Kline - 1. Excused: Senators McDonald and West - 2. SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5623, by Senators Prince, Wood, Spanel, Fraser and Winsley

Establishing a home tuition program.

#### MOTIONS

On motion of Senator Prince, Substitute Senate Bill No. 5623 was substituted for Senate Bill No. 5623 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prince, the rules were suspended, Substitute Senate Bill No. 5623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Loveland, Senator Kline was excused.

On motion of Senator Hale, Senator Schow was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5623.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5623 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin,

Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Kline, McDonald, Schow and West - 4. SUBSTITUTE SENATE BILL NO. 5623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5626, by Senators Morton, Hargrove, Swecker, Hochstatter, Stevens, Schow, Strannigan and Anderson

Providing game transport tags at no cost in order to meet harvest management goals.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5626.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5626 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Finkbeiner - 1. Excused: Senators McDonald, Schow and West - 3. SENATE BILL NO. 5626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5628, by Senators Hochstatter, Deccio, Brown and Strannigan

Authorizing the utilities and transportation commission to exempt electrical and natural gas companies from securities regulation.

#### MOTIONS

On motion of Senator Hochstatter, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hochstatter, the rules were suspended, Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

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

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McDonald and Schow - 2. SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5637, by Senators Haugen, Horn, Rasmussen and Winsley (by request of County Road Administration Board)

Removing residency requirements for county road engineers.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5637.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5637 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Loveland - 1. Excused: Senators McDonald and Schow - 2. SENATE BILL NO. 5637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### SECOND READING

SENATE BILL NO. 5650, by Senator McDonald

Allowing cities to assume jurisdiction over water or sewer districts.

The bill was read the second time.

#### MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 5650 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5650.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5650 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Loveland - 1. SENATE BILL NO. 5650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5659, by Senator Morton

Regulating the beef commission.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5659.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 3; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Prentice - 1. Absent: Senators Brown, Snyder and Swanson - 3. SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5667, by Senators Roach, Haugen and Kohl (by request of Secretary of State Munro)

Providing for certification of professional guardians.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5667 was substituted for Senate Bill No. 5667 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senators Snyder and Swanson were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5667.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5667 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Newhouse - 1. Excused: Senators Snyder and Swanson - 2. SUBSTITUTE SENATE BILL NO. 5667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5668, by Senators Prentice, Deccio, Sellar, Newhouse, Hale, Anderson and Winsley

Allowing the department of health to adopt a temporary worker housing code.

#### MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5668 was substituted for Senate Bill No. 5668 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Hale, Senators McDonald and Newhouse were excused.

On motion of Senator Franklin, Senators Goings and Kline were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5668.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5668 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.



Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Goings, Kline, McDonald, Newhouse, Snyder and Swanson - 6. SUBSTITUTE SENATE BILL NO. 5668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5669, by Senator Morton (by request of Department of Revenue)

Revising the collection of the metals mining and milling fee.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5669.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Goings, Kline, McDonald, Newhouse, Snyder and Swanson - 6. SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5672, by Senators Strannigan, Franklin, McCaslin, Benton, Wood, Winsley, Horn, Wojahn, Kline, Kohl and Oke

Authorizing drug-free zones around public housing authority facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Strannigan, the rules were suspended, Senate Bill No. 5672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5672.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5672 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Kline, Snyder and Swanson - 3. SENATE BILL NO. 5672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5674, by Senators Wood, Haugen, Jacobsen, Prince, Winsley and Kohl

Creating the governor's award for excellence in teaching history.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5674.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5674 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Kline - 1. SENATE BILL NO. 5674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Swecker, Senators Anderson and Schow were excused.

#### SECOND READING

SENATE BILL NO. 5684, by Senators Horn, Haugen and Wood

Prescribing procedures for decreasing fire protection district commissioners.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5684 was substituted for Senate Bill No. 5684 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5684.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5684 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Finkbeiner - 1. Excused: Senators Anderson, Kline and Schow - 3. SUBSTITUTE SENATE BILL NO. 5684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5713, by Senators Prentice, Winsley and Hale (by request of Housing Finance Commission)

Defining nonprofit corporation.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5713.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5713 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Anderson and Schow - 2. SENATE BILL NO. 5713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Swecker, Senator Stevens was excused.  
On motion of Senator Franklin, Senator Prentice was excused.

#### SECOND READING

SENATE BILL NO. 5714, by Senators Rossi and Prentice (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

Concerning the classification of forest practices and the regulation of forest practices by state and local entities.

#### MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5714 was substituted for Senate Bill No. 5714 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5714.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Anderson, Prentice, Schow and Stevens - 4. SUBSTITUTE SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Benton served notice that he would move to reconsider the vote by which Senate Bill No. 5401 passed the Senate earlier today.

EDITOR'S NOTE : See further action on notice to reconsider Substitute Senate Bill No. 5401 at the end of the Sixtieth Day, March 13, 1997.

#### SECOND READING

SENATE BILL NO. 5736, by Senators Roach, Winsley, Oke, Benton, Schow, Snyder, Heavey, Bauer and Rasmussen

Increasing county burial costs for indigent deceased veterans.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5736 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5736.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5736 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Finkbeiner - 1. Excused: Senators Anderson, Prentice and Stevens - 3. SENATE BILL NO. 5736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5724, by Senators Wood, Roach and Haugen

Extending the statute of limitations for first degree theft when the victim is a 501(c)(3) corporation.

## MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5724 was substituted for Senate Bill No. 5724 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTIONS

On motion of Senator Hale, Senator Benton was excused.

On motion of Senator Swecker, Senator Finkbeiner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5724.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5724 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Benton, Finkbeiner, Prentice and Stevens - 4. SUBSTITUTE SENATE BILL NO. 5724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 6:35 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Thursday, March 13, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

## **JOURNAL OF THE SENATE**

**FIFTY-NINTH DAY, MARCH 12, 1997**

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NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

**SIXTIETH DAY**  
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MORNING SESSION  
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Senate Chamber, Olympia, Thursday, March 13, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner and Haugen. On motion of Senator Franklin, Senator Haugen was excused.

The Sergeant at Arms Color Guard, consisting of Jordan Stephens and Dave Doyle, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

March 11, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jesse Farias, appointed for a term beginning April 1, 1997, and ending January 15, 2001, as a member of the Liquor Control Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Commerce and Labor.

MESSAGES FROM THE HOUSE

March 11, 1997

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1186,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,

ENGROSSED HOUSE BILL NO. 1408,

ENGROSSED HOUSE BILL NO. 1832,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1899, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 11, 1997

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1300,

HOUSE BILL NO. 1301,

SUBSTITUTE HOUSE BILL NO. 1385,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443,

SUBSTITUTE HOUSE BILL NO. 1467,

SUBSTITUTE HOUSE BILL NO. 1474,

HOUSE BILL NO. 1487,

HOUSE BILL NO. 1489,

SUBSTITUTE HOUSE BILL NO. 1503,

SUBSTITUTE HOUSE BILL NO. 1504,

HOUSE BILL NO. 1525,

HOUSE BILL NO. 1559,

SUBSTITUTE HOUSE BILL NO. 1566,

SUBSTITUTE HOUSE BILL NO. 1577,

SUBSTITUTE HOUSE BILL NO. 1580,

HOUSE BILL NO. 1609,

HOUSE BILL NO. 1615,

SUBSTITUTE HOUSE BILL NO. 1631,

HOUSE BILL NO. 1673,

HOUSE BILL NO. 1676,

SUBSTITUTE HOUSE BILL NO. 1726,

SUBSTITUTE HOUSE BILL NO. 1729,

SUBSTITUTE HOUSE BILL NO. 1750,  
HOUSE BILL NO. 1751,  
HOUSE BILL NO. 1778,  
HOUSE BILL NO. 1785,  
SUBSTITUTE HOUSE BILL NO. 1786,  
SUBSTITUTE HOUSE BILL NO. 1799,  
SUBSTITUTE HOUSE BILL NO. 1834,  
HOUSE BILL NO. 1835,  
HOUSE BILL NO. 1874,  
SUBSTITUTE HOUSE BILL NO. 1875,  
HOUSE BILL NO. 1942,  
HOUSE BILL NO. 1945,  
SUBSTITUTE HOUSE BILL NO. 1975,  
SUBSTITUTE HOUSE BILL NO. 2044,  
SUBSTITUTE HOUSE BILL NO. 2083, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 12, 1997

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1959,  
HOUSE CONCURRENT RESOLUTION NO. 4412, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 12, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2110,  
HOUSE BILL NO. 2127,  
HOUSE BILL NO. 2143,  
HOUSE BILL NO. 2163,  
HOUSE BILL NO. 2165,  
SUBSTITUTE HOUSE BILL NO. 2166,  
SUBSTITUTE HOUSE BILL NO. 2189,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1959,  
HOUSE CONCURRENT RESOLUTION NO. 4412.

INTRODUCTION AND FIRST READING

SB 6060 by Senator Spanel (by request of Department of Revenue)

AN ACT Relating to payment to municipal corporations of property taxes deferred by senior citizens and persons retired by reason of disability; amending RCW 84.38.120; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6061 by Senators Prince, Haugen and Wood (by request of Governor Locke)

AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.  
Referred to Committee on Transportation.

SB 6062 by Senators West and Spanel (by request of Governor Locke)

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1997, and ending June 30, 1999; amending RCW 43.08.250; creating new sections; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6063 by Senators Strannigan and Fraser (by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6064 by Senators Strannigan and Fraser (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060, 28B.56.100, 28B.106.040, 43.83A.090, 43.99E.045, 43.99F.080, 43.99G.030, 43.99G.040, 43.99G.050, 43.99G.104, 43.99H.030, 43.99H.040, 43.99I.030, 43.99J.030, 43.99K.030, 47.26.506, 67.40.060, 70.48.310, 70.48A.070, 79.24.658, 43.83.160, 43.99I.020, 43.99I.040, 43.99I.090, 43.99K.010, and 43.99K.020; adding new sections to chapter 28A.525 RCW; adding new chapters to Title 43 RCW; repealing RCW 43.99I.050; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6065 by Senators Strannigan and Fraser (by request of Governor Locke)

AN ACT Relating to the capital budget; amending 1995 2nd sp.s. c 16 s 713 (uncodified); adding new sections to 1995 2nd sp.s. c 16; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6066 by Senators West and Spanel (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending 1996 c 283 ss 109, 113, 114, 116, 119, 121, 124, 133, 135, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 217, 218, 220, 301, 302, 304, 305, 306, 402, 501, 502, 504, 505, 506, 507, 509, 511, 512, 514, 515, 516, 602, 603, 604, 605, 606, 607, 608, 609, 610, 701, 702, 703, 705, 709, 801, 802, and 803 (uncodified); amending 1995 2nd sp.s. c 18 ss 116, 210, 213, and 306 (uncodified); adding new sections to 1995 2nd sp.s. c 18 (uncodified); making appropriations; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6067 by Senators West, McDonald and Oke

AN ACT Relating to restricting public reimbursement of criminal defendants; and amending RCW 9A.16.110.  
Referred to Committee on Ways and Means.

SB 6068 by Senators West, Spanel and Oke (by request of Secretary of State Munro)

AN ACT Relating to legal advertising of state measures; and amending RCW 29.27.072 and 29.27.074.  
Referred to Committee on Ways and Means.

SB 6069 by Senators West and Spanel (by request of Office of Financial Management)

AN ACT Relating to reducing paperwork related to requirements for the governor's budget document; and reenacting and amending RCW 43.88.030.  
Referred to Committee on Ways and Means.

SB 6070 by Senators West and Spanel (by request of Office of Financial Management)

AN ACT Relating to the disaster response account; adding a new section to chapter 38.52 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6071 by Senators West and Spanel (by request of Governor Locke)

AN ACT Relating to school levies; and amending RCW 28A.500.010, 84.52.0531, and 28A.320.150.  
Referred to Committee on Ways and Means.

SB 6072 by Senators West and Spanel (by request of Office of Financial Management)

AN ACT Relating to modifying the timelines for development and implementation of the student assessment system; reenacting and amending RCW 28A.630.885; repealing 1995 c 335 s 803 (uncodified); and providing an expiration date.  
Referred to Committee on Education.

SB 6073 by Senators West and McDonald

AN ACT Relating to cigarettes and tobacco; amending RCW 66.44.010, 82.24.010, 82.24.110, 82.24.130, 82.24.190, 82.24.250, 82.24.550, and 82.32.300; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; and prescribing penalties.  
Referred to Committee on Ways and Means.

SB 6074 by Senator West

AN ACT Relating to offender employment goals; and amending RCW 72.09.111.  
Referred to Committee on Ways and Means.

SB 6075 by Senator West

AN ACT Relating to alien offenders; and amending RCW 9.94A.280.  
Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1186 by Representatives Hickel, Mitchell, Ballasiotes, Dickerson, Robertson, Blalock, Benson, Quall, Sheahan, Delvin, Lisk, Carrell, Cairnes, McDonald, Johnson and DeBolt

Changing duties for aiding injured persons and the penalties for second degree murder.

Referred to Committee on Law and Justice.

ESHB 1214 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Costa, Ballasiotes, Radcliff, O'Brien, Sheahan, Cody, Lantz, Dickerson and Conway)

Revising sentencing provisions.

Referred to Committee on Law and Justice.

HB 1300 by Representatives Sheahan, Appelwick, Hickel and L. Thomas (by request of Statute Law Committee)

Making technical corrections affecting the department of financial institutions.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1301 by Representatives Sheahan, Appelwick and Hickel (by request of Statute Law Committee)

Making technical corrections to the Revised Code of Washington.

Referred to Committee on Law and Justice.

SHB 1385 by House Committee on Education (originally sponsored by Representatives Johnson, B. Thomas, Talcott, Sump and Hickel)

Changing probation provisions for certificated educational employees.

Referred to Committee on Education.

EHB 1408 by Representatives Mielke, Sheahan, Doumit, Pennington, Mulliken, Sterk, Thompson, Dunn and Sullivan

Authorizing carrying of concealed pistols by certain persons from out of state.

Referred to Committee on Law and Justice.

ESHB 1443 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Grant, Johnson, Quall, Koster, Linville, Wensman, Hatfield, Mielke and Smith)

Permitting expedited flood damage repairs during flooding emergencies.



Referred to Committee on Natural Resources and Parks.

SHB 1467 by House Committee on Natural Resources (originally sponsored by Representatives Sump, Sheldon, Chandler, Grant, Alexander, Hatfield, Delvin and Pennington)

Specifying where reclamation performance security must be posted.

Referred to Committee on Natural Resources and Parks.

SHB 1474 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Cairnes, Lisk, Sherstad, Sheldon, Sheahan, Pennington, Hatfield, Koster, Dunn, Doumit, McMorris, Alexander, Thompson, Bush, McDonald, Delvin, Wensman and Mulliken)

Increasing categorical exemptions from SEPA.

Referred to Committee on Agriculture and Environment.

HB 1487 by Representatives K. Schmidt, Fisher, Mitchell and Hankins

Enhancing transportation planning.

Referred to Committee on Transportation.

HB 1489 by Representatives Chandler, Linville, L. Thomas, Reams, Sheldon, Cairnes, McMorris, Veloria and Schoesler

Modifying public works and water pollution control funding.

Referred to Committee on Government Operations.

SHB 1503 by House Committee on Health Care (originally sponsored by Representatives Backlund, Cody, Anderson and Mason)

Making technical corrections to statutes administered by the department of health.

Referred to Committee on Health and Long-Term Care.

SHB 1504 by House Committee on Government Administration (originally sponsored by Representatives McMorris, Boldt, Honeyford and Dunn)

Protecting records of strategy discussions.

Referred to Committee on Government Operations.

HB 1525 by Representatives K. Schmidt, Hatfield and Skinner (by request of County Road Administration Board)

Revising the submittal date for county six-year transportation programs.

Referred to Committee on Transportation.

HB 1559 by Representative McMorris

Deleting references to the former judicial council.

Referred to Committee on Law and Justice.

SHB 1566 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Hatfield, Cairnes and Costa) (by request of Washington State Patrol)

Changing accident report requirements.

Referred to Committee on Transportation.

SHB 1577 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Mulliken, Sheldon, Cairnes, L. Thomas, Reams, Sherstad, Mielke, Smith, Koster, McMorris, Dunn, Thompson, Bush, Pennington, Sheahan and Robertson)

Revising land division.

Referred to Committee on Government Operations.

SHB 1580 by House Committee on Appropriations (originally sponsored by Representatives Regala, Cooke, Conway, Schoesler, Grant, Tokuda, Skinner, Benson, Chopp, Veloria, Van Luven, Blalock, Hatfield, Wood, O'Brien, Ogden and Constantine)

Providing funding for community gardens.

Referred to Committee on Ways and Means.

HB 1609 by Representatives Mastin, Poulsen, Hankins and Kessler (by request of Utilities and Transportation Commission)

Limiting the number of times the maximum disposal fee at a radioactive waste disposal site may be adjusted.

Referred to Committee on Energy and Utilities.

HB 1615 by Representatives Alexander, Regala and Sump (by request of Parks and Recreation Commission)

Changing provisions relating to offenses committed in state parks or parkways.

Referred to Committee on Natural Resources and Parks.

SHB 1631 by House Committee on Law and Justice (originally sponsored by Representatives Costa, Kenney, Dickerson, Ogden, Mason, Regala and Lantz) (by request of Washington Uniform Legislation Commission)

Revising the uniform interstate family support act.

Referred to Committee on Law and Justice.

HB 1673 by Representatives Dunn, Bush, Boldt, Koster, Thompson, Mielke, Chandler, Wensman, Alexander, Clements, Skinner, Mulliken and Johnson

Allowing parents to decline having their children in the transitional bilingual program.

Referred to Committee on Education.

HB 1676 by Representatives O'Brien, Skinner, K. Schmidt, Fisher, Ogden and Gardner (by request of County Road Administration Board)

Removing residency requirements for county road engineers.

Referred to Committee on Government Operations.

SHB 1726 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Robertson, Linville, L. Thomas, Regala, Benson, Kastama, Smith, Hatfield, Koster, Sullivan, McDonald, Chandler, Zellinsky, DeBolt, B. Thomas, Cairnes, Johnson, Cooke, Clements, Kessler and Mulliken)

Allowing outdoor burning of storm and flood-related debris.

Referred to Committee on Agriculture and Environment.

SHB 1729 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Schoesler, Grant and Linville)

Changing irrigation district administration provisions.

Referred to Committee on Agriculture and Environment.

SHB 1750 by House Committee on Government Administration (originally sponsored by Representatives D. Sommers, Sterk and Sheldon)

Protecting existing functional mobile home park septic systems.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1751 by Representatives Zellinsky, Clements, L. Thomas, Fisher, Sheldon, Chandler, Carrell, Grant, Ballasiotes, K. Schmidt, Radcliff, Johnson, Cooke, Reams, Smith, Van Luven, Thompson, Lambert, Wensman, O'Brien, Boldt, Wolfe, Dunn and Schoesler

Protecting communications between state employees and legislators.

Referred to Committee on Government Operations.

HB 1778 by Representatives Huff, H. Sommers, Alexander, Benson, Clements, Wensman and O'Brien (by request of Office of Financial Management)

Changing the formula for determining average salaries for certificated instructional staff.

Referred to Committee on Ways and Means.

HB 1785 by Representatives K. Schmidt, Zellinsky and Wensman

Encouraging the public to submit names for state ferries.

Referred to Committee on Transportation.

SHB 1786 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Fisher, Murray, Cooper, Mitchell, Hatfield, Sterk, Skinner, Blalock, Ogden, Robertson, DeBolt, Gardner, Johnson, Wood, Backlund, O'Brien, Scott, Zellinsky, Hankins, Chandler and Dyer)

Requiring the transportation improvement board to report to the legislative transportation committees.

Referred to Committee on Transportation.

SHB 1799 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Appelwick, Costa and Sullivan) (by request of Washington Uniform Legislation Commission)

Regarding letters of credit under the uniform commercial code.

Referred to Committee on Law and Justice.

EHB 1832 by Representatives Clements, Linville, Lisk and Grant

Transferring funds for plant pest control activities.

Referred to Committee on Agriculture and Environment.

SHB 1834 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Linville and Schoesler)

Defining agriculture for the purpose of safety regulations.

Referred to Committee on Agriculture and Environment.

HB 1835 by Representatives Skinner and Clements

Requiring audit resolution reports.

Referred to Committee on Ways and Means.

HB 1874 by Representatives Robertson, O'Brien and Fisher

Modifying electrical inspections within county road rights of way.

Referred to Committee on Commerce and Labor.

SHB 1875 by House Committee on Health Care (originally sponsored by Representatives Skinner, Carlson, Radcliff, Cody, Murray, Hatfield and O'Brien)

Updating terminology in chapter 18.108 RCW.

Referred to Committee on Health and Long-Term Care.

ESHB 1899 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, L. Thomas, Carrell, Wolfe, Grant and Sullivan)

Providing standards for life insurance policy illustrations.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1942 by Representatives B. Thomas, Thompson and Dyer

Repealing the coal mining code.

Referred to Committee on Natural Resources and Parks.

HB 1945 by Representatives Dunn and Boldt

Concerning foreclosed property deeded by a county for use as state forest land.

Referred to Committee on Natural Resources and Parks.

SHB 1975 by House Committee on Energy and Utilities (originally sponsored by Representatives DeBolt, Morris, Benson and Sullivan)

Regulating public ownership of coal-fired thermal electric generating facilities.

Referred to Committee on Energy and Utilities.

SHB 2044 by House Committee on Energy and Utilities (originally sponsored by Representatives Crouse, Pennington, Mastin, McMorris, DeBolt, D. Sommers, Kessler and Delvin)

Revising the definition of personal wireless service facilities and microcells.

Referred to Committee on Energy and Utilities.

SHB 2083 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Scott, Buck, Sheldon, Delvin, D. Sommers and Kessler)

Authorizing uses for master planned resorts.

Referred to Committee on Government Operations.

SHB 2110 by House Committee on Children and Family Services (originally sponsored by Representatives Dunn, Van Luven, McDonald, Veloria, Sheldon, Morris, Mason and Boldt)

Facilitating assistance for students with disabilities.

Referred to Committee on Education.

HB 2127 by Representatives Reams, Romero, Cairnes, Regala, Lantz, Ogden and Costa

Requiring state agencies to make available paper copies of information electronically disseminated to the public.

Referred to Committee on Government Operations.

HB 2143 by Representatives Parlette and Chandler

Concerning volunteer ambulance personnel.

Referred to Committee on Government Operations.

HB 2163 by Representatives Sheldon, Conway, Sehlin, Zellinsky, K. Schmidt, D. Sommers, Veloria, Huff, D. Schmidt, Johnson, Lantz, Sullivan, Koster, Pennington, Smith, Costa, Cairnes, Reams, Robertson and Hatfield

Clarifying the requirements for a veterans or military personnel remembrance emblem.

Referred to Committee on Transportation.

HB 2165 by Representatives K. Schmidt, Zellinsky, Fisher, Morris, Radcliff, Sehlin, Sheldon and Hatfield

Paying interest on retroactive raises for ferry workers.

Referred to Committee on Transportation.

SHB 2166 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Huff, K. Schmidt, Clements, Buck, Talcott, Johnson, Mitchell, Carlson, Delvin, Cooke and Chandler)

Encouraging coordinated transportation services.

Referred to Committee on Transportation.

SHB 2189 by House Committee on Trade and Economic Development (originally sponsored by Representatives McDonald, Van Luven, Veloria and Cooke)

Creating a task force to study alternative financing techniques for the development and renovation of low-income senior housing developments.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHJM 4010 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Buck, Kessler and Tokuda)

Renaming the Sequim Bypass.

Referred to Committee on Transportation.

#### SECOND READING

SENATE BILL NO. 5741, by Senators Wood and Winsley

Requiring a statement of permitted uses and use restrictions for condominiums.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5741.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5741 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Brown and Finkbeiner - 2. Excused: Senator Haugen - 1. SENATE BILL NO. 5741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5768, by Senators Horn, Thibaudeau, Winsley, Oke, McDonald, Wood, Fairley, Wojahn and Heavey

Creating supported employment programs

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5768 was substituted for Senate Bill No. 5768 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5768.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5768 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5769, by Senators Johnson and Goings

Concerning the theft of beverage crates and merchandise pallets.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5769 was substituted for Senate Bill No. 5769 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5769 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

#### POINT OF INQUIRY

Senator Loveland: "Senator Johnson, what is the value of ten pallets or crates? Do you know--or whoever the sponsor of the bill was, if I am not speaking to the correct--?"

Senator Johnson: "I think it depends upon their condition and what material is used."

Senator Loveland: "I guess I am a little concerned to make it a Class C Felony if I didn't know what the value was for ten pallets. Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5769.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5769 and the bill passed the Senate by the following vote:

Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Kline, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Rasmussen, Roach, Rossi, Schow, Sellar,

Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 34. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kohl, Loveland, McAuliffe, Patterson, Prentice, Prince, Swanson, Thibaudeau and Wojahn - 15. SUBSTITUTE SENATE BILL NO. 5769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5207, by Senators Swecker, Oke, Stevens, Hargrove, Snyder, Haugen, Morton, Rossi, Roach and Anderson

Concerning habitat conservation plans.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5207 was substituted for Senate Bill No. 5207 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5207.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote:

Yeas, 35; Nays, 13; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 35. Voting nay: Senators Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 13. Absent: Senator Finkbeiner - 1. SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:02 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:00 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5867, by Senators Sellar, Hale and Kohl

Allowing special excise taxes in certain cities and towns for tourism promotion.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5867 was substituted for Senate Bill No. 5867 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5867.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5867 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senators

Prentice and Prince - 2. Absent: Senator Roach - 1. SUBSTITUTE SENATE BILL NO. 5867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5093, by Senator Roach

Prescribing procedures for capital punishment sentencing.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5093.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5093 and the bill passed the Senate by the following vote:

Yeas, 33; Nays, 15; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley and Wood - 33. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Heavey, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 15. Absent: Senator Zarelli - 1. SENATE BILL NO. 5093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5590, by Senators Newhouse, Fraser, Swecker, Morton, McAuliffe and Rasmussen

Funding a biosolids management program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was adopted: On page 1, line 7, after "chapter." strike "A" and insert "An initial" On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5590.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5590 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48.

Excused: Senator Deccio - 1. ENGROSSED SENATE BILL NO. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



## SECOND READING

SENATE BILL NO. 5664, by Senators Horn, Bauer, Sheldon and Schow

Allowing credit and debit card purchases in state liquor stores.

## MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5664 was substituted for Senate Bill No. 5664 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5664.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5664 and the bill failed to pass the Senate by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Fraser, Hale, Horn, Jacobsen, Kline, Kohl, McCaslin, McDonald, Prince, Rasmussen, Sellar, Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Wood - 20. Voting nay: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Goings, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Roach, Rossi, Schow, Stevens, Strannigan, Swanson, Swecker and Zarelli - 28. Excused: Senator Deccio - 1. SUBSTITUTE SENATE BILL NO. 5664, having failed to receive the constitutional majority, was declared lost.

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Schow served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5664 failed to pass the Senate.

## SECOND READING

SENATE BILL NO. 5612, by Senators Long, Wojahn, Hale and Horn

Providing qualifications for granting certificates of registration to architects.

## MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5612 was substituted for Senate Bill No. 5612 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5612.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5612 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Hale, Senator McCaslin was excused.

## SECOND READING

SENATE BILL NO. 5332, by Senators Finkbeiner, Strannigan, Schow and Benton

Prohibiting the department of information services from spending funds for multimedia kiosks for the Washington information network.

#### MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 5332 was deferred.

#### MOTION

At 11:52 a.m., on motion of Senator Johnson, the Senate recessed until 1:00 p. m.

The Senate was called to order at 1:00 p.m. by President Owen.  
There being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 1:05 p.m. by President Owen.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### . SECOND READING

SENATE BILL NO. 5799, by Senators Deccio, Rasmussen, Newhouse and Loveland

Transferring funds for plant pest control activities.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5799 was substituted for Senate Bill No. 5799 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5799.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5799 and the bill passed the Senate by the following vote:

Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Wojahn, Wood and Zarelli - 43. Absent: Senators McDonald, Roach, West and Winsley - 4. Excused: Senators McCaslin and Thibaudeau - 2. SUBSTITUTE SENATE BILL NO. 5799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### . SECOND READING

SENATE BILL NO. 5803, by Senators Finkbeiner and McCaslin (by request of Department of Revenue)

Allowing electronic distribution of rules notices.

#### MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5803 was substituted for Senate Bill No. 5803 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 5803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5803.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5803 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Heavey and Kohl - 2. Excused: Senator Thibaudeau - 1. SUBSTITUTE SENATE BILL NO. 5803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5804, by Senators Finkbeiner and West (by request of Department of Revenue)

Eliminating the requirement for a study of the property tax exemption and valuation rules for computer software.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Senate Bill No. 5804 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5804.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5804 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Thibaudeau - 1. SENATE BILL NO. 5804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Sheldon, all the remarks on the final passage of Substitute Senate Bill No. 5569 will be spread across the Journal.

#### SECOND READING

SENATE BILL NO. 5569, by Senators Schow, Sellar and Wood

Revising provisions for overtime compensation for commissioned salespersons.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5569 was substituted for Senate Bill No. 5569 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendment by Senators Fraser and Heavey be adopted:

On page 1, beginning with "Section 3" on line 8, strike all material through "law." on line 13.

#### REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President, and members of the Senate. We've had a lot of discussion over the years, and the courts do too, about what is legislative intent. Often, we pass legislation where words are ambiguous, maybe

not by intent, but because you can't anticipate all of the circumstances. So, when a court looks at legislative intent, it looks at a lot of things. It looks at the record at the time the bill is passed; it looks at all the evidence at the time the bill was passed.

"One thing the courts generally don't do is look at legislative intent that is expressed twenty-two years later. That's what this bill does, and this is what the amendment does. It deletes language that says twenty-two years, after the fact, what legislative intent is. It is the case that this particular language is the subject of litigation at the present time, with several lawsuits, and I understand it will be heard this fall. But, I don't think the Legislature and the legislative process is the place where we should be taking sides in litigation and trying to tell the court what was legislative intent twenty-two years ago when hardly any of us were here then. This issue came before the Joint Administrative Rules Review Committee about a year and a half ago, and the committee decided not to make a ruling on the substance of intent, because the matter was in litigation.

"So, I urge you to support this amendment and not have the Legislature get involved in taking sides in a lawsuit."

#### REMARKS BY SENATOR SCHOW

Senator Schow: "Thank you, Mr. President. I rise in opposition to this amendment. The underlying bill that we're going to be voting on is designed to take the confusion out of the federal statute and what we're doing here in the state, and to clarify what this Legislature, in 1975, decided what should be in this bill. We'd just continue that confusion if we were to pass this amendment, and destroy the intent of the underlying bill. I would urge that you turn this amendment down."

#### REMARKS BY SENATOR HEAVEY

Senator Heavey: "Thank you, Mr. President, and members of the Senate. I don't see how this amendment at all hurts the purpose of the underlying bill. It simply says we're making no statement as to the intent of the Legislature and Governor back in 1977. We don't know what their intent was, but this bill, as written, says we know what their intent was, and so that's all it does. It doesn't change the substantive provisions of the bill, it merely takes out the intent of the 1975 Legislature. Thank you."

#### REMARKS BY SENATOR KLINE

Senator Kline: "Thank you, Mr. President. Mr. President, I would suggest to you that there are some on this floor who were born in the year 1977, and who, therefore, have absolutely no way of knowing what the intent of the Legislature was. I don't mean to be flip, but let's face it, we can't possibly go back twenty-three years to determine what was legislative intent at that time. This is absurd. I suggest a 'yes' vote on the amendment. Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Heavey on page 1, beginning with 'Section 3' on line 8, to Substitute Senate Bill No. 5569.

The motion by Senator Fraser failed and the amendment was not adopted on a rising vote.

#### MOTION

Senator Fraser moved that the following amendments by Senators Fraser and Heavey be considered simultaneously and be adopted:

On page 3, after line 37, insert the following:

"This subsection (3) shall only apply to the hours of employment in excess of the applicable work week specified in subsection (1) of this section where, except for de minimis other duties done at the direction of the employer, the employee is engaged exclusively in sales duties."

On page 6, after line 31, insert the following:

"(8) 'Sales duties' means selling goods or services, duties incidental to or in conjunction with selling, inactivity pending a sales opportunity, or duties performed pending a sales opportunity in reasonable proximity to the employee's customary sales location."

#### REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President, and members of the Senate. As I mentioned on the previous amendment, there is a dispute over what current state law is. That is the purpose of this bill--to, in addition to dealing with the lawsuit, it's to establish what should state policy be for purposes of overtime pay for commissioned salespersons.

"What this bill proposes is that we adopt the federal regulatory policies. Now, what that policy would allow is that any commissioned salesperson who earns more than fifty percent of their salary in a month from commissions, or earns one and a half times the minimum wage, the store could require them to work overtime without paying them overtime. So, what happens? Often, is that these employees are asked to work overtime for work that they cannot earn a commission for.

"What these amendments do, is divide the overtime work into two categories. I think it's really fair. If you do overtime work where you can earn a commission, this amendment says you do not need to be paid overtime. But, if you are working overtime where you cannot possibly earn a commission, such as--say several days setting up a new display, unloading trucks, cleaning the store, doing comparison shopping, those kind of things where you cannot earn a commission, then if you work overtime, you ought to be paid the overtime rate. It's only fair and it's consistent with the way everybody else is paid.

"So, I urge you to support these amendments to be fair to those employees who work in commissioned sales."

#### REMARKS BY SENATOR SCHOW

Senator Schow: "Thank you, Mr. President. I understand what the good Senator from the Twenty-second District is trying to do, but these amendments--the way they are written--would make it so confusing between employers and employees to know when someone should be paid overtime and when they shouldn't be paid overtime. And again, it just defeats what we're trying to do with the underlying bill, and that is to clarify between employer and employee what each other's roles really are. So, I would ask that you defeat these amendments."

#### REMARKS BY SENATOR HEAVEY

Senator Heavey: "Thank you, Mr. President, and members of this distinguished body. Without these amendments, it makes this a commission issue--minimum wage issue. Without these amendments, the person who makes commissions can be asked to unload a truck for two hours on overtime and not be paid time and-one-half, which is the fair labor standard. It's the law of the country. Without these amendments, that simply can happen. If you read it, we still could be required to do diminuous tasks unrelated to sales such as sweeping the floors, such as running to get a cup of coffee or cleaning up. But, essentially, they'd have to be eligible to make commissions. It's perfectly logical. Without it, they could be asked to spend three hours unloading a truck which doesn't have anything to do with commissioned sales, at least as to overtime. I urge your support of the amendments."

#### FURTHER REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President. To close debate, I'd just like to point out to the members that this would apply to anybody who earns seven dollars and thirty-six cents an hour. So, we are talking here, in many cases, about people who are not getting really rich off of commissions. Yes, there are some salespeople on commissions who sell very expensive products and are able to earn an excellent salary, but there are a lot of people who are in sales who sell products where they don't earn a lot in commissions. What you would be doing, if you do not adopt this amendment, is saying people who earn seven dollars and thirty-six cents an hour, if they're required to work overtime where they cannot earn a commission, they won't get paid overtime. And I think these people should be paid overtime, and I urge you to support these amendments."

#### REMARKS BY SENATOR KLINE

Senator Kline: "Thank you, Mr. President. Mr. President, the point of these amendments is to avoid the exploitation of labor that is so inherent in the underlying bill. The purpose of this underlying bill which is opposed by the amendment--and let me speak to the amendments then, is to pay people for what they do. If a person is paid on a commission basis and earns a commission basis, there may be some rational reason for exempting that person from overtime. When that person is unloading a truck, something for which there's no commission, and that person is doing the work that would otherwise be done by a paid worker earning no commission, then that person should be paid overtime. It's real simple. This is a bill submitted, I would submit, under the interest of many employers to cheat labor. These amendments would simply vitiate that purpose, and I urge a 'yes' vote on the amendments. Thank you."

The President declared the question before the Senate to be the adoption of the amendments by Senators Fraser and Heavey on page 3, after line 37, and page 6, after line 31, to Substitute Senate Bill No. 5569.

The motion by Senator Fraser failed and the amendments were not adopted on a rising vote.

#### MOTION

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5569 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### REMARKS BY SENATOR SCHOW

Senator Schow: "Thank you, Mr. President. I ask that my remarks be spread upon the Journal.

"The bill before you is necessary to clarify the law governing overtime payments for commissioned employees of retail businesses. This measure brings nothing new to the law, but simply clarifies the law as understood in the industry and by the state from the time of adoption in 1975 to 1992 when a state agency chose to reinterpret the law through a guideline, thus creating severe confusion in the industry and causing substantial loss of income for commissioned employees.

"I have provided for Senators a copy of the 1975 Final Bill Report on the law we are now clarifying. You will note that it states clearly in the highlighted section that, 'where different federal overtime provisions exist for a particular industry, such provisions shall apply to that industry on the state level also.' The language before you simply restates that intent and places the exact language of the federal overtime standard for commission retail employees into the text of state law. Previously, it was included in state law by incorporation.

"This change is necessary to restore a reasonable overtime formula to state commission sales. This is a formula followed by the federal government and modeled in forty-three other states. I ask you to vote for this bill. Thank you."

#### REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President, and members of the Senate. Speaking against the bill, this bill is not a clarification, it's a choice. And it's a choice that says, a commissioned salesperson who earns seven dollars and thirty-six

cents an hour can be required to work overtime in a situation where they cannot possibly earn commissions without getting overtime pay. I don't think that's fair.

"It's also a bill that is intended to send a message to the court on one side of litigation. I think that's an improper purpose for legislation and I urge you to defeat this bill for that reason."

#### POINT OF INQUIRY

Senator Horn: "Thank you, Mr. President. Will Senator Schow yield to a question? Senator Schow, I wanted to make sure I understood your remarks as you have stated them. Is it true that this bill simply reaffirms the original legislative intent of the 1975 Act establishing overtime standards for commission retail employees?"

Senator Schow: "Senator Horn, as you can see from the Final Bill Report from 1975, the intent of the Legislature in 1975 was to incorporate the federal overtime standard into state law. This was not contested in any form, judicial or administrative, until a state agency chose to reinterpret the law almost seventeen years after the law was passed. Now, the law is in confusion, and we must send a clear and direct message to uphold the original intent of the legislative body."

#### REMARKS BY SENATOR HORN

Senator Horn: "Thank you very much, Mr. President. Speaking in favor of this bill, I think it's been clearly established that we've had something that's worked for us for seventeen years, and because of interference by one of our state departments, it has brought it into confusion. It's important, I think, that we get back to that original intent. Things have been working very well. We have not had a request from the people, the salesmen themselves, that they need additional protection from state government. Quite the contrary. We've heard comments from them that they want to return to the status quo that they've enjoyed for seventeen years. I urge your support."

#### REMARKS BY SENATOR KLINE

Senator Kline: "Mr. President, it's been stated several times now that this bill brings nothing new to the field of employment law, that it simply clarifies the previous status quo before, somehow, the law was thrown into a state of confusion. The fact is, this bill brings something very, very old back into our law. It's called the exploitation of working people. I would hope that this body would not voluntarily become the handmaiden of big business in its constant exploitation of people who work for a living.

"We've just, yesterday, told them that they're going to have to pay now for their own uniforms no matter what those uniforms are, and the boss can require them to pay for them, and the boss can require them to wear them. It doesn't matter that they may have just come off of a welfare program and have very little other than the five hundred and forty-six dollars a month they've received. Too bad. They've got to buy three sets of pants and blouses. Now we're going to tell them, that it doesn't matter that they'll be doing non-commission work. It doesn't matter that they'll be doing any kind of work. They just don't have the right to time and a half like everybody else.

"Federal law, I would like to add, does--it does, create a choice. We can go and state employers are required to go with the state or federal statute, whichever is more favorable to the employee. Currently, it's the state law. That state law is about, in effect, to be repealed. I urge a 'no' vote on this bill. Thank you."

#### REMARKS BY SENATOR ANDERSON

Senator Anderson: "Thank you, Mr. President. It's regrettable that the members of the body here have not had, each and every one of you, the opportunity to sit through the public hearing on this. In the public hearing on this particular bill, there were employee after employee asking us to clarify the law and get rid of what L& I had done in interpreting the law, because they, as employees, were suffering because of the Labor and Industries interpretation.

"The hearing was made up of people that came forth and had shown how their wages had dropped-- dropped, under the supposedly new interpretation. Those people overwhelmingly asked us to go back to this interpretation because they, as employees, were better off. And so with that information and the request from those particular employees, I would hope that you would vote for this bill."

#### POINT OF INQUIRY

Senator Swanson: "Would the distinguished gentleman from the First District yield to a question? Senator Schow, were you a member of this legislative body in 1975?"

Senator Schow: "I don't believe I was."

#### FURTHER REMARKS BY SENATOR SWANSON

Senator Swanson: "Thank you. I'd like to go ahead and comment if I might. I rise in opposition to this bill. There are two kinds of people in this world. It's very obvious that many of y'all never got out there and worked like I did for three and four dollars a day. Working on commission is tough enough when you're trying to raise a family and feed a couple of young 'Uns. The fair labor standard is very clear, that if you're going to work somebody overtime, then you're going to have to pay them. And for this body here to try to interpret something that was in 1975, you're trying to say what them dudes back there were saying, 'I'm saying that you can't do that.' If it's in litigation now, why mess with it? Let the court decide."

## FURTHER REMARKS BY SENATOR SCHOW

Senator Schow: "Thank you, Mr. President. To close debate, just yesterday we had a bill in here that we had to vote on so that department heads--instead of using two pieces of paper, one form for L&I and one for Employment Security, that we would allow the employers to report on just one piece of paper. We had to vote on such a simple little procedure. And yet, we have department heads who interpret laws, like the one that was passed in 1975, and think that we should not stand up to this. I think the Legislature is the body that makes these kind of decisions. In 1975, we made the decision. I think we ought to uphold that. I ask that you support this bill. Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5569.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5569 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Fraser, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 16. SUBSTITUTE SENATE BILL NO. 5569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## . SECOND READING

SENATE BILL NO. 5351, by Senators Benton, Strannigan, Oke, Anderson, Swecker, Zarelli and Rossi

Exempting small scale mining from the requirement of obtaining a hydraulic permit.

## MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5351 was substituted for Senate Bill No. 5351 and the substitute bill was placed on second reading and read the second time.

Senator Benton moved that the following amendment by Senators Benton and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that small scale prospecting and mining is an important part of the heritage of the state. The legislature further finds that small scale prospecting and mining provide economic benefits to the state, and help to meet the national security demand and industrial demand for minerals. The legislature further finds that it is critical that small scale miners and prospectors be allowed access to open public lands in the state. The legislature further finds that mineral prospecting and mining activities can be conducted in a manner that is consistent with fish habitat and fish-life population. Now, therefore, the legislature declares that small scale prospecting and mining must not be unreasonably regulated. The legislature further declares that small scale prospecting and mining must not be unfairly limited or obstructed from access to open public lands. The legislature further declares that all restrictions or regulations of small scale prospecting and mining activities must be based on sound scientific evidence and applicable documentation supporting the need for such restrictions.

**Sec. 2.** RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permitted must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or

government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambanks stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambanks stabilization projects shall be governed by RCW 75.20.103.

This section does not apply to small scale prospecting and mining activities, which are governed by section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 75.20 RCW to read as follows:

(1) Small scale prospecting and mining is exempt from the provisions of this chapter, provided that such activity does not undercut streambanks or disturb rooted live woody plants such as trees or shrubs.

(2) For the purposes of this chapter, "small scale prospecting and mining" means the use of methods such as pans, sluice boxes, concentrators, and mini-rocker boxes for the discovery and recovery of minerals." Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Benton and Hargrove to Substitute Senate Bill No. 5351.

The motion by Senator Benton carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Benton, the following title amendment was adopted:

On page 1, line 1 of the title, after "mining;" strike the remainder of the title and insert "amending RCW 75.20.100; adding a new section to chapter 75.20 RCW; and creating a new section." On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 5351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5351.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senators Fraser, Jacobsen, Kline, Prentice, Spanel and Thibaudeau - 6. ENGROSSED SUBSTITUTE SENATE BILL NO. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

#### SECOND READING

SENATE BILL NO. 5105, by Senators Deccio, McCaslin, Hale, Goings, Johnson, Haugen, West, Winsley, Oke, Schow and Roach

Requiring statutory authority for state rules to differ from federal requirements.

#### MOTIONS



On motion of Senator McCaslin, Substitute Senate Bill No. 5105 was substituted for Senate Bill No. 5105 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendment be adopted:

On page 2, line 12, after "by" strike everything through "~~subsection;~~)" on line 17, and insert "the following:

(i) A state statute that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection;" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Haugen on page 2, line 12, to Substitute Senate Bill No. 5105.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

Senator Haugen moved that the following amendment be adopted:

On page 3, line 1, after "rules" insert "in effect on the effective date of this act that are" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 1, to Substitute Senate Bill No. 5105.

The motion by Senator Haugen carried and the amendment was adopted.

#### MOTION

Senator Haugen moved that the following amendment be adopted:

On page 3, line 5, after "the" strike "business assistance center" and insert "~~((business assistance center))~~ department of community, trade, and economic development" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 5, to Substitute Senate Bill No. 5105.

The motion by Senator Haugen carried and the amendment was adopted.

#### MOTION

Senator Haugen moved that the following amendment be adopted:

On page 3, line 17, after "(4)(b)" strike "by July 1, 1998" and insert "within five years from the effective date of this act" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 17, to Substitute Senate Bill No. 5105.

The motion by Senator Haugen failed and the amendment was not adopted on a rising vote. .

#### MOTION

Senator Haugen moved that the following amendment be adopted:

On page 3, line 27, after "By" strike "July 1, 1999" and insert "the expiration of the seventh year after the effective date of this act" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 27, to Substitute Senate Bill No. 5105.

The motion by Senator Haugen failed and the amendment was not adopted .

#### MOTION

Senator Haugen moved that the following amendment be adopted:

On page 3, line 33, after "industries" insert "with the exception of significant legislative rules adopted under chapter 49.17 RCW" Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Haugen on page 3, line 33, to Substitute Senate Bill No. 5105.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 26. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 23.

#### MOTION

At 2:34 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 3:32 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5800, by Senator Hargrove

Changing the shoreline substantial development exemption for docks.

The bill was read the second time.

#### MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Morton and Hargrove be adopted:

On page 6, line 3 after "in area" delete "or" and insert "and do not exceed" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Morton and Hargrove on page 6, line 3, to Senate Bill No. 5800.

The motion by Senator Spanel carried and the amendment was adopted.

#### MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5800.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senators Fairley, Fraser, Jacobsen, Kline, McAuliffe, Swanson and Thibaudeau - 7. ENGROSSED SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5484, by Senators Hale and Loveland

Revising regulation of swimming pools.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5484.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke,

Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 41. Voting nay: Senators Fraser, Goings, Kline, Kohl, Prentice, Spanel and Thibaudeau - 7. Absent: Senator Brown - 1. SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hale, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 5983, by Senators Schow, Bauer, Snyder, Heavey and Patterson

Assisting industrial investments and projects of state-wide significance.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 5983 was substituted for Senate Bill No. 5983 and the substitute bill was placed on second reading and read the second time.

Senator Bauer moved that the following amendment by Senators Bauer and Schow be adopted:

On page 7, after line 16, insert the following:

"Sec. 9. RCW 28A.525.166 and 1990 c 33 s 457 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.525.160 through 28A.525.182 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses:

PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

$$\text{State Ratio} = \frac{\text{District adjusted 3- valuation per pupil} + \text{Total state adjusted valuation}}{\text{State adjusted 3+ valuation per pupil} + \text{Total state adjusted valuation}} = \text{-\% Assistance}$$

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.525.160 through 28A.525.182, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from industrial projects of state-wide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency."

Renumber the remaining sections consecutively and correct internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Bauer and Schow on page 7, after line 16, to Substitute Senate Bill No. 5983.

The motion by Senator Bauer carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Bauer, the following title amendment was adopted:

On page 1, line 3 of the title, after "47.06.030," insert "28A.525.166," On motion of Senator Bauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5983 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5983.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5983 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Stevens - 1. Excused: Senator Deccio - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5470, by Senators Rossi, Hargrove, Benton, Sellar, Morton, Winsley, Finkbeiner, Oke, Hochstatter, Long, Swecker, Johnson, Zarelli and Strannigan

Doubling penalties for passing school buses.

#### MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5470 was substituted for Senate Bill No. 5470 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5470.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Deccio - 1. SUBSTITUTE SENATE BILL NO. 5470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6004, by Senators Wood, Bauer, Winsley, Jacobsen and Kohl

Creating the K-20 education technology revolving fund.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 6004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6004.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Deccio - 1. SENATE BILL NO. 6004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5474, by Senators Hargrove, Morton, Snyder and Winsley

Concerning standards for recycled products.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5474 was substituted for Senate Bill No. 5474 and the substitute bill was placed on second reading and read the second time.

Senator Horn moved that the following amendment by Senators Horn, Loveland and Finkbeiner be adopted:  
On page 2, line 10, strike "shall" and insert "may"

### PERSONAL PRIVILEGE

Senator Horn: "A point of personal privilege, Mr. President. I humbly offer you my apologies and I recognize the hierarchy between the House and the Senate and offer you my apologies for placing down on your position."

## REPLY BY THE PRESIDENT

President Owen: "No need to do that, Senator Horn. I just wanted to make sure that you were aware of the distinguished body of which you serve."

Further debate ensued.

## POINT OF INQUIRY

Senator Loveland: "Senator Hargrove, the product that we are talking about, though, that would be allowed to be recyclable, is that sawdust?"

Senator Hargrove: "Yes. What we have is the requirement that we have in our current code is the federal ETA requirement that it be post-consumer recycled content. Grays Harbor Paper has gone through a process with the Governor to certify that their sawdust would have ended up in a landfill and that it is recycled, but it is not the post-consumer recycled that is going into this particular paper product. That is the exception that we are looking for."

Senator Loveland: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn, Loveland and Finkbeiner on page 2, line 10, to Substitute Senate Bill No. 5474.

The motion by Senator Horn failed and the amendment was not adopted.

## MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5474.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused:

Senator Deccio - 1. SUBSTITUTE SENATE BILL NO. 5474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5276, by Senators Swecker, Roach and Oke

Providing an alternative for persons whose water rights permits were conditioned due to impact on existing rights or established flows.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5276 was substituted for Senate Bill No. 5276 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5276.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5276 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Fairley, Finkbeiner, Franklin, Heavey, Horn, Kline, Kohl, Patterson, Prentice, Thibaudeau and Wojahn - 11. Excused: Senator Deccio - 1. SUBSTITUTE SENATE BILL NO. 5276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5181, by Senators Roach, Fairley, Prentice, Benton and Winsley

Making certain debtors liable for any deficiency after default.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5181.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 43. Voting nay: Senators Jacobsen, Kline, Kohl and Wojahn - 4. Absent: Senator Finkbeiner - 1. Excused: Senator Deccio - 1. SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5968, by Senators Thibaudeau, Wood, Haugen and Prince

Regulating electric-assisted bicycles.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Senate Bill No. 5968 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5968.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5968 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Finkbeiner - 1. Excused: Senator Deccio - 1. SENATE BILL NO. 5968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5338, by Senators Horn, Heavey and Schow

Allowing restricted use of spirituous liquor at no charge.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5338.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5338 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley and Wood - 39. Voting nay: Senators Fairley, Hargrove, Morton, Oke, Prentice, Strannigan, Wojahn and Zarelli - 8. Absent: Senator Finkbeiner - 1. Excused: Senator Deccio - 1. SENATE BILL NO. 5338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 4:34 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 5:43 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5809, by Senators Fraser, Hale, Winsley and Prentice

Requiring unauthorized insurers to be financially sound.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5809.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5809 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6007, by Senators Winsley and Finkbeiner

Eliminating the operating expenses limitation on mutual savings banks.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6007.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6007 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 6007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5286, by Senators Horn, Benton, West, McCaslin, Wood, Prince, Roach, McDonald, Hale, Sellar, Anderson, Deccio, Johnson, Oke, Morton, Zarelli, Swecker, Hochstatter, Schow and Strannigan

Clarifying the taxation of intangible personal property.

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5286 was substituted for Senate Bill No. 5286 and the substitute bill was placed on second reading and read the second time.

Senator Loveland moved that the following amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson be adopted:

On page 1, line 8, after "from" strike "~~(ad valorem)~~ property" and insert "ad valorem" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson on page 1, line 8, to Substitute Senate Bill No. 5286.

The motion by Senator Loveland carried and the amendment was adopted.

#### MOTION

Senator Loveland moved that the following amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson be adopted:

On page 2, line 15, after "from," strike "generally accepted appraisal practices" and insert "the uniform standards of professional appraisal practice" Debate ensued.

#### POINT OF INQUIRY

Senator Loveland asked Senators West, Horn, Strannigan, Johnson and McDonald to yield to a question and none would yield to a question.

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



## PARLIAMENTARY INQUIRY

Senator McCaslin: "My question, Mr. President, is a roll call on what?"

## REPLY BY THE PRESIDENT

President Owen: "On the amendment."

Senator McCaslin: "On the amendment? I thought she was addressing whether or not the response to the questions were negative."

Senator Loveland: "Thank you, Mr. President. I kinda picked up on that, Senator. I am asking for a roll call on the amendment."

Senator McCaslin: "Thank you very much, Senator Loveland."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson on page 2, line 15, to Substitute Senate Bill No. 5286.

## ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 24. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25.

## MOTION

Senator Loveland moved that the following amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

(4) In valuing property, intangible personal property shall not be valued separately.

**Sec. 2.** RCW 84.40.040 and 1988 c 222 s 15 are each amended to read as follows:

The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. The assessor shall also complete the duties of listing and placing valuations on all property by May 31st of each year, (~~except that the listing and valuation of construction under RCW 36.21.040 through 36.21.080 shall be completed by August 31st of each year.~~) and in the following manner, to wit:

The assessor shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter one hundred percent of the value of such land and of the total value of such improvements, together with the total of such one hundred percent valuations, opposite each description of property on the assessment list and tax roll.

The assessor shall make an alphabetical list of the names of all persons in the county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form

prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property: PROVIDED, That the assessor may list and value improvements on publicly owned land in the same manner as real property is listed and valued, including conformance with the revaluation program required under chapter 84.41 RCW. Such list and statement shall be filed on or before the last day of April. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: PROVIDED, That the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement and enter one hundred percent of the same on the assessment roll opposite the name of the party assessed; and in making such entry in the assessment list, the assessor shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of the party's residence or place of business. The assessor may, after giving written notice of the action to the person to be assessed, add to the assessment list any taxable property which should be included in such list.

Notwithstanding the other provisions of this section, the assessor shall not require a taxpayer to report intangible personal property." Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson to Substitute Senate Bill No. 5286.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

Senator Loveland moved that the following amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature intends to maintain the status quo with respect to the listing and assessment of intangible personal property while the department of revenue studies the issue.

(2) For property taxes due in 1997 and 1998, the state and the county assessors shall list and assess intangible personal property in the same manner and to the same extent as intangible personal property was listed and assessed for taxes due in 1996.

NEW SECTION. Sec. 2. (1) The department of revenue shall conduct a study of the current state and local taxation of intangible personal property. The study shall address but is not limited to the following:

(a) What is intangible property and how is it defined?

(b) What intangible property is subject to tax in this state, and to what extent is intangible property that is subject to tax actually taxed?

(c) How is intangible property treated in each county of the state?

(d) To what extent are intangibles captured in standard valuation methodologies by the state and by county assessors?

(e) How do intangibles affect the county indicated ratio calculations?

(f) How is intangible property treated with regard to property valued by the department of revenue?

(g) What is taxpayer compliance on reporting intangible property for property tax purposes?

(h) What legal and other issues arise with either taxing intangibles or exempting intangibles?

(i) What would be the effect of exempting all intangible property from property taxation on state and local government valuation practices and revenues?

(j) How do other states tax intangibles?

(2) To perform this study, the department shall form an advisory study committee with balanced representation from different segments of government and the business community. The advisory committee shall include, but need not be limited to, two members from the house of representatives, two members from the senate, representatives of both small and large businesses, representatives of cities, counties, and other taxing districts, a representative of the county assessors, a representative of the appraisal industry, a representative of the department of revenue, and tax policy experts from the academic, legal, and business communities.

(3) The department of revenue shall provide staff for the purpose of the study.

(4) The department of revenue shall present a final report of the findings of the study to the committees of the legislature that deal with revenue matters no later than December 31, 1996.

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

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators McAuliffe, Wojahn, Loveland, Snyder, Spanel, Franklin, Prentice, Sheldon, Fraser and Swanson to Substitute Senate Bill No. 5286.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

Senator Loveland moved that the following amendment by Senators Loveland and Snyder be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.070 and 1974 ex.s. c 118 s 1 are each amended to read as follows:

The following intangible property shall be exempt from ad valorem taxation:

(1) All moneys and credits including mortgages, notes, accounts, certificates of deposit, tax certificates, judgments, state, county and municipal bonds and warrants and bonds and warrants of other taxing districts, bonds of the United States and of foreign countries or political subdivisions thereof and the bonds, stocks or shares of private corporations;

(2) Private nongovernmental personal service contracts, private nongovernmental athletic or sports franchises, or private nongovernmental athletic or sports agreements provided that the contracts, franchises or agreements do not pertain to the use or possession of tangible personal or real property or to any interest in tangible personal or real property;

and

(3) Trademarks, trade names, brand names, patents, copyrights, and trade secrets, licenses, permits, core deposits of financial institutions, noncompete agreements, customer lists, patient lists, favorable contracts, favorable financing agreements, reputation, exceptional management, prestige, good name, trained workforce, or integrity of a business.

**NEW SECTION. Sec. 2.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 3.** This act is effective for taxes levied for collection in 1998 and thereafter." Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Loveland and Snyder to Substitute Senate Bill No. 5286.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 24. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25.

#### MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Prentice, the following remarks by Senators Snyder and Kline will be included in the Journal.

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President and members of the Senate, I stand here rather heavy-hearted tonight. I have supported, since I have been a member of this Legislature, tax break, after tax break, after tax break for business. I have sponsored them. I have worked for them--for the manufacture's tax reduction--for the repairs and maintenance tax reduction--and the list goes on--for the aluminum plants--for the windmills-- but it never seems to be enough. We are definitely uncertain if this is going to shift or not, but it very well could. It's seems like there is a tapeworm that we can't satisfy with enough tax breaks. Not only that, but one of my large corporations in my district found another gimmick where they were able to get their property tax reduced by thirty-six million dollars--the evaluation--and save four hundred thousand dollars that is going to come out of the state treasury, the county coffers, and it is going to shift some to the other taxpayers in the county.

“Nobody can guarantee that this is not going to be a shift. I am really disappointed that some of our good amendments, that we had--sincere amendments--weren't taken seriously and adopted. I don't know where we are going to end up. I understand this won't go into effect

until after the '98 elections, so if there is a shift the taxpayers aren't going to know about it until they get their tax bill in '99. So, earnestly, I ask all of you to take a good hard look at this and let's cast a 'no' vote. Let's reconsider it and go back and put some of those, anyone of those amendments on that we suggested. Ones that would make a study or ones that would exempt everything under the sun except franchises and pass that bill, because all we are doing is making sure that there isn't a shift. I plead with you to vote 'no' on this measure. It is a bum one.”

#### REMARKS BY SENATOR KLINE

Senator Kline: “Thank you, Mr. President. Ladies and gentlemen, first we made recent welfare mothers, who were seeking jobs, buy their own uniforms, so the boss doesn't have to pay for them. The other day we allowed the residents of Medina and Yarrow Point and Hunt's Point, in Mercer Island to use Lake Washington water. There is a pattern here and today we are going to give a nice big tax exemption for big business and bigger business at the expense of small business and home owners. Have you no shame? Must you eternally carry the water for big corporations? Are you well-trained?”

#### POINT OF ORDER

Senator Deccio: “The Senator is impugning the motives of the Republican side of the aisle and I think you ought to tell him to stop it. Thank you.”

#### REPLY BY THE PRESIDENT

President Owen: “Senator Kline, please be careful in your remarks as you refer to other members of the body.”

Senator Kline: “Certainly. I don't mean to impugn the motives, but rather the result of the work of those members. I apologize if I misunderstood. Mr. President, the purpose here is simply to show what I believe is a rather clear pattern favoring the very, very wealthy over all the rest of us. At some point, there is a certain danger in this and I hope it does not continue. I urge a 'no' vote on this bill. Thank you.”

Further debate ensued.

#### POINT OF ORDER

Senator Johnson: “Mr. President, I think the last speaker, in speaking of robber barons, was impugning the persons on this side of the aisle and should be reminded of that.”

#### REPLY BY THE PRESIDENT

President Owen: “I would remind the Senators that we have very strict rules on how we address other members of the Senate and I would ask that you please comply with those rules.”

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5286.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5286 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 28. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 21. ENGROSSED SUBSTITUTE SENATE BILL NO. 5286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, and there being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5105, which was on second reading and under consideration earlier today.

#### MOTION FOR RECONSIDERATION

Senator Johnson moved that the Senate reconsider the vote by which the amendment by Senator Haugen on page 3, line 33, to Substitute Senate Bill No. 5105 was adopted.

The President declared the question before the Senate to be the motion for reconsideration of the amendment by Senator Haugen on page 3, line 33, to Substitute Senate Bill No. 5105, which was adopted earlier today.

The motion for reconsideration of the amendment carried.

#### MOTION

On motion of Senator Johnson, the amendment by Senator Haugen on page 3, line 33, to Substitute Senate Bill No. 5105 was not adopted, on reconsideration.

#### MOTION

Senator Haugen moved that the following amendments by Senators Anderson, Roach, Winsley, Haugen, Goings and Benton be considered simultaneously and be adopted:

On page 2, line 10, after "Determine" insert ", with the exception of significant legislative rules adopted under chapter 49.17 RCW,"

On page 3, line 18 after "1998" insert ", with the exception of significant legislative rules adopted under chapter 49.17 RCW by the department of labor and industries, which shall have until July 1, 2000"

On page 3, line 27, after "rule" insert ", with the exception of significant legislative rules adopted under chapter 49.17 RCW," Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Anderson, Roach, Winsley, Haugen, Goings and Benton on page 2, line 10, and page 3, lines 18 and 27, to Substitute Senate Bill No. 5105.

The motion by Senator Haugen carried and the amendments were adopted.

#### MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage  
Debate ensued.

#### MOTION

On motion of Senator Goings, Senator Kline was excused.

#### MOTION

Senator Snyder moved that Engrossed Substitute Senate Bill No. 5105 be referred to the Committee on Ways and Means.

Further debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator West, could you give a ballpark figure about what this will cost?"

Senator West: "In the process of writing the budget and looking at this bill, I am not concerned that this will have a fiscal impact that will affect the state of Washington. Senator Deccio was exactly right. In the state of Massachusetts, when they did this similar process, the fiscal impact was negligible. In the city/county of Indianapolis, Mayor Steve Goldsmith, who is one of the examples of what an executive ought to be in this country, did this similar kind of process and again, the fiscal impact is very minimal. So, the Ways and Means Committee, and as the chairman, I am satisfied that this has such a negligible impact that we do not need to examine it and I would encourage a 'no' vote."

Senator Franklin: "May I continue? Thank you, Senator, however, you did not answer my question."

Further debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Snyder to refer Engrossed Substitute Senate Bill No. 5105 to the Committee on Ways and Means.

Further debate ensued.

#### POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. I believe the Senator is addressing the motion, which is referral to the Committee on Ways and Means, which is a fiscal issue."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Johnson is correct, Senator Patterson."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll and the motion to refer the bill to the Committee on Ways and Means failed by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senator Kline - 1. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5105.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 29. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Haugen, Heavey, Jacobsen, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 19. Excused: Senator Kline - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

#### STATEMENT FOR THE JOURNAL

I inadvertently voted 'yes' on Substitute Senate Bill No. 5401, yesterday, March 12, 1997. It was my intention to vote 'no' on this bill. Upon learning of my mistake, later in the day, I asked the President of the Senate to reconsider the bill. My exact request and his response is as follows:

SENATOR DON BENTON, 17th Legislative District

#### PARLIAMENTARY INQUIRY

Senator Benton: "A point of parliamentary inquiry, Mr. President. Yesterday morning, I inadvertently voted in favor of Substitute Senate Bill No. 5401 (PUD Commissioners pay increases). Yesterday evening, having voted on the prevailing side, I gave notice of reconsideration of final passage of Substitute Senate Bill No. 5401, under Senate Rule 37.

"Prior to my giving notice, and unbeknown to me, Substitute Senate Bill No. 5401 had already been transmitted to the House of Representatives, read in there, and referred to a House committee. Senate Rule 37 permits Senators to give notice of reconsideration on the day of final passage, unless there has been a motion to immediately transmit the measure and the measure is in the possession of the House.

"My question is under the above circumstances, do I still maintain the ability to properly move for reconsideration on the final passage of Substitute Senate Bill No. 5401?"

**EDITOR'S NOTE:** Senate Rule 37 states, '1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day, immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

'2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.'

#### RULING BY THE PRESIDENT

President Owen: "Senate Rule 37 is as you say. At the same time, there is no requirement that the Senate hold a bill for any period of time. Substitute Senate Bill No. 5401 was moved to the House on a regular order of business and action was taken on it in the House prior to when your notice for reconsideration was given. The Senate cannot then take further action on the bill.

"The President would, therefore, not be able to recognize your motion to reconsider.

"The Secretary has taken steps to see that bills are no longer transmitted to the House until the Senate adjourns for the day in order to preserve a member's right to reconsider a vote."

#### MOTION

At 7:33 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Friday, March 14, 1997.

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SIXTIETH DAY, MARCH 13, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SIXTY-FIRST DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, March 14, 1997

The Senate was called to order at 8:30 a.m. by Vice President Pro Tempore Morton. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present except Senators Bauer, Deccio, Kohl, McDonald, Patterson, Prentice, Schow, Sellar and Strannigan. On motion of Senator Hale, Senators McDonald, Schow and Sellar were excused. On motion of Senator Franklin, Senators Patterson and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tena Goff and Jonathan Schmidt, presented the Colors. Reverend Bruce Armstrong, pastor of the Lacey Presbyterian Church, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT**

March 10, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph D. Lehman, appointed March 10, 1997, for a term ending at the pleasure of the Governor, as Secretary of the Department of Corrections.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Human Services and Corrections.

**MESSAGES FROM THE HOUSE**

March 12, 1997

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1575,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 12, 1997

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1223,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243,

HOUSE BILL NO. 1273,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1372,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1419,

HOUSE BILL NO. 1439,

HOUSE BILL NO. 1452,

SUBSTITUTE HOUSE BILL NO. 1462,

HOUSE BILL NO. 1465,

HOUSE BILL NO. 1468,

SUBSTITUTE HOUSE BILL NO. 1469,

HOUSE BILL NO. 1483,

ENGROSSED HOUSE BILL NO. 1496,  
HOUSE BILL NO. 1521,  
HOUSE BILL NO. 1545,  
SUBSTITUTE HOUSE BILL NO. 1550,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1560,  
SUBSTITUTE HOUSE BILL NO. 1565,  
SUBSTITUTE HOUSE BILL NO. 1574,  
SUBSTITUTE HOUSE BILL NO. 1587,  
HOUSE BILL NO. 1589,  
SUBSTITUTE HOUSE BILL NO. 1591,  
SUBSTITUTE HOUSE BILL NO. 1600,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1603,  
HOUSE BILL NO. 1614,  
SUBSTITUTE HOUSE BILL NO. 1618,  
HOUSE BILL NO. 1636,  
HOUSE BILL NO. 1648,  
SUBSTITUTE HOUSE BILL NO. 1680,  
SUBSTITUTE HOUSE BILL NO. 1692,  
HOUSE BILL NO. 1708,  
SUBSTITUTE HOUSE BILL NO. 1733,  
SUBSTITUTE HOUSE BILL NO. 1748,  
SUBSTITUTE HOUSE BILL NO. 1776,  
SUBSTITUTE HOUSE BILL NO. 1795,  
HOUSE BILL NO. 1796,  
SUBSTITUTE HOUSE BILL NO. 1801, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 12, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1806,  
HOUSE BILL NO. 1827,  
HOUSE BILL NO. 1828,  
SUBSTITUTE HOUSE BILL NO. 1829,  
HOUSE JOINT RESOLUTION NO. 4209, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 12, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1083,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1127,  
HOUSE BILL NO. 1129,  
SUBSTITUTE HOUSE BILL NO. 1178,  
SUBSTITUTE HOUSE BILL NO. 1245,  
HOUSE BILL NO. 1274,  
SUBSTITUTE HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1286,  
SUBSTITUTE HOUSE BILL NO. 1323,  
HOUSE BILL NO. 1332,  
HOUSE BILL NO. 1341,  
SUBSTITUTE HOUSE BILL NO. 1342,  
SUBSTITUTE HOUSE BILL NO. 1352,  
SUBSTITUTE HOUSE BILL NO. 1380,  
SUBSTITUTE HOUSE BILL NO. 1412,  
SUBSTITUTE HOUSE BILL NO. 1416,  
SUBSTITUTE HOUSE BILL NO. 1428,  
HOUSE JOINT MEMORIAL NO. 4000, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 13, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1005,  
SUBSTITUTE HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1324,  
SUBSTITUTE HOUSE BILL NO. 1325,  
SUBSTITUTE HOUSE BILL NO. 1466,  
HOUSE BILL NO. 1847,



SUBSTITUTE HOUSE BILL NO. 1849,  
HOUSE BILL NO. 1908,  
HOUSE BILL NO. 1932,  
SUBSTITUTE HOUSE BILL NO. 1955,  
SUBSTITUTE HOUSE BILL NO. 1971,  
HOUSE BILL NO. 2040,  
SUBSTITUTE HOUSE BILL NO. 2059,  
HOUSE BILL NO. 2070,  
HOUSE BILL NO. 2098,  
HOUSE JOINT MEMORIAL NO. 4009, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1005 by House Committee on Higher Education (originally sponsored by Representatives Carlson, Pennington, Ogden, Dunn, Boldt and Mielke)

Creating the border county higher education opportunity pilot project.

Referred to Committee on Higher Education.

SHB 1083 by House Committee on Law and Justice (originally sponsored by Representatives McDonald, Sheahan and Mielke)

Authorizing use of department of licensing records in criminal prosecutions.

Referred to Committee on Law and Justice.

E2SHB 1127 by House Committee on Appropriations (originally sponsored by Representatives Schoesler, Linville, Chandler, Grant, Mastin, Parlette, Buck, Sheahan, Thompson and Anderson)

Requiring integrated pest management.

Referred to Committee on Ways and Means.

HB 1129 by Representatives Thompson, Sheahan, Sterk, Sump, Mielke, Delvin, DeBolt, Mulliken, Conway, Chandler, O'Brien, Kessler, Dunn, Costa, Anderson and Bush

Increasing penalties for attempting to elude a pursuing police vehicle to a class B felony.

Referred to Committee on Law and Justice.

SHB 1178 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Quall and Wolfe) (by request of Governor Lowry)

Creating sentencing guidelines for the sale of various amounts of controlled substances.

Referred to Committee on Law and Justice.

ESHB 1223 by House Committee on Law and Justice (originally sponsored by Representatives Carrell, Zellinsky, Talcott, Hickel, Thompson and Conway)

Addressing the public nuisance activities of tenants.

Referred to Committee on Law and Justice.

ESHB 1243 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Hatfield, Skinner, Scott, Zellinsky, Fisher, O'Brien, Mitchell, Wood, Delvin, Smith, Robertson, Sterk, DeBolt, Radcliff, McMorris, Backlund, Cairnes, Mastin, Boldt, Ogden, L. Thomas, Hankins, Wensman, Johnson and Benson)

Enhancing security of identicards and drivers' licenses.

Referred to Committee on Law and Justice.

SHB 1245 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, K. Schmidt, Sterk, Ballasiotes, Zellinsky, Skinner, Cairnes, Delvin, Smith, Robertson, O'Brien, Backlund, Fisher, Scott, McMorris, Radcliff, Mulliken, Boldt, Hatfield, L. Thomas, Costa, Hankins, McDonald, Wensman, Benson and Kessler)

Strengthening penalties for using drivers' licenses and identicards to commit fraud.

Referred to Committee on Law and Justice.

HB 1273 by Representatives Sheahan, Appelwick, Cody, Sherstad, Wensman and Costa

Making certain debtors liable for any deficiency after default.

Referred to Committee on Law and Justice.

HB 1274 by Representatives Van Luven and Wensman (by request of Department of Revenue)

Eliminating the requirement for a study of the property tax exemption and valuation rules for computer software.

Referred to Committee on Ways and Means.

SHB 1277 by House Committee on Finance (originally sponsored by Representatives B. Thomas, Dunshee, Carrell, Thompson and D. Schmidt) (by request of Department of Revenue)

Providing for confidentiality of property tax information.

Referred to Committee on Ways and Means.

SHB 1280 by House Committee on Capital Budget (originally sponsored by Representatives Honeyford, Koster, Sheldon, Sump, Boldt, D. Sommers, McMorris, Clements, Crouse, Dunn, Schoesler, Johnson, DeBolt, Mulliken, Thompson, Mielke and D. Schmidt)

Removing requirements for public art in department of corrections facilities.

Referred to Committee on Ways and Means.

SHB 1286 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Honeyford, Conway, Cole and Thompson) (by request of Department of Licensing)

Correcting real estate brokers and salespersons statutes for administrative and practical purposes.

Referred to Committee on Commerce and Labor.

SHB 1323 by House Committee on Government Reform and Land Use (originally sponsored by Representatives D. Schmidt, Scott, Wensman, Morris, Costa and Dunn) (by request of Department of Revenue)

Allowing electronic distribution of notices relating to rule making or policy or interpretive statements.

Referred to Committee on Government Operations.

HB 1324 by Representatives Dunshee, Chandler and Buck (by request of Department of Revenue)

Revising the collection of the metals mining and milling fee.

Referred to Committee on Agriculture and Environment.

SHB 1325 by House Committee on Capital Budget (originally sponsored by Representatives Ogden, Mitchell, Costa, Hankins, O'Brien and Mason)

Providing facilities for social service organizations.

Referred to Committee on Ways and Means.

HB 1332 by Representatives Sheahan, Costa, Dickerson, Blalock, O'Brien, Kenney, Linville, Wood, Benson, Ballasiotes, Ogden, Murray, Cody, Dunshee, Conway, Lantz, Carrell and Mason

Authorizing diversion agreements to prohibit contact with victims or witnesses of offenses committed by the juvenile.

Referred to Committee on Human Services and Corrections.

HB 1341 by Representatives Thompson, Dunshee, B. Thomas and Wensman (by request of Department of Revenue)

Making technical corrections for tax provisions.

Referred to Committee on Ways and Means.

SHB 1342 by House Committee on Finance (originally sponsored by Representatives B. Thomas, Dunshee and Wensman) (by request of Department of Revenue)

Revising interest and penalty administration of the department of revenue.

Referred to Committee on Ways and Means.

SHB 1352 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Fisher, Buck and Mitchell) (by request of Department of Transportation)

Funding transportation project environmental mitigation.

Referred to Committee on Transportation.

E2SHB 1372 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Mason, Radcliff, O'Brien, Dunn, Kenney, Sheahan, Talcott, Hatfield, Schoesler, Mitchell, Costa, Cooper, Dickerson, Keiser, Wood and Kessler)

Creating the Washington advanced college tuition payment program.

Referred to Committee on Higher Education.

SHB 1380 by House Committee on Law and Justice (originally sponsored by Representatives Lambert, Wolfe, Sheahan, Mitchell, Dunshee, Mason and Scott)

Changing the allocation of child support health care expenses between parents.

Referred to Committee on Law and Justice.

SHB 1412 by House Committee on Health Care (originally sponsored by Representatives Cody, Dyer, Keiser, Zellinsky, Conway, Bush, Kessler, Ogden and Sullivan)

Clarifying who may legally use the title "nurse."

Referred to Committee on Health and Long-Term Care.

SHB 1416 by House Committee on Education (originally sponsored by Representatives Mulliken, Romero, Talcott, Clements, Johnson, Costa, Wolfe, Mielke and Dunn)

Recognizing degrees in deaf education from a program approved by the council on education of the deaf.

Referred to Committee on Education.

ESHB 1419 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Linville and Regala) (by request of Department of Ecology)

Revising provisions for solid waste permits.

Referred to Committee on Agriculture and Environment.

SHB 1428 by House Committee on Natural Resources (originally sponsored by Representatives Van Luven and Regala) (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

Prescribing a method for establishing rent for condominium and cooperative leasehold interests.

Referred to Committee on Natural Resources and Parks.

HB 1439 by Representatives B. Thomas, Sherstad, Murray, L. Thomas, Wolfe, Cole, DeBolt and Wensman

Authorizing counties to set deadlines for petitioning for changes in assessed valuation.

Referred to Committee on Government Operations.

HB 1452 by Representatives L. Thomas, Wolfe, Zellinsky, Alexander and Keiser

Providing definitions concerning title insurers.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1462 by House Committee on Higher Education (originally sponsored by Representative Huff)

Setting nonresident undergraduate tuition at the University of Washington.

Referred to Committee on Higher Education.

HB 1465 by Representatives Sump, Sheldon, Grant, Hatfield, Pennington, Delvin and Koster

Requiring establishment of a no-cost consulting service regarding mining issues.

Referred to Committee on Natural Resources and Parks.

SHB 1466 by House Committee on Natural Resources (originally sponsored by Representatives Sump, Sheldon, Grant, Hatfield, Delvin and Pennington)

Allowing the department of natural resources to delegate some or all of its surface mining enforcement authority to qualified personnel of a county, city, or town.

Referred to Committee on Natural Resources and Parks.

HB 1468 by Representatives Buck, Chandler, Grant, Sump, Sheldon, Hatfield, Alexander, Delvin and Pennington

Removing authority to modify reclamation permit fees.

Referred to Committee on Natural Resources and Parks.

SHB 1469 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Chandler, Grant, Sump, Sheldon, Hatfield, Delvin and Pennington)

Clarifying the authority to regulate surface mining.

Referred to Committee on Natural Resources and Parks.

HB 1483 by Representatives Van Luven, Zellinsky and Wensman

Defining the location of a retail sale by a towing service operator as the place of business.

Referred to Committee on Ways and Means.

EHB 1496 by Representatives Benson, Cooke, Mulliken, Dunshee, Linville, Sheahan, Gombosky, Carrell, Sterk, McMorris and Kastama

Clarifying the definition of "negligent treatment or maltreatment" of a child.

Referred to Committee on Human Services and Corrections.

HB 1521 by Representatives B. Thomas, Dickerson and Dunn

Extending to local agencies the same authority now authorized for state agencies to protect taxpayer information under public records.

Referred to Committee on Government Operations.

HB 1545 by Representatives Sheahan, Costa, Tokuda, Cooper, Blalock, Keiser, Kenney, Conway, Lantz, Cole, Wolfe, O'Brien, Mason, Wood and Scott

Regulating funding for domestic violence shelters.

Referred to Committee on Human Services and Corrections.

SHB 1550 by House Committee on Appropriations (originally sponsored by Representatives Doumit, Ballasiotes, Hatfield, Pennington, Kessler, Tokuda, Carlson, Ogden, Romero and Mielke)

Prohibiting disability retirement benefits resulting from criminal conduct.

Referred to Committee on Ways and Means.

ESHB 1560 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Wolfe, Smith, Benson and Mason)

Modernizing, clarifying, and simplifying the Washington state credit union act.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1565 by House Committee on Natural Resources (originally sponsored by Representatives Mielke, Pennington, Carrell, Mulliken, Thompson and Cairnes)

Limiting the regulations of small scale mining.

Referred to Committee on Natural Resources and Parks.

SHB 1574 by House Committee on Higher Education (originally sponsored by Representatives Mason, Radcliff, Carlson, Dunn, Cooper, Conway, Tokuda, Kenney, Doumit, Quall, Sheahan, Hatfield, Blalock, Dickerson, Scott, O'Brien, Costa, Cody and Regala)

Creating the historically Black college fund pilot project.

Referred to Committee on Higher Education.

ESHB 1575 by House Committee on Law and Justice (originally sponsored by Representatives Sherstad, Koster, Mulliken, Thompson, Ballasiotes, Lambert, Hickel, Sheahan, Reams and Dunn)

Regulating live adult entertainment establishments.

Referred to Committee on Law and Justice.

SHB 1587 by House Committee on Law and Justice (originally sponsored by Representatives Lantz, McDonald, Cody, Skinner, Mason, H. Sommers, Ogden, Sheahan, Bush, Blalock, Dickerson, Conway, O'Brien, Linville, Keiser, Costa, Kessler, Kenney, Regala and Cooper)

Penalizing parental voyeurism.

Referred to Committee on Law and Justice.

HB 1589 by Representatives Robertson, Costa, Radcliff, Cody, Scott, Cole, Skinner, Lantz, Constantine, Delvin, K. Schmidt, Murray, Hankins, Blalock, Hatfield, Wensman, O'Brien, Linville, Cooke, Ogden, Sheldon, Kessler and Kenney

Allowing a crime victim to have an advocate present at any judicial proceeding.

Referred to Committee on Law and Justice.

SHB 1591 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Mulliken, Sherstad, Cairnes and Thompson)

Concerning local project review under the growth management act.

Referred to Committee on Government Operations.

SHB 1600 by House Committee on Natural Resources (originally sponsored by Representatives Sheldon and Buck)

Revising provisions relating to surface mining permits.

Referred to Committee on Natural Resources and Parks.

ESHB 1603 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, McMorris, Honeyford, L. Thomas, Mielke and Sullivan)

Requiring a lien information statement for sale of new residential property.

Referred to Committee on Government Operations.

HB 1614 by Representatives Alexander, Regala, Sump and Keiser (by request of Parks and Recreation Commission)

Regarding enterprise activities of the state parks and recreation commission.

Referred to Committee on Natural Resources and Parks.

SHB 1618 by House Committee on Health Care (originally sponsored by Representatives Skinner, Dyer, Conway, Zellinsky, Cody, Backlund, Parlette and Clements)

Modifying certain aspects of programs that treat impaired physicians.

Referred to Committee on Health and Long-Term Care.

HB 1636 by Representatives Ballasiotes, Costa, Tokuda, Keiser, Ogden and Blalock

Specifying imminence of threat to bodily harm for crime of harassment.

Referred to Committee on Law and Justice.

HB 1648 by Representatives Honeyford, Sheahan, Skinner, Clements, H. Sommers, Boldt, Delvin and Sullivan

Declaring buildings used for criminal street gang activity to be a nuisance.

Referred to Committee on Law and Justice.

ESHB 1678 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Smith, Wolfe, Sullivan and Zellinsky)

Regulating mortgage brokers.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1680 by House Committee on Natural Resources (originally sponsored by Representatives Sump, McMorris, L. Thomas, Chandler, Buck, Sheldon and Mielke)

Regulating mining and milling operations.

Referred to Committee on Natural Resources and Parks.

SHB 1692 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Morris, Anderson, Honeyford, Huff, Lantz and Chopp)

Describing those lands eligible to be included in a port district aquatic lands management agreement.

Referred to Committee on Natural Resources and Parks.

HB 1708 by Representative McMorris

Eliminating farm implement commissioned salespeople from the minimum rate of compensation for employment in excess of a forty-hour work week requirement.

Referred to Committee on Commerce and Labor.

SHB 1733 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, L. Thomas, Benson, DeBolt, Dyer and Pennington)

Clarifying personal injury protection automobile insurance coverage.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1748 by House Committee on Trade and Economic Development (originally sponsored by Representatives Morris, Van Luven, Quall, Kessler, Sheldon, Anderson, Buck, Cooper, Dunn, Hatfield, Thompson and O'Brien)

Fostering economic development through increasing maritime trade competitiveness.

Referred to Committee on Transportation.

SHB 1776 by House Committee on Appropriations (originally sponsored by Representatives Huff, H. Sommers, Alexander, Benson, Clements, Wensman, O'Brien and Boldt) (by request of Office of Financial Management)

Regarding school audits.

Referred to Committee on Ways and Means.

ESHB 1792 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Delvin, Hankins, Mastin, Linville, Veloria, Van Luven, Regala and Grant)

Expanding the use of environmental technology precertification.

Referred to Committee on Agriculture and Environment.

SHB 1795 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Hatfield and Kessler) (by request of Commissioner of Public Lands)

Concerning the classification of forest practices and the regulation of forest practices by state and local entities.

Referred to Committee on Natural Resources and Parks.

HB 1796 by Representatives Smith, Zellinsky, Wolfe, Grant, Benson, DeBolt, Wensman, Constantine, L. Thomas, Keiser and Sullivan

Delivering the cancellation notice for an insurance policy.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1801 by House Committee on Education (originally sponsored by Representatives Johnson, Ogden, Honeyford, Kessler, Dickerson, Blalock, Conway, Wensman, D. Schmidt, Gombosky, Keiser, Wood, Carlson, Quall, Constantine and Mason) (by request of Washington State Historical Society)

Creating the governor's award for excellence in teaching history.

Referred to Committee on Higher Education.

SHB 1806 by House Committee on Natural Resources (originally sponsored by Representatives Alexander, Grant, Mastin, Buck, Johnson, Butler, Hatfield, Kessler, Sheldon, Chandler, Thompson, Regala, Anderson, Pennington, Clements, Kenney, Sullivan, Blalock, Conway, Mulliken, Tokuda, Constantine, Mason and Schoesler)

Increasing penalties for the illegal killing and possession of wildlife.

Referred to Committee on Natural Resources and Parks.

HB 1827 by Representatives Honeyford, Cole and Clements (by request of Department of Licensing)

Regulating boxing, kickboxing, martial arts, and wrestling.

Referred to Committee on Commerce and Labor.

HB 1828 by Representative Van Luven

Establishing inspection requirements for private residence conveyances.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1829 by House Committee on Commerce and Labor (originally sponsored by Representative Van Luven)

Requiring a record of transaction for trade-in or exchange of computer hardware.

Referred to Committee on Commerce and Labor.

HB 1847 by Representatives Honeyford, McMorris and Dunn

Allowing wine manufacturers that manufacture other liquors to sell the manufacturer's liquor products on its licensed premises.

Referred to Committee on Commerce and Labor.

SHB 1849 by House Committee on Children and Family Services (originally sponsored by Representative Delvin)

Changing provisions relating to developmentally disabled dependent children.

Referred to Committee on Health and Long-Term Care.

HB 1908 by Representatives Thompson and McMorris

Establishing a fire fighting technical review committee.

Referred to Committee on Commerce and Labor.

HB 1932 by Representatives Costa, Ballasiotes, Sheahan, Scott, O'Brien, Wensman, Blalock, Kessler, Conway, Mason and Tokuda (by request of Department of Labor and Industries)

Including foreign terrorism in the definition of criminal act for the purposes of crime victim compensation and assistance.

Referred to Committee on Law and Justice.



SHB 1955 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Quall, Bush and Hatfield)

Regulating real estate brokerage relationships.

Referred to Committee on Commerce and Labor.

SHB 1971 by House Committee on Appropriations (originally sponsored by Representatives Bush, Lambert, Carrell, Talcott, Johnson, Hickel, Cody, Linville, Mitchell, Delvin, Mulliken, Veloria, Zellinsky, Thompson, Smith, Tokuda, Koster, Sherstad, Cole, Mastin, D. Schmidt and Backlund)

Preventing double payment for insurance benefits for teachers who are legislators.

Referred to Committee on Ways and Means.

HB 2040 by Representatives Hankins, Delvin, McMorris and Conway (by request of Department of Labor and Industries)

Authorizing the continuation of a special insuring agreement for workers' compensation for the United States department of energy.

Referred to Committee on Commerce and Labor.

SHB 2059 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives D. Schmidt, Grant, Thompson and Sheldon)

Prohibiting theft of rental and leased property.

Referred to Committee on Law and Justice.

HB 2070 by Representatives Wensman, B. Thomas and Sheahan

Regulating arrests without warrant for traffic and boating offenses.

Referred to Committee on Law and Justice.

HB 2098 by Representative L. Thomas

Making longshore and harbor workers' compensation insurance available.

Referred to Committee on Financial Institutions, Insurance and Housing.

HJM 4000 by Representatives Sterk, O'Brien, Delvin, Robertson, Mulliken, Dickerson, Thompson, Hatfield, Conway, D. Sommers, Cooper, Boldt, Alexander, Cody, Murray, Costa, Sheahan, Buck, Schoesler, Sherstad, Ogden, Linville, Kessler, L. Thomas, Smith, Dyer, Chandler, Chopp and D. Schmidt

Honoring law enforcement officers.

Referred to Committee on Government Operations.

HJM 4009 by Representatives Sherstad, Backlund, Cody, Thompson, O'Brien, D. Schmidt, Lambert and Skinner

Expediting the FDA's approval of new products.

Referred to Committee on Health and Long-Term Care.

HJR 4209 by Representatives Chandler, Regala and Mulliken

Authorizing public money derived from the sale of stormwater or sewer services to be used in financing stormwater and sewer conservation and efficiency measures.

Referred to Committee on Agriculture and Environment.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9132, Dr. Loren Anderson, as a member of the Higher Education Facilities Authority, was confirmed.

Senators Winsley and Rasmussen spoke to the confirmation of Dr. Loren Anderson as a member of the Higher Education Facilities Authority.

APPOINTMENT OF DR. LOREN ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 40. Absent: Senators Bauer, Deccio, Kohl and Strannigan - 4. Excused: Senators McDonald, Patterson, Prentice, Schow and Sellar - 5.

MOTION

On motion of Senator McCaslin, Senator Deccio was excused.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9135, Darrell Beers, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

Senators Wood and Hale spoke to the confirmation of Darrell Beers as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

APPOINTMENT OF DARRELL BEERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senators Bauer and Finkbeiner - 2. Excused: Senators Deccio, McDonald, Patterson and Sellar - 4.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9140, Scott Brundage, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF SCOTT BRUNDAGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Hargrove - 1. Excused: Senators Deccio and Sellar - 2.

MOTIONS

On motion of Senator Swecker, Senator Benton was excused.

On motion of Senator Franklin, Senator Hargrove was excused.

MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9143, Phyllis J. Campbell, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF PHYLLIS J. CAMPBELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Hargrove and Sellar - 3.

#### SECOND READING

SENATE BILL NO. 5976, by Senators Deccio, Wojahn, Wood, Prentice, Franklin, Heavey, McAuliffe, Kline, Patterson, Thibaudeau and Kohl

Clarifying who may legally use the title "nurse."

#### MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5976 was substituted for Senate Bill No. 5976 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5976 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5976.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5976, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Hargrove and Sellar - 3. SUBSTITUTE SENATE BILL NO. 5976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5653, by Senators Oke and Snyder (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

Concerning the sale of salvageable timber from state-owned lands.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5653 was substituted for Senate Bill No. 5653 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5653.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Hargrove and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5554, by Senators Johnson, Roach and Finkbeiner

Regulating deeds of trusts.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5554.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5554 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Sellar - 1. SENATE BILL NO. 5554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5618, by Senators Haugen, Wood, Heavey, Winsley, Sheldon, Spanel, Oke and Kohl

Regulating ferry queues.

#### MOTIONS

On motion of Senator Prince, Substitute Senate Bill No. 5618 was substituted for Senate Bill No. 5618 and the substitute bill was placed on second reading and read the second time.

Senator Patterson moved that the following amendment be adopted:

On page 1, after line 12, insert the following: "In addition to any other penalty imposed for a violation of this section, the driver shall be directed to immediately move the motor vehicle to the end of the queue of vehicles waiting to board the ferry."

#### POINT OF INQUIRY

Senator Johnson: "Senator Patterson, what would the fiscal note be on a state patrolman on every ferry line all year around the state, in order to police this intrusion?"

Senator Patterson: "Thank you, Senator. It would be the exact same expense that this bill would incur anyway, because this bill says that they are going to be giving tickets to people who do this anyway. So, all he would have to do is say, 'By the way, here is your ticket; now go to the end of the line.' It wouldn't be any more."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Patterson on page 1, after line 12, to Substitute Senate Bill No. 5618.

The motion by Senator Patterson carried and the amendment was adopted.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5618.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5618, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED SUBSTITUTE SENATE BILL NO. 5618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5600, by Senators Hale, Haugen and Johnson

Making changes to the internal operations of counties.

The bill was read the second time.

### MOTION

Senator West moved that the following amendment by Senators West and McCaslin be adopted:

On page 3, after line 22, insert the following: "**Sec. 5** RCW 13.04.035 and 1996 c 284 s 1 are each amended to read as follows: Juvenile court shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county this service may be administered by the legislative authority of the county. Juvenile probation counselor and detention services shall be administered by the superior court, except that (1) by local court rule and agreement with the county legislative authority, these services may be administered by the county legislative authority; (2) if a consortium of three or more counties, located east of the Cascade mountains and whose combined population exceeds five hundred thirty thousand, jointly operates a juvenile correctional facility, the county legislative authorities may prescribe for alternative administration of the juvenile correctional facility by ordinance; ~~((and))~~ (3) in any county with a population of one million or more, probation and detention services shall be administered in accordance with chapter 13.20 RCW; and (4) in any county with a population of at least two hundred fifty thousand but less than five hundred thousand, the county legislative authority may prescribe for alternative administration of these services by ordinance. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court." Renumber the remaining section consecutively. Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators West and McCaslin on page 3, after line 22, to Senate Bill No. 5600.

The motion by Senator West carried and the amendment was adopted.

### MOTION

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "36.40.200," strike "and 36.40.250" and insert "36.40.250, and 13.40.035" On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5600.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5600, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senators Bauer, Franklin, Hargrove, Prentice, Snyder, Swanson and Thibaudeau - 7. ENGROSSED SENATE BILL NO. 5600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MOTION

At 9:40 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:43 a.m. by Vice President Pro Tempore Morton.

## SECOND READING

SENATE BILL NO. 6030, by Senators Schow, Goings, Anderson, Haugen, Horn, Rasmussen, Long and Oke

Establishing a performance audit and operations review of the workers' compensation system.

### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6030 was substituted for Senate Bill No. 6030 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6030.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6030 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Swecker - 1. SUBSTITUTE SENATE BILL NO. 6030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:51 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 1:40 p.m. by President Owen.

#### MOTION

On motion of Senator Hale, Senator Newhouse was excused.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9155, Ricardo R. Garcia, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

#### APPOINTMENT OF RICARDO R. GARCIA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 5; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Wojahn, Wood and Zarelli - 43. Absent: Senators Kline, Long, McCaslin, West and Winsley - 5. Excused: Senator Newhouse - 1.

#### MOTIONS

On motion of Senator Swecker, Senators Anderson and West were excused.

On motion of Senator Franklin, Senator Thibaudeau was excused.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9156, Kathleen Gutierrez, as a member of the Board of Trustees for Everett Community College District No. 15, was confirmed.

#### APPOINTMENT OF KATHLEEN GUTIERREZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Anderson, Newhouse, Thibaudeau and West - 4.

#### SECOND READING

SENATE BILL NO. 5787, by Senators Benton, Snyder and Newhouse

Concerning the disposition of proceeds from county land deeded to the department of natural resources.

The bill was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5787.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5787 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Anderson, Newhouse and West - 3. SENATE BILL NO. 5787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5790, by Senators McCaslin, Fraser, Haugen, Patterson, Stevens, Horn, Oke and Wojahn (by request of State Auditor Sonntag)

Modifying the state employee whistleblower protection act.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5790 was substituted for Senate Bill No. 5790 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5790.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Newhouse and West - 2. SUBSTITUTE SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5284, by Senators Long, Strannigan, Haugen, McAuliffe and Wood

Providing for additional judges for Snohomish county superior court.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5284.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Newhouse and West - 2. SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Stevens: "I would like to rise to a point of personal privilege. I wanted to thank the kind ladies and gentlemen of this chamber for so graciously working with me, and for the opportunity that you gave me to make my first floor speech. I know that it was somewhat enduring of you to sit and quietly listen and be patient and I truly do appreciate it. Senator McCaslin was right in pointing out that I owe you a little treat for bearing with me. I would like to take this opportunity to share with you, as I have something to bring to you in my due appreciation for what you were having to endure.

"Because I am so proud of the dairy industry in my district, I've decided to introduce you to a wonderful dairy product from the Country Charm Dairy. You all have had the opportunity to see the little gift that came--that is the chocolate milk that came from the Country Charm Dairy. With that, I would like to give you a little bit of background and a little history about this wonderful dairy. Throughout the world, Country Charm has achieved a good reputation as a model farm. Agricultural teams from as far away as Germany, China and New Zealand have come to learn about their farming and management techniques. I'm proud to share with you some of the dairy products in our state. Enjoy them and don't worry about the calories.

"The Graafstras began farming the land more than forty years ago. In the 1970s, they built a milk processing plant to process the milk they produce. In 1977, they added ice cream to their production line. In 1990, Country Charm Dairy expanded to its current size by remodeling the processing plant and adding a new ice cream facility.

"Before you indulge, I'd like to share a little bit about the family in regard to what they exactly have there in the Arlington area. It's located in the green foothills of the North Cascades Mountain Range where it is nearly two hundred acres bordering the south fork of the Stillaguamish River. I would like to point out for Senator McCaslin's benefit that unfortunately I was not able to remove all of the things that he complained about. The little cartons of Country Charm chocolate milk you find on your desks are not lowfat. I apologize again to the kind Senator. They are, however, low in calories and they are non-alcoholic, as per your request, kind gentleman. I would guess that you will just have to splurge on your diets and go ahead and indulge in the few calories that are there. I thank you, Mr. President, and ladies and gentlemen of the chamber for indulging in this opportunity to share with you my district."

## POINT OF INQUIRY

Senator McCaslin: "Senator Stevens, your speech was so long, my milk soured. I wondered if you had anymore. Mr. President, does Carnation get equal time or is this about it?"

## REPLY BY THE PRESIDENT

President Owen: "This is it, Senator."

## SECOND READING

SENATE BILL NO. 5864, by Senators Roach and Schow

Renaming first-degree reckless endangerment as drive-by shooting.

## MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5864 was substituted for Senate Bill No. 5864 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5864 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5864.

## ROLL CALL



The Secretary called the roll on the final passage of Substitute Senate Bill No. 5864 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Franklin, Snyder and Thibaudeau - 3. Excused: Senator Newhouse - 1. SUBSTITUTE SENATE BILL NO. 5864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5091, by Senators Roach, Swecker and Winsley

Providing for uniformity in the application of real property laws to insure fairness and due process.

#### MOTION

On motion of Senator Roach, Substitute Senate Bill No. 5091 was substituted for Senate Bill No. 5091 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Johnson, and there being no objection, further consideration of Substitute Senate Bill No. 5091 was deferred.

#### SECOND READING

SENATE BILL NO. 5762, by Senators Heavey, West, Schow, Deccio, Rasmussen, Brown, McCaslin and Goings

Benefiting the entire equine industry.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5762 was substituted for Senate Bill No. 5762 and the substitute bill was placed on second reading and read the second time.

Senator McCaslin moved that the following amendment by Senators McCaslin and Brown be adopted:

On page 2, line 16, after "continue", insert "which shall include some days in at least three of the months of April, May, June, July, August, and September." The President declared the question before the Senate to be the adoption of the amendment by Senators McCaslin and Brown on page 2, line 16, to Substitute Senate Bill No. 5762.

The motion by Senator McCaslin failed and the amendment was not adopted.

#### MOTION

Senator Loveland moved that the following amendment be adopted:

On page 3, line 23, after "forward" strike "one-tenth" and insert "~~((one-tenth))~~ two-tenths" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Loveland on page 3, line 23, to Substitute Senate Bill No. 5762.

The motion by Senator Loveland failed and the amendment was not adopted.

#### MOTION

Senator Brown moved that the following amendments by Senators Brown and McCaslin be considered simultaneously and be adopted:

On page 6, line 9, after "commission" strike "may" and insert "shall" On page 7, line 26, after "least" strike "thirty" and insert "forty" On page 7, at the beginning of line 27, strike "three" and insert "four" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Brown and McCaslin on page 6, line 9; page 7, line 26; and page 7, at the beginning of line 27; to Substitute Senate Bill No. 5762.

The motion by Senator Brown carried and the amendments were adopted.

#### MOTION

Senator Brown moved that the following amendment by Senators Brown and McCaslin be adopted:

On page 7, line 29, after "status." insert "The commission must permit otherwise-qualified racing associations conducting live racing meets in this state in either calendar year 1996 or 1997, or both, to maintain class 1 racing association status."

#### POINT OF INQUIRY

Senator Heavey asked Senator Brown to yield to a question, but Senator Brown would not yield to a question. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and McCaslin on page 7, line 29, to Substitute Senate Bill No. 5762.

The motion by Senator Brown failed and the amendment was not adopted on a rising vote..

#### MOTIONS

On motion of Senator Heavey, the following amendment by Senators Heavey, Schow, Deccio and Snyder was adopted:

On page 7, after line 29, strike all of subsection (8) and insert the following: "(8) This section does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. This section is necessary to protect the Washington equine breeding and racing industries. The purpose of this section is to protect live horseracing and promote fan attendance at class I racing facilities. Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live racing facility of the class I racing association and tribal-state compacts for class III gaming shall not be amended based upon this section." On motion of Senator Schow, the rules were suspended, Engrossed Substitute Senate Bill No. 5762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. In the State Constitution, Article 2, Section 24, Lotteries and Divorce, it says, ' Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature.' Does this bill, in fact, require sixty percent?"

#### MOTION

On motion of Senator Johnson, and there being no objection, further consideration of Engrossed Substitute Senate Bill No. 5762 was deferred.

Vice President Pro Tempore Morton assumed the Chair.

#### MOTION

On motion of Senator Hale, Senators Rossi and Strannigan were excused.

#### SECOND READING

SENATE BILL NO. 5313, by Senators Wood, Haugen and Prince (by request of Department of Transportation)

Establishing the advanced environmental mitigation revolving fund.

#### MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5313 was substituted for Senate Bill No. 5313 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5313.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Sellar, Sheldon, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 39. Voting nay: Senators Fairley, Heavey, Kline, Kohl, Patterson, Schow, Swanson and Thibaudeau - 8. Excused: Senators Rossi and Strannigan - 2. SECOND SUBSTITUTE SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5578, by Senators Long, Hargrove and Winsley (by request of Department of Social and Health Services)

Concerning the placement and custody of at-risk youth.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5578 was substituted for Senate Bill No. 5578 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5578.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5578 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Rossi and Strannigan - 2. SUBSTITUTE SENATE BILL NO. 5578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5676, by Senators Newhouse, Schow and Anderson

Regulating real estate appraisers.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5676.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators McDonald and Prince - 2. Excused: Senators Rossi and Strannigan - 2. SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5718, by Senators Wood, Newhouse, Haugen, Winsley and Oke (by request of Department of Licensing)

Protecting certain personal information in state motor vehicle and driver records.

#### MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5718.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Rossi and Strannigan - 2. SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5288, by Senator McCaslin (by request of Administrator for the Courts)

Creating additional judicial positions in the Spokane superior court.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5288.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Franklin - 1. Excused: Senators Rossi and Strannigan - 2. SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5360, by Senators Hargrove, Anderson, Spanel, Swecker, Haugen, Oke, Snyder and Kline

Providing commercial salmon fishers with a license renewal process when they opt to not renew for a season.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5360.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Schow, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Sellar -

1. Excused: Senators Rossi and Strannigan - 2. SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5370, by Senators Finkbeiner, Brown, Hochstatter, Strannigan, Rossi, Sheldon, Patterson and Winsley (by request of Utilities and Transportation Commission)

Allowing a telecommunications company to reduce a rate or charge in a more streamlined manner.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5370.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Rossi and Strannigan - 2. SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Kline, Senator Swanson was excused.

#### SECOND READING

SENATE BILL NO. 5647, by Senators Wood, Snyder, Swecker, Bauer, Zarelli, Winsley and Kohl (by request of State Board for Community and Technical Colleges)

Requiring only collected building fees of community and technical colleges to be paid to the state treasury.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5647.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5647 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44. Absent: Senators McDonald, Sellar and Wojahn - 3. Excused: Senators Strannigan and Swanson - 2. SENATE BILL NO. 5647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5997, by Senators Haugen, Schow and Fraser

Requiring periodic inspections for the regulation of cosmetology, barbering, esthetics, and manicuring.

The bill was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5997.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5997 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46. Voting nay: Senators Roach and Zarelli - 2. Excused: Senator Strannigan - 1. SENATE BILL NO. 5997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5703, by Senators Anderson and Morton

Concerning a water right for the beneficial use of water.

#### MOTION

On motion of Senator Morton, Substitute Senate Bill No. 5703 was substituted for Senate Bill No. 5703 and the substitute bill was placed on second reading and read the second time.

#### MOTION

On motion of Senator Johnson, and there being no objection, further consideration of Substitute Senate Bill No. 5703 was deferred.

#### MOTION

At 3:29 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 5:45 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5727, by Senators Wood, Haugen, Jacobsen, Hargrove, Finkbeiner, Deccio, Heavey, Goings, McAuliffe, Patterson, Prentice, Winsley, Kohl and Rasmussen

Requiring rearview mirrors on certain delivery trucks.

#### MOTION

On motion of Senator Wood, Substitute Senate Bill No. 5727 was substituted for Senate Bill No. 5727 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood the rules were suspended, Substitute Senate Bill No. 5727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5727.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5727 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 37. Voting nay: Senators Benton, Finkbeiner, Hochstatter, Horn, McDonald, Morton, Newhouse, Rossi, Schow, Sellar, Stevens and Zarelli - 12. SUBSTITUTE SENATE BILL NO. 5727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5762, deferred on third reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In responding to the parliamentary inquiry by Senator McCaslin, the President finds that Engrossed Substitute Senate Bill No. 5762 is a measure which authorizes increases in the size of the paraimutuel pools on simulcast races, but does not add statutory authority for new locations or additional forms of gambling.

"Precedents on this issue have clearly stated that bills which add new forms of gambling or authorize added occurrences require a sixty percent vote. However, if the statutory authority is already available and the legislation directs added occurrences within that authority, there is no expansion and only a majority vote is required. This was clearly stated in previous rulings. In this case, RCW 67.16.190 authorizes wagering on in-state and of-state simulcast races without limit on the number of such races.

"Precedents also hold that increases in dollar value alone, such as the price of raffle tickets, do not constitute an expansion or a new form of gambling and do not require a super majority.

"The President, therefore, finds that Engrossed Substitute Senate Bill No. 5762 requires a majority (twenty-five votes) for final passage."

Debate ensued.

#### POINT OF INQUIRY

Senator Schow: "Senator Heavey, it is my understanding that Engrossed Substitute Senate Bill No. 5762 does not authorize a new form of gaming, as the President has ruled, or expand an existing form of gaming."

Senator Heavey: "Thank you, Senator. Your understanding is correct. Engrossed Substitute Senate Bill No. 5762 allows Washington tracks to sell their races out of state. These sales do not result in any increase in gaming in Washington, but provide increased industry revenue generated from gaming conducted in other states. Engrossed Substitute Senate Bill No. 5762 also restricts the quantity of races that a Washington track can import from out-of-state.

"Authorization to export Washington races and to import out-of-state races is already contained in RCW 67.16.190. These activities have already been conducted by some tracks in this state on a limited basis. Our intent with the legislation is to establish conditions under which out-of-state races can be simulcast into race tracks into Washington and require that a portion of the proceeds generated from such activities are used to increase the purse money paid to horses that run at the race tracks in our state. In addition, this legislation seeks to increase fan attendance at live race meets in this state."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5762.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5762 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McDonald, Newhouse, Patterson, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Hale, Hargrove, Haugen, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Prince, Sellar, Swanson, West and Wojahn - 16. ENGROSSED SUBSTITUTE SENATE BILL NO. 5762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5703, deferred on second reading earlier today.

#### MOTION

Senator Spanel moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 90.03 RCW to read as follows: If a person placed surface or ground water to beneficial use for irrigation or stock watering purposes before January 1, 1993, for which a permit or certificate was not issued by the department or its predecessors, the person or the person's successor holds a temporary water right in the amount beneficially used and with a priority date that is the effective date of this section. A temporary water right established by this section shall remain in effect

during the pendency of basin, regional, or watershed planning, but shall not be effective after June 30, 2002, unless extended by the department until the completion of active watershed planning efforts. If a general adjudication of water rights is filed for the watershed after January 1, 1997, the holders of temporary water rights established by this section shall have standing in the adjudication. A temporary water right is established if: (1) The person filed with the department before January 1, 1997, an application for the use of the water claimed under this section, and as of the effective date of this section the department has not rendered a permit decision on the application; (2) The person or the person's successor files with the department of ecology a statement of claim for the right during the period beginning September 1, 1997, and ending midnight June 30, 1998, using the standard form prescribed by RCW 90.14.051; and (3) The person or the person's successor files with the statement of claim evidence that the water described in the claim was used beneficially before January 1, 1993, in the form of any two of the following: (a) A statement signed by two persons other than the person filing the statement of claim verifying that the water was beneficially used by the claimant before January 1, 1993, as described in the statement of claim; (b) A copy of a dated photograph clearly demonstrating the presence of a high value crop requiring irrigation in the amounts asserted in the statement of claim or of livestock requiring water in such amounts; or records of receipts of the sale of crops by the person or the person's successor indicating that irrigation in the amount claimed was required to produce the crops; (c) Receipts or records of irrigation or stockwatering equipment purchases or repairs associated with the water use specified in the statement of claim; (d) Water well construction records identifying the date the well specified in the statement of claim as the point of withdrawal was constructed; (e) Records of electricity bills directly associated with the withdrawal of water as specified in the statement of claim; (f) Personal records such as photographs, journals, or correspondence indicating the use of water as asserted in the statement of claim. This section shall apply only to persons whose water source lies within a watershed in which local basin, regional, or watershed planning was initiated in accordance with chapter 90.54 RCW before January 1, 1997, in part to address unauthorized water uses. It shall not apply in any watershed in which a general adjudication of water rights was pending on or before January 1, 1997. **NEW SECTION. Sec. 2.** A new section is added to chapter 90.54 RCW to read as follows: Basin, regional, or watershed plans developed under this chapter may establish means for legally providing water for water uses operating under temporary water rights established by section 1 of this act. The plan may recommend issuance of permanent water rights under conditions and limitations recommended by the plan. The conditions for such issuance may include measures required to mitigate for effects on senior water rights and aquatic resources." Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Spanel to Substitute Senate Bill No. 5703.

The motion by Senator Spanel failed and the striking amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5703.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5703 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 16. **SUBSTITUTE SENATE BILL NO. 5703**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 6:17 p.m., on motion of Senator Johnson, the Senate adjourned until 8:00 a.m., Saturday, March 15, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**SIXTY-FIRST DAY, MARCH 14, 1997**

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**SIXTY-SECOND DAY**



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MORNING SESSION  
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Senate Chamber, Olympia, Saturday, March 15, 1997

The Senate was called to order at 8:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Deccio, Finkbeiner, Patterson, Prentice, Prince and Schow. On motion of Senator Hale, Senators Deccio and Schow were excused. On motion of Senator Swecker, Senator Benton was excused.

The Sergeant at Arms Color Guard, consisting of Pages Matt Haver and George McCausland, presented the Colors. Bob Drennan, a member of the Senate staff, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 13, 1997

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1374,  
SUBSTITUTE HOUSE BILL NO. 1513,  
SUBSTITUTE HOUSE BILL NO. 1524,  
HOUSE BILL NO. 1549,  
SECOND SUBSTITUTE HOUSE BILL NO. 1557,  
HOUSE BILL NO. 1588,  
HOUSE BILL NO. 1683,  
SECOND SUBSTITUTE HOUSE BILL NO. 1714,  
HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1756,  
SUBSTITUTE HOUSE BILL NO. 1757,  
SUBSTITUTE HOUSE BILL NO. 1768,  
SUBSTITUTE HOUSE BILL NO. 1781,  
SUBSTITUTE HOUSE BILL NO. 1805,  
HOUSE BILL NO. 1819,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1845,  
SUBSTITUTE HOUSE BILL NO. 1865,  
SUBSTITUTE HOUSE BILL NO. 2149, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 13, 1997

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1046,  
SUBSTITUTE HOUSE BILL NO. 1176,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1378,  
ENGROSSED HOUSE BILL NO. 1581,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1841,  
SUBSTITUTE HOUSE BILL NO. 1860,  
SUBSTITUTE HOUSE BILL NO. 1867,  
HOUSE BILL NO. 1881,  
SUBSTITUTE HOUSE BILL NO. 1886,  
SUBSTITUTE HOUSE BILL NO. 1887,  
SUBSTITUTE HOUSE BILL NO. 1903,  
HOUSE BILL NO. 1922,  
HOUSE BILL NO. 1924,  
HOUSE BILL NO. 1928,  
HOUSE BILL NO. 1931,  
SUBSTITUTE HOUSE BILL NO. 1935,  
SUBSTITUTE HOUSE BILL NO. 1968,  
HOUSE BILL NO. 1982,  
SUBSTITUTE HOUSE BILL NO. 2028,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2042,  
SUBSTITUTE HOUSE BILL NO. 2062,  
SUBSTITUTE HOUSE BILL NO. 2089, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 13, 1997

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1940, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6076 by Senators West, Wood, Bauer, Anderson, Kohl, Long, Spanel, Swecker, Finkbeiner, Winsley, Hale, Horn and Hochstatter

AN ACT Relating to needy student financial aid; and amending RCW 28B.15.065.  
Referred to Committee on Ways and Means.

SB 6077 by Senators McCaslin and Snyder

AN ACT Relating to the business and occupation taxation of nonprofit organizations providing care for the terminally ill; and amending RCW 82.04.4289.  
Referred to Committee on Ways and Means.

SB 6078 by Senators Prentice and Hale

AN ACT Relating to the definition of the practice of optometry; and amending RCW 18.53.010.  
Referred to Committee on Health and Long-Term Care.

SB 6079 by Senators McAuliffe, Spanel and Kohl (by request of Office of Financial Management)

AN ACT Relating to the compact for education; and adding a new chapter to Title 28A RCW.  
Referred to Committee on Education.

SB 6080 by Senators Kline and Kohl (by request of Office of Financial Management)

AN ACT Relating to civil legal services for the indigent; adding a new section to chapter 43.330 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6081 by Senator Spanel (by request of Office of Financial Management)

AN ACT Relating to extending the time frame for revision of the nursing home payment system; amending RCW 74.46.430, 74.46.510, and 74.46.595; reenacting and amending RCW 74.46.450; and adding a new section to chapter 74.46 RCW.  
Referred to Committee on Ways and Means.

SB 6082 by Senator Jacobsen (by request of Office of Financial Management)

AN ACT Relating to assessments for forest fire protection; amending RCW 76.04.610; and declaring an emergency.  
Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1046 by Representatives Carlson, Pennington, Radcliff, Ogden, Doumit, Keiser, Scott, Cole, DeBolt, Cooper, Mason, Cody, Costa, L. Thomas, Dyer, Regala, Anderson, Appelwick and O'Brien

Requiring personal flotation devices for children on certain recreational vessels.

Referred to Committee on Natural Resources and Parks.

SHB 1176 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Koster, Boldt, Smith, Backlund, Dunn, McMorris, Schoesler, Sheldon, Johnson, DeBolt and Mulliken)

Adding child rape to the two strikes list.

Referred to Committee on Law and Justice.

E2SHB 1303 by House Committee on Appropriations (originally sponsored by Representatives Hickel, Johnson, Talcott, Smith, Backlund, McMorris, Radcliff, Thompson, Clements, Sheahan, B. Thomas, D. Schmidt, L. Thomas, Huff, Crouse, Robertson, Schoesler, Pennington, Cooke, Sullivan, Mitchell, Kastama, Dyer, Cairnes, Sump, Sterk, McDonald and Koster)

Changing education provisions.

Referred to Committee on Education.

2SHB 1374 by House Committee on Appropriations (originally sponsored by Representatives Smith, Johnson, Hickel, Talcott, B. Thomas and Thompson)

Establishing alternate teacher certification.

Referred to Committee on Education.

ESHB 1378 by House Committee on Appropriations (originally sponsored by Representatives Radcliff, H. Sommers, D. Sommers, Carlson, Johnson, Sump, Costa, Mitchell, Poulsen, Linville, Dunshee, Cooke, Mason, Keiser, Wood, Kenney and Kessler)

Providing educational opportunities for students with different learning needs.

Referred to Committee on Education.

SHB 1513 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Radcliff, Scott, Sterk, O'Brien, Robertson, Hatfield, Skinner, Murray, Cairnes, Wolfe and Wensman) (by request of Commute Trip Reduction Task Force)

Enhancing transportation demand management.

Referred to Committee on Transportation.

SHB 1524 by House Committee on Natural Resources (originally sponsored by Representatives Alexander, Linville, Kessler, DeBolt, Buck, Hatfield, Doumit, Costa, Anderson, Pennington, Constantine, Blalock, Gardner, Sullivan, Lantz and Morris)

Allowing commercial salmon fishers to forego an annual season at a reduced fee.

Referred to Committee on Natural Resources and Parks.

HB 1549 by Representatives H. Sommers, Reams, Scott, B. Thomas, Dunshee, Gombosky, Cooper, Chopp, Conway, Costa, Lantz, Cole, O'Brien and Mason

Reducing property tax assessments in response to government restrictions.

Referred to Committee on Ways and Means.

2SHB 1557 by House Committee on Finance (originally sponsored by Representatives Buck, Linville, Crouse, Kastama, Hankins, Grant, Lisk, Doumit, Hatfield, Johnson and Regala)

Exempting from taxation and valuation of property improvements used for fish and habitat restoration and protection and water quantity and quality improvement programs.

Referred to Committee on Natural Resources and Parks.

EHB 1581 by Representatives Sterk, Quall, Cooper, Hatfield, Kastama, Talcott, Robertson, D. Schmidt, Sump, Mulliken, Johnson, Smith, Crouse, Boldt, Dunn, Sheahan, Schoesler, Carrell, Thompson, Honeyford, Bush, Keiser, Kessler and Morris

Changing provisions relating to disruptive students and offenders in schools.

Referred to Committee on Education.

HB 1588 by Representatives Mulliken, Dickerson, Kastama, Thompson, Boldt, Clements, Romero, Mason, Conway, Blalock, Hatfield, Scott, O'Brien, Costa, Ogden, Dunn, Kessler, Kenney and Cooper

Exempting hearing instruments from sales and use tax.

Referred to Committee on Ways and Means.

HB 1683 by Representatives Smith, Bush, Huff, Koster, Wensman, Radcliff, Mulliken, Sterk, Butler, Delvin, Mitchell, Sheahan, Wolfe, Benson, Tokuda, Romero, Fisher, McDonald, Mielke, Alexander, Carrell, Hickel, Johnson, Poulsen, Dunshee, Morris, Murray, Sullivan, L. Thomas, D. Schmidt, Gardner, Scott, Doumit, Reams, Dunn, Quall, Cole, Keiser, Linville, Voloria, Talcott, Sump, Costa, Skinner, Kastama, Mason, Dickerson, Hatfield, Sheldon, Cody, Ogden, O'Brien, Van Luven, Robertson, Conway, Kenney, Anderson, Kessler, Cooke, Schoesler and Blalock

Contributing to the cost of a memorial honoring the role of women in the nation's military services.

Referred to Committee on Ways and Means.

2SHB 1714 by House Committee on Appropriations (originally sponsored by Representative McMorris)

Establishing basic health plan eligibility for certain persons eligible for medicare.

Referred to Committee on Health and Long-Term Care.

HB 1716 by Representative McMorris

Eliminating the authority of the department of licensing to keep records of pistol purchases or transfers.

Referred to Committee on Law and Justice.

HB 1756 by Representatives Delvin, Koster, Mitchell, Robertson, McMorris, Sheahan, Zellinsky, Smith, Van Luven, Thompson, O'Brien and Dunn

Exempting nonprofit cancer centers from property tax.

Referred to Committee on Ways and Means.

SHB 1757 by House Committee on Commerce and Labor (originally sponsored by Representatives Delvin, Sterk, Zellinsky and Hickel)

Revising security guard licensing and requirements.

Referred to Committee on Commerce and Labor.

SHB 1768 by House Committee on Health Care (originally sponsored by Representatives Dyer, Zellinsky, Sheldon and L. Thomas)

Regulating pharmacy ancillary personnel.

Referred to Committee on Health and Long-Term Care.

SHB 1781 by House Committee on Appropriations (originally sponsored by Representatives Lambert, Ballasiotes, Clements, McMorris, Talcott, Costa, Backlund, Cooke, Huff, Delvin and Thompson)

Expanding the supervision management and recidivist tracking program.

Referred to Committee on Human Services and Corrections.

SHB 1805 by House Committee on Health Care (originally sponsored by Representatives Backlund, Dyer, L. Thomas, Sump, Crouse, Smith, Sherstad, Zellinsky, Talcott, Lambert, Bush, Mulliken, Thompson, Johnson, Buck, Skinner, Boldt, D. Schmidt, Sterk, Clements, Hickel, Koster, Cooke, Mastin and Carrell)

Requiring the health care authority to offer health care savings accounts to unsubsidized basic health plan enrollees.

Referred to Committee on Health and Long-Term Care.

HB 1819 by Representatives Benson, Grant, L. Thomas and Zellinsky

Establishing the confidentiality of voluntary compliance efforts by financial institutions.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1826 by House Committee on Natural Resources (originally sponsored by Representatives Thompson, Sheldon, DeBolt and Schoesler)

Administering the moneys derived from certain public lands.

Referred to Committee on Natural Resources and Parks.

E2SHB 1841 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Honeyford, Linville, Clements, Carrell, Mielke, Benson, Mitchell, Hickel, Sheahan, Dunn, Skinner, Johnson, L. Thomas and Backlund)

Adopting provisions to improve school safety.

Referred to Committee on Education.

SHB 1845 by House Committee on Education (originally sponsored by Representatives Smith, Sump, Talcott, Hickel, Koster, Mulliken, Mielke, Sheahan, Johnson, L. Thomas and Backlund)

Strengthening parents' rights in education.

Referred to Committee on Education.

SHB 1860 by House Committee on Children and Family Services (originally sponsored by Representatives Cooke, Dickerson, Boldt, McDonald, Regala, Costa, Mason, Anderson, Kessler and Ogden)

Requiring full disclosure of medical and psychological history to prospective adopting parents.

Referred to Committee on Human Services and Corrections.

SHB 1865 by House Committee on Education (originally sponsored by Representatives B. Thomas, Johnson, Talcott, Thompson, Radcliff, Mulliken, Hickel, Backlund, Zellinsky and McDonald)

Allowing school districts to contract with other public and private entities.

Referred to Committee on Commerce and Labor.

SHB 1867 by House Committee on Health Care (originally sponsored by Representatives Backlund, Cody and Sullivan) (by request of Department of Health)

Revising provisions for food sanitation and safety.

Referred to Committee on Health and Long-Term Care.

HB 1881 by Representatives Wensman, Scott, Linville, Wolfe, D. Schmidt and Chandler

Changing provisions relating to public water systems.

Referred to Committee on Agriculture and Environment.

SHB 1886 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, McMorris, Sherstad, Lambert, Mulliken, Honeyford, Clements, Mitchell, Thompson and Sullivan)

Providing immunity from civil liability for information provided by former or current employers to prospective employers.

Referred to Committee on Law and Justice.

SHB 1887 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Conway, Clements, Honeyford, Cole and O'Brien)

Establishing department of labor and industries WISHA advisory committee.

Referred to Committee on Commerce and Labor.

SHB 1903 by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Linville, Conway, Honeyford, Hatfield, Clements, Kenney, Blalock, Cody, Cole, Gardner, Cooke and Tokuda)

Regulating the registration of contractors.

Referred to Committee on Commerce and Labor.

HB 1922 by Representatives Honeyford, Lisk, Mastin and Cooke

Granting courts of limited jurisdiction concurrent jurisdiction over certain juvenile offenses.

Referred to Committee on Law and Justice.

HB 1924 by Representatives Ballasiotes, Sheahan, Dickerson, Radcliff, Sheldon, Chopp, Mason, Conway, Costa, Mitchell, K. Schmidt, Buck, Wensman, Schoesler, Parlette, Hankins, Backlund, Johnson, D. Schmidt, Sterk, Sump, Cooke, Mastin, Scott, O'Brien, Cooper, Hatfield, Blalock, Kessler, Mulliken, Cole, Kenney, Gardner, McMorris and Tokuda

Changing the sentencing for sex offenses.

Referred to Committee on Law and Justice.

HB 1928 by Representatives Skinner, Mason, Van Luven, Radcliff and D. Schmidt (by request of Housing Finance Commission)

Allowing the housing finance commission to impose covenants running with the land.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 1931 by Representatives Cairnes and Backlund

Eliminating provisions dealing with fees and costs regarding land use decisions.

Referred to Committee on Government Operations.

SHB 1935 by House Committee on Government Reform and Land Use (originally sponsored by Representative Reams)

Permitting development of inherited property.

Referred to Committee on Government Operations.

EHB 1940 by Representatives Robertson, Appelwick, Sheahan, Regala, Scott, O'Brien, Ogden, Cooper, Blalock, Costa, Cole, Conway, Cody, Wolfe and Cooke

Integrating ignition interlocks into administrative revocation of drivers' licenses.

Referred to Committee on Law and Justice.

SHB 1968 by House Committee on Children and Family Services (originally sponsored by Representatives Wolfe, Gombosky, Tokuda, Kastama, Blalock, Gardner, Cooke, Cole and Anderson)

Prohibiting juvenile offenders from being placed in contact with nonoffenders in residential facilities.

Referred to Committee on Human Services and Corrections.

HB 1982 by Representatives Dyer, Cody and Backlund (by request of Health Care Authority)

Limiting basic health plan eligibility for persons in institutions.

Referred to Committee on Health and Long-Term Care.

SHB 2028 by House Committee on Natural Resources (originally sponsored by Representatives Regala, Anderson, Doumit, Alexander, Cooper, Morris, Blalock and Costa)

Establishing a fish seller's license.

Referred to Committee on Natural Resources and Parks.

ESHB 2042 by House Committee on Education (originally sponsored by Representatives Johnson, Talcott and Hickel)

Providing pilot and grant programs for reading in the primary grades.

Referred to Committee on Education.

SHB 2062 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Linville, Chandler, Gardner, Mastin and Grant)

Authorizing the establishment of seed crop standards.

Referred to Committee on Agriculture and Environment.

SHB 2089 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Honeyford)

Identifying livestock.

Referred to Committee on Agriculture and Environment.

SHB 2149 by House Committee on Natural Resources (originally sponsored by Representatives Linville, Buck, Regala, Gardner, Kessler and Anderson)

Modifying licensing provisions for a dungeness crab--Puget Sound fishery license.

Referred to Committee on Natural Resources and Parks.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9157, Elling B. Halvorson, as a member of the Board of Trustees for Lake Washington Technical College District No. 26, was confirmed.

APPOINTMENT OF ELLING B. HALVORSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 5; Excused, 3.

Voting yea: Senators Anderson, Bauer, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Absent: Senators Brown, Finkbeiner, Patterson, Prentice and Prince - 5. Excused: Senators Benton, Deccio and Schow - 3.

MOTIONS

On motion of Senator Hale, Senators Finkbeiner and Strannigan were excused.  
On motion of Senator Franklin, Senator Prentice was excused.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9159, Gary Healea, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

#### APPOINTMENT OF GARY HEALEA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senator Kline - 1. Excused: Senators Benton, Deccio, Finkbeiner, Prentice, Schow and Strannigan - 6.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9162, Betty Hogan, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

#### APPOINTMENT OF BETTY HOGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senators Kline and McDonald - 2. Excused: Senators Benton, Deccio, Finkbeiner, Schow and Strannigan - 5.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9164, Donald Jacobson, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed.

#### APPOINTMENT OF DONALD JACOBSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44. Excused: Senators Anderson, Kohl, Snyder, West and Wood - 5.

#### SECOND READING

SENATE BILL NO. 5102, by Senators Oke and Winsley

Revising the provision imposing an annual recreational surcharge on certain personal use food fish licenses.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5102 was substituted for Senate Bill No. 5102 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5102.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5102 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.



Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Finkbeiner and Strannigan - 2. SUBSTITUTE SENATE BILL NO. 5102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5103, by Senators Oke and Winsley

Increasing the number of alternate operators allowed under certain commercial fishery licenses.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5103 was substituted for Senate Bill No. 5103 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5103.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5103 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator McDonald - 1. Excused: Senator Strannigan - 1. SUBSTITUTE SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5184, by Senators Roach and Oke

Authorizing an additional rod recreational fishing license.

#### MOTIONS

On motion of Senator Oke, Second Substitute Senate Bill No. 5184 was substituted for Senate Bill No. 5184 and the second substitute bill was placed on second reading and read the second time.

Senator Oke moved that the following amendment be adopted:

On page 1, line 13, after "license is" strike "fifteen" and insert "ten" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 1, line 13, to Second Substitute Senate Bill No. 5184.

The motion by Senator Oke carried and the amendment was adopted on a rising vote.

#### MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Oke, occasionally, I fish. However we have friends that are avid fisher people--fishermen--if you will. On the lake, they tell me, especially on opening day, it is tremendously filled and even fishing with one line, it is just like hordes of people there. What is going to happen if they are allowed to have two lines on this crowded lake?"

Senator Oke: "Thank you for that question, Senator Franklin. I think you are referring to fresh water fishing when our lakes on opening day are just inundated with people that are out to catch the fish that, for the most part, we put into those lakes. This would only apply to salt water--food fish license only applies here. I think your concern is a good concern and that is why we just excluded this to only the food fish areas--salmon and salt water in particular."

Further debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5184.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 35. Voting nay: Senators Fairley, Franklin, Fraser, Heavey, Kline, Kohl, Loveland, McAuliffe, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 14. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5508, by Senators Hochstatter, Oke, Morton, Swecker, Finkbeiner, Horn, Stevens and Schow  
Enacting the third grade reading accountability act.

#### MOTIONS

On motion of Senator Hochstatter, Second Substitute Senate Bill No. 5508 was substituted for Senate Bill No. 5508 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hochstatter, the rules were suspended, Second Substitute Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Heavey: "Senator Hochstatter, I certainly believe picking up reading problems--the earlier the better. Is one million dollars enough to fully implement this program across the state?"

Senator Hochstatter: "Senator Heavey, we are spending nine billion dollars and have watched the scores go down, so we are hoping that we can get the tests--we are hoping that we can buy the tests--the Superintendent of Public Instruction has suggested that we buy the third grade tests. We are hoping that we can get that out there, so that we can calculate where we are and begin to hold responsibility and accountability for that goal. I would like to say, 'Yes, Senator Heavey, we can guarantee that we will get there.' All I can say is this, that Kennewick did get there by holding them accountable to an established standard. We hope that we can get there with a million dollars. Thank you for asking."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5508.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. SECOND SUBSTITUTE SENATE BILL NO. 5508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8009, by Senators Rasmussen, Roach, Hochstatter, Hargrove, Stevens, Wood, Long, Loveland, Winsley and Kohl

Promoting the use of the Eddie Eagle Gun Safety Program in our schools.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Senate Joint Memorial No. 8009 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8009.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8009 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE JOINT MEMORIAL NO. 8009, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5592, by Senators Stevens, Hochstatter, Zarelli, Schow, Morton, Benton, Deccio, Rossi, Roach, Strannigan, West and Oke

Providing for abstinence education.

#### MOTIONS

On motion of Senator Hochstatter, Substitute Senate Bill No. 5592 was substituted for Senate Bill No. 5592 and the substitute bill was placed on second reading and read the second time.

Senator Goings moved that the following amendment by Senators Goings, Brown and McAuliffe be adopted:

On page 1, line 8, after "wedlock" insert "or to impregnate the women who bear children out of wedlock" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment of Senators Goings, Brown and McAuliffe on page 1, line 8, to Substitute Senate Bill No. 5592.

The motion by Senator Goings carried and the amendment was adopted.

#### MOTION

Senator Goings moved that the following amendments by Senator Goings and McAuliffe be considered simultaneously and be adopted:

On page 2, line 17, after "(3)" strike all the material down to and including "(4)" on line 19

On page 2, line 20, strike "abstinence education oversight committee" and insert "department" On page 2 line 31, strike "abstinence education oversight committee" and insert "department" On page 3, line 6, strike "oversight committee" and insert "department" On page 3, after line 6, strike all the material down to and including "appropriation." on line 23 On page 3, line 25, strike "committee" and insert "department" On page 3, line 27, strike "committee" and insert "department" On page 4, line 2, strike "committee" and insert "department" On page 4, line 6, after "funds." strike all the material down to and including "section." on line 8 On page 5, line 5, strike "committee" and insert "department" On page 5, line 33, strike "oversight committee" and insert "department" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Goings and McAuliffe on pages 2, 3, 4, and 5, to Substitute Senate Bill No. 5592.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

Senator Stevens moved that the following amendment by Senators Stevens and McDonald be adopted:

On page 3, line 8, strike all material after "be" down through and including "education" on line 15 and insert the following: "selected by the chairs of the senate and house of representatives education committees. Members of the oversight committee shall include the chairs of the senate and house of representatives education committees. In addition, the house of representatives education chair shall appoint two citizens with three years experience in teaching abstinence education. The

senate education chair shall appoint three citizens with at least three years experience teaching abstinence education" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens and McDonald on page 3, line 8, to Substitute Senate Bill No. 5592.

The motion by Senator Stevens carried and the amendment was adopted on a rising vote.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Goings be adopted:

On page 3, line 8, after "members" strike all the material down to and including "reports." on line 21, and insert "The chairs of the health committees of the senate and house of representatives shall be members of the committee. The speaker of the house of representatives shall appoint two members with three years' experience in teaching abstinence education. The president of the senate shall appoint three members with at least three years' experience in teaching abstinence education. Before making these appointments, the speaker and president shall request recommendations from the majority and minority caucuses of the senate and house of representatives as appropriate." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Goings on page 3, line 8, to Substitute Senate Bill No. 5592.

The motion by Senator McAuliffe carried and the amendment was adopted on a rising vote.

#### MOTION

Senator Goings moved that the following amendment by Senators Goings and McAuliffe be adopted:

On page 4, line 6, after "The" strike all the material down to and including "decisions" and insert "committee may make recommendations to the department regarding decisions" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Goings and McAuliffe on page 4, line 6, to Substitute Senate Bill No. 5592.

The motion by Senator Goings failed and the amendment was not adopted on a rising vote.

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Goings be adopted:

On page 4, line 19, after "organizations." strike all material down through "devices." on line 21 Debate ensued.

#### POINT OF INQUIRY

Senator Goings: "Senator Zarelli, just a question, in reading from line twenty-one of the bill, it says, 'Providing information on and distribution of contraception devices.' So, for example, if this bill were to pass and Planned Parenthood--for example--who wanted to actually deliver and also to talk about abstinence programs, because they have distributed information--a flyer--to schools throughout the state that talked about contraception devices, would this bill prohibit them from being part of the grant program--even if they wanted to deliver an abstinence education program?"

Senator Zarelli: "I cannot answer one hundred percent, but I would say that, 'Yes, it would exempt them,' and for a very good reason, I think, and that is you cannot on one hand push a particular ideal and then on the other say that, 'Well, but these are the exemptions from it.' The idea is to try something that we are currently not doing and that is specifically abstinence based. We can't tell kids not to do drugs and then hand them drugs on the other side. So, this kind of goes to that same argument. Thank you very much."

Further debate ensued.

#### POINT OF INQUIRY

Senator Roach: "Senator McAuliffe, I am actually quite fascinated with your choice of words in your last statement. You said that if these young people are making the wrong choices--the wrong decisions--and you have made a value statement in saying anything other than abstinence is wrong and it is a wrong choice and wrong decision. I was wondering if you would mind if we decided to codify the fact that you believe that it is wrong in terms of the decision or choice to have sex outside of marriage?"

Senator McAuliffe: "I think that is a difficult question to ask that you codify my language on that. I think you kinda took it out of context. What I said was, 'We want to be able to be assured that teenagers are taught abstinence education, that we in this body--and many of us believe that is the appropriate decision for them to make.' But, all children don't make that decision and so if they make the wrong decision--and we believe abstinence is a good thing for our young people--then they need to have education about other means of protecting themselves. Now, if you want to take that out of context and codify it, that would be your decision, but I don't think that is exactly the way I put it--the way you put it."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McAuliffe and Goings on page 4, line 19, to Substitute Senate Bill No. 5592.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Prince, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 25. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 24.

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen, McAuliffe and Goings be adopted:

On page 6, after line 4, strike all the material down to and including "immediately." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, McAuliffe and Goings on page 6, after line 4, to Substitute Senate Bill No. 5592.

The motion by Senator Haugen carried and the amendment was adopted.

#### MOTIONS

On motion of Senator West, the following amendment by Senators West and Stevens was adopted:

On page 6, after line 4, insert the following: "**NEW SECTION. Sec. 15.** If specific funding for the purposes of this act, referencing this act by bill and section number, is not provided by June 30, 1997, in the omnibus appropriations act, this act shall be null and void." On motion of Senator Johnson, the following title amendment was adopted:

On page 1, line 2 of the title after "70.24 RCW;" insert "and" and after "70 RCW" strike "; and declaring an emergency"

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Engrossed Substitute Senate Bill No. 5592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5592.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5592 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Jacobsen, Kline, Kohl, McAuliffe, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 17. ENGROSSED SUBSTITUTE SENATE BILL NO. 5592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5091, deferred on second reading March 14, 1997.

#### MOTION

Senator Fairley moved that the following amendment be adopted:

On page 2, after line 31, insert the following: "**NEW SECTION. Sec. 4.** A new section is added to chapter 59.18 RCW to read as follows: Section 2 of this act does not apply to local laws that are intended to protect tenants from discrimination on the basis of race, gender, national origin, marital status, the presence of any sensory, mental or physical disability, the use of a trained guide dog or service dog by a disabled person, creed, color, age, parental status, participation in a program under section eight of the United States Housing Act of 1937 (42 USC 1437 (f)), political ideology, ancestry, or sexual orientation." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 2, after line 31, to Substitute Senate Bill No. 5091.

The motion by Senator Fairley failed and the amendment was not adopted.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 5091 was deferred.

#### MOTION

At 10:14 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:12 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5795, by Senators Benton and Haugen (by request of Department of Licensing)

Regulating vehicle and vessel licensing.

The bill was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5795 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5795.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5795 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5795, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5308, by Senators Horn, Finkbeiner, Franklin, Fraser and Winsley (by request of Secretary of State Munro)

Regulating electronic signatures.

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5308 was substituted for Senate Bill No. 5308 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5308.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 48. Voting nay: Senator Zarelli - 1. SUBSTITUTE SENATE BILL NO. 5308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5409, by Senators Long, Thibaudeau, Kohl, Wojahn, Kline and Winsley (by request of Governor Lowry)

Modifying child death review.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5409 was substituted for Senate Bill No. 5409 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5409.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5409 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Voting nay: Senator Roach - 1. SUBSTITUTE SENATE BILL NO. 5409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5542, by Senators Long, Hargrove, Schow and Kohl (by request of Department of Corrections)

Repealing the alien offender camp.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Senate Bill No. 5542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5542.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Thibaudeau - 1. SENATE BILL NO. 5542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5774, by Senators Roach, McCaslin, Fairley and Oke (by request of Supreme Court)

Authorizing appellate judges to be appointed as pro tempore judges to complete pending business at the end of their terms of office.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following amendments by Senators Roach and Fraser were considered simultaneously and were adopted:

On page 1, line 18, after "justice." strike all material down through "days." on line 19, and insert "No justice may be appointed under this subsection more than one time and no appointment may exceed sixty days." On page 3, line 17, after "justice." strike all material through "days." on line 18, and insert "No judge may be appointed under this subsection more than one time and no appointment may exceed sixty days." Senator Heavey moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 19, after "days" insert "or extend beyond the retirement date required by Article IV, section 3(a), Amendment 25, of the state Constitution, whichever is earlier" On page 3, line 18, after "days" insert "or extend beyond the retirement date required by Article IV, section 3(a), Amendment 25, of the state Constitution, whichever is earlier" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Heavey on page 1, line 19, and page 3, line 18, to Senate Bill No. 5774.

The motion by Senator Heavey failed and the amendments were not adopted.

#### MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5774.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5774 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senators Heavey and Thibaudeau - 2. ENGROSSED SENATE BILL NO. 5774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5322, by Senators Deccio, Thibaudeau and Kohl

Removing regulatory barriers to the provision of oral health care services to rural, remote, and underserved populations.

#### MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5322 was substituted for Senate Bill No. 5322 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5322.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5566, by Senators Sheldon, Oke and Prince

Collecting solid waste or recyclables.



The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5566.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5332, deferred on third reading March 13, 1997.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5332.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote:

Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 19. SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### MOTION

On motion of Senator Hale, Senator Deccio was excused.

#### SECOND READING

SENATE BILL NO. 5160, by Senator McCaslin

Eliminating the presidential primary.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5160.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 38. Voting nay: Senators Fraser, Goings, Horn, Kline, McDonald, Rasmussen, Roach, Strannigan, Swanson and Thibaudeau - 10. Excused: Senator Deccio - 1. SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5770, by Senators Stevens and Thibaudeau

Protecting child records.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5770.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Deccio - 1. SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Bauer was excused.

#### SECOND READING

SENATE BILL NO. 5748, by Senators West and Spanel (by request of Department of Revenue)

Reducing the penalty for failure to file manufacturing machinery and equipment exemption certificates of annual summaries.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5748.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Bauer and Deccio - 2. SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5888, by Senators Schow, Heavey and Hale (by request of Department of Labor and Industries)

Authorizing the continuation of a special insuring agreement for workers' compensation for the United States department of energy.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5888.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5888 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Kline - 1. Excused: Senators Bauer and Deccio - 2. SENATE BILL NO. 5888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5439, by Senators Morton, Hargrove, Stevens and Benton

Providing an exclusion for what constitutes surface mining.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5439.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Spanel - 1. Excused: Senators Bauer and Deccio - 2. SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5903, by Senators Hale, Morton, Wood and Winsley

Authorizing the use of local hotel-motel taxes for operation of performing and cultural arts facilities.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5903 was substituted for Senate Bill No. 5903 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Hargrove was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5903.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senator Prince - 1. Absent: Senator Newhouse - 1. Excused: Senators Bauer, Deccio and Hargrove - 3. SUBSTITUTE SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Thibaudeau, Senator Wojahn was excused.

#### SECOND READING

SENATE BILL NO. 6046, by Senator Finkbeiner

Creating a study by the utilities and transportation commission on universal telecommunications service.

#### MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 6046 was substituted for Senate Bill No. 6046 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 6046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6046.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6046 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Absent: Senator Newhouse - 1. Excused: Senators Deccio, Hargrove and Wojahn - 3. SUBSTITUTE SENATE BILL NO. 6046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5701, by Senators Morton, Rasmussen and Swecker

Licensing distributors of commercial soil amendments.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5701 was substituted for Senate Bill No. 5701 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Prentice was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5701.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5701 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 43. Voting nay: Senators Newhouse and Thibaudeau - 2. Excused: Senators Deccio, Hargrove, Prentice and Wojahn - 4. SUBSTITUTE SENATE BILL NO. 5701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Schow was excused.

#### SECOND READING

SENATE BILL NO. 5509, by Senators Rossi, Roach, Zarelli, Winsley, Long, Morton, Goings, Finkbeiner, Oke, Hochstatter, Benton, Johnson, Stevens, McCaslin and Rasmussen

Changing definitions regarding offenders.

#### MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5509.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Kohl - 1. Excused: Senators Deccio, Prentice and Schow - 3. SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Bauer, Senator Franklin was excused.

#### SECOND READING

SENATE BILL NO. 5750, by Senators Winsley, Prentice, Hale and Heavey

Allowing commercial property casualty policies to be issued prior to filing the form or rate with the insurance commissioner.

## MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5750 was substituted for Senate Bill No. 5750 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5750.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5750 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senators Finkbeiner and Snyder - 2. Excused: Senators Deccio, Franklin, Prentice and Schow - 4. SUBSTITUTE SENATE BILL NO. 5750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTIONS

On motion of Senator Hale, Senators Finkbeiner and McCaslin were excused.

On motion of Senator Thibaudeau, Senator Snyder was excused.

## SECOND READING

SENATE BILL NO. 5759, by Senators Long, Hargrove, Zarelli, Franklin, Winsley, Oke and Roach

Changing sex offender risk level classification and public notification procedures.

## MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5759 was substituted for Senate Bill No. 5759 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following amendments by Senators Long and Hargrove were considered simultaneously and were adopted:

On page 2, line 14, strike "relevant and necessary" and insert "relevant, necessary, and accurate" On page 2, line 18, strike "relevant and necessary" and insert "relevant, necessary, and accurate" On page 2, line 24, strike "relevant and necessary" and insert "relevant, necessary, and accurate" On page 8, line 7, after "including" insert the following: "procedures for ensuring the accuracy of factual information contained in the notification documents, and"

## MOTION

On motion of Senator Long, the rules were suspended, Engrossed Substitute Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5759.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Deccio, Finkbeiner, Franklin, McCaslin, Schow and Snyder - 6. ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6002, by Senators Long, Hargrove and Oke

Supervising mentally ill offenders.

## MOTIONS

On motion of Senator Long, Second Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Second Substitute Senate Bill No. 6002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Hale, Senator Stevens was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6002.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Deccio, Finkbeiner, McCaslin, Snyder and Stevens - 5. SECOND SUBSTITUTE SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 1:15 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Monday, March 17, 1995.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

## **JOURNAL OF THE SENATE**

### **SIXTY-SECOND DAY, MARCH 15, 1997**

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## **SIXTY-FOURTH DAY**

### **MORNING SESSION**

Senate Chamber, Olympia, Monday, March 17, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Finkbeiner, Kohl, Long, Snyder, West and Wood. On motion of Senator Hale, Senators Anderson, Finkbeiner, Long, West and Wood were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tanya Southwell and Grant Winters, presented the Colors. John Michalovsis of the Baha'i Community of Olympia, offered the prayer.

## MOTION

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

## MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2094, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 13, 1997

MR. PRESIDENT:

March 14, 1997

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1298,  
HOUSE BILL NO. 1330,  
SUBSTITUTE HOUSE BILL NO. 1346,  
SUBSTITUTE HOUSE BILL NO. 1351,  
SUBSTITUTE HOUSE BILL NO. 1387,  
SECOND SUBSTITUTE HOUSE BILL NO. 1392,  
SUBSTITUTE HOUSE BILL NO. 1402,  
SUBSTITUTE HOUSE BILL NO. 1404,  
HOUSE BILL NO. 1405,  
SUBSTITUTE HOUSE BILL NO. 1418,  
SUBSTITUTE HOUSE BILL NO. 1427,  
SECOND SUBSTITUTE HOUSE BILL NO. 1432,  
SUBSTITUTE HOUSE BILL NO. 1436,  
SECOND SUBSTITUTE HOUSE BILL NO. 1522,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1602,  
SECOND SUBSTITUTE HOUSE BILL NO. 1622,  
HOUSE BILL NO. 1651,  
SUBSTITUTE HOUSE BILL NO. 1698,  
SUBSTITUTE HOUSE BILL NO. 1784,  
SUBSTITUTE HOUSE BILL NO. 1791,  
SUBSTITUTE HOUSE BILL NO. 1800,  
SUBSTITUTE HOUSE BILL NO. 1936,  
SUBSTITUTE HOUSE BILL NO. 1973, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 14, 1997

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1110,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1111,  
SUBSTITUTE HOUSE BILL NO. 1112,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115,  
SUBSTITUTE HOUSE BILL NO. 1118,  
SECOND SUBSTITUTE HOUSE BILL NO. 2054, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 14, 1997

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1055,  
SECOND SUBSTITUTE HOUSE BILL NO. 1191,  
SUBSTITUTE HOUSE BILL NO. 1219,  
SUBSTITUTE HOUSE BILL NO. 1235,  
SUBSTITUTE HOUSE BILL NO. 1859,  
SUBSTITUTE HOUSE BILL NO. 1946,  
HOUSE BILL NO. 2091,  
HOUSE BILL NO. 2141,  
HOUSE BILL NO. 2146,  
HOUSE BILL NO. 2160, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 14, 1997

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1354,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361,  
ENGROSSED HOUSE BILL NO. 1391,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1423,  
SUBSTITUTE HOUSE BILL NO. 1672,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1687,  
ENGROSSED HOUSE BILL NO. 1740,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1746,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1911,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1965,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,



ENGROSSED HOUSE BILL NO. 2142, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1055 by House Committee on Appropriations (originally sponsored by Representatives Radcliff, Dunn, Carlson, Dickerson, Hatfield, Conway, Quall, Mason, Costa, Ogden, Anderson and O'Brien) (by request of Higher Education Coordinating Board)

Creating undergraduate fellowships for needy and meritorious students.

Referred to Committee on Higher Education.

ESHB 1110 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, McMorris, Koster, Delvin, Mulliken, Schoesler and Honeyford)

Altering a moratorium on new appropriations of Columbia river waters.

Referred to Committee on Agriculture and Environment.

ESHB 1111 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Koster, Delvin, Mulliken, Johnson, B. Thomas and Honeyford)

Granting water rights to certain persons who were water users before January 1, 1993.

Referred to Committee on Agriculture and Environment.

SHB 1112 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, Koster, Delvin, Mulliken, Johnson, B. Thomas and Honeyford)

Adjudicating water rights.

Referred to Committee on Agriculture and Environment.

ESHB 1113 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, McMorris, Koster, Delvin, Mulliken, Johnson, Schoesler and Honeyford)

Authorizing a change in the use of water made surplus by certain activities and modifying transfer provisions.

Referred to Committee on Agriculture and Environment.

ESHB 1115 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, McMorris, Koster, Delvin, Mulliken, Johnson, Dyer and Honeyford)

Altering appeal procedures for water-related actions of the department of ecology.

Referred to Committee on Agriculture and Environment.

SHB 1118 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, Johnson, Boldt and Honeyford)

Reopening the water rights claim filing period.

Referred to Committee on Agriculture and Environment.

2SHB 1191 by House Committee on Appropriations (originally sponsored by Representatives Backlund, Dyer, Skinner and Sherstad)

Providing for review of mandated health insurance benefits.

Referred to Committee on Health and Long-Term Care.

SHB 1219 by House Committee on Finance (originally sponsored by Representatives Pennington, Appelwick, B. Thomas, H. Sommers, Mulliken, Carrell, Morris, Mielke, Backlund, O'Brien, Zellinsky, Thompson, Kastama and Mason)

Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act.

Referred to Committee on Health and Long-Term Care.

SHB 1235 by House Committee on Appropriations (originally sponsored by Representatives Ogden, McMorris, H. Sommers, Carlson, Wolfe, O'Brien, Dunshee, Kenney, Dickerson, Cole, Mason and Robertson) (by request of Joint Legislative Audit and Review Committee)

Prohibiting consultants from charging state agencies for access to data generated under their personal services contracts.

Referred to Committee on Government Operations.

SHB 1298 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Linville, Schoesler, Regala, Koster, Morris, Anderson and Pennington)

Regulating compensatory mitigation.

Referred to Committee on Agriculture and Environment.

HB 1330 by Representatives L. Thomas, Grant, Zellinsky, Sheldon and Mielke

Modifying the administration of the responsibilities of self-insurers.

Referred to Committee on Commerce and Labor.

SHB 1346 by House Committee on Energy and Utilities (originally sponsored by Representatives B. Thomas and Crouse) (by request of Department of Revenue)

Imposing use tax on electricity.

Referred to Committee on Energy and Utilities.

SHB 1351 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Fisher and Mitchell)

Stabilizing the monthly refund from the marine fuel tax refund account.

Referred to Committee on Natural Resources and Parks.

E2SHB 1354 by House Committee on Appropriations (originally sponsored by Representatives Pennington, Mielke, Dunn and Boldt)

Changing air pollution control provisions.

Referred to Committee on Agriculture and Environment.

ESHB 1361 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements, Skinner and Honeyford)

Regulating electricians and electrical installations.

Referred to Committee on Commerce and Labor.

SHB 1387 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, K. Schmidt, L. Thomas, Johnson, Huff and Dyer)

Clarifying the frequency of filing of rate adjustments for mandatory offering of basic health plan benefits.

Referred to Committee on Financial Institutions, Insurance and Housing.

EHB 1391 by Representatives Appelwick, Costa, Sheahan, Constantine, Kenney, Radcliff, Blalock, Tokuda, Zellinsky, Lantz and Ogden

Regulating unincorporated nonprofit associations.

Referred to Committee on Law and Justice.

2SHB 1392 by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner, Johnson, Linville, Scott, Keiser, Cooper, Gombosky, Ogden and Anderson)

Enhancing crime victims' compensation.

Referred to Committee on Law and Justice.

SHB 1402 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Ogden, Carlson, Fisher, Blalock, O'Brien and Doumit)

Allowing a county, city, or town to create an assessment reimbursement area on its own initiative to finance the cost of road and street improvements.

Referred to Committee on Transportation.

SHB 1404 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Honeyford, Robertson, Ballasiotes, Conway, Wood, Cole, Boldt and Delvin)

Revising provisions for punch boards and pull-tabs.

Referred to Committee on Commerce and Labor.

HB 1405 by Representatives McMorris, Robertson, Wood, Conway, Boldt and Delvin

Authorizing joint bingo games.

Referred to Committee on Commerce and Labor.

SHB 1418 by House Committee on Natural Resources (originally sponsored by Representatives Buck and Regala) (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

Eliminating pooling of the resource management cost account and removing reference to agricultural college lands.

Referred to Committee on Natural Resources and Parks.

E2SHB 1423 by House Committee on Appropriations (originally sponsored by Representatives Sterk, Costa, Sheahan, McDonald, Koster, Robertson, Carrell, Sherstad, Hickel, Delvin, L. Thomas, O'Brien and Conway)

Strengthening the criminal justice training commission.

Referred to Committee on Law and Justice.

SHB 1427 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Radcliff, Mitchell, Robertson, Buck, Cairnes, Ballasiotes, L. Thomas, Sterk, Thompson, DeBolt, Mielke, Smith, Johnson and Dunn) (by request of Legislative Transportation Committee)

Updating special fuel tax provisions.

Referred to Committee on Transportation.

2SHB 1432 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Tokuda, Kastama and Dickerson) (by request of Department of Social and Health Services)

Modifying the adoption support reconsideration program.

Referred to Committee on Human Services and Corrections.

SHB 1436 by House Committee on Appropriations (originally sponsored by Representatives Van Luven, Veloria, Keiser, Morris, Wolfe, Scott, Cole, Mason, Dunn, Quall, Lantz, Cooper, Gombosky, Murray, Costa and Anderson) (by request of Washington State Library)

Authorizing electronic information access for public libraries.

Referred to Committee on Energy and Utilities.

2SHB 1522 by House Committee on Appropriations (originally sponsored by Representatives Carrell, Sheahan, Conway, Mielke, Sherstad, Talcott, Zellinsky, Benson, Johnson, DeBolt, Mitchell, Lambert, Cooke, Clements, Kastama, Sheldon, Linville, Pennington, Honeyford, Delvin, Radcliff, Costa, Robertson, Mulliken, Smith, McMorris, Scott, Bush, Backlund, Ballasiotes, Sterk, Sump, Crouse, Wensman, Lisk, Dunn, Buck, Hickel, Reams, D. Schmidt, Mastin, Sullivan, Chandler, O'Brien, K. Schmidt, Skinner, Hankins, Dyer, Cairnes, Huff, McDonald, Alexander, Boldt, Wolfe, Keiser, Quall, Thompson and Van Luven)

Providing for enhanced sentencing for criminal street gang activity.

Referred to Committee on Law and Justice.

ESHB 1602 by House Committee on Commerce and Labor (originally sponsored by Representatives Schoesler, Huff, Lisk, Chandler, Clements and Honeyford)

Requiring that information provided by governmental entities on household hazardous waste or consumer product substitutes be competent and reliable.

Referred to Committee on Commerce and Labor.

2SHB 1622 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Carlson, Mason, Van Luven, Sheahan, Radcliff, Butler, Regala, Sullivan, Cody, Wood, Veloria, Tokuda, Kastama, Cooper, Skinner, Dunshee, Constantine, Dickerson, Conway, Anderson, Costa, Schoesler and O'Brien)

Establishing the Hispanic American endowed scholarship program.

Referred to Committee on Higher Education.

HB 1651 by Representatives Scott, Costa, Conway and Hatfield

Authorizing the sale of malt liquor in untapped kegs by class H licensees.

Referred to Committee on Commerce and Labor.

SHB 1672 by House Committee on Law and Justice (originally sponsored by Representatives Bush, Sheahan, Ballasiotes, Koster, O'Brien, Quall, McDonald, Costa, Carrell, Johnson, DeBolt, Sherstad, Clements, Talcott, Reams, Thompson, Backlund, Delvin, Honeyford, Smith, Mulliken, McMorris, Cody, Scott, Pennington, Kastama, Boldt, Dunn, Hickel, Sheldon, Buck, Benson, Keiser, Blalock, Lambert and Cooke)

Prohibiting the use of intoxication as a defense.

Referred to Committee on Law and Justice.

E2SHB 1687 by House Committee on Appropriations (originally sponsored by Representatives Sheahan, Delvin, Sheldon, McMorris, L. Thomas, Mielke, Grant, Morris, Benson, D. Schmidt, Alexander, D. Sommers, Johnson, Thompson, Talcott and Boldt)

Reducing the impact of wage garnishments on employers.

Referred to Committee on Law and Justice.

SHB 1698 by House Committee on Appropriations (originally sponsored by Representatives Huff, Radcliff, Carlson, Talcott, Clements, Tokuda, McMorris, Hickel, Sehlin, Lisk, Skinner, Sheahan, Alexander, Benson, Gombosky, Wensman, Kessler, Lambert, D. Schmidt, Hatfield, Honeyford, O'Brien, Keiser and Cooke)

Creating the K-20 telecommunications network governance committee.

Referred to Committee on Higher Education.

EHB 1740 by Representatives Sheahan, Boldt, Thompson and Clements

Prohibiting the purchase of liquor by intoxicated persons.

Referred to Committee on Law and Justice.

ESHB 1746 by House Committee on Commerce and Labor (originally sponsored by Representatives Sherstad, Morris, Radcliff, Hatfield, D. Schmidt, Grant, Pennington, Sullivan, Koster, Mulliken, Wood, L. Thomas, Scott, Carrell, Doumit, Sheahan, Huff, Kastama, Boldt, Hickel, McMorris, Thompson, Cooke and Dunshee)

Making minor possession of tobacco a class 3 civil infraction and clarifying penalties for violation of current laws regarding youth access to tobacco.

Referred to Committee on Commerce and Labor.

ESHB 1771 by House Committee on Law and Justice (originally sponsored by Representatives Mitchell, Tokuda, Constantine, Sheahan, Keiser, Mason, Blalock, Costa, Conway, Butler, Murray and Cody) (by request of Secretary of State Munro)

Providing for certification of professional guardians.

Referred to Committee on Human Services and Corrections.

SHB 1784 by House Committee on Children and Family Services (originally sponsored by Representatives Boldt, Bush, Cooke, Lambert, L. Thomas, Backlund and Sullivan)

Regulating public assistance fraud.

Referred to Committee on Health and Long-Term Care.

SHB 1791 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, Linville, Grant, Clements, Mulliken, Koster, Boldt and Schoesler)

Exempting activities conducted for an agricultural commodity commission or board from business and occupation tax.

Referred to Committee on Agriculture and Environment.

SHB 1800 by House Committee on Appropriations (originally sponsored by Representatives Delvin, Poulsen, Sheahan, Costa, Kessler, Dickerson, Blalock, Hatfield, Conway, Gombosky, Keiser, Cody, Morris, Ogden, Mason and McDonald)

Assisting crime stoppers programs.

Referred to Committee on Law and Justice.

SHB 1859 by House Committee on Children and Family Services (originally sponsored by Representatives Cooke, Dickerson, Boldt and McDonald)

Revising provisions on abuse of children and adult dependent and developmentally disabled persons.

Referred to Committee on Human Services and Corrections.

ESHB 1911 by House Committee on Commerce and Labor (originally sponsored by Representatives Benson, Mastin, McMorris, Mulliken, Boldt, Sterk, Lambert, Honeyford, Smith, Mielke, Buck, Thompson, Clements, Sherstad, O'Brien, Zellinsky, Sump, Hickel, Schoesler, Koster, Delvin, Wensman, Chandler, L. Thomas, Quall, Crouse, Pennington, Huff, Grant, Talcott, D. Schmidt, D. Sommers, Sheldon and Cooke)

Revising restrictions on the employment of minors.

Referred to Committee on Commerce and Labor.

SHB 1936 by House Committee on Law and Justice (originally sponsored by Representatives Sterk, Sheahan, Costa, Carrell, Hickel, Radcliff and Quall)

Regulating notice of claim of lien against proceeds.

Referred to Committee on Commerce and Labor.

SHB 1946 by House Committee on Children and Family Services (originally sponsored by Representatives Kenney, Dyer, Cody, Van Luven, Chopp, Cooke, Keiser, Anderson, Cole, Cooper, Voloria, Hatfield, Constantine, Morris, O'Brien, Ogden, Blalock, Costa, Conway and Tokuda)

Increasing protections for vulnerable persons.

Referred to Committee on Human Services and Corrections.

ESHB 1965 by House Committee on Government Administration (originally sponsored by Representatives Radcliff and Huff)

Changing the composition of the information services board.

Referred to Committee on Energy and Utilities.

SHB 1973 by House Committee on Law and Justice (originally sponsored by Representatives Wolfe, Lambert, Gombosky, Scott, Carrell, Keiser, Hatfield, Blalock, Gardner, Tokuda, Cole and Anderson)

Modifying a grandparent's visitation rights.

Referred to Committee on Law and Justice.

ESHB 2050 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, Clements and Honeyford)

Identifying when a new water right would interfere with an existing water right.

Referred to Committee on Agriculture and Environment.

2SHB 2054 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Clements, Mastin and Honeyford)

Authorizing local watershed planning and modifying water resource management.

Referred to Committee on Agriculture and Environment.

HB 2091 by Representatives Cairnes, Gardner, Linville and Reams

Allowing counties planning under the growth management act to establish industrial land banks as permissible urban growth outside of an urban growth area.

Referred to Committee on Government Operations.

EHB 2094 by Representatives Costa, Cooke, Skinner and Blalock

Providing cooperative agreements for child support between the department of social and health services and Indian tribes.

Referred to Committee on Law and Justice.

ESHB 2128 by House Committee on Government Administration (originally sponsored by Representatives Sheahan, Appelwick, Cooke, Radcliff, Dyer, Cooper, Schoesler, Costa, D. Schmidt and Anderson)

Stating how a state officer or employee may receive a contract or grant in compliance with the ethics code.

Referred to Committee on Government Operations.

HB 2141 by Representatives Cairnes and Scott (by request of Washington State Patrol)

Providing changes to terminal audit violation penalties.

Referred to Committee on Transportation.

EHB 2142 by Representatives Lisk, Cole and Honeyford

Regulating assignment rights of lottery winnings.

Referred to Committee on Commerce and Labor.

HB 2146 by Representatives Huff and H. Sommers

Regulating claims against the University of Washington.

Referred to Committee on Higher Education.

HB 2160 by Representatives Thompson and Johnson

Providing for a joint legislative audit and review of internship credits granted to teachers.

Referred to Committee on Ways and Means.

## SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

### MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9167, Vestry Johnson, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

### APPOINTMENT OF VESTRY JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42. Absent: Senators Kohl and Snyder - 2. Excused: Senators Anderson, Finkbeiner, Long, West and Wood - 5.

### MOTION

On motion of Senator Franklin, Senators Kohl and Snyder were excused.

### MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9174, John E. Lantz, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

### APPOINTMENT OF JOHN E. LANTZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43. Excused: Senators Anderson, Finkbeiner, Kohl, Snyder, West and Wood - 6.

MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9178, Robert J. Margulis, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF ROBERT J. MARGULIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44. Excused: Senators Anderson, Kohl, Snyder, West and Wood - 5.

MOTION

On motion of Senator Kline, Senator Goings was excused.

MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9180, Guy McMinds, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

Senators Winsley and Snyder spoke to the confirmation of Guy McMinds as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

APPOINTMENT OF GUY McMINDS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 44. Excused: Senators Anderson, Goings, Kohl, West and Wood - 5.

MOTION

On motion of Senator Franklin, Senator Snyder was excused.

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9193, Felix Ramon, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF FELIX RAMON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senator Deccio - 1. Excused: Senators Anderson, Goings, Kohl and Snyder - 4.

MOTION

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

SENATE RESOLUTION 1997-8637

By Senators Heavey, Patterson, Schow, McCaslin and Strannigan



WHEREAS, Our democracy has been enriched by the countless immigrants who have made their way to our shores and added to this nation's tremendous diversity; and

WHEREAS, Irish immigrants transformed our nation's largest cities into dynamic centers of commerce and industry, and their contributions to our smaller cities and towns are evident today in the cultural, economic, and spiritual makeup of the communities; and

WHEREAS, The first St. Patrick's Day parade was conducted with George Washington's troops; and

WHEREAS, Forty percent of the army during the Revolutionary War were Irish-Americans and George Washington exclaimed that the revolution would not have been successful without their efforts; and

WHEREAS, Nine of the people who signed our nation's Declaration of Independence were of Irish origin, and thirteen presidents of the United States proudly claim Irish heritage; and

WHEREAS, Through the years of America's greatest growth -- the building of the Erie Canal in the 1820's, the Transcontinental Railroad in the 1860's, and the first skyscrapers in the 1890's -- Irish-Americans gave their labor; and

WHEREAS, The largest wave of Irish immigrants came in the late 1840's, when the Great Famine ravaging Ireland caused two million people to emigrate, mostly to American soil; and

WHEREAS, Upon arrival, Irish immigrants faced "No Irish Need Apply" signs, but persevered and overcame prejudice; and

WHEREAS, Irish-Americans in communities all across the country celebrate St. Patrick's feast day with parades and the wearing of the green; and

WHEREAS, On St. Patrick's Day, Irishness comes out in everybody;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby honor the rich heritage of the millions of Americans who trace their lineage to Ireland by celebrating St. Patrick's Day.

Senators Heavey, McCaslin, Jacobsen and Rossi spoke to Senate Resolution 1997-8637.

#### ST. PATRICK'S DAY SINGERS

With permission of the Senate, business was suspended to permit Senate staff members, Patrick Woods, Tony Cook, Hank Burns and Joy Adams, to sing several Irish ballads.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Whenever we have St. Patty's Day, I always think of a little Irishman who worked for me at Kaiser. He came over as an immigrant; he died at ninety-seven. His name was Pete Fratherty--not Flatherty--but Fratherty. He lived in Millwood and after he retired, I would go over and visit him, maybe once a month and he always had a shot of Irish whiskey. He had it in the morning, then he had one at noon and I had to drink it with him.

"Of course, I'm not much of a drinker, but that Irish whiskey pretty well straightens out all of your arteries. Maybe I should have kept at it over the years. It always brings a tear to my eyes, because he was one of the hardest working people I have ever known in my life and he had a withered arm. He was a fireman on the conveyors for me. Whenever we have St. Patty's Day, I always think of him and may God rest his soul. He was a wonderful human being."

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### MOTION

On motion of Senator Hale, Senator Deccio was excused.

#### SECOND READING

SENATE BILL NO. 5383, by Senators Winsley and Prentice

Facilitating the collection of sales tax on manufactured housing.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5383.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Anderson and Deccio - 2. SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5563, by Senators Winsley, Prentice, Kohl and Kline

Regulating credit unions.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5563 was substituted for Senate Bill No. 5563 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5563.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5563 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Anderson and Deccio - 2. SUBSTITUTE SENATE BILL NO. 5563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5318, by Senators Haugen, Winsley and Goings

Preserving writs of restitution when partial payment is accepted.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5318.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator McDonald - 1. Excused: Senators Anderson and Deccio - 2. SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Thibaudeau was excused.

## SECOND READING

SENATE BILL NO. 5094, by Senator Roach

Prescribing procedures for release of offenders.

The bill was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5094.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Anderson, Deccio and Thibaudeau - 3. SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5135, by Senators Roach, Fairley, Johnson, Winsley and Oke

Impounding vehicles driven by a person with a suspended or revoked license.

## MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5135.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Stevens - 1. Excused: Senators Anderson and Deccio - 2. SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5150, by Senators Roach, Johnson, Heavey, McCaslin, Loveland, Snyder and Winsley

Extending authority to cite for contempt of court.

The bill was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5150.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Heavey - 1. Excused: Senator Deccio - 1. SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5715, by Senators Wood, Fairley, Franklin, Deccio and Winsley

Licensing orthotists and prosthetists.

## MOTIONS

On motion of Senator Wood, Substitute Senate Bill No. 5715 was substituted for Senate Bill No. 5715 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wood, the rules were suspended, Substitute Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5715.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Finkbeiner - 1. Excused: Senator Deccio - 1. SUBSTITUTE SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 9:45 a.m., on motion of Senator Johnson, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:39 a.m. by President Owen.

## MOTION

At 10:39 a.m., on motion of Senator Johnson, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:00 a.m. by President Owen.

At 11:00 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 11:05 a.m. by President Owen.

## SECOND READING

SENATE BILL NO. 5886, by Senators Strannigan, Swecker, Jacobsen and Oke

Providing a stable funding source for fisheries enhancement and habitat restoration.

## MOTIONS

On motion of Senator Strannigan, Second Substitute Senate Bill No. 5886 was substituted for Senate Bill No. 5886 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Strannigan, the rules were suspended, Second Substitute Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5886.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SECOND SUBSTITUTE SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5185, by Senators Horn, McCaslin, Long, Benton, Prince and Deccio

Revising procedures for growth management hearings boards.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Haugen was adopted:

On page 8, line 25, after "chapter" insert the following: "(3) Any party aggrieved by a final decision of the hearings board may appeal the decision directly to the court of appeals for assignment by the chief presiding judge" On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5185.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 27. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 22. ENGROSSED SENATE BILL NO. 5185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5802, by Senators Horn, McCaslin and Haugen

Attempting to integrate planning, review, and terminology among growth management, environmental and ecological protection, and other related areas.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5802.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5044, by Senators Benton and Oke

Revising AIDS-related crimes.

#### MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5044 was substituted for Senate Bill No. 5044 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Hargrove and Benton be adopted:

On page 2, line 22, after "occurring" strike "within ((three)) seven years ((and a day))" and insert "((within three years and a day)) at any time" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Benton on page 2, line 22, to Substitute Senate Bill No. 5044.

The motion by Senator Hargrove carried and the amendment was adopted.

#### MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hale, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5044.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Fairley, Kline, Prentice and Thibaudeau - 4. Excused: Senator McCaslin - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5959, by Senators Anderson and Morton

Allowing for the establishment of restricted seed potato production areas.

The bill was read the second time.

#### MOTIONS

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was adopted:

On page 2, line 7, delete "thirty" and insert "sixty" On motion of Senator Anderson, the rules were suspended, Engrossed Senate Bill No. 5959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5959.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5959 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED SENATE BILL NO. 5959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:52 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 2:05 p.m. by President Owen.

#### MOTION

On motion of Senator Goings, Senator Loveland was excused.

#### SECOND READING

SENATE BILL NO. 6022, by Senators Winsley and Hale

Protecting certain information concerning financial institutions.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6022 was substituted for Senate Bill No. 6022 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 6022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6022.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6022 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Long and West - 2. Excused: Senator Loveland - 1. SUBSTITUTE SENATE BILL NO. 6022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5874, by Senators Hale and Winsley

Establishing the confidentiality of voluntary compliance efforts by financial institutions.

The bill was read the second time.

#### MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 5874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5874.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5874 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused:

Senator Loveland - 1. SENATE BILL NO. 5874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5574, by Senator Horn

Instituting property tax reform.

## MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5574 was substituted for Senate Bill No. 5574 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McAuliffe, the following amendment was adopted:

On page 5, after line 21, insert a new subsection to read as follows: "(d) A statement as to whether the proposed levy is a new levy or a replacement levy, and if a replacement levy, an estimate of the proposed increase or decrease of the dollar rate of the tax levy as compared with the existing levy."

## MOTION

Senator Morton moved that the following amendment be adopted:

On page 8, after line 36, insert "This section shall not apply to counties with 1993 populations of less than fifty thousand persons, such counties shall only be required to revalue property at least once every six years."

## POINT OF INQUIRY

Senator Loveland: "Senator Morton, I have been trying to follow through and I notice that we have a hand written change on page 8, after line 29. The question was raised to me and I would like to ask you, is this in the proper section of the bill that would not just eliminate anyone having to do with any kind of revaluation other than those of fifty thousand?"

Senator Morton: "It was Senator Goings who brought this to my attention and that is why we did not move the first amendment. It did have the improper number there of thirty-six and this was drafted, I believe, from the original bill and not from the substitute, so it is my understanding that this is now correct--that it is line 29 as you see in the hand written item and that it does not exclude assessment forever--that it falls in line with excluding only the one year assessment, but requiring assessment every six years. The wording, of course, is in the particular amendment at least once every six years."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 8, after line 36, to Substitute Senate Bill No. 5574.

The motion by Senator Morton failed and the amendment was not adopted on a rising vote.

## MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Hargrove, Loveland, Sheldon and Snyder be adopted:

On page 7, beginning on line 25, strike all material down through and including "1998." on page 9, line 11 Renumber the remaining parts consecutively and correct internal references accordingly Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Spanel, Hargrove, Loveland, Sheldon and Snyder on page 7, beginning on line 25, to Substitute Senate Bill No. 5574.

## ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, Wojahn and Wood - 35. Voting nay: Senators Anderson, Benton, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Johnson, Rossi, Strannigan, Swecker, West, Winsley and Zarelli - 14.

## MOTION

Senator Loveland moved that the following amendment by Senators Wojahn, McAuliffe, Loveland, Snyder, Swanson, Fraser, Thibaudeau, Franklin, Sheldon, Spanel, Kline, Brown, Bauer, Kohl, Prentice and Fairley be adopted:

On page 9, beginning on line 12, strike all material down through and including "evidence." on line 21 Renumber the remaining parts consecutively and correct internal references accordingly Debate ensued.



The President declared the question before the Senate to be the adoption of the amendment by Senators Wojahn, McAuliffe, Loveland, Snyder, Swanson, Fraser, Thibaudeau, Franklin, Sheldon, Spanel, Kline, Brown, Bauer, Kohl, Prentice and Fairley on page 9, beginning on page 12, to Substitute Senate Bill No. 5574.

The motion by Senator Loveland carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Loveland, the following title amendment was adopted:

On page 1, line 2 of the title, after "84.52.054," insert "and" and after "84.56.020" strike all material through "penalties" on line 4, and insert "; creating new sections; repealing RCW 84.56.022; and prescribing penalties" On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5574.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5574 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED SUBSTITUTE SENATE BILL NO. 5574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. Ladies and gentlemen of the Senate. Yesterday, one of our own was honored in Yakima--Senator Alex Deccio--not for being part Irish, but for being so involved in the health programs. On Sunday morning, March 16, Senator Deccio received the Sisters of Providence, Western Province Mother Joseph Medal Award at Providence Hospital Medical Center in Yakima. The award was given for years of community service and for outstanding leadership in sponsoring important health care legislation over the past eighteen years in both the House and the Senate. The ceremony was attended by over two hundred persons. This was the twenty-first award given since the Sisters of Providence were founded a hundred twenty-five years ago. I think when a Senator does this, it reflects upon all of us and I certainly appreciate Senator Deccio and all his work in that area. Thank you, Senator."

Senator Deccio thanked Senator McCaslin for his remarks and thanked the Sisters of Providence for their good work.

#### SECOND READING

SENATE BILL NO. 5758, by Senators McCaslin, Haugen, Hale, Swecker and Patterson (by request of Governor Locke)

Implementing the recommendations of the land use study commission.

The bill was read the second time.

#### MOTION

Senator Swecker moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 24, after "economies" strike all material down through and including "handcrafts" on line 25 On page 4, after line 27, strike all of subsection (d) Renumber the remaining subsections accordingly POINT OF ORDER

Senator Haugen: "A point of order, Mr. President. I rise to challenge the floor amendments, the ones we just heard, as well as the amendments that are on the desk, under Senate Rule 32, as exceeding the scope of the title of this bill. The title of this legislation is 'Implementing the recommendations of the land use study commission.' The recommendations of the commission are set forth in this legislation and expressed in the intent sections of the legislation as requiring a framework of state guidance on rural development. These floor amendments are directly contrary to the commission's recommendations and, therefore, under no circumstances, could they be considered as implementing the commission's recommendations. Therefore, I ask you, Mr. President, to rule that these amendments are beyond the scope."

Further debate ensued.

#### MOTIONS

Senator Swecker moved that the following amendments be considered simultaneously and be adopted:  
On page 7, line 28, after "circumstances" strike the remainder of subsection (a) through "chapter" on line 31 On

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POINT OF ORDER

Senator Haugen: “Thank you, Mr. President. My motion was that these amendments exceed the scope of the title of this bill, because the title is implementing the recommendations.”  
Further debate ensued.

MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5758 was deferred.

SECOND READING

SENATE BILL NO. 5452, by Senators Hale, Loveland, West, Winsley, Rasmussen and Oke

Exempting nonprofit cancer centers from property tax.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5755, by Senator Swecker

Authorizing service of process by posting in disputes involving mobile home landlords and tenants.

### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5755 was substituted for Senate Bill No. 5755 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5755.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5755 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5621, by Senators Long, Winsley, Patterson, Benton and Oke

Requiring kidnappers of children to register with local law enforcement agencies upon release from custody.

### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5621 was substituted for Senate Bill No. 5621 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5621.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5621 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5005, by Senators Long, Hargrove, McCaslin, Haugen, Zarelli, Johnson, Winsley, Goings, Rasmussen, Oke and Roach

Concerning concurrent and consecutive sentencing for violent offenses.

### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5005 was substituted for Senate Bill No. 5005 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5005.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5005 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senators Kline, Sheldon and Thibaudeau - 3. SUBSTITUTE SENATE BILL NO. 5005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5006, by Senators Long, Hargrove, McCaslin, Haugen, Sheldon, Winsley, Goings, Deccio, McAuliffe, Franklin, Rasmussen, Hale, Johnson and Oke

Enhancing sentences and supervision of sex offenders.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5006 was substituted for Senate Bill No. 5006 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5006 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5006.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5006 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Fairley - 1. Absent: Senators Deccio and Sellar - 2. SUBSTITUTE SENATE BILL NO. 5006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Goings was excused.

#### SECOND READING

SENATE BILL NO. 5575, by Senators Winsley, Prentice and Hale

Regulating mortgage brokers.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5575 was substituted for Senate Bill No. 5575 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5575.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5575 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46. Voting nay: Senators Stevens and Zarelli - 2. Excused: Senator Goings - 1. SUBSTITUTE SENATE BILL NO. 5575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Morton assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5282, by Senators Long, Hargrove, Schow, Zarelli and Winsley

Extending the scope of hit and run involving death.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5282 was substituted for Senate Bill No. 5282 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5282.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5306, by Senators Zarelli, Hargrove, Long, Stevens, Benton, Schow and Roach

Allowing for the testing of offenders for HIV and other communicable diseases.

#### MOTIONS

On motion of Senator Zarelli, Second Substitute Senate Bill No. 5306 was substituted for Senate Bill No. 5306 and the second substitute bill was placed on second reading and read the second time.

Senator Zarelli moved that the following amendment by Senators Zarelli, Franklin, Hargrove and Long be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. (1) The legislature finds that department of corrections staff and jail staff perform essential public functions that are vital to our communities. The health and safety of these workers is often placed in jeopardy while they perform the responsibilities of their jobs. There is a special need to allay the concerns of employees who are substantially exposed to the bodily fluids of offenders or detainees. Great mental anguish can be avoided by a prompt blood test and immediate disclosure to the exposed employee. Therefore, the legislature intends that the results of any HIV tests conducted on an offender or detainee under RCW 70.24.340, 70.24.360, or 70.24.370 be immediately disclosed to the superintendent or administrator of the department of corrections facility or local jail housing the offender or detainee, and also be immediately disclosed to any member of a jail staff or department of corrections staff who has been substantially exposed to the bodily fluids of an offender or detained person. The legislature finds that the system of universal precautions required under federal and state law in all settings where risk of occupational exposure to communicable diseases exists are an effective way to reduce the risk of communicable disease transmission. The legislature does not intend to discourage the use of universal precautions but to provide supplemental information for corrections and jail staff to utilize as part of their universal precautions with all offenders and detained people. (2) The legislature further finds that, through the efforts of health care professionals and corrections staff, offenders in department of corrections facilities and people detained in local jails are being encouraged to take responsibility for their health by requesting voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling. The legislature does not intend, through this act, to mandate disclosure of the results of voluntary and anonymous tests. The legislature intends to continue to protect the confidential exchange of medical information related to voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling as provided by chapter 70.24 RCW. Sec. 2. RCW 70.24.105 and 1994 c 72 s 1 are each amended to read as follows: (1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted

disease, except as authorized by this chapter. (2) No person may disclose or be compelled to disclose the identity of any person upon whom an HIV antibody test is performed, or the results of such a test, nor may the result of a test for any other sexually transmitted disease when it is positive be disclosed, except as authorized by this chapter. This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection and for any other confirmed sexually transmitted disease. The following persons, however, may receive such information: (a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent; (b) Any person who secures a specific release of test results or information relating to HIV or confirmed diagnosis of or treatment for any other sexually transmitted disease executed by the subject or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent; (c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease; (d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens; (e) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, provided that such record was obtained by means of court ordered HIV testing pursuant to RCW 70.24.024; or when disclosure is pursuant to RCW 70.24.340 ((or 70.24.024)), 70.24.360, or 70.24.370; (f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section; (g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary; (h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, jail staff person, department of corrections staff person, or other persons as defined by the board in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test or the test is conducted under RCW 70.24.340, 70.24.360, or 70.24.370; (i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment; ~~((and))~~ (j) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services; and (k) A department of corrections superintendent or administrator, or a jail administrator regarding tests of offenders and detained persons under subsection (4) of this section. (3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as ~~((authorized))~~ otherwise required by ((that subsection)) law. (4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(e) of this section, shall be governed as follows: (a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of correction's jurisdiction. (b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The results of any test of a person detained in a jail conducted under RCW 70.24.340 or 70.24.360 shall be made available to the jail administrator. The information may be submitted to transporting officers and receiving facilities. (c) Information regarding ~~((a department of corrections offender's))~~ the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law. (d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted under RCW 70.24.340, 70.24.360, or 70.24.370 shall be immediately disclosed by the department of corrections health care provider or the local public health officer or the officer's designee to the correctional superintendent or administrator or local jail administrator. The superintendent or administrator shall then immediately disclose these results to the staff member who was substantially exposed. The superintendent or administrator and the health care provider or public health officer shall make a good faith effort to provide disclosure to the exposed person within seventy-two hours of exposure. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding

follow-up testing and treatment. (e) The receipt by an individual of information disclosed under this subsection (4) shall be utilized only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. Use of this information for any other purpose, including harassment or discrimination, may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law. (5) Whenever disclosure is made pursuant to this section, except for subsections (2)(a) and (6) of this section, it shall be accompanied by a statement in writing (~~(which)~~) that includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days. (6) The requirements of this section shall not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor shall they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties. (7) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW shall be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. Such disclosure shall be accompanied by appropriate counseling, including information regarding follow-up testing. **NEW SECTION. Sec. 3.** A new section is added to chapter 72.10 RCW to read as follows: (1) The department must develop and implement policies and procedures for the uniform distribution of communicable disease prevention protocols to all corrections staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders with communicable diseases. (2) The protocols must identify the offender and special precautions necessary to reduce the risk of transmission of the communicable disease but must not identify the offender's particular communicable disease. (3) For the purposes of this section, "communicable disease" means an illness caused by an infectious agent that can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air. **NEW SECTION. Sec. 4.** A new section is added to chapter 70.48 RCW to read as follows: (1) Local jail administrators must develop and implement policies and procedures for the uniform distribution of communicable disease prevention protocols to all jail staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders or detainees with communicable diseases. (2) The protocols must identify the offender or detainee and special precautions necessary to reduce the risk of transmission of the communicable disease but must not identify the offender's or detainee's particular communicable disease. (3) For the purposes of this section, "communicable disease" means an illness caused by an infectious agent that can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air. **NEW SECTION. Sec. 5.** The department of health and the department of corrections must each adopt rules to implement this act. The department of health and the department of corrections with the cooperation of local jail administrators must also report to the legislature by January 1, 1998, on the following: (1) Changes made in rules and department of corrections and local jail policies and procedures to implement this act; and (2) a summary of the number and circumstances of mandatory test results that were disclosed to department of corrections staff and jail staff under RCW 70.24.105. **Sec. 6.** RCW 70.24.340 and 1988 c 206 s 703 are each amended to read as follows: (1) Local health departments (~~(authorized under this chapter)~~) shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest counseling of all persons: (a) Convicted of a sexual offense under chapter 9A.44 RCW; (b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; ~~(c)~~ (c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles; or (d) Who are offenders or arrested or detained persons and who have subjected a law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections staff person, jail staff person, or other category of employee, as determined by the board, to substantial exposure to their bodily fluids. Persons tested under this subsection (1)(d) shall also be tested for hepatitis B. (2) ~~(Such)~~ Testing of persons convicted under subsection (1)(a) through (c) of this section shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge. Testing of persons causing a substantial exposure under subsection (1)(d) of this section shall be conducted as soon as possible, but not later than forty-eight hours after the exposure. Consent of the persons tested under this section is not required. (3) ~~(This section applies)~~ Subsection (1)(a) through (c) of this section applies only to offenses committed after March 23, 1988, and subsection (1)(d) of this section applies only to exposures occurring after the effective date of this act. (4)(a) A law enforcement officer, fire fighter, health care provider, health care facility staff person, any member of a jail staff or department of corrections staff, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, hepatitis B testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. (b) If the person who is subject to the order is not an offender or arrested or detained person tested under subsection (1) of this section, the person shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order is not an offender or arrested or detained person tested under subsection (1) of this section and refuses to comply, the state or local public health officer may petition the superior court for a hearing. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order. (c) The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial (~~(and presents a possible risk)~~) as defined by the board of health by rule. **Sec. 7.** RCW 70.24.360 and 1988 c 206 s 706 are each amended to read as follows: Jail administrators, ~~(with the approval of)~~ after consultation with and receiving written recommendations from the local public health officer, may order pretest counseling, HIV testing, and posttest counseling for persons detained in the jail if the ~~(local public health officer)~~ jail administrator determines that actual or threatened behavior presents a possible risk to the staff, general public, or other persons. ~~(Approval of the local public health officer shall be based on RCW 70.24.024(3) and may be contested through RCW 70.24.024(4).)~~ The administrator shall establish, pursuant to RCW 70.48.071, a procedure to document the possible risk (~~(which)~~) that is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the jail



administrator after consultation with the board (~~in rule~~). Possible risk, as used in the documentation of the behavior, or threat thereof, shall be reviewed with the person (~~to try to assure that the person understands the basis for testing~~). **Sec. 8.** RCW 70.24.024 and 1988 c 206 s 909 are each amended to read as follows: (1) Subject to the provisions of this chapter, the state and local public health officers or their authorized representatives may examine and counsel or cause to be examined and counseled persons reasonably believed to be infected with or to have been exposed to a sexually transmitted disease. (2) Orders or restrictive measures directed to persons with a sexually transmitted disease shall be used as the last resort when other measures to protect the public health have failed, including reasonable efforts, which shall be documented, to obtain the voluntary cooperation of the person who may be subject to such an order. The orders and measures shall be applied serially with the least intrusive measures used first. The burden of proof shall be on the state or local public health officer to show that specified grounds exist for the issuance of the orders or restrictive measures and that the terms and conditions imposed are no more restrictive than necessary to protect the public health. (3) When the state or local public health officer within his or her respective jurisdiction knows or has reason to believe, because of direct medical knowledge or reliable testimony of others in a position to have direct knowledge of a person's behavior, that a person has a sexually transmitted disease and is engaging in specified conduct, as determined by the board by rule based upon generally accepted standards of medical and public health science, that endangers the public health, he or she shall conduct an investigation in accordance with procedures prescribed by the board to evaluate the specific facts alleged, if any, and the reliability and credibility of the person or persons providing such information and, if satisfied that the allegations are true, he or she may issue an order according to the following priority to: (a) Order a person to submit to a medical examination or testing, seek counseling, or obtain medical treatment for curable diseases, or any combination of these, within a period of time determined by the public health officer, not to exceed fourteen days. (b) Order a person to immediately cease and desist from specified conduct (~~which~~) that endangers the health of others by imposing such restrictions upon the person as are necessary to prevent the specified conduct that endangers the health of others only if the public health officer has determined that clear and convincing evidence exists to believe that such person has been ordered to report for counseling as provided in (a) of this subsection and continues to demonstrate behavior (~~which~~) that endangers the health of others. Any restriction shall be in writing, setting forth the name of the person to be restricted and the initial period of time, not to exceed three months, during which the order shall remain effective, the terms of the restrictions, and such other conditions as may be necessary to protect the public health. Restrictions shall be imposed in the least-restrictive manner necessary to protect the public health. (4)(a) Upon the issuance of any order by the state or local public health officer or an authorized representative pursuant to subsection (3) of this section or RCW 70.24.340(4) to a person who is not an offender or arrested or detained person tested under RCW 70.24.340(1), such public health officer shall give written notice promptly, personally, and confidentially to the person who is the subject of the order stating the grounds and provisions of the order, including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order, and notifying the person who is the subject of the order that, if he or she contests the order, he or she may appear at a judicial hearing on the enforceability of the order, to be held in superior court. He or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary. The hearing shall be held within seventy-two hours of receipt of the notice, unless the person subject to the order agrees to comply. If the person contests the order, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to this subsection. If the person does not contest the order within seventy-two hours of receiving it, and the person does not comply with the order within the time period specified for compliance with the order, the state or local public health officer may request a warrant be issued by the superior court to insure appearance at the hearing. The hearing shall be within seventy-two hours of the expiration date of the time specified for compliance with the original order. The burden of proof shall be on the public health officer to show by clear and convincing evidence that the specified grounds exist for the issuance of the order and for the need for compliance and that the terms and conditions imposed therein are no more restrictive than necessary to protect the public health. Upon conclusion of the hearing, the court shall issue appropriate orders affirming, modifying, or dismissing the order. (b) If the superior court dismisses the order of the public health officer, the fact that the order was issued shall be expunged from the records of the department or local department of health. (5) Any hearing conducted pursuant to this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by the order of the court. **NEW SECTION. Sec. 9.** A new section is added to chapter 70.28 RCW to read as follows: (1) The tuberculosis status of a department of corrections offender who is in the infectious stage shall be made available by department of corrections health care providers and local public health officers to a department of corrections superintendent or administrator. The information made available under this subsection (1) shall be utilized by a superintendent or administrator only as provided in section 3 of this act. (2) The tuberculosis status of a person detained in a jail who is in the infectious stage shall be made available by the local public health officer to the jail administrator. The information made available under this subsection (2) shall be utilized by the jail administrator only as provided in section 4 of this act. **NEW SECTION. Sec. 10.** A new section is added to chapter 72.10 RCW to read as follows: (1) The department shall conduct or cause to be conducted an inspection, examination, and test for the purposes of determining the presence of tuberculosis in the infectious stage of all offenders sentenced to the department. Initial testing shall be conducted within five days of reception, with follow-up testing as medically indicated. (2) All offenders received by the department, those offenders who are remanded from community custody or work training release, and all offenders who return or are received at a department facility from the community or a local jail after being out of the department's custody for ninety days or more shall be tested for tuberculosis within five days of reception or return to the department's custody, followed by a second test with follow-up testing as medically indicated." Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Zarelli, Franklin, Hargrove and Long to Second Substitute Senate Bill No. 5306.

The motion by Senator Zarelli carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Zarelli, the following title amendment was adopted:

On page 1, line 3 of the title, after "staff;" strike the remainder of the title and insert "amending RCW 70.24.105, 70.24.340, 70.24.360, and 70.24.024; adding new sections to chapter 72.10 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 70.28 RCW; creating new sections; and prescribing penalties." On motion of Senator Zarelli, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Bauer was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5306.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5306 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 41. Voting nay: Senators Fairley, Kohl, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 7. Excused: Senator Bauer - 1. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 5758, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Haugen, the President finds that Senate Bill No. 5758 is a measure which makes various changes to the Growth Management Act, including several provisions relating to rural lands and development.

"The amendments by Senator Swecker on page 4, lines 24 and 27; page 7, lines 28 and 39; page 8, lines 7, 27, and 29 (2); and page 9, lines 4 and 16; would also make changes to the Growth Management Act relating to rural lands and development.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the point of order is not well taken.

"The President would like to remind the members of the body that in analyzing points of order concerning scope and object, the President examines the subject of the bill, and then looks to the title. If the amendment is within the scope and object of the bill, the Senate may amend the title if necessary."

The amendments by Senator Swecker on page 4, lines 24 and 27; page 7, lines 28 and 39; page 8, lines 7, 27, and 29 (2); and page 9, lines 4 and 16; to Senate Bill No. 5758 were ruled in order.

The President declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 4, lines 24 and 27, to Senate Bill No. 5758.

Debate ensued.

The motion by Senator Swecker carried and the amendments were adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 7, line 28, to Senate Bill No. 5758.

Debate ensued.

The motion by Senator Swecker failed and the amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 7, line 39, and page 8, after line 7, to Senate Bill No. 5758.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Swecker on page 7, line 39, and page 8, after line 7, to Senate Bill No. 5758.

#### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Excused: Senator Bauer - 1.

The President declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 8, line 27, and page 8, line 29 (2), to Senate Bill No. 5758.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Swecker on page 8, line 27, and page 8, line 29 (2), to Senate Bill No. 5758.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West and Zarelli - 23. Voting nay: Senators Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 25. Excused: Senator Bauer - 1.

The President declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 9, lines 4 and 16, to Senate Bill No. 5758.

Debate ensued.

The motion by Senator Swecker failed and the amendments were not adopted on a rising vote.

#### MOTION

On motion of Senator McCaslin, the following amendments were considered simultaneously and were adopted:

On page 9, at the beginning of line 29, strike "(f)" and insert "(e)" On page 22, line 3, after "receipt" insert "of the board's order" On page 22, line 9, after "law" strike "on or before the date" and insert "before receipt by the county or city" On page 22, line 13, after "though" strike "it" and insert "the application" On page 22, line 24, after "receipt" insert "of the board's order" On page 22, line 26, after "receipt" insert "of the board's order" On page 28, line 29, after "activity" strike ";" On page 29, line 1, after "comprehensive plan" strike "or" and insert "((or))" On page 29, line 1, after "subarea plan" strike "and" and insert "((and)), plan element, county-wide planning policy," On page 29, line 2, after "regulations" insert ", monitoring program, or other planning activity adopted under or implementing this chapter" On page 34, line 24, after "nonagricultural" insert ", nonforest,"

#### MOTION

Senator Wood moved that the following amendments be considered simultaneously and be adopted:

On page 36, line 15, after "territory" strike "containing residential property owners" On page 37, line 6, after "territory" strike "containing residential property owners" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Wood on page 36, line 15, and page 37, line 6, to Senate Bill No. 5758.

The motion by Senator Wood carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Hale, Senator Anderson was excused.

On motion of Senator Franklin, Senator Loveland was excused.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5758.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5758 and the bill failed to pass the Senate by the following vote: Yeas, 12; Nays, 34; Absent, 0; Excused, 3.

Voting yea: Senators Deccio, Fraser, Hochstatter, McCaslin, McDonald, Newhouse, Prince, Roach, Schow, Sellar, West and Wood - 12. Voting nay: Senators Benton, Brown, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen,

Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 34. Excused: Senators Anderson, Bauer and Loveland - 3. ENGROSSED SENATE BILL NO. 5758, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Johnson served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 5758 failed to pass the Senate.

#### MOTION

On motion of Senator Sheldon, Senator Goings was excused.

#### SECOND READING

SENATE BILL NO. 5813, by Senators McDonald, Winsley, Prentice and Heavey

Regulating automated teller machines.

#### MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5813 was substituted for Senate Bill No. 5813 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5813.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5813 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, McDonald, Patterson, Prentice, Prince, Roach, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley and Wood - 32. Voting nay: Senators Benton, Deccio, Johnson, Long, McAuliffe, McCaslin, Morton, Newhouse, Oke, Rasmussen, Rossi, Schow, Stevens, Wojahn and Zarelli - 15. Excused: Senators Goings and Loveland - 2. SUBSTITUTE SENATE BILL NO. 5813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Anderson was excused.

#### SECOND READING

SENATE BILL NO. 5562, by Senators Long, Prentice, Wojahn and Deccio

Revising provisions relating to the involuntary commitment of mentally ill persons.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5562 was substituted for Senate Bill No. 5562 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5562.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5562 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald,

Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 45. Voting nay: Senators Benton, Stevens and Zarelli - 3. Excused: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5211, by Senators Newhouse, Wojahn and Schow

Authorizing public hospital districts to be self-insurers.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator Hochstatter was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5211.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Anderson and Hochstatter - 2. SENATE BILL NO. 5211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5491, by Senators Stevens, Swecker, Strannigan, Schow and Hochstatter

Revising provision for termination of parent and child relationship.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the following amendment was adopted:

On page 7, line 24, after "notwithstanding" strike "allegations in any previous dependency petition" and insert "any judicial findings entered in the dependency proceeding upon which this proceeding is based"

#### MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5491.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Deccio - 1. Excused: Senator Anderson - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 5:30 p.m., on motion Senator Johnson, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:00 p.m. by President Owen.

At 6:00 p.m., there being no objection, the President declared the Senate to be at ease.  
The Senate was called to order at 6:03 p.m. by President Owen.

## SECOND READING

SENATE BILL NO. 5936, by Senators Kohl, Long, Hargrove, Franklin, Bauer and Rasmussen

Creating pilot projects creating fee-based offender educational and vocational programs.

## MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5936 was substituted for Senate Bill No. 5936 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5936 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## MOTION

On motion of Senator Franklin, Senator Brown was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5936.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5936 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Deccio and West - 2. Excused: Senator Brown - 1. SUBSTITUTE SENATE BILL NO. 5936, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5970, by Senators Schow, Horn, Bauer, Heavey, Franklin and Anderson

Modifying fireworks statutes.

## MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5970 was substituted for Senate Bill No. 5970 and the substitute bill was placed on second reading and read the second time.

Senator Schow moved that the following amendment by Senators Schow and Patterson be adopted:

On page 13, line 11, after "exceed" strike "three" and insert "one" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schow and Patterson on page 13, line 11, to Substitute Senate Bill No. 5970.

The motion by Senator Schow carried and the amendment was adopted.

## MOTION

On motion of Senator Schow, the rules were suspended, Engrossed Substitute Senate Bill No. 5970 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Fairley: "Senator Schow, in my small town, we went through a lot of public hearings and because of the input of our own folks we decided to totally ban the sale of fireworks within the boundaries of our town. Does this bill preempt that local control?"

Senator Schow: "No, it doesn't preempt the local control where fireworks have been outlawed."

Senator Fairley: "So, we can still totally ban fireworks within our town?"

Senator Schow: "Yes."

Further debate ensued.

#### MOTION

On motion of Senator Hale, Senator Zarelli was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5970.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5970 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley and Wood - 32. Voting nay: Senators Fairley, Fraser, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Oke, Prentice, Sheldon, Spanel, Swanson and Thibaudeau - 14. Absent: Senator Wojahn - 1. Excused: Senators Brown and Zarelli - 2. ENGROSSED SUBSTITUTE SENATE BILL NO. 5970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5998, by Senator Haugen

Restructuring the state cosmetology, barbering, esthetics, and manicuring advisory board.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5998 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5998.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5998 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5998, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5164, by Senators Haugen, Long, Goings, Patterson, Franklin and Bauer

Removing certain tenants and occupants from a mobile home park.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5164.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Fairley, Heavey, Kohl and Thibaudeau - 4. Absent: Senator Patterson - 1. SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5555, by Senators Stevens, Hochstatter, Schow, Zarelli, Roach, Morton, Benton, McCaslin and Oke

Establishing parents' rights in common school education.

## MOTIONS

On motion of Senator Hochstatter, Substitute Senate Bill No. 5555 was substituted for Senate Bill No. 5555 and the substitute bill was placed on second reading and read the second time.

Senator Stevens moved that the following amendment by Senators Stevens, Long and Hargrove be adopted: Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes the inherent and unalienable right and responsibility of the parents to provide for and ensure the health, education, and general well-being of their children. This chapter is intended to recognize that responsibility and to affirm the right of the parents to decide what their children learn and how they are taught in the common schools. (2) This chapter defines the roles and obligations of school officials, administrators, staff, and teachers, in order to provide for better cooperation between the school district and the parents, to encourage mutual understanding and confidence, to secure a better education for all children enrolled in the public schools of this state, to otherwise assist the parents in the discharge of their parental responsibility to their children, and to assist the school system in the discharge of its responsibility to the parents. (3) This act is not meant to be inclusive of all rights and responsibilities of parents with regard to education, only to address those issues where known conflict exists. **NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Emergency situation" means a situation where the student may cause physical harm to himself, herself, or to others. (2) "Experimental," "special," or "pilot" class or program means any class or program designed to explore or develop new or unproven teaching methods or techniques or a class or program of limited application to a selected group of students. (3) "Group therapy" and "sensitivity training" mean group processes where the student's intimate and personal feelings, emotions, values, habits, or beliefs are openly exposed to the group or where emotions, feelings, or attitudes are directed by one or more members of the group toward another member of the group, or where roles are assigned to pupils for the purpose of classifying, controlling, or predicting behavior. (4) "Parent" means a biological, adoptive or foster parent, or legal guardian. **NEW SECTION. Sec. 3.** Parents have the right to know what their children are being taught. (1) Each school district board of directors shall adopt policies and inform parents about their rights to inspect students' educational records, test results, any educational or other program of the district, and all instructional or other related materials, including teacher manuals, textbooks, films, tapes, supplementary materials, or computer programs. Each school district board of directors shall adopt policies requiring parents to be notified of their right to excuse their child from any course or unit of study specifically about alcoholic stimulants or controlled substances, human sexuality education, education regarding sexually transmitted diseases including HIV or AIDS education, suicide education, or death education. The notice shall be distributed and returned by parents before these courses or units of study are taught. A form signed by the parent must be in each student's file. (2) A student may not be placed in an experimental, special, or pilot class or program without written consent of a parent. (3) Classes shall be held on school property, except for field trips that are necessarily and reasonably beneficial, that are related to the educational program of the student, that are afforded to all members of the class equally, and that are undertaken with the knowledge and written consent of a parent. (4) The superintendent of public instruction shall develop model forms for school districts to permit parents to excuse their children from programs under this section.

**NEW SECTION. Sec. 4.** The parents and the child shall have the right to privacy. (1) A student may only be tested for intelligence quotient or proficiency in basic skills and academic subject matter. Any testing or inquiry pertaining to a student's attitudes, habits, or values, the student's parent's attitudes, habits, or values, or other personal information pertaining to the student and the student's family, including personality inventories, value appraisals, psychological inventories, or diagnostic tests may be given only after consultation by school personnel with the parent and with the parent's written permission. Any such tests shall be made available to a parent upon request, and the results of any test or inquiry and any notes, records, or written or taped memoranda regarding the test or inquiry shall be made available to the parents upon request. (2) All records kept on a student must be provided to the parent upon request for the parent's observation, and copies thereof provided to the parent upon request at cost at the expense of the parent. Records may not be maintained on a student that are not relevant to academic achievement, except that records regarding disciplinary action shall be separately maintained. (3) Employees and guests of a school district may not use psychotherapeutic techniques such as group therapy or sensitivity training without prior written permission of the parent. (4) Except in an emergency situation, which may include death of a relative, a school may not use guidance counseling regarding a student's social, emotional, mental, or personal problems without written notification to the parent within three working days of such counseling. Parental notification is not



to be construed as continuing beyond the specific subject of discussion during consultation, unless the parent gives written permission to expand the scope of counseling. A school district may allow a student to participate in limited guidance counseling without the prior written consent of the parent if the student expresses fear or distress that leads the counselor to believe there is a possibility that the child is experiencing child abuse or neglect as defined in RCW 26.44.020. NEW SECTION. Sec. 5. A parent has the right to be informed of student progress. A parent shall be apprised no less than three times during each school year, in writing, by the teacher or principal, of a student's progress in the basic skills. Such information as standing in the class and standing in relation to national norms shall also be provided to a parent upon request if available. NEW SECTION. Sec. 6. (1) This chapter shall be liberally construed to protect and enforce the rights this chapter creates and reaffirms. (2) This chapter has precedence over any now existing law to the contrary. State board of education rules as well as the rules of the superintendent of public instruction shall be deemed amended by chapter ..., Laws of 1997 (this act). NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 28A RCW. NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." Debate ensued.

#### POINT OF INQUIRY

Senator Goings: "Senator Stevens, I am looking on page 3, line 21 and below Section 4, talking about an emergency situation, which may include death of a relative. It says, 'A school may not use guidance counseling, etc.' We know and we see a lot today that when tragedies occur around our schools, which they do quite often, that counselors are brought in to talk to students about what has occurred. In my understanding in reading this, that would be prohibited, so, basically, if someone on the school campus--my friend on campus--was hurt, they would not be able to bring in counselors to talk to me about that, unless, first, they were able to contact my parents and get their permission to talk to me about the emergency situation that had just occurred."

Senator Stevens: "No, that is not correct. We have cleaned that portion of it up. If you will note, on line 20, it says, 'The training and sensitivity training is mentioned without prior written permission,' and then it goes on to say, 'Except in an emergency situation,' and then it lists the emergency situations on down. So, then, it is not forbidden. Then, you will note down further, it talks about the notification being then given in that instance--after the fact."

Senator Goings: "It refers to, 'which may include the death of a relative,' so if a friend at school was injured somehow, this would not apply to them--that would not be an exception?"

Senator Stevens: "It would be an emergency situation that would include the death of a relative. In other words, if the death of a relative were off campus, naturally, and then that parent or whoever needed to come to the school and the school needed to assist in that, then that would certainly be allowed."

Senator Goings: "So, the death of a classmate would not be covered under this emergency?"

Senator Stevens: "On a one on one basis, the parents would then have to be notified--after the fact--that that had been done."

Senator Goings: "Thank you, Senator. Thank you, Mr. President."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens, Long and Hargrove to Substitute Senate Bill No. 5555.

The motion by Senator Stevens carried and the striking amendment was adopted on a rising vote.

#### MOTIONS

On motion of Senator Stevens, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and adding a new chapter to Title 28A RCW." On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 5555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5555.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Finkbeiner, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 22. Voting nay: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Prince, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 27. ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, having failed to receive the constitutional majority, was declared lost.

#### SECOND READING

SENATE BILL NO. 5651, by Senators Anderson, Newhouse, Schow, Horn and Oke

Restricting actions against employers under industrial insurance.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5651.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 23. SENATE BILL NO. 5651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5290, by Senators West and Spanel (by request of Liquor Control Board)

Providing that the liquor control board construction and maintenance account retain its earnings.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5290.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Voting nay: Senator Anderson - 1. SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5336, by Senators Horn and Haugen

Clarifying and harmonizing provisions affecting cities and towns.

#### MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5336 was substituted for Senate Bill No. 5336 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debated ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5336.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Hargrove - 1. SUBSTITUTE SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5984, by Senators Schow, Hochstatter and Prince

Regulating power generator installations.

## MOTION

Senator Schow, moved that Senate Bill No. 5984 not be substituted.

The President declared the question before the Senate to be the motion by Senator Schow to not substitute Senate Bill No. 5984.

The motion by Senator Schow carried and Senate Bill No. 5984 was not substituted.

Senate Bill No. 5984 was read the second time.

## MOTION

Senator Schow moved that the following amendment by Senators Schow and Newhouse be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 19.28.200 and 1992 c 240 s 1 are each amended to read as follows: (1) No license under the provision of this chapter shall be required from any utility or any person, firm, partnership, corporation, or other entity employed by a utility because of work in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of a utility and used for transmission or distribution of electricity from the source of supply to the point of contact at the premises and/or property to be supplied and service connections and meters and other apparatus or appliances used in the measurement of the consumption of electricity by the customer. (2) No license under the provisions of this chapter shall be required from any utility because of work in connection with the installation, repair, or maintenance of the following: (a) Lines, wires, apparatus, or equipment used in the lighting of streets, alleys, ways, or public areas or squares; (b) Lines, wires, apparatus, or equipment owned by a commercial, industrial, or public institution customer that are an integral part of a transmission or distribution system, either overhead or underground, providing service to such customer and located outside the building or structure: PROVIDED, That a utility does not initiate the sale of services to perform such work; (c) Lines and wires, together with ancillary apparatus, and equipment, owned by a customer that is an independent power producer who has entered into an agreement for the sale of electricity to a utility and that are used in transmitting electricity from an electrical generating unit located on premises used by such customer to the point of interconnection with the utility's system. (3) Any person, firm, partnership, corporation, or other entity licensed under RCW 19.28.120 may enter into a contract with a utility for the performance of work under subsection (2) of this section. (4) No license under the provisions of this chapter shall be required from any manufacturer or any person, firm, partnership, or other entity employed by a manufacturer of power generation equipment because of work in the connection with the installation, testing, repair, modification, or maintenance of premanufactured assemblies of electric power generation equipment and control gear. Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power. For the purposes of this subsection, temporary test connections and installation or connection of components internal to the transfer switch, control gear, or the power generation unit shall be included as part of work on premanufactured electric power generation equipment assemblies. (5) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of the work of installing and repairing ignition or lighting systems for motor vehicles. ~~((5))~~ (6) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, or maintenance of wires and equipment, and installations thereof, exempted in RCW 19.28.010. **Sec. 2.** RCW 19.28.610 and 1994 c 157 s 1 are each amended to read as follows: Nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units. Nothing in RCW 19.28.510 through 19.28.620 shall be

intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade. RCW 19.28.510 through 19.28.620 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees. Nothing in RCW 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems. Nothing in RCW 19.28.510 through 19.28.620 shall be deemed to apply to the installation, maintenance, or modification of premanufactured electric power generation equipment assemblies and control gear equipment by a manufacturer or authorized manufacturer's representative. The licensing provisions of RCW 19.28.510 through 19.28.620 shall not apply to: (1) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease; ((ø)) (2) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.200 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work; or (3) Employees of any manufacturer or employees of any person, firm, partnership, or other entity employed by a manufacturer while the employer is performing installation, maintenance, or modification work on a premanufactured power generation assembly and controls for that assembly of the nature described in RCW 19.28.200. Nothing in RCW 19.28.510 through 19.28.620 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter." Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Schow and Newhouse to Senate Bill No. 5984.

#### ROLL CALL

The Secretary called the roll and the striking amendment was adopted by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Absent: Senator Hargrove - 1. MOTIONS

On motion of Senator Schow, the following title amendment was adopted:

On page 1, line 2 of the title, after "assemblies;" strike the remainder of the title and insert "and amending RCW 19.28.200 and 19.28.610." On motion of Senator Schow, the rules were suspended, Engrossed Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5984.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5984 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 23. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 26. ENGROSSED SENATE BILL NO. 5984, having failed to receive the constitutional majority, was declared lost.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Long served notice that she would move to reconsider the vote by which Engrossed Senate Bill No. 5984 failed to pass the Senate.

#### SECOND READING

SENATE BILL NO. 5938, by Senators Roach, Long, Zarelli, Haugen, Benton, Finkbeiner, Oke, Swecker, Anderson, Stevens, Winsley, Strannigan and Schow

Revising sentencing provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5938 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5938.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5938 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 45. Voting nay: Senators Kline, Thibaudeau and Wojahn - 3. Absent: Senator Franklin - 1. SENATE BILL NO. 5938, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5084, by Senators Roach, Schow, Benton, Swecker, Zarelli, Morton, Hochstatter, Johnson, McCaslin, Winsley, Stevens and Oke

Allowing a court to award attorneys' fees and other court costs to an individual or small business that successfully appeals a state agency directive in court.

#### MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5084 was substituted for Senate Bill No. 5084 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5084.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Fairley, Heavey, Kline and Kohl - 4. Absent: Senator Swanson - 1. SECOND SUBSTITUTE SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5629, by Senators Roach, Hargrove, Winsley, Long, Benton, Schow and Oke

Making domestic violence an aggravating circumstance for purposes of sentencing decisions.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5629 was substituted for Senate Bill No. 5629 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5629.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5629 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 48. Voting nay: Senator Thibaudeau - 1. SUBSTITUTE SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5739, deferred on second reading March 12, 1997, after an amendment by Senator Heavey, beginning on page 2, line 21, was adopted.

#### MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 49.12.005 and 1994 c 164 s 13 are each amended to read as follows: For the purposes of this chapter: (1) The term "department" means the department of labor and industries. (2) The term "director" means the director of the department of labor and industries, or the director's designated representative. (3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees and for the purposes of RCW 49.12.270 through 49.12.295 and section 2 of this act also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. (4) The term "employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise. (5) The term "conditions of labor" shall mean and include the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department. (6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a minor is defined to be a person of either sex under the age of eighteen years. **NEW SECTION. Sec. 2.** A new section is added to chapter 49.12 RCW to read as follows: (1) Notwithstanding the provisions of chapter 49.46 RCW or other provisions of this chapter, the obligation of an employer to furnish or compensate an employee for apparel required during work hours shall be determined only under this section. (2) Employers are not required to furnish or compensate employees for apparel that an employer requires an employee to wear during working hours unless the required apparel is a uniform. (3) As used in this section, a uniform is: (a) Apparel of a distinctive style and quality that, when worn outside of the workplace, clearly identifies the person as an employee of a specific employer; (b) Apparel that is specially marked with an employer's logo; (c) Unique apparel representing an historical time period or an ethnic tradition; or (d) Formal apparel. (4) Except as provided in subsection (5) of this section, if an employer requires an employee to wear apparel of a common color that conforms to a general dress code or style, the employer is not required to furnish or compensate an employee for that apparel. For the purposes of this subsection, "common color" is limited to the following colors or shades of colors: Black, white, light gray, gray, tan, khaki, dark brown, brown, navy blue, and blue, commonly worn in public. (5) If an employer changes the color or colors of apparel required to be worn by all employees more than once in a calendar year, the employer shall furnish or compensate the employee for the apparel. (6) For the purposes of this section, personal protective equipment required for employee protection under chapter 49.17 RCW is not deemed to be employee wearing apparel. **NEW SECTION. Sec. 3.** Nothing in this act shall be construed to alter the terms, conditions, or practices contained in any collective bargaining agreement in effect at the time of the effective date of this act until the expiration date of such agreement." Debate ensued.

#### POINT OF INQUIRY

Senator Spanel: "Senator Horn, are these colors for just pants or skirts or is it for blouse and shirt, also?"

Senator Horn: "These would be colors for either the blouse, shirt or pants, right."

Further debate ensued.

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

#### MOTION

On motion of Senator Sheldon, and there being no objection, the demand for a roll call on the striking amendment to Substitute Senate Bill No. 5739 was withdrawn.

#### MOTION

On motion of Senator Swecker, Senator Benton was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Horn and Haugen to Substitute Senate Bill No. 5739.

The motion by Senator Horn carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 1 of the title, after "apparel;" strike the remainder of the title and insert "amending RCW 49.12.005; adding a new section to chapter 49.12 RCW; and creating a new section." On motion of Senator Horn, the rules

were suspended. Engrossed Substitute Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5739.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Goings, Hale, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Spanel, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 32. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Hargrove, Heavey, Jacobsen, Kline, Kohl, Sheldon, Snyder, Swanson, Thibaudeau, Winsley and Wojahn - 16. Excused: Senator Benton - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 8:35 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Tuesday, March 18, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**SIXTY-FOURTH DAY, MARCH 17, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### **SIXTY-FIFTH DAY**

#### **MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 18, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Goings, Patterson, Prentice, Rasmussen and West. On motion of Senator Hale, Senators Finkbeiner and West were excused. On motion of Senator Franklin, Senators Goings, Patterson and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tom Edwardsen and Josh Fishburne presented the Colors. Reverend Dale Cockrum, pastor of the First United Methodist Church of Olympia, and a guest of Senator Don Benton, offered the prayer.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

March 15, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1257,  
HOUSE BILL NO. 1570,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1969,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2013,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2046,  
SUBSTITUTE HOUSE BILL NO. 2090,  
ENGROSSED HOUSE BILL NO. 2093,  
SUBSTITUTE HOUSE BILL NO. 2097,

HOUSE BILL NO. 2117,  
SUBSTITUTE HOUSE BILL NO. 2180,  
HOUSE BILL NO. 2197,  
SUBSTITUTE HOUSE BILL NO. 2237,  
SECOND SUBSTITUTE HOUSE BILL NO. 2239, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 15, 1997

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1825,  
SECOND SUBSTITUTE HOUSE BILL NO. 1851,  
SUBSTITUTE HOUSE BILL NO. 1888,  
SUBSTITUTE HOUSE BILL NO. 1934,  
SUBSTITUTE HOUSE BILL NO. 1985,  
HOUSE BILL NO. 1991,  
HOUSE BILL NO. 2074,  
SUBSTITUTE HOUSE BILL NO. 2077,  
HOUSE BILL NO. 2084,  
SUBSTITUTE HOUSE BILL NO. 2179, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1257 by House Committee on Finance (originally sponsored by Representatives DeBolt, Alexander, Pennington, Sheldon, Kessler, Poulsen, McMorris, Mielke, Van Luven, Grant, Crouse, Mastin, Doumit and Hatfield)

Providing tax exemptions and credits for coal-fired thermal electric generating facilities placed in operation before July 1, 1975.

Referred to Committee on Agriculture and Environment.

HB 1570 by Representatives Sherstad, L. Thomas, Mielke, Smith, Cairnes, Dunn, Thompson, McMorris, Crouse and Honeyford

Exempting the transfer of new residential construction from disclosure requirements.

Referred to Committee on Government Operations.

2SHB 1825 by House Committee on Appropriations (originally sponsored by Representatives Sump, Thompson, Pennington, Sheldon, DeBolt, Kessler and Hatfield)

Concerning the funding of the forest development account.

Referred to Committee on Natural Resources and Parks.

2SHB 1851 by House Committee on Appropriations (originally sponsored by Representatives Carlson, Radcliff, Mason, Kenney, Dunn, Talcott and Sullivan)

Changing higher education financial aid.

Referred to Committee on Higher Education.

SHB 1888 by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, Veloria, Dunn, McDonald, Alexander, Ballasiotes, Sheldon, Morris, Mason, Kastama, Wensman, Wolfe, Doumit, Hatfield, Thompson, Butler, Chandler, Kessler, Dickerson, Constantine, Ogden, Conway, Costa, Cole and O'Brien)

Creating the executive-legislative task force on international trade.

Referred to Committee on Commerce and Labor.



SHB 1934 by House Committee on Appropriations (originally sponsored by Representatives Koster, Ballasiotes, Hickel, Robertson, Mitchell, Dickerson, Cairnes, Regala, Delvin, Dunn and Blalock)

Specifying deductions from inmate funds.

Referred to Committee on Human Services and Corrections.

E2SHB 1969 by House Committee on Appropriations (originally sponsored by Representatives Chandler and Regala) (by request of Department of Health)

Regulating public water systems.

Referred to Committee on Agriculture and Environment.

SHB 1985 by House Committee on Appropriations (originally sponsored by Representatives Buck, Regala, Sump, Pennington, Sheldon, Hatfield, Anderson, Butler and Dyer)

Allowing for pilot project landscape management plans.

Referred to Committee on Natural Resources and Parks.

HB 1991 by Representatives Honeyford, McMorris and Clements

Modifying civil penalties for accident prevention program violations.

Referred to Committee on Commerce and Labor.

ESHB 2013 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Regala, Schoesler, Linville, Johnson, Bush, McDonald, Mastin, Talcott, Delvin, Carrell, Smith, Koster, Sullivan, Kastama, Fisher, Conway, Cooper and Honeyford)

Developing an existing ground water right.

Referred to Committee on Agriculture and Environment.

ESHB 2038 by House Committee on Finance (originally sponsored by Representative B. Thomas)

Changing lodging tax authority.

Referred to Committee on Government Operations.

E2SHB 2046 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Kessler and Boldt)

Creating foster parent liaison positions.

Referred to Committee on Human Services and Corrections.

HB 2074 by Representatives Alexander, Wolfe and Gardner

Making changes to the internal operations of counties.

Referred to Committee on Government Operations.

SHB 2077 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Scott and D. Sommers)

Providing uniform exemptions to competitive bidding procedures utilized by municipalities when awarding contracts for public works and contracts for purchases.

Referred to Committee on Government Operations.

HB 2084 by Representatives Cole and McMorris

Regulating vocational rehabilitation benefits.

Referred to Committee on Commerce and Labor.

SHB 2090 by House Committee on Higher Education (originally sponsored by Representatives Schoesler, Dyer, D. Sommers, Carrell, Linville, Sterk, Parlette and Doumit)

Establishing a community and technical college employees attendance incentive program.

Referred to Committee on Higher Education.

EHB 2093 by Representatives Boldt, McMorris, Lisk, Clements and Honeyford

Achieving consistency between state and federal family leave requirements.

Referred to Committee on Commerce and Labor.

SHB 2097 by House Committee on Financial Institutions and Insurance (originally sponsored by Representative L. Thomas)

Regulating the investment practices of insurance companies.

Referred to Committee on Financial Institutions, Insurance and Housing.

HB 2117 by Representatives McMorris and Conway

Lowering the rate of taxation for social card games.

Referred to Committee on Commerce and Labor.

SHB 2179 by House Committee on Education (originally sponsored by Representatives Hickel and Johnson)

Requiring open public meetings of local school boards regarding impasses in collective bargaining.

Referred to Committee on Education.

SHB 2180 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Radcliff, Mitchell, O'Brien and Robertson)

Establishing a state policy and program for freight mobility strategic investments.

Referred to Committee on Transportation.

HB 2197 by Representatives Huff, H. Sommers, Carlson, Wensman, Talcott, Clements, O'Brien, Hatfield, Cooke, Dickerson and Kessler

Creating the K-20 education technology revolving fund.

Referred to Committee on Ways and Means.

SHB 2237 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Hankins, Mastin, DeBolt, Radcliff, Murray, O'Brien, Mitchell, Huff, K. Schmidt and Fisher)

Regulating telecommunications access to limited-access highway rights-of-way.

Referred to Committee on Energy and Utilities.

2SHB 2239 by House Committee on Appropriations (originally sponsored by Representative Sherstad)

Providing for conversion of nursing home bed capacity to enhanced residential care services.

Referred to Committee on Health and Long-Term Care.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9194, Mary Helen Roberts, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

Senators Fraser and Thibaudeau spoke to the confirmation of Mary Helen Roberts as a member of the Board of Trustees for Edmonds Community College District No. 23.

APPOINTMENT OF MARY HELEN ROBERTS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senator Rasmussen - 1. Excused: Senators Finkbeiner, Goings, Patterson, Prentice and West - 5.

MOTION

On motion of Senator Franklin, Senator Rasmussen was excused.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9208, Chang Mook Sohn, as a member of the Higher Education Coordinating Board, was confirmed.

Senators Fraser and McDonald spoke to the confirmation of Chang Mook Sohn as a member of the Higher Education Coordinating Board.

APPOINTMENT OF CHANG MOOK SOHN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Finkbeiner, Prentice, Rasmussen and West - 4.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9201, Gay V. Selby, as a member of the Higher Education Coordinating Board, was confirmed.

Senators Wood, Snyder and Jacobsen spoke to the confirmation of Gay V. Selby as a member of the Higher Education Coordinating Board.

APPOINTMENT OF GAY V. SELBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator West - 1. SECOND READING

SENATE BILL NO. 5354, by Senators Benton, Anderson, Rossi and Rasmussen

Removing the commissioner of public lands and adding the secretary of state to the membership of the capitol committee.

The bill was read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen, Rasmussen, Hale, Winsley, Swecker, Patterson, Goings, Prince, McCaslin, Prentice, Horn, Loveland and Snyder be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.34.010 and 1979 ex.s. c 57 s 10 are each amended to read as follows: The governor or the governor's designee, the lieutenant governor, the secretary of state, and the commissioner of public lands, ex officio, shall constitute the state capitol committee. **Sec. 2.** RCW 43.34.015 and 1965 c 8 s 43.34.015 are each amended to read as follows: The commissioner of public lands shall be the secretary of the state capitol committee, but the committee may appoint a suitable person as acting secretary thereof, and fix his or her compensation(~~(: PROVIDED, That)~~). However, all records of the committee shall be filed in the office of the commissioner of public lands." Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Rasmussen, Hale, Winsley, Swecker, Patterson, Goings, Prince, McCaslin, Prentice, Horn, Loveland and Snyder to Senate Bill No. 5354.

The motion by Senator Haugen carried and the striking amendment was adopted.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5354.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Heavey - 1. Excused: Senator West - 1. ENGROSSED SENATE BILL NO. 5354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5919, by Senators Roach, Winsley, Stevens, Zarelli, Wood, Schow and Oke

Authorizing a study of the special sex offender sentencing alternative.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5919 was substituted for Senate Bill No. 5919 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5919.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator West - 1. SUBSTITUTE SENATE BILL NO. 5919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5861, by Senators Roach, Schow and Oke

Authorizing exceeding maximum penalties for crimes involving firearms and deadly weapons.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5861 was substituted for Senate Bill No. 5861 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5861.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5861 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Winsley, Wood and Zarelli - 42. Voting nay: Senators Jacobsen, Kline, Kohl, Prentice, Thibaudeau and Wojahn - 6. Excused: Senator West - 1. SUBSTITUTE SENATE BILL NO. 5861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5695, by Senators Roach, Long, Oke, Schow, Morton, Benton and Hochstatter

Increasing sentences for crimes involving firearms.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5695.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5695 and the bill passed the Senate by the following vote:

Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, Winsley, Wojahn, Wood and Zarelli - 39. Voting nay: Senators Brown, Fairley, Franklin, Kline, Kohl, Prentice, Spanel, Swanson and Thibaudeau - 9. Excused: Senator West - 1. SENATE BILL NO. 5695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 9:23 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 1:01 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9203, David Shaw, as a member of the Higher Education Coordinating Board, was confirmed.

#### APPOINTMENT OF DAVID SHAW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 5; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson,

Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senators Finkbeiner, Hochstatter, McCaslin, Newhouse and Prince - 5. Excused: Senator West - 1.

#### SECOND READING

SENATE BILL NO. 7900, by Senators Swecker, Fraser, Anderson, Rasmussen, Zarelli, Oke, Goings, Morton, Haugen, Hale, Spanel, Rossi, Johnson, Schow, Kohl, Sellar, Franklin, Horn, Kline, McAuliffe and Winsley

Implementing the model toxics control act policy advisory committee recommendations (Introduced with House sponsors).

The bill was read the second time.

#### MOTIONS

On motion of Senator Swecker, the following Committee on Agriculture and Environment amendment was adopted: On page 16, at the beginning of line 34, strike "(c)" and insert "(e)" On motion of Senator Swecker, the rules were suspended, Engrossed Senate Bill No. 7900 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hale, Senators McCaslin and Prince were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 7900.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 7900 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Newhouse - 1. Excused: Senators McCaslin and Prince - 2. ENGROSSED SENATE BILL NO. 7900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5742, by Senators Wood, Winsley and West

Rescinding a retirement allowance agreement.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5742.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5742 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Johnson - 1. Excused: Senator Prince - 1. SENATE BILL NO. 5742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5877, by Senators Newhouse, Heavey, Snyder and Winsley

Limiting the right to assign lottery winnings.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5877 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5877.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5877 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Prince - 1. SENATE BILL NO. 5877, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5505, by Senators Morton, Rasmussen and Swecker

Directing the department of ecology to assist growing communities in securing safe and reliable water sources.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5505 was substituted for Senate Bill No. 5505 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5505.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5505 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5077, by Senators Morton, Rasmussen, Newhouse and Loveland

Requiring integrated pest management.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5077 was substituted for Senate Bill No. 5077 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendment be adopted:

On page 1, line 12 strike everything beginning with "methods" through "effectiveness" on page 2, line 7 and insert the following: "science and methods to produce long-term prevention or suppression of pest problems in a cost-effective manner with minimum impact on human health, the environment, and non-target organisms, in order to avoid unacceptable damage to agency programs and property and to the health and welfare of the citizens of the state. The elements of integrated pest management include: (a) Preventing pest problems through sanitation, habitat modification, cultural techniques, and other methods; (b) Monitoring for the presence of pests and pest damage; (c) Establishing the density of the pest population, that may be set at zero, that can be tolerated or correlated with a damage level sufficient to warrant treatment of the problem based on health, public safety, economic, or aesthetic thresholds; (d) Treating pest problems to reduce populations below those

levels established by damage thresholds with physical, mechanical, cultural, biological, chemical, and educational methods to keep pest organisms numbers low enough to prevent unacceptable damage. Chemicals and all other pest suppression methods used within the framework of integrated pest management must be carefully evaluated for their health, environmental, and economic consequences, and for their effectiveness and reliability" Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 1, line 12, to Substitute Senate Bill No. 5077.

The motion by Senator Fraser failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5077.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 37. Voting nay: Senators Brown, Fairley, Fraser, Heavey, Kline, Kohl, McAuliffe, Patterson, Prentice, Spanel, Swanson and Thibaudeau - 12. SUBSTITUTE SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators Morton, Snyder, McDonald, Loveland, Haugen, Sellar, Prince, Rasmussen, Hochstatter, Bauer, Winsley, Newhouse, Hargrove, Hale, Anderson, Schow, Spanel, McCaslin, Stevens, Strannigan, Fraser, Franklin and Roach

Creating a water resource policy report to analyze and explain water resource statutes and rules.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Concurrent Resolution No. 8408 was substituted for Senate Concurrent Resolution No. 8408 and the substitute concurrent resolution was placed on second reading and read the second time.

Senator Snyder moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 16, after "policy." strike all material down to and including "expert" on line 25, and insert "The chairs and ranking minority members, in consultation with the staff directors of senate committee services and the house office of program research, shall consider whether this project may be performed in a timely fashion by existing legislative staff and make a recommendation on that issue to the senate facilities and operations committee and the house executive rules committee. If the senate facilities and operations committee and the house executive rules committee find that the project cannot be finished in a timely fashion with existing legislative staff, the chairs and ranking minority members of the two committees shall agree upon and jointly submit a list of three recommended attorneys and three recommended consultants to the staff directors of senate committee services and the house office of program research. The staff directors shall jointly hire one attorney and one consultant from the lists to perform the project. The persons hired shall have extensive experience in water law and its implementation, and may not have served in the legislature within the last five years" On page 2, line 26, strike "experts" and insert "attorney and consultant" On page 2, line 33, strike "chairs will hire the two experts" and insert "attorney and consultant will be hired" On page 2, line 34, strike "experts" and insert "attorney and consultant" On page 2, line 38, strike "experts" and insert "attorney and consultant" On page 3, line 1, strike "experts" and insert "attorney and consultant" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Snyder on page 2, lines 16, 26, 33, 34, and 38, and page 3, line 1, to Substitute Senate Concurrent Resolution No. 8408.

#### ROLL CALL



The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute Senate Concurrent Resolution No. 8408 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8408.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8408 and the concurrent resolution passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8408, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5120, by Senator Morton

Providing for fish enhancement with remote site incubators.

#### MOTIONS

On motion of Senator Morton, Second Substitute Senate Bill No. 5120 was substituted for Senate Bill No. 5120 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Second Substitute Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5120.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Voting nay: Senator Fairley - 1. SECOND SUBSTITUTE SENATE BILL NO. 5120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5442, by Senators Swecker, Loveland, Anderson, Stevens, Haugen, Prince, Hale, Franklin, Sheldon, Benton, Rasmussen and Zarelli

Permitting expedited flood damage repairs during flooding emergencies.

#### MOTIONS

On motion of Senator Swecker, Second Substitute Senate Bill No. 5442 was substituted for Senate Bill No. 5442 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Second Substitute Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5442.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Voting nay: Senator Swanson - 1. SECOND SUBSTITUTE SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5725, by Senators Swecker and McDonald

Changing provisions relating to reclaimed water.

### MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5725 was substituted for Senate Bill No. 5725 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment by Senators Hargrove, Morton, Swecker and Fraser be adopted:

On page 1, after line 16, insert the following: "NEW SECTION. Sec. 3. A new section is added to chapter 90.46 RCW to read as follows: Facilities that reclaim water under this chapter shall not impair any existing water right unless compensation or mitigation for such impairment is agreed to by the holder of the affected water right." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Morton, Swecker and Fraser on page 1, after line 16, to Substitute Senate Bill No. 5725.

The motion by Senator Hargrove carried and the amendment was adopted.

### MOTIONS

On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 1 of the title, after "adding" strike "a new section" and insert "new sections" On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 5725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5725.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5725 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED SUBSTITUTE SENATE BILL NO. 5725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5782, by Senators Swecker, Haugen, Rasmussen and Fraser

Changing bidding for water-sewer districts.

### MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5782 was substituted for Senate Bill No. 5782 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5782 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5782.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5782 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Loveland - 1. SUBSTITUTE SENATE BILL NO. 5782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5783, by Senators Swecker, Haugen, Anderson, Rasmussen and Morton

Changing provisions relating to public water systems.

## MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5783 was substituted for Senate Bill No. 5783 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 7 after "(2)" insert "Except as provided in (b) of this subsection." On page 3, after line 22 insert the following: "(b) Where the application to beneficial use by a public water system of the total amounts of water under (a) of the subsection includes additional withdrawals not made prior to the adoption of minimum flows adopted by rule for the water source, and the withdrawal would have a substantial, direct and detrimental affect upon meeting such minimum flows, the additional amount considered to be applied to beneficial use may be conditioned by the department, in consultation with the public water system, to ensure that such minimum flows are not adversely affected b the additional withdrawal." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 3, lines 7 and 22. to Substitute Senate Bill No. 5783.

The motion by Senator Fraser failed and the amendments were not adopted on a rising vote.

## MOTION

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5783 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5783.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5783 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 34. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 15. SUBSTITUTE SENATE BILL NO. 5783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5851, by Senators Morton, Rasmussen, Oke and Winsley

Developing an existing ground water right.

## MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5851 was substituted for Senate Bill No. 5851 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Thibaudeau: "Senator Fraser, my understanding is that the party who's right is impaired must go to court to enforce, as the Department of Ecology has no involvement in this. What kind of a burden does this place on the injured party?"

Senator Fraser: "Senator Thibaudeau, I will have to do some quick research on that and get back to you. Thank you."

The President declared the question before the Senate to be the roll call on the final passed of Substitute Senate Bill No. 5851.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5851 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Voting nay: Senator Newhouse - 1. SUBSTITUTE SENATE BILL NO. 5851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5179, by Senators Deccio, Prentice and Wood

Correcting inequities in the nursing facility reimbursement system.

#### MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passed of Second Substitute Senate Bill No. 5179.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SECOND SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5208, by Senators Morton, Loveland, Newhouse, Rasmussen, Swecker, Hochstatter and Hale

Detailing how to handle environmental complaints.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5208 was substituted for Senate Bill No. 5208 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5208.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5208 and the bill passed the Senate by the following vote:

Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Finkbeiner, Franklin, Fraser, Heavey, Kline, Kohl, Loveland, Patterson, Prentice, Sheldon, Spanel, Swanson,

Thibaudeau and Wojahn - 16. SUBSTITUTE SENATE BILL NO. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:10 p.m., on motion of Senator Johnson, the Senate recessed until 4:00 p.m.

The Senate was called to order at 4:11 p.m. by President Owen.

MOTION

On motion of Senator Johnson, the Senate commenced consideration of Senate Bill No. 5965.

SECOND READING

SENATE BILL NO. 5965, by Senators Schow, Horn, Anderson, Heavey and Franklin  
Providing for changes in agency experience ratings for industrial insurance.

MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5965 was substituted for Senate Bill No. 5965 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5965.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5965 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, the Senate reverted to the third order of business.

EDITOR'S NOTE: The Governor's Veto Message of Engrossed Senate Bill No. 7902 was read in March 7, 1997.

MOTION

Senator Johnson moved that the Senate pass Engrossed Senate Bill No. 7902, notwithstanding the Governor's Veto.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 7902 notwithstanding the Governor's Veto.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 7902 notwithstanding the Governor's Veto and the bill having failed to receive two-thirds vote of the members present failed to pass by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. ENGROSSED SENATE BILL NO. 7902, notwithstanding the Governor's Veto, having failed to receive the constitutional two-thirds vote of the members present, was declared lost.

MOTION

Senator Snyder moved that the Senate advance to the ninth order of business and that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 6024.

Debate ensued.

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

The President declared the question before the Senate to be the motion by Senator Snyder to advance to the ninth order of business.

MOTION

The Secretary called the roll and the motion to advance to the ninth order failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5227, by Senators Deccio, Franklin, Patterson, Prentice, Benton, Wojahn and Long

Regulating the sales of nonprofit hospitals.

#### MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5227.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Fairley was excused.

#### SECOND READING

SENATE BILL NO. 5797, by Senators Benton and Haugen (by request of Department of Licensing)

Regulating the issuance and cost of permits and certificates issued by the department of licensing.

The bill was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5797.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5797 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused:

Senator Fairley - 1. SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5230, by Senators Rossi, Haugen, McCaslin, McDonald and Hale

Revising current use taxation provisions.

#### MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5230 was substituted for Senate Bill No. 5230 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5230.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5230 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Fairley - 1. SUBSTITUTED SENATE BILL NO. 5230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5740, by Senators Hargrove, Schow, Snyder, Morton, Hale, Prentice, Heavey, West, McDonald, Swanson, Spanel and Rasmussen

Assisting distressed rural counties.

#### MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5740 was substituted for Senate Bill No. 5740 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 5740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5740.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5740 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SECOND SUBSTITUTE SENATE BILL NO. 5740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5512, by Senators Stevens, Hargrove, Benton, Haugen, Strannigan, Hochstatter, Rasmussen, Schow and Oke

Prohibiting requiring the admission of guilt to receive treatment in child abuse and neglect.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5512 was substituted for Senate Bill No. 5512 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5512.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5512 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Brown - 1. SUBSTITUTE SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5666, by Senators Schow, Prentice, Roach, Patterson, Goings, Swecker, Newhouse, Benton, Bauer, Horn, Loveland, Finkbeiner, Wood, Wojahn, Sellar, Rasmussen and Anderson

Regulating smoking in the workplace.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5666 was substituted for Senate Bill No. 5666 and the substitute bill was placed on second reading and read the second time.

Senator Franklin moved that the following amendment be adopted:

On page 2, line 4, after "room." insert the following: "NEW SECTION. **Sec. 2.** A new section is added to chapter 43.05 RCW to read as follows: (1) For the 1997 biennium, in its educational programs set out in RCW 43.05.130, the department of labor and industries shall target at least 300 businesses affected by its rules regarding environmental smoke in office work environments. Businesses located in high rises or in high crime districts shall have the first priority." Renumber the remaining sections consecutively and correct any internal references accordingly. Debate ensued

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 2, line 4, to Substitute Senate Bill No. 5666.

The motion by Senator Franklin failed and the amendment was not adopted.

#### MOTION

Senator Fraser moved that the following amendment be adopted:

On page 2, after line 8, strike all of section three. Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 2, after line 8, to Substitute Senate Bill No. 5666.

The motion by Senator Fraser carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Schow, the following title amendment was adopted:

On page 1, on line 2 of the title, after "workplace;" strike the rest of the title and insert "and adding new sections to chapter 49.17 RCW." On motion of Senator Schow, the rules were suspended, Engrossed Substitute Senate Bill No. 5666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5666.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.



Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Haugen, Heavey, Hochstatter, Horn, Johnson, Loveland, McCaslin, McDonald, Newhouse, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, Wojahn, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Jacobsen, Kline, Kohl, Long, McAuliffe, Morton, Oke, Prince, Sheldon, Spanel, Swanson, Thibaudeau, West and Winsley - 22. ENGROSSED SUBSTITUTE SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5927, by Senators Wood, Bauer, Winsley, Kohl, Sheldon, Hale, Prince, Patterson and West

Changing higher education financing.

## MOTIONS

On motion of Senator Wood, Second Substitute Senate Bill No. 5927 was substituted for Senate Bill No. 5927 and the second substitute bill was placed on second reading and read the second time.

Senator Kohl moved that the following amendments by Senators Kohl, Wood, Prince and Bauer be considered simultaneously and be adopted:

On page 5, line 19, strike "ten and six-tenths percent per year through academic year 2002-03" and insert "seven and three-tenths percent per year through academic year 2005-06" On page 5, line 26, strike "ten and eight-tenths percent per year through academic year 2000-01" and insert "seven and four-tenths percent per year through academic year 2002-03" Debate ensued

The President declared the question before the Senate to be the adoption of the amendments by Senators Kohl, Wood, Prince and Bauer on page 5, lines 19 and 26, to Second Substitute Senate Bill No. 5927.

The motion by Senator Kohl carried and the amendments were adopted.

## MOTION

Senator Kohl moved that the following amendment by Senators Kohl, Wood, Prince and Bauer be adopted:

On page 5, after line 31, insert the following subsection: "(6) (a) At least ten percent of the revenue received from the difference in rates for tuition fees for students enrolled in programs leading to the degree of juris doctor and students enrolled in graduate study programs shall be used to assist needy resident students enrolled in programs leading to the degree of juris doctor. (b) At least ten percent of the revenue received from the difference in rates for tuition fees for students enrolled in programs leading to a masters of business administration at the University of Washington and graduate study programs shall be used to assist needy resident students enrolled in programs leading to the degree of masters of business administration at the University of Washington. (c) This requirement is in addition to the deposit requirements of the institutional financial aid fund under RCW 28B.15.820." Renumber the remaining subsections consecutively Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl, Wood, Prince and Bauer on page 5, after line 31, to Second Substitute Senate Bill No. 5927.

The motion by Senator Kohl carried and the amendment was adopted.

## MOTION

Senator Swanson moved that the following amendment be adopted:

On page 10, after line 13, insert the following: "**Sec. 7.** RCW 28B.15.620 and 1995 c 349 s 1 are each amended to read as follows: (1) The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedoms that define and distinguish our nation. The legislature also finds that veterans of the Vietnam conflict suffered during and after the war as the country anguished over its involvement in the conflict. It is the intent of the legislature to honor Vietnam veterans for the public service they have provided to their country. It is the further intent of the legislature that, for eligible Vietnam veterans, colleges and universities waive tuition and fee increases that have occurred since October 1, 1977. (2) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges ~~((may))~~ shall exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations from the payment of all or a portion of any increase in tuition and fees that occur after October 1, 1977, if the veteran qualifies as a resident student under RCW 28B.15.012. (3) For the purposes of this section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975. (4) ~~((This section shall expire June 30, 1999))~~ Institutions of higher education may apply to the legislature for a supplemental appropriation to cover the costs for serving any student for whom the institution of higher education is required to provide an exemption under this section. **Sec. 8.** RCW 28B.15.628 and 1996 c 169 s 1 are each amended to read as follows: (1) The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedoms that define and distinguish our nation. It is the intent of the legislature to honor Persian Gulf combat zone veterans for the public service they have provided to their country. It is the further intent of the legislature that, for eligible Persian Gulf combat zone veterans, institutions of higher education waive tuition and fee increases that have occurred after the 1990-91 academic year. (2) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Persian Gulf combat zone from all or a portion of increases in tuition and fees

that occur after the 1990-91 academic year, if the veteran could have qualified as a Washington resident student under RCW 28B.15.012(2), had he or she been enrolled as a student on August 1, 1990. (3) For the purposes of this section, "a veteran of the Persian Gulf combat zone" means a person who served on active duty in the armed forces of the United States during any portion of the 1991 calendar year in the Persian Gulf combat zone as designated by executive order of the president of the United States. ~~((4) This section expires June 30, 1999.))~~" Renumber the remaining sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swanson on page 10, after line 13, to Second Substitute Senate Bill No. 5927.

The motion by Senator Swanson failed and the amendment was not adopted on a rising vote.

#### MOTION

On motion of Senator Wood, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5927 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5927.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5927 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senators Benton, Brown, Goings, Hargrove, Haugen, Heavey and Jacobsen - 7. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 6:06 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 6:52 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5991, by Senators Horn, Haugen and Patterson (by request of Secretary of State Munro)

Providing for the quality awards council.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5991.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator West - 1. SENATE BILL NO. 5991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5915, by Senators Anderson, Hale, Bauer and Stevens

Allowing counties planning under the growth management act to establish industrial land banks as permissible urban growth outside of an urban growth area.

The bill was read the second time.

#### MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Bauer be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 36.70A.367 and 1996 c 167 s 2 are each amended to read as follows: (1) In addition to the major industrial development allowed under RCW 36.70A.365, a county required or choosing to plan under RCW 36.70A.040 ~~((that has a population greater than two hundred fifty thousand and that is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand))~~ may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating ((a)) industrial land banks of no more than two ((master-planned locations for major industrial activity outside)) noncontiguous locations, which may include multiple development sites, as permissible urban growth outside of urban growth areas. The industrial land bank location must be characterized by: (a) Some existing industrial or commercial development or must be adjacent to an area characterized by such development; or (b) a unique physical or locational characteristic that supports its designation as an industrial land bank. (2) ((A master-planned location for major industrial developments outside an urban growth area may be included in the urban)) "Industrial land bank" means a location designated for one or more manufacturing, industrial, commercial, or high-technology businesses, related office uses, and incidental retail or commercial uses designed to serve or support the industrial land bank, that requires a location with characteristics such as size or proximity to transportation facilities, natural resources, or related industries, such that the county finds there is no suitable location in an existing urban growth area. The industrial land bank shall not be for the purpose of retail commercial development or multiple tenant office parks. (3) In order to designate an industrial land bank, the county must make findings that: (a) An inventory has been conducted and there is no suitable location available for the industrial land bank within an existing urban growth area; (b) the establishment of the industrial land bank is important to achieving documented economic development goals, policies, or plans of the county or state; and (c) the necessary infrastructure to support the industrial land bank is available or can be provided by private or public sources in a reasonable manner and time frame. (4) Development in an industrial land bank ((for the county if criteria including, but not limited to, the following are met)) must address the following: (a) ((New)) Infrastructure is provided for and/or applicable impact fees are paid; (b) ((Transit-oriented site planning)) Transportation impacts are addressed and traffic demand management programs are implemented where appropriate; (c) Buffers are provided between the ((major)) industrial ((development)) land bank and adjacent nonurban areas; (d) Environmental protection including air and water quality has been addressed and provided for; (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and (g) The plan for the ((major)) industrial development is consistent with the county's development regulations established for protection of critical areas((; and (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365)). (((3) In selecting master-planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area. (4))) (5) Final approval of ((inclusion of a master-planned location in the urban)) an industrial land bank shall be ((considered)) through adoption of the comprehensive plan or an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of ((master-planned)) industrial land bank locations may be considered at any time. (((5))) Once ((a master-planned location)) an industrial land bank has been ((included in the urban industrial land bank, manufacturing and industrial)) approved, businesses that the local jurisdiction determines qualify ((as major industrial development)) under ((RCW 36.70A.365)) subsection (2) of this section may be located there. (6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW. (((7) The authority of a county to engage in the process of including or excluding master-planned locations from the urban industrial land bank shall terminate on December 31, 1998. However, any location included in the urban industrial land bank on December 31, 1998, shall remain available for major industrial development as long as the criteria of subsection (2) of this section continue to be met. (8) For the purposes of this section, "major industrial development" means a master-planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.))" Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Anderson and Bauer to Senate Bill No. 5915.

The motion by Senator Anderson carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "banks;" strike the remainder of the title and insert "and amending RCW 36.70A.367." On motion of Senator Anderson, the rules were suspended, Engrossed Senate Bill No. 5915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5915.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5915 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 30. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Spanel, Swanson and Thibaudeau - 19. ENGROSSED SENATE BILL NO. 5915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5744, by Senators Hale, Anderson, Haugen, Deccio, West and Oke

Extending the time for legislative review of agency rules.

The bill was read the second time.

#### MOTION

Senator Hale moved that the following amendment by Senators Hale, Sheldon and Fraser be adopted:

On page 3, after line 34, strike "~~((within forty five days of receiving the notice of proposed rule making under RCW 34.05.320))~~" and insert "~~((forty five))~~ one hundred eighty days of receiving the notice of proposed rule making under RCW 34.05.320." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hale, Sheldon and Fraser on page 3, after line 34, to Senate Bill No. 5744.

The motion by Senator Hale carried and the striking amendment was adopted.

#### MOTION

On motion of Senator Hale, the rules were suspended, Engrossed Senate Bill No. 5744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5744.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5744 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED SENATE BILL NO. 5744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5255, by Senators Swecker, Hargrove, Zarelli, Stevens, Hochstatter, Morton, Schow, Roach, Anderson, Benton and Oke

Establishing notification of parent or legal guardian prior to abortion by a minor.

The bill was read the second time.

#### MOTION

Senator Snyder moved that Senate Bill No. 5255 be deferred for one bill.

#### MOTION

Senator Johnson moved that the motion by Senator Snyder to defer further consideration of Senate Bill No. 5255 be laid upon the table. Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Johnson to lay the motion of Senator Snyder to defer further consideration of Senate Bill No. 5255 for one bill.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Johnson to lay the motion by Senator Snyder on the table carried by the following vote: Yeas, 26; Nays, 22; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Absent: Senator Rasmussen - 1. MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5255 was deferred.

#### MOTION

On motion of Senator Hale, Senator McDonald was excused.

#### SECOND READING

SENATE BILL NO. 5560, by Senators Schow, Prentice, Snyder, Anderson and Horn

Changing social card game provisions.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5560 was substituted for Senate Bill No. 5560 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5560.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Hargrove, Haugen, Swecker and Thibaudeau - 4. Excused: Senator McDonald - 1. SUBSTITUTE SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Rasmussen was excused.

#### SECOND READING

SENATE BILL NO. 5842, by Senators Swecker, Winsley and Fraser

Pertaining to litter control and recycling.

#### MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5842 was substituted for Senate Bill No. 5842 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5842 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5842.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5842 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton,

Newhouse, Oke, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senators Kline, Patterson and Swanson - 3. Absent: Senator Horn - 1. Excused: Senators McDonald and Rasmussen - 2. SECOND SUBSTITUTE SENATE BILL NO. 5842, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Bauer: "A point of personal privilege, Mr. President. Earlier you announced, the Super Sonics and the Bulls, I would like to ask the President what the score is between the Portland Trail Blazers and the Sacramento Kings, at this point?"

Debate ensued.

#### SECOND READING

SENATE BILL NO. 5657, by Senator Strannigan

Authorizing the director of general administration to enter into leases of up to ten years without a review by the office of financial management.

The bill was read the second time.

#### MOTIONS

On motion of Senator Strannigan, the following amendments were considered simultaneously and were adopted:

On page 2, line 24, after "(4)" insert "Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection."

(5)" On page 2, line 29, strike "(5)" and insert "((5)) (6)" On page 3, line 7, strike "(6)" and insert "((6)) (7)" On page 3, line 17, strike "(7)" and insert "((7)) (8)" On page 3, line 20, after "or" strike "(6)" and insert "((6)) (7)" On page 3, line 30, strike "(8)" and insert "((8)) (9)" On page 3, line 36, strike "(9)" and insert "((9)) (10)" On page 4, line 6, strike "(10)" and insert "((10)) (11)" On page 4, line 12, strike "(11)" and insert "((11)) (12)" On page 4, line 15, strike "(12)" and insert "((12)) (13)" On page 4, line 25, strike "(13)" and insert "((13)) (14)" On motion of Senator Strannigan, the rules were suspended, Engrossed Senate Bill No. 5657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator Horn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5657.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5657 and the bill passed the Senate by the following vote:

Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Hochstatter - 1. Excused: Senators Horn, McDonald and Rasmussen - 3. ENGROSSED SENATE BILL NO. 5657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5760, by Senators Long, Hargrove, Franklin, Deccio, Thibaudeau, Winsley and Kohl

Authorizing courts to order evaluation and treatment of mentally ill offenders.

## MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5760 was substituted for Senate Bill No. 5760 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5760.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5760 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Rasmussen - 1. SUBSTITUTE SENATE BILL NO. 5760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## INTRODUCTION OF SPECIAL GUEST

President Owen introduced his mother, who was seated on the rostrum.

## SECOND READING

SENATE BILL NO. 5827, by Senators Roach, Haugen and Long

Collecting the cost of governmental entities using collection agencies.

## MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5827 was substituted for Senate Bill No. 5827 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5827 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5827.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5827 and the bill passed the Senate by the following vote:

Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Voting nay: Senators Brown, Franklin, Kline, McAuliffe, Patterson, Prentice and Swanson - 7. Excused: Senator Rasmussen - 1. SUBSTITUTE SENATE BILL NO. 5827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6006, by Senators Finkbeiner and Rossi

Relating to restructuring the electric utility industry.

## MOTION

On motion of Senator Finkbeiner, Substitute Senate Bill No. 6006 was substituted for Senate Bill No. 6006 and the substitute bill was placed on second reading and read the second time.

## PARLIAMENTARY INQUIRY

Senator Jacobsen: "A parliamentary inquiry, Mr. President. There are two striking amendments and I was wondering which one would be the first one.?"

REPLY BY THE PRESIDENT

President Owen: "The striking amendment by Senators Finkbeiner and Rossi."

MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner and Rossi be adopted: Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. FINDINGS AND INTENT. (1) The legislature finds that: (a) The electric utility industry is undergoing fundamental change as a result of federal legislation and regulatory decisions that require utilities to provide other users with nondiscriminatory access to transmission lines. (b) It is in the interest of all Washington consumers to develop a state-wide framework that is compatible with federal developments. The goal of this new structure is to provide competitive electricity service, while maintaining existing reliability, to all of the state's residents and businesses. (c) The state should take the first steps toward providing an orderly transition to more competitive markets for electricity. (2) The legislature intends to: (a) Require electric utilities to separately account for their generation, transmission, and distribution assets and operations; (b) Require that bills for retail electric customers contain new price information; and (c) Require new market entrants that are not existing electric utilities in the state to register with the utilities and transportation commission. NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Commission" means the utilities and transportation commission. (2) "Consumer-owned utility" means an electric cooperative formed under chapter 23.86 RCW, an irrigation district formed under chapter 87.03 RCW that sells electricity to retail electric customers, a municipal electric utility formed under Title 35 RCW, a mutual corporation or association formed under chapter 24.06 RCW that sells electricity to retail electric customers, or a public utility district formed under Title 54 RCW. (3) "Control area services" means reactive power, spinning reserves, voltage control and regulation, and other related services necessary to sustain reliable delivery of electricity to a retail electric customer. (4) "Delivery services" means the services needed to deliver electricity to a retail electric customer using the transmission, distribution, and other facilities of an electrical company or consumer-owned utility. (5) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010. (6) "Electricity" means electric energy, measured in kilowatt hours, or electric capacity, measured in kilowatts, or both. (7) "Electricity service supplier" means any person or entity that sells electricity to more than one retail electric customer, including but not limited to an electrical company, consumer-owned utility, aggregator, power marketer, broker, or independent power producer. The Bonneville power administration, established pursuant to 16 U.S.C. Sec. 832 et seq., or its successor, is not an electricity service supplier for purposes of this chapter. (8) "Governing body" means the board of directors, the council of a city or town, or the commissioners of an electric cooperative, irrigation district, municipal electric utility, mutual association, or public utility district, respectively, that has the authority to set and approve rates. (9) "Joint operating agency" means an agency organized pursuant to chapter 43.52 RCW. (10) "Retail electric customer" means any person or entity, including but not limited to residential, commercial, and industrial consumer, that purchases electricity for ultimate consumption and not for resale. (11) "Small consumer-owned utility" means any consumer-owned utility with twenty-five thousand or fewer meters in service or that has an average of seven or fewer customers per mile of distribution line. NEW SECTION. Sec. 3. SEPARATE ACCOUNTING REQUIREMENTS. No later than September 1, 1998, every consumer-owned utility and electrical company shall: (1) Separately account for generation, transmission, and distribution assets and operations, according to the costs contributed by each class of customers, to facilitate the accurate assessment of the costs of such functions; and (2) restate its published rates into at least the following rate elements: Electricity; delivery services; and control area services. NEW SECTION. Sec. 4. DISCLOSURE TO CONSUMERS. No later than October 1, 1998, every consumer-owned utility, electrical company, or electricity service supplier shall provide on a regular basis the following information to its retail electric customers: (1) A complete and accurate list of the rates for each service or product set forth in section 3(2) of this act that the customer is purchasing; (2) the rates of state and local electricity taxes, if any, paid by the customer; and (3) other price information necessary to facilitate customer choice, as determined by the commission for electrical companies and electricity service suppliers, pursuant to rules adopted under RCW 80.04.160, or by the governing body of each consumer-owned utility. NEW SECTION. Sec. 5. SMALL UTILITIES. Small consumer-owned utilities are not required to comply with sections 3 and 4 of this act until January 1, 1999. Sec. 6. RCW 80.28.075 and 1988 c 166 s 2 are each amended to read as follows: Upon request by a natural gas company or an electrical company, the commission may approve a tariff that includes banded rates for any (~~nonresidential~~) natural gas or electric service that is subject to effective competition from energy suppliers not regulated by the utilities and transportation commission. "Banded rate" means a rate that has a minimum and maximum rate. Rates may be changed within the rate band upon such notice as the commission may order. NEW SECTION. Sec. 7. Captions used in this act are not part of the law. NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 9. Sections 1 through 5 of this act constitute a new chapter in Title 80 RCW."

PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry, Mr. President. If the body adopts the striking amendment by Senators Finkbeiner and Rossi, what will the status of the striking amendment by Senators Brown and Jacobsen be?"

REPLY BY THE PRESIDENT



President Owen: "Senator Snyder, it would be the ruling of the Chair, that the first striking amendment would be an amendment to the bill. The second striker would be an amendment to the striking amendment and, therefore, you could have an amendment to the amendment and handle the second striker as well."

Senator Snyder: "Your ruling ruled that the striking amendment by Senators Brown and Jacobsen can be offered as an amendment to the amendment?"

President Owen: "That is correct."

Senator Snyder: "I think that is probably what the sponsors of the amendment would like to do then."

President Owen: "Yes, Senator, that would be correct."

#### PARLIAMENTARY INQUIRY

Senator West: "A parliamentary inquiry, Mr. President. The striking amendment by Senators Brown and Jacobsen is a drafter to the underlying bill and not to the striking amendment by Senators Finkbeiner and Rossi. So, for the amendment by Senators Brown and Jacobsen to be considered as an amendment to the striking amendment by Senators Finkbeiner and Rossi, I believe it would have to be written to the striking amendment."

#### REPLY BY THE PRESIDENT

President Owen: "Senator West, the issue is we have a striking amendment and then we have another striking amendment that would perfect. Therefore, we are handling it as though it is an amendment to the striking amendment."

#### MOTION

Senator Brown moved that the following amendment by Senators Brown and Jacobsen to the striking amendment by Senators Finkbeiner and Rossi be adopted:

Beginning on line 7, of the striking amendment, strike all material down through and including "RCW." on page 4, line 6, and insert the following: "NEW SECTION. Sec. 1. INTENT. The state of Washington is affected by national, regional, and state-wide changes that are transforming the nature of the electric power industry. These changes have profound implications for Washington's economy and environment. The legislature finds that: (1) The interests of the citizens of Washington will be served by having access to a choice of electric services and energy providers, provided that basic safeguards relating to consumer protection and access are met and investments that preserve the electric system reliability and environmental protection are not undermined. (2) The transition to a competitive retail electricity market requires that investments in conservation, renewable resources, and low-income service be made in a competitively neutral manner and, further, that minimum investment standards for these purposes are necessary and desirable as the industry becomes more competitive. (3) Electricity is an essential service and should be reasonably accessible and affordable to all consumers, regardless of income or geographic location. The unique circumstances and value of small, rural electric systems should be taken into account as industry restructuring moves forward. It is the intent of this act to begin the comprehensive restructuring of the retail sale of energy in the state of Washington. NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this act unless the context clearly requires otherwise. (1) "Commission" means the utilities and transportation commission. (2) "Department" means the department of community, trade, and economic development. (3) "Direct service industrial customer" has the same meaning as the term is defined in section 3(8) of the Pacific Northwest electric power plan and conservation act, P.L. 96-501. (4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW. (5) "Electricity distributor" means an electrical company, electric cooperative, irrigation district, municipal electric utility, public utility district, or public service company engaged in the business of providing distribution services to retail customers.

(6) "Electricity service supplier" means any person or entity that sells electricity to one or more retail customers, including but not limited to electrical companies, electric cooperatives, irrigation districts, municipal electric utilities, public utility districts, aggregators, marketers, brokers, independent power producers, public service companies, or other municipal or state authorities. (7) "Irrigation district" means a district authorized by chapter 87.03 RCW. (8) "Municipal electric utility" means a city or town that owns and operates an electric utility authorized by chapter 35.92 RCW. (9) "Pilot program" means an experimental program, rate, or tariff designed to elicit information concerning the cost-effectiveness, marketing, design, evaluation, or cost structure of the provision of distribution and electricity by electrical distribution companies and electricity service suppliers. (10) "Public utility district" means a district authorized by chapter 54.04 RCW that sells electricity to retail customers. (11) "Retail customer" means any person or entity that purchases electricity for ultimate consumption and not for resale. (12) "Task force" means the task force created in section 3 of this act. NEW SECTION. Sec. 3. TASK FORCE ON ELECTRIC SYSTEM RESTRUCTURING. (1) There is created a task force on electric system restructuring. The task force shall recommend measures needed for the Washington component of a regional and national restructured electric system that will: (a) Recognize the multiple uses, benefits, and claims on our natural rivers; (b) Preserve low-cost power for Washington consumers; (c) Foster real competition whose benefits are fairly distributed across all sectors of Washington consumers; (d) Fairly distribute the cost of past investments that are uneconomic in today's market; (e) Build into the competitive structure system benefits, including reliability and safety of electric service, environmental quality, conservation of electricity, encouragement of renewable resources, and affordable service; (f) Substantially implement the recommendations contained in the final report of the comprehensive review of the northwest energy system dated December 12, 1996. (2) The task force shall consist of seven members: One from each legislative caucus, appointed by the senate majority leader and the speaker of the house of representatives, as appropriate, and three members appointed by the governor. The governor shall appoint the chair from among the members of the task force, but the chair must be a member of the majority legislative caucus in either the senate or the house of representatives. (3) The senate, the house of representatives, the office of the governor, the commission, the department, and the department of revenue shall provide staff support to the task force, as appropriate. (4) Meetings of the full task force shall be open to the public. Task force members shall make appropriate efforts to inform affected interest groups and the general public, regarding the issue of restructuring and the progress of the task force. This

subsection does not prevent members of the task force from meeting with each other in nontask force meetings or forums. (5) The task force may establish work groups of knowledgeable or affected persons to advise the task force on components of its work plan. The task force shall seek information and opinions from diverse interests, including, but not limited to, public power, private power, smaller rural utilities, large consumers, direct service industries, small consumers, nonutility power providers, the gas industry, conservation groups, renewable resource providers, the environmental community, low-income groups, local governments, the office of public counsel of the attorney general's office, and the Washington office of the Northwest power planning council. **NEW SECTION. Sec. 4. RESPONSIBILITIES OF THE TASK FORCE.** The task force created in section 3 of this act shall: (1) Recommend mechanisms and steps needed to ensure competitive access by energy service providers over the distribution facilities operated by electricity distributors by July 1, 1999, or as soon thereafter as reasonably practicable; (2) Recommend ways to ensure the safety and reliability of the electric power system including the evaluation of operating and maintenance budget levels, system average duration interruption, system average frequency interruption and reportable accident and incident rates under the Occupational Safety and Health Act and Washington Industrial Safety and Health Act; (3) Develop guidelines for determining and fairly distributing the costs of past investments that are no longer economically competitive including potential negative impacts on utility personnel directly affected by electric industry restructuring; (4) Identify changes to electricity distributors' obligation to serve retail customers made necessary through the mechanisms identified in subsections (1) and (3) of this section; (5) Develop uniform billing standards, and consumer education and outreach programs, to assist customers and electrical service providers in comparing available services; (6) Recommend ways to ensure that electricity service is reasonably accessible and affordable to all customers, including identifying barriers to the aggregation of small customers and recommending means to overcome those barriers; (7) Recommend the most appropriate means to ensure adequate funding for conservation, renewable resources, and low-income weatherization and energy assistance; (8) Identify mechanisms and steps needed to establish a uniform state-wide system benefits charge to ensure accomplishment of the minimum standard of investment described in section 7 of this act on a state-wide basis; (9) Address special needs of rural electricity customers; (10) Take into account state, regional, and national roles of responsibility and cooperation; (11) Take such other steps, including drafting legislation, as are needed to accomplish the purposes and tasks set forth in this act. **NEW SECTION. Sec. 5.** The task force shall report to the governor and the legislature by December 1, 1997, concerning its activities, draft legislation, and any recommendations for further action. **NEW SECTION. Sec. 6. PILOT PROGRAMS.** In order to obtain information about the likely effects of restructuring the electric industry, the legislature: (1) Encourages pilot programs between retail customers and electrical companies under the commission's rate jurisdiction, particularly programs to facilitate the development of aggregators that can provide competitively priced power for small consumers; (2) Encourages governing bodies of public utility districts, municipal electric utilities, and electric cooperatives to undertake pilot programs with retail electric customers under their rate jurisdiction, particularly programs to facilitate the development of aggregators that can provide competitively priced power for small consumers; (3) Encourages the commission and governing bodies to provide to the task force results of information learned from the pilot programs. **NEW SECTION. Sec. 7. STUDY OF MINIMUM INVESTMENT STANDARD.** The department shall undertake a study of ways to achieve a minimum state-wide standard of investment in local conservation resources, renewable resources, renewable research and development, regional market transformation, and low-income weatherization. For the purposes of this section, the minimum standard is presumed to equal three percent of total electricity expenditures. The department shall consult with and obtain necessary information from electricity distributors, electricity service suppliers, direct service industrial customers, and others in developing its study. The department shall report the results of its study to the task force by September 1, 1997. **NEW SECTION. Sec. 8. ACCESS AND AFFORDABILITY.** On or before September 1, 1997, the department shall provide recommendations to the task force concerning mechanisms for ensuring that electricity service is reasonably accessible and affordable to all customers, including low-income and rural customers. The department shall consult with utilities, low-income customer advocates, rural customer advocates, the office of the attorney general, the commission, and others in developing its recommendations. **NEW SECTION. Sec. 9. CAPTIONS NOT LAW.** Captions used in this act are not part of the law. **NEW SECTION. Sec. 10.** This act expires March 1, 1998." Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Brown and Jacobsen beginning on line 7 to the striking amendment by Senators Finkbeiner and Rossi to Substitute Senate Bill No. 6006.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Excused: Senator Rasmussen - 1. The President declared the question before the Senate to be the adoption of the striking amendment by Senators Finkbeiner and Rossi to Substitute Senate Bill No. 6006.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator Finkbeiner, were all parties, including public utilities, private--all parties--were they all involved with the drafting of this amendment?"

Senator Finkbeiner: "With this amendment? No, actually this amendment was taken from an original bill that came before the committee. All parties testified on the bill. At the time, there was one group, that was Rural Electric, that had some concerns on it. Their concerns were, specifically, accommodated in this amendment and in the bill that we were considering in the committee. So, while they did not draft it--as all bills are drafted by the Legislature, they did testify on it and there was overwhelming testimony for it.

"At the time, everybody said that this is a good move and so when we stepped back from the comprehensive bill, which underlies this bill, this seemed like a good place to go because there was common agreement in the committee. As far as I know, there is still common agreement, with the exception, perhaps, of some of the unions. Everybody else, as far as I know, is supporting this."

#### POINT OF INQUIRY

Senator Jacobsen: "Senator Finkbeiner, looking at the striking amendment and looking at Section 1, 2 (c), it says, 'Require new market entrants that are not existing electric utilities in the state to register with the utilities and transportation commission.' What is the purpose of that section?"

Senator Finkbeiner: "As I understand, the purpose of that section is that there are pilot projects, pilot projects which were mentioned in your amendment, Senator Jacobsen, just a moment ago. In those pilot projects, when we have new market entrants coming in, we just want to make sure they are reliable providers of electricity. So, we are asking that they register with the commission and provide that type of information"

Further debate ensued.

The motion by Senator Finkbeiner carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Finkbeiner, the following title amendment was adopted:

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 80.28.075; adding a new chapter to Title 80 RCW; and creating a new section." On motion of Senator Finkbeiner, the rules were suspended, Engrossed Substitute Senate Bill No. 6006 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6006.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6006 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 31. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 17. Excused: Senator Rasmussen - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 6006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I want to inform you that I voted incorrectly on Senate Bill No. 5460 during the roll call. I intended to vote in FAVOR of the bill. Please add these comments to the official record of the Senate.

SENATOR CALVIN GOINGS, Twenty-Fifth District

#### SECOND READING

SENATE BILL NO. 5460, by Senators McCaslin, Deccio and Zarelli

Limiting the use of public funds for political activities.

The bill was read the second time.

#### MOTIONS

Senator Haugen moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to read as follows: (1) No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the

promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency(~~(- PROVIDED, That)~~). However, the foregoing provisions of this section shall not apply to the following activities: ~~((4))~~ ~~(a)~~ Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as ~~((a))~~ ~~(i)~~ any required notice of the meeting includes the title and number of the ballot proposition, and ~~((b))~~ ~~(ii)~~ members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view; ~~((2))~~ ~~(b)~~ A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry; ~~((3))~~ ~~(c)~~ Activities which are part of the normal and regular conduct of the office or agency. (2) No association, organization, or entity that derives more than twenty-five percent of its income from dues, assessments, government contracts, or membership fees paid with public funds may provide any financial support or use of its facilities for or against a ballot proposition or candidate for public office. Sec. 2. RCW 36.32.350 and 1991 c 363 s 59 are each amended to read as follows: County legislative authorities may designate the Washington state association of counties as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county legislative authority's budget for the costs of any such services rendered. No reimbursement shall be made for contributions to political committees or for funds used as political contributions. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the county legislative authority in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed. Sec. 3. RCW 36.47.040 and 1991 c 363 s 71 are each amended to read as follows: Each county which designates the Washington state association of county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered(~~(- PROVIDED, That)~~). However, no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the legislative authority of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. No reimbursement shall be made for contributions to political committees or for funds used as political contributions." Senator Haugen moved that the following amendment to the striking amendment be adopted:

On page 2, after line 2 of the amendment, insert the following: "(3) The records of the association, organization, or entity are made available to the public for inspection and copying under the provisions of this chapter, as if the records were public records and the entity were a local government." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 2, after line 2, to the striking amendment by Senator Haugen to Senate Bill No. 5460.

The motion by Senator Haugen failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Haugen moved that the following amendment to the striking amendment be adopted:

On page 2, after line 2 of the amendment, insert the following: "(3) Meetings of the board of directors, or any committee of the board of directors, are open to the public under the provisions of chapter 42.30 RCW, as if the association, organization, or entity were a public agency and the board of directors were a governing body." Debate ensued.

#### POINT OF INQUIRY

Senator Patterson asked Senator McCaslin to yield to a question and Senator McCaslin would not yield to a question.

#### POINT OF INQUIRY

Senator Patterson: "Senator Haugen, doesn't this amendment simply say that if you receive your membership dues or if your membership dues are paid with public funds--funds that come from the public tax dollars--if that is the case, the board of directors meetings--the meetings that these folks have--must be open to the public, the same public that are paying the dues?"

Senator Haugen: "That is absolutely correct."

Senator Patterson: "And that is exactly what this amendment is about, isn't that correct, Senator?"

Senator Haugen: "That is correct."

Senator Patterson: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 2, after line 2, to the striking amendment by Senator Haugen to Senate Bill No. 5460.

The motion by Senator Haugen failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Haugen moved that the following amendment to the striking amendment be adopted:

On page 2, after line 2 of the amendment, insert the following: "(3) The association, organization, or entity shall submit to a periodic audit by the state auditor, as if the association, organization, or entity were a local government." Debate ensued.

#### POINT OF INQUIRY

Senator Patterson asked Senator McCaslin to yield to a question and Senator McCaslin would not yield to a question.

#### POINT OF INQUIRY

Senator Patterson: "Senator Haugen, doesn't this amendment simply say that if an organization is receiving a portion of its income from the public, that is you and I, who pay taxes with our hard-earned money, if an organization is receiving money from us, that that organization should simply submit to a periodic audit?"

Senator Haugen: "You are absolutely correct. That is exactly what it does and I can't understand why our colleagues on the other side of the aisle wouldn't join us in this good government amendment."

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 2, after line 2, to the striking amendment by Senator Haugen to Senate Bill No. 5460.

The motion by Senator Haugen failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Senate Bill No. 5460.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Haugen to Senate Bill No. 5460.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senator Rasmussen - 1. MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage Senate Bill No. 5460.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5460 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Fraser, Hale, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 21. Excused: Senator Rasmussen - 1. SENATE BILL NO. 5460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

March 15, 1997

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1283,

SUBSTITUTE HOUSE BILL NO. 1607,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2186,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2193,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2217, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 17, 1997

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1091,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1344,

HOUSE BILL NO. 1349,

ENGROSSED HOUSE BILL NO. 1472,  
SUBSTITUTE HOUSE BILL NO. 1478,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576,  
SECOND SUBSTITUTE HOUSE BILL NO. 1862,  
SECOND SUBSTITUTE HOUSE BILL NO. 1864,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1938,  
SUBSTITUTE HOUSE BILL NO. 2008,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2170, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 17, 1997

MR. PRESIDENT:

The House has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 17, 1997

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 3901, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

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

#### INTRODUCTION AND FIRST READING

SB 6083 by Senators Haugen and Fairley

AN ACT Relating to disabled persons' parking placards; and amending RCW 46.16.381.  
Referred to Committee on Transportation.

SB 6084 by Senators West and McDonald

AN ACT Relating to transferring the enforcement of existing cigarette and tobacco taxes from the department of revenue to the liquor control board; amending RCW 66.44.010, 82.24.010, 82.24.110, 82.24.130, 82.24.190, 82.24.250, 82.24.550, and 82.32.300; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; and prescribing penalties.  
Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1091 by Representative Sterk, Cody, Backlund, Kenney, D. Sommers, Hatfield, Dunn, O'Brien, Lantz, Kessler, Murray, Costa, Quall, Anderson and Conway

Penalizing assault of health care personnel.

Referred to Committee on Law and Justice.

ESHB 1283 by House Committee on Trade and Economic Development (originally sponsored by Representatives Mason, Van Luven, Veloria, Ballasiotes, Costa, Morris, Wood, Tokuda, Kessler, Scott and Blalock)

Providing funding for business and economic development programs.

Referred to Committee on Commerce and Labor.

ESHB 1344 by House Committee on Government Administration (originally sponsored by Representatives Mielke, Doumit, Pennington, Alexander, Boldt, Hatfield, Bush and Smith)

Requiring county legislative authorities to include a summary of public testimony in the written minutes.

Referred to Committee on Government Operations.

HB 1349 by Representatives McMorris, Kessler, Hatfield, Linville, Costa, Sheldon and Doumit

Extending existing employer workers' compensation group self-insurance.

Referred to Committee on Commerce and Labor.

EHB 1472 by Representatives Reams, Romero, Pennington, Sherstad and Lantz

Providing for designation of mineral resource lands.

Referred to Committee on Natural Resources and Parks.

SHB 1478 by House Committee on Appropriations (originally sponsored by Representatives Clements, Buck, Huff, Lisk, Mulliken, McDonald, Honeyford, Sehlin, McMorris, Sump, Sheldon, Parlette, Skinner, Chandler, Kessler, Hatfield and Grant)

Feeding wildlife during severe winters.

Referred to Committee on Natural Resources and Parks.

ESHB 1576 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Sherstad, Cairnes, Mulliken, Reams, Koster, Mielke, Dunn, McMorris, Pennington, Sheahan and Thompson)

Modifying buildable lands under growth management.

Referred to Committee on Government Operations.

SHB 1607 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Thompson, Dyer, Sheldon, Boldt, Honeyford, Lisk, Clements, Mulliken and Mielke)

Providing for industrial insurance self-insurers to determine benefits for permanent disability.

Referred to Committee on Commerce and Labor.

2SHB 1862 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Dickerson, Boldt and McDonald)

Requiring a community-based response system for certain families referred to child protective services.

Referred to Committee on Human Services and Corrections.

2SHB 1864 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Dickerson, Boldt and McDonald)

Regarding infants who test positive at birth for drugs or alcohol.

Referred to Committee on Human Services and Corrections.

E2SHB 1938 by House Committee on Appropriations (originally sponsored by Representatives Carrell, Cooke, Talcott, Cairnes, Mulliken, Sterk, Huff, L. Thomas, Reams, D. Schmidt, McMorris, Robertson, Hickel, Mitchell, Buck, D. Sommers, B. Thomas, Delvin and Backlund)

Changing provisions relating to at-risk youth.

Referred to Committee on Human Services and Corrections.

SHB 2008 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Sterk, Crouse and Costa)

Authorizing law enforcement officers to impound the vehicles of persons who are patronizing prostitutes.

Referred to Committee on Law and Justice.

ESHB 2170 by House Committee on Trade and Economic Development (originally sponsored by Representatives Pennington, Sheldon and Ogden)

Expediting projects of state-wide significance.

Referred to Committee on Commerce and Labor.

ESHB 2186 by House Committee on Appropriations (originally sponsored by Representatives Linville, Regala, Chandler and Blalock)

Requiring a methodology to identify critical ecological functions within a WRIA.

Referred to Committee on Agriculture and Environment.

ESHB 2193 by House Committee on Higher Education (originally sponsored by Representatives Carlson, D. Sommers, Gombosky, Benson and Mielke) (by request of Joint Center for Higher Education)

Allowing the joint center for higher education transportation fees and excluding higher education and the joint center for higher education from the state agency parking account.

Referred to Committee on Higher Education.

ESHB 2217 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Doumit, Buck, Blalock, Hatfield and Kessler)

Removing fish passage barriers.

Referred to Committee on Transportation.

E3SHB 3900 by House Committee on Appropriations (originally sponsored by Representatives Sheahan, Ballasiotes, Schoesler, Bush, Honeyford, Carrell, Chandler, Mitchell, Clements, Huff, Thompson, Hankins, Mulliken, Koster, Carlson, Cairnes, Cooke, Johnson, Skinner, Mastin, Smith, Crouse, Benson, Alexander, Talcott, Robertson, Lisk, Zellinsky, Boldt, Delvin, Sterk, Lambert, Hickel, Backlund and Pennington)

Revising the Juvenile Code (Introduced with Senate sponsors).

Referred to Committee on Law and Justice.

EHB 3901 by Representatives Cooke, Boldt, McDonald, Alexander, Bush, Smith, Mielke, Talcott, Cairnes, Reams, Johnson, Huff, Lambert, Sheahan, Mulliken, Parlette, Backlund, Koster, D. Sommers, D. Schmidt, Schoesler, Wensman and Skinner

Implementing the federal personal responsibility and work opportunity reconciliation act of 1996 (Introduced with Senate sponsors).

Referred to Committee on Health and Long-Term Care.

#### MOTION

At 8:58 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Wednesday, March 19, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**SIXTY-FIFTH DAY, MARCH 18, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SIXTY-SIXTH DAY**

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## MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 19, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Finkbeiner, Hochstatter, McAuliffe, Patterson and West. On motion of Senator Hale, Senators Benton, Finkbeiner, Hochstatter, and West were excused. On motion of Senator Franklin, Senator McAuliffe was excused.

The Sergeant at Arms Color Guard, consisting of Pages Emily Jackson and Marian Ladenburg, presented the Colors. Jim McCully of the Baih'i Community of Olympia, offered the prayer.

### MOTION

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

### SECOND READING

SENATE BILL NO. 5775, by Senator McCaslin

Providing additional exemptions from state law for the handling of hazardous devices.

The bill was read the second time.

### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5775.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5775 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senator Patterson - 1. Excused: Senators Benton, Finkbeiner, Hochstatter, McAuliffe and West - 5. SENATE BILL NO. 5775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### SECOND READING

SENATE BILL NO. 5781, by Senators McCaslin, Haugen, Morton, Rasmussen, Anderson, Swecker and Schow

Requiring voter approval of city assumption of water or sewer systems.

### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5781 was substituted for Senate Bill No. 5781 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5781.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5781 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senator Patterson - 1. Excused: Senators Benton,

Finkbeiner, Hochstatter, McAuliffe and West - 5. SUBSTITUTE SENATE BILL NO. 5781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Patterson was excused.

#### SECOND READING

SENATE BILL NO. 5871, by Senators Roach, Fairley, Patterson, McCaslin, Winsley, Sheldon, Goings and Oke

Redefining law enforcement officer to include a port district officer.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5871 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5871.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5871 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Finkbeiner, Hochstatter, McAuliffe, Patterson and West - 6. SENATE BILL NO. 5871, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5894, by Senators Roach, Goings, Zarelli, Horn, Spanel and Winsley

Enhancing training of correctional personnel.

#### MOTIONS

On motion of Senator Long, Substitute Senate Bill No. 5894 was substituted for Senate Bill No. 5894 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the rules were suspended, Substitute Senate Bill No. 5894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5894.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5894 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senator Hargrove - 1. Excused: Senators Finkbeiner, McAuliffe, Patterson and West - 4. SUBSTITUTE SENATE BILL NO. 5894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5925, by Senator West

Conditioning the use of college credits for the teachers' salary schedule.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5925.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Finkbeiner and McAuliffe - 2. SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5636, by Senators Oke, Swecker, Rossi and Horn

Revising health inspection warrants for local health officers in response to pollution in commercial or recreational shellfish harvesting areas.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5636 was substituted for Senate Bill No. 5636 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5636.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5636 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator McAuliffe - 1. SUBSTITUTE SENATE BILL NO. 5636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

It has come to my attention that I voted incorrectly on a bill before the Senate on final passage.

It was my intention to vote in favor of Senate Bill No. 5326.

Please insert this letter into the official record.

SENATOR CALVIN GOINGS, Twenty-fifth District

#### STATEMENT FOR THE JOURNAL

The roll call record for March 19, 1997, reflects that I voted against Senate Bill No. 5326 on final passage. I hereby request to go on record as having voted incorrectly on that final passage. I voted against this measure; my intent was to vote in its favor.

SENATOR MARILYN RASMUSSEN, Second District

#### SECOND READING

SENATE BILL NO. 5326, by Senators Hargrove, Zarelli, Loveland, Snyder, Schow, Rasmussen and Benton

Removing requirements relating to carrying firearms unloaded and encased in an opaque case or wrapper.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5326.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West and Zarelli - 26. Voting nay: Senators Brown, Deccio, Fairley, Franklin, Fraser, Goings, Haugen, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Spanel, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 23. SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5091, deferred on second reading, March 15, 1997, after the amendment by Senator Fairley on page 3, line 31, was not adopted.

#### MOTION

Senator Loveland moved that the following amendments be considered simultaneously and be adopted:

On page 1, beginning on line 13, strike "1997" and insert "1998". On page 1, line 15, after "January 1," strike "1997" and insert "1998". On page 2, line 4, after "January 1," strike "1997" and insert "1998". On page 2, line 8, beginning with "Local" strike all material through "act)" and insert "No local laws enacted prior to January 1, 1998, that are inconsistent with chapter ..., Laws of 1997 (this act) shall be amended to create further inconsistencies with chapter ..., Laws of 1997 (this act)" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Loveland on page 1, beginning on line 13, and line 15; and page 2, lines 4 and 8, to Substitute Senate Bill No. 5091.

#### ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 26; Nays, 22; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 26. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West and Zarelli - 22. Absent: Senator Prince - 1. MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 5091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "I have had a lot of calls and concerns from tenants in regards to this bill, Senator Roach. Does this speak to the eviction as it relates to just cause?"

Senator Roach: "Looking in the bill, Senator Franklin--"

Senator Franklin: "Just cause eviction."

Senator Roach: "I believe this bill is addressing all issues that deal with landlord/tenant relations and we have very strong state laws already in place, so what we are dealing with are those very few places where local law--local jurisdictions--would have some abilities to make laws."

Senator Franklin: "Thank you, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5091.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Kline, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 12. ENGROSSED SUBSTITUTE SENATE BILL NO. 5091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5258, by Senators Hochstatter, Zarelli, Finkbeiner, McAuliffe, Rasmussen and Goings

Providing medical assistance in public schools.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5258.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Absent: Senators Patterson and Wood - 2. SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5529, by Senators Kohl, Horn, Heavey, Schow, Fairley, Winsley and Oke

Requiring a landlord to provide a rent receipt if requested.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5529 was substituted for Senate Bill No. 5529 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5529.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5954, by Senators West, Swecker, Rossi, Snyder and Kohl

Regulating claims against the University of Washington.

The bill was read the second time.

#### MOTIONS

On motion of Senator Kohl, the following amendment by Senators Kohl and West was adopted:

On page 2, after line 19, insert "Pursuant to RCW 42.17.310(1)(i) and (j)," On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 5954 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Heavey: "Senator West, why do we have a clause that says that this bill is necessary to protect the public peace, safety or health and cut off the rights of the peoples' right to a referendum on this bill?"

Senator West: "Senator Heavey, I believe the body had the opportunity to remove that clause and I think you would have found support for that if the amendment had been offered. Unfortunately, we are now on third reading. I don't believe that the public would forward a referendum on this issue. This is kind of a minute issue of state government internal management, but I understand your concern and the principle that you are advocating and have agreed with the body's intent in the past and I will try and be more diligent in the future." The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5954.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5954 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED SENATE BILL NO. 5954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5754, by Senators Horn, Franklin and Newhouse (by request of Department of Licensing)

Regulating boxing, kickboxing, martial arts, and wrestling.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5754. Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5754 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Fairley, Haugen, Heavey and Spanel - 4. SENATE BILL NO. 5754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5922, by Senator West

Limiting capital expenditures and public indebtedness on capital projects.

## MOTIONS

On motion of Senator Strannigan, Substitute Senate Bill No. 5922 was substituted for Senate Bill No. 5922 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Strannigan, the rules were suspended, Substitute Senate Bill No. 5922 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5922.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5922 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Franklin, Goings, Hale, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Bauer, Brown, Fairley, Fraser, Hargrove, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 16. Absent: Senator Benton - 1. SUBSTITUTE SENATE BILL NO. 5922, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5831, by Senators Newhouse, Deccio, Haugen and McCaslin

Eliminating provisions allowing adjacent counties as the venue of actions by or against counties.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5831.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5831 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 34. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Heavey, Kline, Kohl, McAuliffe, Patterson, Prentice, Roach, Sheldon, Swanson and Thibaudeau - 14. Excused: Senator Loveland - 1. SENATE BILL NO. 5831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5255, which was deferred on second reading March 18, 1997.

## MOTION

Senator Snyder moved that Senate Bill No. 5255 be laid upon the table.

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

The President declared the question before the Senate to be the motion by Senator Snyder that Senate Bill No. 5255 be laid upon the table.

## ROLL CALL

The Secretary called the roll and the motion to lay Senate Bill No. 5255 on the table failed by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27.

## MOTION

On motion of Senator Wojahn, all the remarks on the final passage of Senate Bill No. 5255 will be spread upon the Journal.

#### MOTION

Senator Thibaudeau: "Thank you, Mr. President. I move that the following amendment by Senators Fairley and Thibaudeau be adopted. This simply removes the emergency clause. I urge your support."

On page 1, beginning on line 5, strike all of section 1. Renumber the remaining sections consecutively and correct any internal references accordingly.

#### REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. I rise to speak in favor of this amendment. I, too, urge that you remove the emergency clause. This is one of the many changes that we are making in the striking amendment and it's certainly compatible with our intent."

The President declared the question before the Senate to be the adoption of the amendment by Senators Fairley and Thibaudeau on page 1, beginning on line 5, to Senate Bill No. 5255.

The motion by Senator Thibaudeau carried and the amendment was adopted.

#### WITHDRAWAL OF AMENDMENT

Senator Swecker: "Thank you, Mr. President. With your permission I would like to withdraw the amendment No. 218."

#### MOTION

Senator Swecker moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The legislature finds that: (1) Minor children often lack the ability to make fully informed choices that take into account both the immediate and long-range consequences of their actions; (2) the medical, physiological, emotional, and psychological consequences of abortion are serious and can be lasting, particularly when the patient is a minor child; (3) the capacity to become pregnant and the capacity for mature judgment, concerning whether to obtain an abortion, are not logically related; (4) parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning the parent's minor child; and (5) a parent who is aware that his or her minor daughter is having an abortion may better ensure that she receives adequate medical attention subsequent to her abortion. The legislature further finds that parental consultation is desirable and in the best interest of the minor child. It is the intent of the legislature to further the legitimate and compelling state interests of protecting minor children against their own immaturity, fostering the family structure and preserving it as a viable social unit, and protecting the rights of parents to rear minor children who are members of their household. **NEW SECTION. Sec. 2.** Unless the context clearly requires otherwise, the following definitions apply throughout this chapter. (1) "Minor" means any person under the age of eighteen years. (2) "Emancipated minor" means any minor who is or has been married, or has by court order otherwise been freed from the care, custody, and control of her parents or legal guardian. (3) "Abortion" means the use of any instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a female known to be pregnant. (4) "Next friend" means one acting for the benefit of a minor or another person who is unable to look after her own interest. The next friend is not a party to the action, but is an officer of the court who serves without being regularly appointed as a guardian ad litem. **NEW SECTION. Sec. 3.** (1) Except in a medical emergency requiring immediate medical action, no abortion shall be performed upon an unemancipated, pregnant minor unless she has first given her written consent to the abortion and has also notified a parent or her legal guardian. (2) If neither of the parents nor the legal guardian is available within a reasonable time or manner, or cannot be located after a reasonable effort has been made to locate a parent or guardian, or the parties who must be notified pursuant to this section refuse to accept notification of the performance of an abortion, or the minor elects not to notify those to whom notification is required, then the pregnant minor may petition, on her own behalf or by next friend, the superior court of any county of this state for a waiver of the notification requirement of this section under the procedures of section 4 of this act. The physician performing the abortion shall explain to the patient the term "emancipated minor" and shall ask the patient if she is or is not an emancipated minor. The patient shall inform the physician whether she is or is not an emancipated minor. **NEW SECTION. Sec. 4.** (1) The requirements and procedures under this chapter are available and apply to unemancipated, pregnant minors whether or not they are residents of this state. The basic juvenile court act, chapter 13.04 RCW, shall not apply to proceedings or procedures conducted under this chapter. (2) The court shall ensure that the minor or her next friend is given assistance in preparing and filing the petition, and shall ensure that the minor's identity is kept confidential. (3) The minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall advise her that she has a right to court-appointed counsel and shall provide her with counsel upon her request. (4) Court proceedings under this section shall be confidential, shall be conducted in the judge's chambers, and shall be given precedence over other pending matters as is necessary to ensure that the court may reach a decision promptly, but in no case may the court fail to rule within four court days from the time of application, unless extended at the request of the minor. (5) The notification requirement shall be waived if the court finds either: (a) That the minor is sufficiently mature and sufficiently well-informed to make the abortion decision on her own; or (b) That the performance of the abortion would be in the minor's best interest. (6) A court that conducts proceedings under this section shall issue written and specific findings of fact and conclusions of law supporting its decision and shall order that a confidential record of the evidence be maintained. (7) An expedited, confidential appeal shall be available, as the supreme court shall provide by rule, to any minor or guardian ad litem, but in no case may the court of appeals fail to rule within seven court days from the time the notice of appeal has been filed, unless extended at the request of



the minor. (8) The supreme court is requested to adopt any rules necessary to ensure that proceedings under this chapter are handled in an expeditious and confidential manner. (9) No fees may be required of any minor who avails herself of the procedures provided by this section. NEW SECTION. Sec. 5. The requirements of section 3 of this act shall not apply when, in the best medical judgment of a physician based on the facts of the particular case, a medical emergency exists that so complicates the pregnancy as to require an immediate abortion. NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW."

#### REMARKS BY SENATOR SWECKER

Senator Swecker: "Speaking to this amendment, I need to speak to the underlying bill, because it is the bill. First, I'd just like to simply state what the bill does do. It provides that before an abortion on a minor child can be performed, at least one of the parents must be notified. It allows for an immediate abortion if, in the opinion of a physician, an emergency exists. And it provides that any minor child or her friend can petition the superior court for relief from this act.

"This bill, this proposed substitute, is dramatically different from the original legislation that was considered in committee. These are the things that have been changed: The bill no longer includes an emergency clause; it changed the provisions of the bill so that it required the notification of only one parent, not both parents; it provides that the proceedings would take place in the judge's chambers to preserve the anonymity of the minor; it changes the provision that a guardian ad litem shall be appointed to the provision that one may be appointed, and that is because in other states, they have found that they don't always need to appoint a guardian ad litem--these cases are so simple; it defines the word 'friend,' and basically, a friend is anyone that the child chooses to act as their advocate. That could be another relative; it could be a minister; it could be a clinic counselor; it could be the nurse in the doctor's office; it could be the doctor; it could be anyone. It's a very broad term, and we're trying to be as inclusive as possible.

"The bill does away with all of the reporting requirements that were originally included for the doctors. And, finally, it eliminates all of the criminal penalties that previously existed in the bill. I think it's really important to understand what the conditions are when the court tries to make the decision whether they should waive the requirement that the parent be notified. The provisions are very simple. You don't have to prove you're in a bad home; you don't have to prove that you've been abused; you don't have to prove that you're being threatened or anything like that. The only thing the judge rules on is whether the child is sufficiently mature and sufficiently well informed to make the decision. The other provision, even if the child isn't sufficiently mature, the judge can rule in favor of the minor child, in this case, if it's simply in the best interest of the child. So, it's not an onerous standard at all; it's a very simple standard. It may even be one that a good child from a good home might want to petition the court just because they don't want to tell their folks, and if the judge says that they are sufficiently mature to make the decision, and it's in their best interest, that satisfies the requirement of the law.

"I think it's also important to note--I'll save my remarks for the final passage, but I urge your support of this amendment."

#### REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Thank you, Mr. President. Rising to oppose the amendment. This does a couple of things. It still does them, and that is it puts the doctor in the position of being a law enforcer. He's got to know all the provisions of this bill--he or she I should say, because there are certainly more women these days--got to know all the provisions of this bill, and when he violates the bill, then he breaks the law, so we are criminalizing physicians once again.

"In terms of health care of the adolescent, and everybody wants to know of the health care of their children, nobody has any doubt about that. But, when they don't, when you delay these things, then what happens is, the child's health is jeopardized, either through delaying the process, having to go to court, and most kids really aren't going to--whether it's in chambers or in the regular courtroom--aren't going to be knowledgeable enough to do this. So, they're going to delay, they're going to put it off, their health is jeopardized. Their health is jeopardized, and, once again, it makes it very, very difficult for them, and that's the whole goal of this effort is to make the choice for abortion, not a choice at all. Again, we all want to know about the health care of our children, but this drives them into trying to do it themselves, trying to go to the back alley, and that's the purpose of this. I understand that, and I respect other people's opinions, but I just simply can't vote for this bill, even as amended. Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Swecker to Senate Bill No. 5255.

The motion by Senator Swecker carried and the striking amendment was adopted.

#### MOTION

Senator Swecker: "Thank you, Mr. President. I move that the following title amendment be adopted:  
On page 1, line 1 of the title, after "abortions;" insert "and" and after "RCW" strike the remainder of the title The

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## MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Senate Bill No. 5255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

### REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you. You've heard some of the questions that people have about this legislation. What about the doctors? What will the doctor's procedures be in the event this legislation passes? I really think it will change only one thing. The doctors will either talk to the parents when the parents come with the minor child for this procedure, at which time they'll probably have a notice that the parent signed saying they've been notified. Or, they'll send a certified letter to the parent. It's going to be real simple. I'm sure that's exactly what an attorney would advise a doctor. In fact, I've consulted with attorneys on the legislation, and that's exactly what they've told me is that they'll simply send out a certified letter that has a signature when it's received.

"We've also heard the concern that this will complicate the process unnecessarily for the minor child. I would submit to you that, even today, when a child makes a decision to get an abortion, there's always a point of first contact. I believe that is the point at which the child will have adequate opportunity to initiate this relief from the provisions of the act. I think those first contacts are often doctors, their nurses, their family planning clinic counselors. They may be adult relatives; they may be school counselors. In any case, each one of those individuals acting as the friend of the child will then be able to pick up the phone and call the court. And these procedures, when they've been adopted in other states, have been very expeditious. They're a fifteen minute procedure as far as getting the permission. They cost the courts less than \$50.00, so it's turned out to be very simple.

"Finally, to close, I want to say that these are the effects of the legislation in other states--a decrease in abortion ranging from thirteen percent in Pennsylvania, to forty percent in Nebraska, a decrease in teen pregnancy ranging from 2.8 percent in Mississippi to seven percent in Pennsylvania, and a decrease in live births to teens ranging from twenty-four percent in Michigan to eleven percent in Nebraska. So, I submit to you that this bill is a very painless way to achieve the end that we all seek, and I urge your support."

### REMARKS BY SENATOR FAIRLEY

Senator Fairley: "Thank you, Mr. President. Well, I rise in great opposition to this bill. You know, it's not a perfect world; I really wish it were. Then this bill would help. But, you know, this bill isn't going to make young women trust their parents, and it's not going to make parents care for their kids. I've worked with pregnant teenagers. I know what's out there--rape, incest, abandonment. You know, young women who are pregnant, are often very fearful. They're undergoing a time of great trauma, and very, very often, they're ashamed. This leads them to do things that may harm them. And, as a parent, I want to tell you, you don't want that. You just don't want that. As I say, if it were a perfect world, this might work, but, it isn't. I ask you to vote 'no.'"

### REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you, Mr. President. Well, I appreciate the debate on this, and it's being done in a civil manner here, but I would like to say that this really isn't an up or down on the pro life or pro choice issue, because certainly I think there are many pro choice parents that would like to be involved in this decision with their minor child. If you have a twelve or thirteen year old that's going in for a significant medical procedure--by the way which all other medical procedures, you would need the parent's permission to go forward with. Now, we're just saying just notify one of the parents unless, and there's a list of good reasons why you, in fact, almost no reason why you can go to court and get out of this. And, in fact, even somebody from the clinic can go down to the court and say, 'We don't want this child to have to notify their parents for X, Y or Z reason.'

“We've passed legislation across this floor that suggests that if a child is going to participate in mental health treatment, the parents need to be notified. Already in medical procedures, parents have to be notified. What we do is, we have a situation here where this is a significant medical procedure, things don't always go right. Sometimes, it goes wrong. Sometimes somebody that's getting an abortion gets injured, and guess who has to pick up the pieces and deal with that after the fact? The parent does. The people from the clinic aren't there to counsel and nurture, and be able to take care of the child afterwards. The parent is the one that's going to have to deal with those issues. I think this, especially the way it's been amended, is eminently reasonable. All we're trying to do is be able to connect parents to their kids when there is a very significant medical decision to be made. And then, it doesn't require the parent's consent, just that they have a chance to talk to them. It also says, as we've mentioned before, if there's any reservation about doing that, there's a process set up by where they can avoid that.

“I don't see what possible more exceptions you could put in this to make it reasonable. I think we need to realize that many parents may say, 'You know, you don't want to have this unwanted child, you don't want to be a thirteen year old with a child to take care of,' and encourage their child to get an abortion. That's not what I would do, but many parents may do that. And, instead of the child having to worry about what their parent is going to think, they may have support in that decision. But, instead, we're going to put them through this very traumatic decision at a very young age, without the support of their parent. I would urge you to support this bill.”

#### REMARKS BY SENATOR WOJAHN

Senator Wojahn: “Speaking against this bill. All parents are not nurturing, and all parents don't care about their kids. Often, these are the kids that get in trouble. They have no one to turn to. Now, we're going to force them into a court situation that they will probably know nothing about. I think that's wrong. I think that we need to understand that all things out there are not as good as you'd like to see it.

“I'm thinking of a case that occurred in our neighborhood not too many years ago where a youngster was impregnated by her father--incest. She did not know what to do. I don't think that this bill would help her in knowing what to do, and I think that it is the wrong approach. Please vote 'no.'”

#### POINT OF INQUIRY

Senator Patterson: “Thank you, Mr. President. Will the gentleman from the twentieth district please yield to a question? Thank you, Senator. I was just curious. Does the underlying bill require the young man--the young man who helped to create the pregnancy--does the underlying bill require him to notify at least one of his parents?”

Senator Swecker: “Thank you for that question. That's an interesting one. Actually, I think you'll find that in many cases, the young man who impregnates the child is not so young after all. The young man may be someone who's over eighteen or even over twenty-one. And, in that case, that person may actually intimidate and threaten that minor to go get an abortion. In this case, because there is some procedure, I think that the rights of that child have a much more likely opportunity to be protected. In fact, in the cases of where a crime has been committed against that child, that that individual may be prosecuted. This is an added safeguard for that minor child. It's not an additional penalty or an additional hurdle.”

Senator Patterson: “So, in other words, Senator, if the young person who is sixteen or seventeen years old who was instrumental in creating a pregnancy happens to be a man, or a young man--a boy--he does not have to notify his parents. Is that correct, Senator?”

Senator Swecker: “As I understand the legislation, I don't think he is trying to receive a medical procedure.”

#### FURTHER REMARKS BY SENATOR PATTERSON

Senator Patterson: “Thank you, Senator. I'd like to continue on. Ladies and gentlemen, I really don't believe that this bill is about anyone's health or welfare, today. I think if it were, we would let doctors be doctors and legislators be legislators. Doctors don't encourage minors to get abortions. In fact, the American College of Obstetricians encourages their young patients to involve their parents to help them deal with this problem. In the end, though, it is the patient who decides whether that parental involvement would be helpful or not. Remember, it is her life. The entire course of her life is what will be changed.

“We don't require young women who are going to put their children up for adoption to seek their parents permission. I think the bill is hypercritical. I think we should focus on what is really important here. What is really important here is keeping these young women safe. Legislating this type of communication will result in dangerous, back-alley abortions, and it will result in young girls--teenaged girls--running away. We should vote 'no.'”

#### REMARKS BY SENATOR KOHL

Senator Kohl: “Thank you, Mr. President. I speak in opposition to this bill, and I do say, as a parent of five children. I've struggled with this issue as a parent for many reasons. I would certainly want to be notified if my daughter were pregnant and was seeking an abortion. I would certainly want to be notified if any of my four sons had impregnated a young woman. However, I also realize that there is no way that this bill would create closer, more loving families. If it were to, I would be the loudest 'aye' in this chamber, but it won't. In fact, it could serve to drive troubled families apart and could serve, as the previous speaker indicated, to cause harm, danger for many young women.

“The House heard testimony on a companion bill from a man, a father, who traveled here from another state. He believed that his family was very close, that his daughter was very close to the family. Unfortunately, his daughter became pregnant. She did not notify her parents of wanting to seek an abortion, not because she was afraid of them, or because there was any abuse in the family. In fact, it was a very close, warm family. She did not notify her family, and therefor seek a

legal abortion, because she did not want to bring shame to them--which she felt. Instead, she tried a self-induced abortion and she died. That father wept before the House committee and plead with the House committee to not report that bill out of the committee. He knew in the state where he lived, the dangers of the parental notification law. He knew it firsthand, and his daughter is now dead.

"We must consider what happens in those states without parental notification laws in which more than seventy-five percent of minors under the age of sixteen do involve one or both parents. That's what we want to happen, but we can't legislate closeness in families, and we cannot legislate if some young women will feel shame and will not seek to have their parents involved. I urge you to defeat this bill."

#### POINT OF INQUIRY

Senator Kline: "Thank you, Mr. President. Mr. President, would the Senator from the twentieth yield to a question? Senator, in this striking amendment that you've presented, is there any exception for a young woman who is the victim of parental incest, or parental abuse, whether it's psychological, sexual, or other physical abuse?"

Senator Swecker: "Yes, there is."

Senator Kline: "And where is that?"

Senator Swecker: "That's the section that provides for relief from the act by a superior court justice."

Senator Kline: "May I continue? Is there any guideline that indicates to the judge that among the criteria he or she is to consult, that the parental abuse, whether it's physical, sexual abuse or psychological abuse, or incest, is a criterion for a decision?"

Senator Swecker: "There's really two ways in law to list those kinds of criteria. One is to give a laundry list of things that would constitute the kind of exclusion that you're asking for. The other way is to make a list of the only things that the judge must consider. In fact, there were only two things listed and one of those is--is it in the minor's best interest? I think, given that provision, in the cases that you cite, that would be exactly the criteria that they would use."

#### FURTHER REMARKS BY SENATOR KLINE

Senator Kline: "May I continue, Mr. President? Ladies and gentlemen, in 1991, the voters of our state--that's only six years ago--passed Initiative 120. Our constituents, taken collectively, are pro-choice. However, there has been this constant attempt to erode the rights that we decided for ourselves in Initiative 120, and that some years earlier had been found constitutionally mandated in *Roe v. Wade*. This bill is a manifestation of that constant, nagging erosion of our rights.

"Now it's phrased in a rather benign way. We're simply asked to agree that parents of the girl, not the boy, should be notified and should be required to go to a judge if she seeks an alternative to that notification requirement. Again, as Senator Patterson pointed out, there is no requirement on the boy notifying his parents who are also the grandparents of the soon to be born baby. What this does is simply to create a chilling effect--and I believe this is intended--upon a young woman who's scared and confused.

"Let's face it, the girls who tend to be in this situation, before the age of eighteen, are likely to be not those with the best relationship with their parents. This is a generality and I know there are many exceptions, but it's one we all understand. A girl who is raised in a loving home is less likely, not entirely unlikely, to be pregnant at the age of fifteen, sixteen or seventeen. And it is yet this age that we are asking, we are requiring, that girl to tell her parents, whether or not her parents physical abuse, sexual abuse, psychological abuse or actual incest, is in any way related to her situation. I find that this is a much greater moral sin than the abortion that may result from her choice. I urge a 'no' vote on this bill. Thank you."

#### REMARKS BY SENATOR ANDERSON

Senator Anderson: "Thank you, Mr. President. I am going to ask everybody--and the last speaker really talked about pro choice or pro life. Let's step back from those labels for a minute. We're talking about parents and children in this bill. A few years ago as I sat in the desk where Senator Spanel is right now, I got a call on the Senate floor. We were in session and the call came, 'Would you please meet at the hospital because Cory just fell off her horse. We can't treat her, she needs stitches--until we get your authority to do so.' I rushed out of this body to the hospital where they were waiting for me to give the authorization to stitch her chin up. In this state, right now, minors have to have that type of authorization for medical care which Cory did the day that she fell off her horse.

"I'm supporting this bill because--some of you know this--Cory is my miracle baby. If she's going to go through something like this, I want her parents to know. With my miracle baby, I want to know what's happening. Some of you have concerns about parents who are not like me. Parents who don't care about their children and I want to thank Senator Swecker for very carefully putting in the judicial bypass that allows those children without caring parents to have a way of dealing with that without caring parents. Please, on behalf of the caring parents in this state who need to know what their children are doing, pass this bill."

#### REMARKS BY SENATOR GOINGS

Senator Goings: "Thank you, Mr. President. As most members of the Senate know, I don't have a daughter, but I truly hope and pray that one day I will. And I hope and I pray that my daughter will grow up healthy and she will grow up

strong and she will be willing to come to me, God forbid, when she's in trouble. But I know that sometimes life doesn't match our plans and it doesn't match our expectations. I know how some children make mistakes. I know how they're ashamed, and I know how, because of that shame they fear disappointing their parents. Which leads me to a most sincere and honest prayer. That there never be a law in the state of Washington that can force my daughter to put her life in danger just to save me from disappointment. I urge you to vote 'no' on this bill."

#### REMARKS BY SENATOR HEAVEY

Senator Heavey: "Thank you. Being a male I hesitate to speak, but I must. Section 3, Subsection 2 says that if neither the parents or the legal guardians are available or cannot be located, or the parties who must be notified refuse to accept notification--which could happen--or that the minor elects not to notify those required, then go to court. Once you're in court in an expeditious manner not to exceed four days, the judge can find that the notification requirement shall not be waived. Here we are again. We're either into an illegal, dangerous abortion or stopping a very difficult choice that this young lady must make.

"This bill doesn't do what you think it might do. It comes down to the judge if the parents refuse through notification, and the judge can say, 'No, I don't waive the notification requirement.' I don't know how many judges there are in this state, I think at least two hundred to five hundred, and a judge can say, 'No.' You can't exercise the freedom of choice. For that and a lot of other reasons, I urge a 'no' vote on this bill."

#### REMARKS BY SENATOR THIBAUDEAU

Senator Thibaudeau: "Thank you, Mr. President. Members of the Senate, for those of you who are concerned about what's happening in other states, the number of abortions are declining. Again, this criminalizes doctors, puts them in the role of law enforcement. That's not a role that we should ask of them. The Washington State Medical Association opposes this bill very strongly, and I urge your opposition. Thank you."

#### REMARKS BY SENATOR OKE

Senator Oke: "Thank you, Mr. President. Fellow Senators, it's a difficult issue. I know that everybody has their attention on this. We're not talking and chatting and doing other things. We're talking about life. I really want to thank Senator Swecker and those who put this bill together. I know that there was a lot of love and care that went into this. I really publicly appreciate your effort on this issue. I thank you from the bottom of my heart, and God bless you."

#### REMARKS BY SENATOR BENTON

Senator Benton: "Thank you, Mr. President. There's been a lot of thoughtful debate on both sides of this issue, but I just want to point out one thing. We have--to give you a point of reference, I guess--to try and bring us back to some common sense, here, in terms of passing laws on the citizens of our state. Maybe, this other law is a bad law, too; I don't know. But, let's talk about a point of reference. Currently, in Washington State, it is against the law with or without parental consent or parental notification to have a tattoo if you're under eighteen. Even with parental consent, you can't have one. This law says that we just want to notify the parent before you have an invasive medical procedure which clearly is more life threatening and more long term than having a tattoo is. Thank you."

#### REMARKS BY SENATOR HOCHSTATTER

Senator Hochstatter: "Thank you, Mr. President. My fellow colleagues, I do appreciate this great civility that has been expressed in this chamber on this issue. Did we not try to really know each other's heart and each other's mind on this issue? Didn't we really make a very sincere effort to do that? Didn't we listen? I really think we did. I'm proud to stand here among you and see how we've taken this on.

"You know, ignorance is really a poor basis for making law. Ignorance is really a poor basis for making decisions and for building relationships, isn't it? This bill helps us to broaden information and understanding. We, as parents, all know what we want for our children, and that's got to be the very best. I hope and I pray that we can make--dispel ignorance--and help families know what's going on, that they can make their decisions and they can shield their children and love their children and whatever else, but, that we do not interpose ourselves in their sharing of information that may help them reach an intelligent decision. Thank you very much."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5255.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5255 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Prince, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 24. ENGROSSED SENATE BILL NO. 5255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

Senator Johnson moved that Engrossed Senate Bill No. 5255 be immediately transmitted to the House of Representatives.

Senator Loveland objected and demanded a roll call.

The demand for the roll call was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Johnson to immediately transmit Engrossed Senate Bill No. 5255 to the House of Representatives.

## ROLL CALL

The Secretary called the roll and the motion to immediately transmit Engrossed Senate Bill No. 5255 to the House of Representatives carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23.

## MOTION

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

### SENATE RESOLUTION 1997-8643

By Senators Morton and Rasmussen

WHEREAS, Washington state farmers produce \$5.8 billion worth of agricultural products; and

WHEREAS, Food processing is a \$7.7 billion industry and is the state's second largest manufacturing industry in value and number of employees; and

WHEREAS, More than 190,000 Washington residents are employed in direct, agriculture-related jobs; and

WHEREAS, Almost ninety-one percent of the value of agricultural products sold are produced by twenty-two percent of the state's farms; and

WHEREAS, About twenty-five percent of the state's agricultural commodities are sold in Washington, about fifty percent are sold in U.S. domestic markets, and about twenty-five percent in international markets; and

WHEREAS, There are an estimated 36,000 farms in Washington covering 16 million acres and producing over one hundred different commodities; and

WHEREAS, Washington State ranks first in the production of fourteen major commodities and twelfth among all states in total agricultural output; and

WHEREAS, Governor Gary Locke has proclaimed March 19, as Agriculture Business Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and honors the men and women who have made agriculture the number one industry in this state and we applaud the agri-business community for their efforts to ensure that agriculture maintains its leading role in our state and nation's economy.

Senators Morton, Rasmussen, Deccio and Prentice spoke to Senate Resolution 1997-8643.

## MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5173, by Senators Schow, Prentice and Horn (by request of Liquor Control Board)

Improving the liquor license schematic of the state of Washington.

## MOTIONS

On motion of Senator Heavey, Substitute Senate Bill No. 5173 was substituted for Senate Bill No. 5173 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Heavey, the rules were suspended, Substitute Senate Bill No. 5173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5173.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senators Kline and Swanson - 2. SUBSTITUTE SENATE BILL NO. 5173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5127, by Senators Wojahn, Deccio, Thibaudeau, Wood, Oke, Loveland, Sellar, Snyder, Fairley, Spanel, Sheldon, McCaslin, West, Bauer, Winsley, Goings and Schow

Providing additional funding for trauma care services.

#### MOTIONS

On motion of Senator Deccio, Second Substitute Senate Bill No. 5127 was substituted for Senate Bill No. 5127 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Second Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Benton: "A parliamentary inquiry, Mr. President. In this bill, we have labeled this fee--in fact a fee. We are operating under restrictions of Initiative 601, particularly Section 4, of Initiative 601. Just because we call a fee a fee does not make it so, nor a tax a tax. The question that I have for the President is, can you please clarify for the body, is this, in fact, a tax or is it a fee and will it require the two-thirds majority required under 601 for increasing of taxes? Thank you."

Further debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Second Substitute Senate Bill No. 5127 was deferred.

#### SECOND READING

SENATE BILL NO. 5178, by Senators Wood, Wojahn, Deccio, Bauer, Fairley, Goings Prince, Prentice, Franklin, Horn, Patterson and Winsley

Adopting the diabetes cost reduction act.

#### MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5178 was substituted for Senate Bill No. 5178 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5178.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SECOND SUBSTITUTE SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5670, by Senators McCaslin, Haugen and Roach (by request of Utilities and Transportation Commission)

Regulating solid waste collection certificates in effect within cities and towns.

#### MOTIONS

On motion of Senator Hale, Substitute Senate Bill No. 5670 was substituted for Senate Bill No. 5670 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendment be adopted:

On page 6, after line 25, insert the following: "**Sec. 5.** RCW 70.95.060 and 1969 ex.s. c 134 s 6 are each amended to read as follows: (1) The department in accordance with procedures prescribed by the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended, ((may)) shall adopt such minimum functional standards for solid waste handling as it deems appropriate, consistent with the standards specified in this section. The department in adopting such standards may classify areas of the state with respect to population density, climate, geology, and other relevant factors bearing on solid waste disposal standards. (2) In addition to meeting the minimum functional standards adopted by the department under subsection (1) of this section, a landfill facility whose area at its design capacity will exceed one hundred acres and whose vertical height at design capacity will average one hundred feet or more above existing site elevations may not be located over a sole source aquifer designated under the federal safe drinking water act, if such designation was effective before January 1, 1997. This subsection applies only to landfills for which construction has not been commenced before the effective date of this section. **NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Swanson: "A parliamentary inquiry, Mr. President. Could I inquire of the President, are we talking about the amendment that extends it from five to seven years, sir?"

#### REPLY BY THE PRESIDENT

President Owen: "We are talking about the amendment on page 6, after line 25, by Senator Rasmussen."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 6, after line 25, to Substitute Senate Bill No. 5670.

The motion by Senator Rasmussen carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Hale, the following title amendment was adopted:

On page 1, on line 2 of the title, after "35.13.280" strike the rest of title and insert "; 35A.14.900, and 70.95.060; adding a new section to chapter 81.77 RCW; and declaring an emergency." On motion of Senator Hale, the rules were suspended, Engrossed Substitute Senate Bill No. 5670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Johnson, further consideration of Engrossed Substitute Senate Bill No. 5670 was deferred.

#### MOTION

At 12:00 noon, on motion of Senator Johnson, the Senate recessed until 12:45 p.m.

The Senate was called to order at 12:46 p.m. by President Owen.

There being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 12:54 p.m. by Vice President Pro Tempore Morton.

#### MOTION

On motion of Senator Hale, Senator Benton was excused.

#### SECOND READING

SENATE BILL NO. 5567, by Senators Sheldon and Prince



Relaxing front end length limits on garbage trucks.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5567 was substituted for Senate Bill No. 5567 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5567.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5567 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 5; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Wojahn, Wood and Zarelli - 43. Absent: Senators Finkbeiner, McCaslin, Prince, West and Winsley - 5. Excused: Senator Benton - 1. SUBSTITUTE SENATE BILL NO. 5567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5844, by Senators Fraser, Oke, Prince, Kohl, Hochstatter, Schow, Winsley and Rasmussen

Freeing the base for transfers of marine and nonhighway fuel taxes.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5844 was substituted for Senate Bill No. 5844 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Hale, Senators Finkbeiner, McCaslin and Prince were excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5844.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5844 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senator Loveland - 1. Excused: Senators Benton, Finkbeiner, McCaslin and Prince - 4. SUBSTITUTE SENATE BILL NO. 5844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5749, by Senators Heavey, McCaslin, Winsley, Haugen and Deccio

Providing for a certificate of competency as a medical gas piping installer.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5749 was substituted for Senate Bill No. 5749 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5749.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senator Hochstatter - 1. Excused: Senators Benton, Finkbeiner, McCaslin and Prince - 4. SUBSTITUTE SENATE BILL NO. 5749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5361, by Senators Wood, Haugen, Prince, Goings, Horn, Patterson, Benton and Winsley

Regulating charter use of Washington state ferries.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Senate Bill No. 5361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5361.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5361 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senators Heavey and Thibaudeau - 2. Absent: Senator Deccio - 1. Excused: Senators Benton, Finkbeiner, McCaslin and Prince - 4. SENATE BILL NO. 5361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5791, by Senators Deccio, Bauer, McDonald, Haugen, Schow, Thibaudeau and Kohl

Revising the regulation of liquor sales in designated restricted liquor zones.

#### MOTIONS

On motion of Senator Schow, Substitute Senate Bill No. 5791 was substituted for Senate Bill No. 5791 and the substitute bill was placed on second reading and read the second time.

Senator Schow moved that the following amendments by Senators Schow and Hochstatter be considered simultaneously and be adopted:

On page 2, after line 6, insert the following: "In order for the board to designate a restricted liquor zone, it must obtain, from the appropriate municipality or county, quantifiable data that supports the need to establish a restricted liquor zone in a specific area. The data provided must include: A survey of the actual number of public inebriates inhabiting the area that is being considered as a restricted liquor zone; where such individuals reside, such as half-way houses, shelters, or private residences; and the number of reported police incidents involving the public consumption of alcohol, the illegal sale of alcoholic beverages to inebriated individuals, and other alcohol-related offenses in the area that is being considered as a restricted liquor zone." On page 8, after line 23, insert the following: "In order for the board to give consideration to the recommendations of the municipality or county, the jurisdiction must provide quantifiable data regarding the need to restrict the sales of alcoholic beverages by a licensee or licensees in a specific area. This data must include: A survey of the actual number of public inebriates inhabiting the area of the licensee; where such individuals reside, such as half-way houses, shelters, or private residences; and the number of reported police incidents involving the public consumption of alcohol, the illegal sale of alcoholic beverages to inebriated individuals, and other alcohol-related offenses in a specific area." On page 9,

after line 26, insert the following: "In order for the board to give consideration to the recommendations of the municipality or county, the jurisdiction must provide quantifiable data regarding the need to restrict the sales of alcoholic beverages by a licensee or licensees in a specific area. This data must include: A survey of the actual number of public inebriates inhabiting the area of the licensee; where such individuals reside, such as half-way houses, shelters, or private residences; and the number of reported police incidents involving the public consumption of alcohol, the illegal sale of alcoholic beverages to inebriated individuals, and other alcohol-related offenses in a specific area." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Schow and Hochstatter on page 2, after line 6; page 8, after line 23; and page 9, after line 26; to Substitute Senate Bill No. 5791.

The motion by Senator Schow failed and the amendments were not adopted.

#### MOTION

On motion of Senator Goings, Senator Swanson was excused.

#### MOTION

On motion of Senator Schow, the rules were suspended, Substitute Senate Bill No. 5791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5791.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5791 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Franklin, Prentice and Snyder - 3. Excused: Senators Prince and Swanson - 2. SUBSTITUTE SENATE BILL NO. 5791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5681, by Senators McCaslin, Hargrove, Johnson, Haugen, McAuliffe, Long and Roach

Penalizing assault of health care personnel.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5681 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5681.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5681 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 44. Voting nay: Senator Zarelli - 1. Absent: Senators Horn and West - 2. Excused: Senators Prince and Swanson - 2. SENATE BILL NO. 5681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5127 deferred on third reading earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the parliamentary inquiry by Senator Benton concerning the number of votes necessary to pass Second Substitute Senate Bill No. 5127, the President notes that RCW 43.135.035 (Section 4 of Initiative 601) requires a two-thirds majority vote for 'any action or combination of actions by the Legislature that raises state revenue or requires revenue-neutral tax shifts.' The President must analyze two issues. First, whether the revenue raised under

Second Substitute Senate Bill No. 5127 is a 'tax' or a 'fee,' and, second is the dedicated fund under Second Substitute Senate Bill No. 5127 outside the scope of Initiative 601?

“‘Fee’ or ‘tax’--It appears to the President that the word ‘revenue’ in this section means revenue in the form of new taxes or tax increases, not fees. ‘Taxes’ are intended to raise revenue for governmental purposes generally. ‘Fees’ raise revenue, also, but are charged to offset the cost of the specific governmental program facility or service provided in return for the fee. ‘Regulatory fees’ are charged to cover the cost of administering a regulatory program; ‘User fees’ are charged in return for the use of a public service or facility.

“Second Substitute Senate Bill No. 5127 would impose a charge which in part relates to the cost of processing vehicle sales. That part is clearly a ‘fee.’ The remainder of the charge, however, is transferred to a fund for the provision of trauma care services. The latter portion cannot properly be characterized as either a license fee or a user fee, because it is substantially unrelated to the vehicle sale. Therefore, it is properly characterized as a tax.

“‘Dedicated fund’--RCW 43.35.035 concerns the raising of ‘state revenues.’ Article VIII, Section 1(C)(4) of the State Constitution defines ‘general state revenues’ to exclude ‘moneys to be paid into and received from trust funds including, but not limited to monies received from tax levied for specific purposes.’ The President also notes that under RCW 43.135.025(4) and RCW 43.135.035(4), the state expenditure limit does not include accounts outside of the state general fund. Under these statutes, the emergency medical services and trauma care system and trust account is not included in the state general fund.

“The President finds that the tax collected under Second Substitute Senate Bill No. 5127 would be placed into an account for the sole and specific purpose of funding trauma care. The President, therefore, rules that the tax is outside of the definition of ‘state revenues’ under RCW 43.35.035.

“For the foregoing reasons, the President rules that the final passage of Second Substitute Senate Bill No. 5127 requires a simple a majority vote”

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5127.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 37. Voting nay: Senators Anderson, Benton, Finkbeiner, Johnson, McDonald, Morton, Newhouse, Roach, Rossi, Stevens and Zarelli - 11. Excused: Senator Swanson - 1. SECOND SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5670, deferred on third reading earlier today.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute Senate Bill No. 5670 was returned to second reading and read the second time.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hale moved to reconsider the vote by which the amendment by Senator Rasmussen on page 6, line 25, passed the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Hale to reconsider the vote by which the amendment by Senator Rasmussen on page 6, line 25, to Substitute Senate Bill No. 5670 passed the Senate.

The motion by Senator Hale carried and the Senate will reconsider the amendment by Senator Rasmussen on page 6, line 25.

#### MOTION

Senator Hale moved that the amendment by Senator Rasmussen on page 6, line 25, to Substitute Senate Bill No. 5670 not be adopted on reconsideration.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hale to not adopt the amendment by Senator Rasmussen on page 6, line 25, on reconsideration.

The motion by Senator Hale carried and the amendment by Senator Rasmussen on page 6, line 25, on reconsideration, was not adopted.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5670, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5670, under suspension of the Rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5670, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5670, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### SECOND READING

SENATE BILL NO. 5325, by Senators Hargrove, Morton, Stevens, Rossi, Snyder and Loveland

Allowing counties to have certain lands transferred from the state back to the county.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5325 was substituted for Senate Bill No. 5325 and the substitute bill was placed on second reading and read the second time.

Senator Jacobsen moved that the following amendment be adopted:

On page 3, after line 25, insert the following: "NEW SECTION. Sec. 2. A new section is added to chapter 76.12 RCW to read as follows: (1) Until December 31, 2017, a county legislative authority in a county with a population of more than one million five hundred thousand persons may file an application with the board of natural resources for the transfer of all forest lands that were acquired from the county by the state pursuant to RCW 76.12.030 and that are under the administration of the department of natural resources. Upon the filing of an application by the county legislative authority, the board of natural resources shall direct the department of natural resources to reconvey without cost or resurvey the forest lands to the requesting county. (2) Once land has been reconveyed to a county, it may be kept in commercial forest status or used for recreational purposes. (3) The land may not be sold or leased. (4) Transferred lands may be exchanged in such manner as the legislature may prescribe. (5) Upon formal notification to the department by the respective county that they desire their state forest board transfer lands reconveyed, the department must transfer all data and documents concerning those lands back to the respective county within ninety days. (6) Upon formal notification by the county to the department for the reconveyance of the land, the department must halt all proposed sale activity on the state forest board transfer land within the respective county. The department is required to replant all lands where there is an active sale occurring at the time a county gives formal notice to the department for reconveyance of the land. (7) The reconveyance of the state forest board transfer land within the county must be done by quitclaim deed, and the term of the reconveyance must be for a period of not less than twenty years. (8) Revenues shall be dispersed as provided in RCW 76.12.030. (9) All existing contracts for state forest board transfer land will be honored until the completion of the contract, but no extensions may be granted. (10) Existing memorandum of agreement, memorandum of understanding, landscape plan, habitat conservation plan, or similar agreements may be continued at the discretion of the respective county. Any habitat conservation plan inclusion of transferred lands is not permitted unless the county legislative authority agrees to the inclusion by resolution after public hearings and a full fiscal and forest management analysis. (11) The respective county assumes liability for those lands not under contract for harvest by the purchaser at the date of the transfer of the quitclaim deed. Those lands under contract transfer to the county on the expiration date of the original contract. No extensions shall be granted. The respective county will have the option of either having the department replanting those lands, or having the lands replanted, and billing the department for that activity. When billed, the department must make payment within sixty days. (12) Lands shall be open for public recreation consistent with overall land management goals. Public access to the land must be allowed whenever possible, subject to the discretion of the local legislative authority. Lands that have recreational use funded by the interagency committee for outdoor recreation, or other similar source, shall remain in recreational use as dictated by agreement, contract, rule, or statute. (13) County personnel managing lands transferred back to a county shall be trained to meet all of the requirements established by the department for its personnel. A county legislative authority may contract with the department for the operation of the forest program for lands transferred back to the county. (14) All counties that exercise their option of reconveyance must make an annual report to the senate and house of representatives natural resources committees, or their successor committees, and to the board of natural resources, by February 1st of each year, as to the activities on those lands. The report must include, but is not limited to: The number of acres harvested; the volume of the harvest from those acres; the number of acres replanted; the number of acres precommercially thinned; the annual cost on a per acre basis; the age of those acres harvested; the number of acres not designated for harvest, and the reason why such a designation was made; and the number of recreational users and the economic benefits they bring to the county." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobson on page 3, after line 25, to Substitute Senate Bill No. 5325.

The motion by Senator Jacobson failed and the amendment was not adopted on a rising vote.

## MOTION

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5325.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Goings, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Brown, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Spanel, Thibaudeau and Wojahn - 17. SUBSTITUTE SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6039, by Senator West

Imposing fines or regulatory assessments under the insurance code.

The bill was read the second time.

## MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Snyder and Fraser be adopted:

On page 1, line 19, strike "attorney general" and insert "department of revenue" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Snyder and Fraser on page 1, line 19, to Senate Bill No. 6039.

The motion by Senator Spanel carried and the amendment was adopted.

## MOTION

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6039.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6039 and the bill passed the Senate by the following vote:

Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 40. Voting nay: Senators Brown, Fairley, Franklin, Jacobsen, Kline, McAuliffe, Prentice, Swanson and Thibaudeau - 9. ENGROSSED SENATE BILL NO. 6039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## REMARKS BY THE PRESIDENT

President Owen: "The President would like to take this opportunity to clarify the question that was brought up yesterday about consecutive striking amendments, because I suspect we will see that happen again in the future."

## RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry by Senator Snyder on March 18, 1997, concerning the effect of two striking amendments to a single measure. On Engrossed Substitute Senate Bill No. 6006, the President notes that an oral

correction to the amendment by Senator Brown made that amendment no longer a striking amendment to the bill, but an amendment to the striking amendment by Senator Finkbeiner. As such, Senator Snyder's inquiry was rendered moot. However, the President deems the issue of sufficient import to require the President to set down guidelines for the future.

"The Senate Rules are silent on the issue. Therefore, the President looks to Reed's Rules to the extent they are applicable, and to Senate procedural precedent to the extent Reed's Rules are not applicable. Reed's Rule 144 (addressing amendments to strike and insert paragraphs) and Reed's Rule 156 (addressing amendments to strike and insert an entire bill) suggest that only one striking amendment can be adopted. Senate precedent has followed this procedure. Also, under Senate precedent, the striking amendment that is first in number will be taken up first. As such, if the first striking amendment is adopted, the body will have chosen, and the second striking amendment will no longer be in order. If the first striking amendment is not adopted, then following Reed's Rule 142, the second striking amendment is properly before the body.

"If there are three striking amendments and the body rejects the first two, then the third is properly before the body and so on until the body has adopted a striking amendment or rejected them all."

#### MOTION

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

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Schow moved to reconsider the vote by which Substitute Senate Bill No. 5664 failed to pass the Senate March 13, 1997.

The President declared the question before the Senate to be the motion by Senator Schow to reconsider the vote by which Substitute Senate Bill No. 5664 failed to pass the Senate.

The motion by Senator Schow carried and the Senate will reconsider the vote by which Substitute Senate Bill No. 5664 failed to pass the Senate.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5664, on reconsideration.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5664, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Benton, Deccio, Finkbeiner, Fraser, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, McCaslin, McDonald, Newhouse, Patterson, Prince, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, West, Winsley, Wojahn and Wood - 30. Voting nay: Senators Anderson, Brown, Fairley, Franklin, Hargrove, Haugen, Johnson, Long, Loveland, McAuliffe, Morton, Oke, Prentice, Rasmussen, Rossi, Stevens, Strannigan, Swecker and Zarelli - 19. SUBSTITUTE SENATE BILL NO. 5664, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

Senator Johnson moved that the Senate return to the sixth order of business.

#### MOTION

Senator Brown moved that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 5793.

The President declared there was a pending motion to return to the sixth order of business.

The President declared the question before the Senate to be the motion by Senator Johnson to return to the sixth order of business.

The motion to return to the sixth order of business carried on a rising vote.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### SECOND READING

SENATE BILL NO. 5785, by Senators Swecker, Newhouse, Morton, Haugen and Rasmussen

Providing for consolidation of ground water rights of exempt wells.

#### MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5785 was substituted for Senate Bill No. 5785 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5785.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5785 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Loveland - 1. SUBSTITUTE SENATE BILL NO. 5785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5368, by Senators Snyder and Hargrove

Providing supplemental appropriation authority for the development loan fund.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5368.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5368 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SENATE BILL NO. 5368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5034, by Senator Roach

Changing the definition of "bona fide charitable or nonprofit organization" for gambling statutes.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5034.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5034 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald,



Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Voting nay: Senators Hargrove, Haugen and Wojahn - 3. SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5305, by Senators Fairley, Wojahn, Goings, McAuliffe, Patterson and Kohl

Controlling drugs used to facilitate rape.

## MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendments by Senators Benton, Hargrove and Fairley be considered simultaneously and be adopted:

On page 12, after line 32, insert the following: "**Sec. 4.** RCW 9.94A.120 and 1996 c 275 s 2, 1996 c 215 s 5, 1996 c 199 s 1, and 1996 c 93 s 1 are each reenacted and amended to read as follows: When a person is convicted of a felony, the court shall impose punishment as provided in this section. (1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense. (2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. (3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence. (4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree. (5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following: (a) Devote time to a specific employment or occupation; (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense; (c) Pursue a prescribed, secular course of study or vocational training; (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (e) Report as directed to the court and a community corrections officer; or (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work. (6)(a) An offender is eligible for the special drug offender sentencing alternative if: (i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4); (ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and (iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance. (b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In

addition, the court shall impose three or more of the following conditions: (i) Devote time to a specific employment or training; (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment; (iii) Report as directed to a community corrections officer; (iv) Pay all court-ordered legal financial obligations; (v) Perform community service work; (vi) Stay out of areas designated by the sentencing judge. (c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court. (d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission. (7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. (8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment. The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information. The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (A) Frequency and type of contact between offender and therapist; (B) Specific issues to be addressed in the treatment and description of planned treatment modalities; (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; (D) Anticipated length of treatment; and (E) Recommended crime-related prohibitions. The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. (ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension: (A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section; and (B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following: (I) Devote time to a specific employment or occupation; (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (III) Report as directed to the court and a community corrections officer; (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime. (iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing. (iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody. (v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection. (vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall

be credited to the offender if the suspended sentence is revoked. (vii) Except as provided in (a) (viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. (viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health. For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense. (b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department. Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following: (i) Devote time to a specific employment or occupation; (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (iii) Report as directed to the court and a community corrections officer; (iv) Undergo available outpatient treatment. If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections. Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990. (c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds. (9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. (b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions: (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed; (ii) The offender shall work at department of corrections-approved education, employment, and/or community service; (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions; (iv) An offender in community custody shall not unlawfully possess controlled substances; (v) The offender shall pay supervision fees as determined by the department of corrections; and (vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement. (c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions: (i) The offender shall remain within, or outside of, a specified geographical boundary; (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals; (iii) The offender shall participate in crime-related treatment or counseling services; (iv) The offender shall not consume alcohol; (v) The offender shall comply with any crime-related prohibitions; or (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim. (d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections. (10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of

the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). (b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section. (c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. (11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits. (12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. (13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW. (14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. (a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. (b) For sex offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during a sex offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay. (15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder. (16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced. (17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6). (18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution. (19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement. (20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention. (21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations. (22)(a) If the offense is not one for which the conviction results in the offender's being a persistent offender, the court shall, at the time of sentencing, impose as a condition of release such treatment, including the use of medroxyprogesterone acetate together with any other mental health or chemical dependency treatment, as the court finds appropriate to reduce the likelihood of the offender's commission of a

subsequent sex offense upon release, for any of the following offenses: (i) Rape in the first degree; (ii) Rape in the second degree; (iii) Rape of a child in the first degree; and (iv) Child molestation in the first degree, if it is the person's second conviction for child molestation in the first degree. (b)(i) At least thirty days before the department sets a release date for an offender who has had a treatment regimen imposed as a condition of release under (a) of this subsection, the offender must be brought back before the court for a hearing, including an examination by medical experts, for the purpose of determining whether to impose the regimen. At the hearing, the offender has the right to all due process rights including counsel, cross-examination, testimony, experts, and the provision of counsel if the offender is indigent, but not the presence of a jury. (ii) At the hearing under (b)(i) of this subsection, the court shall determine, by a preponderance of the evidence, whether a proposed treatment regimen, including treatment with medroxyprogesterone acetate, makes it likely that the regimen will reduce the chance that the offender will commit a sex offense upon release. In making its determination, the court shall consider: (A) Whether the offender has a mental abnormality as defined in RCW 71.09.020; (B) Whether the offender is likely to engage in predatory acts, as defined in RCW 71.09.020, if the regimen is not required; and (C) Whether the regimen is likely to decrease the offender's likelihood to engage in predatory acts, as defined in RCW 71.09.020. (c) If the court decides that the offender and the treatment regimen meet the criteria in (b) of this subsection, the court shall impose the requirement of the treatment regimen as a condition of release and the treatment must begin before the release of the offender. The court may set the treatment regimen period for as long as the court finds it necessary. If the court decides that the criteria are not met, then the court shall suspend the imposition of the treatment regimen, but may reimpose it if, following a hearing, the court finds the offender meets the criteria in (b)(ii) of this subsection. The offender, to the extent private resources are available, shall bear the cost of the treatment regimen. (d) Imposition and successful use of the treatment regimen shall in no way otherwise reduce the time in confinement an offender would otherwise serve. (e) The court may require the offender to return at any time in order for the court to monitor the progress and effect of the treatment regimen. (f) An offender may appeal any determination made under this subsection, but a determination under this subsection is of record and the offender shall continue any treatment regimen imposed under this subsection pending a decision on the appeal. (g) An offender may at any time seek early termination of a treatment regimen imposed under this subsection, but an early termination may not be granted unless, by clear and convincing evidence, the offender proves that the offender no longer has a mental abnormality, as defined in RCW 71.09.020, and that a continued treatment regimen is not necessary to prevent the offender's commission of a predatory act, as defined in RCW 71.09.020. (h) The offender may at any time agree to surgical alternatives to medroxyprogesterone acetate treatment if the offender voluntarily, knowingly, and intelligently petitions the court in writing. (i) An offender who unlawfully stops treatment imposed under this subsection is guilty of a class B felony." Renumber the remaining sections and correct any internal references accordingly. On page 16, after line 31, insert the following: "Unlawful termination of sex offender reoffense reduction treatment (RCW 9.94A.120(22))"

#### POINT OF ORDER

Senator Deccio: "A point of order, Mr. President. I reluctantly rise to challenge the scope and object on this amendment. It is a very heavy amendment, which I have not seen before. It was not heard in our committee and I realize what the intent of the preparers are trying to do, but as I understand the title is controlling drugs used to facilitate rape and I don't know whether this would apply and we should be dealing with this issue and I would like to make the challenge to the amendment."

Debate ensued.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Deccio, the President finds that Substitute Senate Bill No. 5305 is a measure which adds certain drugs to the list of controlled substances.

"The amendments by Senators Benton, Hargrove and Fairley on page 12, after line 32, and page 16, after line 31, would require a drug treatment program for certain sex offenders.

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

The amendments by Senators Benton, Hargrove and Fairley on page 12, after line 32, and page 16, after line 31, to Substitute Senate Bill No. 5305 were ruled out of order.

#### MOTION

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar,

Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Morton assumed the Chair.

#### SECOND READING

SENATE BILL NO. 5671, by Senator McCaslin

Requiring adoption of de facto rules.

#### MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5671 was substituted for Senate Bill No. 5671 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the following amendment by Senators Hale and McCaslin was adopted:

On page 5, line 35, after "chapter" insert "or exempted under the definition of de facto rule"

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5671.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 39. Voting nay: Senators Brown, Franklin, Fraser, Jacobsen, Kline, Kohl, Prentice, Swanson, Thibaudeau and Wojahn - 10. ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:17 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:02 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5875, by Senators Swanson, McCaslin, Haugen, Swecker, Jacobsen, Patterson, Rossi, Brown, Heavey, Finkbeiner, Hochstatter, Fraser, Sheldon, Kline, Loveland, Zarelli, Goings, Anderson, Hargrove, Prentice, Oke, Franklin, Thibaudeau, Winsley, Rasmussen, Kohl and Roach

Creating the joint select committee on veterans and military personnel affairs.

#### MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5875 was substituted for Senate Bill No. 5875 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5875.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5875 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator McCaslin - 1. Absent: Senators Prentice and Schow - 2. SUBSTITUTE SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5710, by Senators Hargrove, Long, Franklin, Stevens, Prentice, Zarelli and Schow

Changing provisions relating to juvenile care and treatment by the department of social and health services.

#### MOTIONS

On motion of Senator Long, Second Substitute Senate Bill No. 5710 was substituted for Senate Bill No. 5710 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Long, the following amendment by Senators Long and Hargrove was adopted:

On page 43, after line 31, insert the following: "NEW SECTION. **Sec. 42.** The secretary of the department of social and health services shall review the mission statement and guiding principles for the children's administration for the purpose of developing an operating statement. The operating statement shall establish a formal framework for implementation of the administration's mission and shall include: (1) Prioritization of management and worker actions; (2) methods of ensuring accountability for attaining the mission by both management and workers; (3) clear definitions of "child safety" and "reasonable efforts"; and (4) methods for broad dissemination of the administration's child welfare plan. The secretary shall submit a copy of the operating statement for the children's administration to the legislature by October 31, 1998." Renumber the sections consecutively and correct any internal references accordingly.

#### MOTIONS

On motion of Senator Sheldon, the following amendment by Senators Sheldon, Goings and McAuliffe was adopted: On page 44, line 22, after "1996 c 131 s 5" strike "; and (2) RCW 70.190.040 and 1993 c 336 s 901" On motion of Senator West, the following title amendment was adopted:

On page 1, line 10, after "43.06A.040" strike " and 70.190.040"

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5710.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5710 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5734, by Senators Finkbeiner, Wood, Brown, McAuliffe, Spanel, Wojahn, McDonald, Goings, Kline, Winsley and Kohl

Changing school levy provisions.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5734 was substituted for Senate Bill No. 5734 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following amendment be adopted:

On page 1, after line 3, insert the following: "**Sec. 1.** RCW 28A.500.010 and 1993 c 410 s 1 are each amended to read as follows: (1) Commencing with taxes assessed in 1988 to be collected in calendar year 1989 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as

provided in this section. Such funds are not part of the district's basic education allocation. ~~((For the first distribution of local effort assistance funds provided under this section in calendar year 1989, state funds may be prorated according to the formula in this section.))~~ (2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated. (b) The "state-wide average ten percent levy rate" shall mean ten percent of the total levy bases as defined in RCW 84.52.0531~~((4))~~ (3) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075. (c) The "ten percent levy rate" of a district shall mean: (i) Ten percent of the district's levy base as defined in RCW 84.52.0531~~((4))~~ (3), plus one-half of any amount computed under RCW 84.52.0531~~((3)(b))~~ (2)(b) in the case of nonhigh school districts; divided by (ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio. (d) "Eligible districts" shall mean those districts with a ten percent levy rate which exceeds the state-wide average ten percent levy rate. (3) Allocation of state matching funds for collection years before 1999 to eligible districts for local effort assistance shall be determined as follows: (a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; to (ii) the state-wide average ten percent levy rate. (b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ten percent of the district's levy base as defined in RCW 84.52.0531~~((4))~~ (3), multiplied by the following percentage: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; divided by (ii) the district's ten percent levy rate. (4) Effective for collection year 1999 and thereafter: (a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated. (b) The "state-wide average twelve percent levy rate" shall mean twelve percent of the total levy bases as defined in RCW 84.52.0531(3) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075. (c) The "twelve percent levy rate" of a district shall mean: (i) Twelve percent of the district's levy base as defined in RCW 84.52.0531(3), plus one-half of any amount computed under RCW 84.52.0531(2)(b) in the case of nonhigh school districts; divided by (ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio. (d) "Eligible districts" shall mean those districts with a twelve percent levy rate which exceeds the state-wide average twelve percent levy rate. (5) Allocation of state matching funds for collection years beginning 1999 to eligible districts for local effort assistance shall be determined as follows: (a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's twelve percent levy rate and the state-wide average twelve percent levy rate; to (ii) the state-wide average twelve percent levy rate. (b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be twelve percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's twelve percent levy rate and the state-wide average twelve percent levy rate; divided by (ii) the district's twelve percent levy rate. (6)(a) Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year. (b) In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows: (i) Thirty percent in April; (ii) Twenty-three percent in May; (iii) Two percent in June; (iv) Seventeen percent in August; (v) Nine percent in October; (vi) Seventeen percent in November; and (vii) Two percent in December." Renumber the remaining sections consecutively and correct internal references accordingly. Senator Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hargrove on page 1, after line 3, to Substitute Senate Bill No. 5734.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senators Finkbeiner, Heavey, Horn, Kline, McDonald and Strannigan - 6.

#### MOTION

Senator West moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The house of representatives and senate fiscal committees shall study data and issues relevant to the state funded local effort assistance program known as "levy equalization" and prepare a report of findings and recommendations to the legislature by December 1, 1997. To the maximum extent possible, the education community shall be included in discussions concerning the study in this section. Sec. 2. RCW 84.52.0531 and 1995 1st sp.s. c 11 s 1 are each amended to read as follows: The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows: (1) For excess levies for collection in calendar year ~~((1992))~~ 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November ~~((1991))~~ 1996. (2) ~~((For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350. PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded~~



from the enrollment of the serving district. ~~(3))~~ For excess levies for collection in calendar year ~~((1993))~~ 1998 and thereafter, the maximum dollar amount shall be the sum of ~~(a) and~~ plus or minus ~~(b) and (c)~~ of this subsection minus ~~((e))~~ ~~(d)~~ of this subsection: (a) The district's levy base as defined in subsection ~~((4))~~ ~~(3)~~ of this section multiplied by the district's maximum levy percentage as defined in subsection ~~((5))~~ ~~(4)~~ of this section; (b) ~~(In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation))~~ For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy; (c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by: (i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by: (ii) The serving district's maximum levy percentage determined under subsection (4) of this section; multiplied by: (iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent; (d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010 ~~((for which the district is eligible in that tax collection year)).~~ ~~((4))~~ ~~(3)~~ For excess levies for collection in calendar year ~~((1993))~~ 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection. (a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350; (b) State and federal categorical allocations for the following programs: (i) Pupil transportation; (ii) ~~((Handicapped))~~ Special education; (iii) Education of highly capable students; (iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education; (v) Food services; and (vi) State-wide block grant programs; and (c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes. ~~((5))~~ For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows: (a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section; (b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year; (c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; (d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year; and (e) For levies to be collected in calendar years 1994 through 1997, the maximum levy rate shall be the district's maximum levy percentage for 1993 plus four percent reduced by any levy reduction funds. For levies collected in 1998, the prior year shall mean 1993. ~~((6))~~ ~~(4)~~ A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows: (a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and (b) For 1998 and thereafter, the percentage calculated as follows: (i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section; (ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year; (iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and (iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection. (5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection ~~((4))~~ ~~(3)~~ of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties. ~~((7))~~ ~~(6)~~ For the purposes of this section, "prior school year" ~~((shall))~~ means the most recent school year completed prior to the year in which the levies are to be collected. ~~((8))~~ ~~(7)~~ For the purposes of this section, "current school year" ~~((shall))~~ means the year immediately following the prior school year. ~~((9))~~ ~~(8)~~ Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section. ~~((10))~~ ~~(9)~~ The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section. **NEW SECTION. Sec. 3.** RCW 28A.320.150 and 1995 1st sp. s. c 11 s 2 are each repealed." Senator Sheldon demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator West to Substitute Senate Bill No. 5734.

#### ROLL CALL

The Secretary called the roll and the striking amendment was adopted by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen,

Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531; creating a new section; and repealing RCW 28A.320.150." On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### DEMAND FOR PREVIOUS QUESTION

Senators Johnson, West and McDonald demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5734.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5734 and the bill failed to pass the Senate by the following vote: Yeas, 17; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Fraser, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Prince, Rossi, Strannigan, West, Winsley and Wood - 17. Voting nay: Senators Bauer, Benton, Brown, Fairley, Franklin, Goings, Hale, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, Wojahn and Zarelli - 32. ENGROSSED SUBSTITUTE SENATE BILL NO. 5734, having failed to receive the constitutional majority, was declared lost.

#### SPECIAL ORDER OF BUSINESS

On motion of Senator Johnson, Senate Bill No. 5850 will be made a special order of business at 4:55 p.m. today.

#### SECOND READING

SENATE BILL NO. 5521, by Senator Haugen

Authorizing a county research service.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5521 was substituted for Senate Bill No. 5521 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5521.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5521 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE SENATE BILL NO. 5521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5633, by Senators Strannigan, Long, Patterson and Benton

Requiring a performance audit of the department of transportation.

#### MOTIONS

On motion of Senator Strannigan, Substitute Senate Bill No. 5633 was substituted for Senate Bill No. 5633 and the substitute bill was placed on second reading and read the second time.

Senator Prince moved that the following amendments by Senators Prince and Haugen be considered simultaneously and be adopted:

On page 1, line 12, after "(2)" strike all material through "involve" on line 13, and insert the following: "Consistent with the procedures established in chapter 44.28 RCW, the committee shall, as appropriate, consult" On page 1, line 18, strike "of the independent evaluator, the joint legislative audit and review" and insert "of the committee, the independent evaluator" On page 2, line 36, after "organizations;" insert "and" On page 2, line 37, after "recommendations" strike "regarding" and insert "relating to" On page 2, line 39, after "efficiently" strike ";" and insert "and whether specific statutes, activities, or programs should be continued, abandoned, or restructured." On page 3, beginning on line 1, strike all material through "restructured." on line 5 Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION TO DIVIDE THE QUESTION

On motion of Senator Strannigan, the question was divided and the amendments on page 1, lines 12 and 18, and page 2, lines 36, 37, and 39 will be considered separately from the amendment on line 3, beginning on line 1.

Senator Prince spoke to the amendments on page 1, lines 12 and 18, and page 2, lines 36, 37, and 39.

The President declared the question before the Senate to be the adoption of the amendments by Senators Prince and Haugen on page 1, lines 12 and 18, and page 2, lines 36, 37, and 39, to Substitute Senate Bill No. 5633.

The motion by Senator Prince carried and the amendments were adopted.

#### MOTION

Senator Prince moved that the amendment on page 3, beginning on line 1, be adopted.

#### POINT OF ORDER

Senator Johnson: "A point of order, Mr. President. It is 4:55 p.m. and time to consider the Special Order of Business on Senate Bill No. 5850."

#### SECOND READING

SENATE BILL NO. 5850, by Senators Anderson, Newhouse, Haugen and Horn

Changing provisions related to employment in the construction industry.

The bill was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 2, line 1, after "against" strike all material through "tier" on line 8, and insert "a general or prime contractor, a subcontractor of any tier, or any of their employees" Senator Sheldon demanded a roll call and the demand was sustained.

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hargrove on page 2, line 1, to Senate Bill No. 5850.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23..

#### MOTION

Senator Winsley moved that the following amendment by Senators Winsley, Hargrove and Heavey be adopted:

On page 2, line 32, after "than" strike "one-half" and insert "forty percent" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Winsley, Hargrove and Heavey on page 2, line 32, to Senate Bill No. 5850.

#### ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 28. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21.

#### MOTION

On motion of Senator Schow, the rules were suspended, Engrossed Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5850.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5850 and the bill passed the Senate by the following vote:

Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. ENGROSSED SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5633 under consideration on second reading before the special order of business on Senate Bill No. 5850.

The President declared the question before the Senate to be the adoption of the amendment by Senators Prince and Haugen on page 3, beginning on line 1, to Substitute Senate Bill No. 5633.

Debate ensued.

The amendment on page 3, beginning on line 1, was adopted on a rising vote.

#### MOTION

Senator Prince moved that the following amendment by Senators Prince and Haugen be adopted:

On page 3, after line 11, insert the following: "**NEW SECTION. Sec. 2.** (1) The joint legislative audit and review committee shall create a temporary advisory committee to assist the committee in conducting this performance audit. The advisory committee shall assist the committee in the following matters: (a) Identifying stakeholders; (b) Developing the audit scope and objectives; (c) Reviewing progress reports provided by the joint legislative audit and review committee; (d) Reviewing preliminary and final audit reports; (e) Facilitating communication of audit findings to other members of the legislature. (2) The advisory committee shall be comprised of representatives of the joint legislative audit and review committee, the legislative transportation committee, and other stakeholders as determined by the joint legislative audit and review committee. (3) The advisory committee shall be chaired by the chair of the joint legislative audit and review committee." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Prince and Haugen on page 3, after line 11, to Substitute Senate Bill No. 5633.

The motion by Senator Prince carried and the amendment was adopted on a rising vote.

#### MOTION

On motion of Senator Strannigan, the rules were suspended, Engrossed Substitute Senate Bill No. 5633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5633.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 40. Voting nay: Senators Fairley, Haugen, Loveland, McAuliffe, Prentice, Swanson, Thibaudeau and Wojahn - 8. Absent: Senator Schow - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 5633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:34 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, March 20, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SIXTY-SIXTH DAY, MARCH 19, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SIXTY-SEVENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, March 20, 1997

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 20, 1997

SHB 1257 House Committee on Energy and Utilities: Providing tax exemptions and credits for coal-fired thermal electric generating facilities placed in operation before July 1, 1975. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means without recommendation. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen

Referred to Committee on Ways and Means.

March 20, 1997

E2SHB 1969 Prime Sponsor, House Committee on Agriculture and Ecology: Regulating public water systems. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: That the bill be referred to the Committee on Energy and Utilities without recommendation. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen

Referred to Committee on Energy and Utilities.

MESSAGES FROM THE HOUSE

March 18, 1997

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130,  
ENGROSSED HOUSE BILL NO. 1821,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 18, 1997

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1269,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1840,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1873,  
ENGROSSED HOUSE BILL NO. 1891,  
SUBSTITUTE HOUSE BILL NO. 1930,  
SUBSTITUTE HOUSE BILL NO. 1948,  
SUBSTITUTE HOUSE BILL NO. 1950,  
SUBSTITUTE HOUSE BILL NO. 1978,  
SUBSTITUTE HOUSE BILL NO. 1992,  
SECOND SUBSTITUTE HOUSE BILL NO. 2080,  
SUBSTITUTE HOUSE BILL NO. 2105,  
HOUSE BILL NO. 2172,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,  
SUBSTITUTE HOUSE BILL NO. 2227, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

March 18, 1997

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,  
SUBSTITUTE HOUSE BILL NO. 1490,  
SUBSTITUTE HOUSE BILL NO. 1492,  
SUBSTITUTE HOUSE BILL NO. 1536,  
SUBSTITUTE HOUSE BILL NO. 1612,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,  
SUBSTITUTE HOUSE BILL NO. 1655,  
SECOND SUBSTITUTE HOUSE BILL NO. 1721,  
SUBSTITUTE HOUSE BILL NO. 1734,  
SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1780,  
SUBSTITUTE HOUSE BILL NO. 1815,  
HOUSE BILL NO. 1816,  
SECOND SUBSTITUTE HOUSE BILL NO. 1817,  
SUBSTITUTE HOUSE BILL NO. 1823,  
SUBSTITUTE HOUSE BILL NO. 1842, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1130 by House Committee on Law and Justice (originally sponsored by Representatives Thompson, Koster, Mulliken, L. Thomas, Bush, Backlund, Dunn, Sump, Mielke, Pennington, Talcott, Chandler, Johnson, Lambert, D. Sommers, Sheahan, McDonald, D. Schmidt, McMorris, Sterk, Boldt, Crouse, Benson, DeBolt and Sherstad)

Reaffirming and protecting the institution of marriage.

Referred to Committee on Law and Justice.

HB 1269 by Representatives Robertson, Costa, Scott, Tokuda, Delvin and L. Thomas

Providing moneys for the death investigations' account.

Referred to Committee on Ways and Means.

ESHB 1317 by House Committee on Commerce and Labor (originally sponsored by Representatives Honeyford, Sheldon, Crouse and McMorris)

Regulating amusement games.

Referred to Committee on Commerce and Labor.

ESHB 1338 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Mulliken, Hatfield, Reams, Mielke, Doumit, McMorris and Schoesler)

Increasing flexibility for counties and cities in implementing growth management.

Referred to Committee on Government Operations.

ESHB 1434 by House Committee on Government Administration (originally sponsored by Representatives McMorris, Hatfield, Boldt, Cole and Conway) (by request of Secretary of State Munro)

Providing for the quality awards council.

Referred to Committee on Government Operations.

SHB 1490 by House Committee on Law and Justice (originally sponsored by Representatives Thompson, Mielke, L. Thomas, McMorris, Chandler, Sterk and Delvin)

Clarifying liability of drivers of authorized emergency vehicles.

Referred to Committee on Law and Justice.

SHB 1492 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Kessler and Schoesler)

Creating easements across natural area preserves.

Referred to Committee on Natural Resources and Parks.

SHB 1536 by House Committee on Health Care (originally sponsored by Representatives Backlund, Cody and Dyer)

Modifying regulation of respiratory care practitioners.

Referred to Committee on Health and Long-Term Care.

SHB 1612 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Koster, O'Brien, Thompson, Dunshee, D. Schmidt, Kenney, Costa, Cooper, Backlund and Cole)

Designating and funding a highway project to be done under a design-build procedure.

Referred to Committee on Transportation.

ESHB 1619 by House Committee on Health Care (originally sponsored by Representatives Zellinsky, Dyer, Cody, Skinner, Parlette, Sherstad and Clements)

Increasing compensation for members of medical boards.

Referred to Committee on Health and Long-Term Care.

SHB 1655 by House Committee on Law and Justice (originally sponsored by Representatives Hankins, Cooper, Fisher, Romero, Blalock, Constantine, Gardner, O'Brien, Scott, Zellinsky, Hatfield and Keiser)

Extending protection for bus drivers.

Referred to Committee on Law and Justice.

2SHB 1721 by House Committee on Appropriations (originally sponsored by Representatives McMorris, Koster, Honeyford, Van Luven and Mulliken)

Providing economic opportunities for private enterprise.

Referred to Committee on Government Operations.

ESHB 1730 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Schoesler and Grant)

Changing provisions relating to sufficient cause for nonuse of water rights.

Referred to Committee on Agriculture and Environment.

SHB 1734 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, L. Thomas, Benson, DeBolt, Dyer and Pennington)

Modifying personal injury protection automobile insurance coverage.

Referred to Committee on Financial Institutions, Insurance and Housing.

SHB 1770 by House Committee on Natural Resources (originally sponsored by Representatives Alexander, Linville, Hatfield, Anderson, Doumit, Buck, Chandler and Kessler)

Setting the fee for the transfer of Dungeness crab--coastal fishery licenses.

Referred to Committee on Natural Resources and Parks.

SHB 1780 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, L. Thomas, Pennington, Delvin, Sherstad, Hickel and Kessler)

Modifying service of process.

Referred to Committee on Law and Justice.

SHB 1815 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams and Sump)

Changing standing for purposes of growth management hearings.

Referred to Committee on Government Operations.

HB 1816 by Representatives Reams and Sump

Changing the mandatory elements of comprehensive plans under the growth management act.

Referred to Committee on Government Operations.

2SHB 1817 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Kessler, Alexander, Linville, DeBolt, O'Brien, Skinner, Wolfe, McMorris, Ogden, D. Sommers, Hankins, Cooke and Mason)

Authorizing reclaimed water demonstration projects.

Referred to Committee on Agriculture and Environment.

EHB 1821 by Representatives B. Thomas, Mulliken, Bush, Zellinsky, Kastama, Sullivan, Wensman, Carrell and Schoesler

Consolidating business and occupation tax rates into fewer categories.

Referred to Committee on Ways and Means.

SHB 1823 by House Committee on Government Reform and Land Use (originally sponsored by Representative Reams)

Requiring local governments to periodically update their shoreline master programs.

Referred to Committee on Agriculture and Environment.



ESHB 1840 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dyer and L. Thomas)

Regulating the Washington basic health plan.

Referred to Committee on Health and Long-Term Care.

SHB 1842 by House Committee on Education (originally sponsored by Representatives Honeyford, Clements, Boldt, Lisk, McMorris, Koster, Skinner, Johnson, L. Thomas and Mulliken)

Changing the minimum length of the school year if disaster circumstances exist.

Referred to Committee on Education.

ESHB 1873 by House Committee on Government Administration (originally sponsored by Representatives Boldt, Dunn and Mulliken)

Clarifying annexation procedures for cities and towns annexing populated and nonpopulated areas.

Referred to Committee on Government Operations.

EHB 1891 by Representatives Dyer and Wolfe

Authorizing the distribution of certain governmental lists of public information to private companies for use by federal, state or local governments and certain business entities.

Referred to Committee on Government Operations.

SHB 1930 by House Committee on Government Administration (originally sponsored by Representatives Chandler, Linville, D. Schmidt and Sheldon)

Restricting copying of birth certificates.

Referred to Committee on Health and Long-Term Care.

SHB 1948 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Thompson, Scott and Koster)

Concerning annexations by cities and towns.

Referred to Committee on Government Operations.

SHB 1950 by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Thompson, Scott and Koster)

Regulating incorporations of towns.

Referred to Committee on Government Operations.

ESHB 1952 by House Committee on Health Care (originally sponsored by Representatives Dyer, Morris, Backlund, Grant and Sherstad)

Modifying health facility and services provisions.

Referred to Committee on Health and Long-Term Care.

SHB 1978 by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Mitchell and O'Brien) (by request of Washington State Patrol)

Providing alternative methods for the disposal of firearms in the possession of the state patrol.

Referred to Committee on Law and Justice.

SHB 1992 by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Honeyford, Clements and Thompson)

Implementing workplace safety rules.

Referred to Committee on Commerce and Labor.

ESHB 2018 by House Committee on Health Care (originally sponsored by Representatives Dyer, Grant, Backlund, Quall, Zellinsky, Sheldon, Sherstad, Morris, Parlette, Scott and Skinner)

Enacting health insurance reform.

Referred to Committee on Health and Long-Term Care.

2SHB 2080 by House Committee on Appropriations (originally sponsored by Representatives Parlette, Reams, Mulliken, Chandler and Boldt)

Regulating classification of lands with long-term commercial significance.

Referred to Committee on Ways and Means.

SHB 2105 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Sterk and D. Sommers)

Extending authority of public transportation benefit districts to contract with counties, cities, and towns.

Referred to Committee on Transportation.

HB 2172 by Representatives Chandler, Mielke and Mastin

Removing a fee on the use of bees for pollination services.

Referred to Committee on Agriculture and Environment.

ESHB 2198 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Thompson and Mielke)

Allowing counties and cities that plan under the growth management act to manage their shorelines in a streamlined process.

Referred to Committee on Agriculture and Environment.

SHB 2227 by House Committee on Commerce and Labor (originally sponsored by Representatives Clements and McMorris)

Establishing requirements for health services providers under industrial insurance.

Referred to Committee on Commerce and Labor.

MOTION

At 12:03 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, March 21, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SIXTY-SEVENTH DAY, MARCH 20, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SIXTY-EIGHTH DAY**  
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MORNING SESSION  
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Senate Chamber, Olympia, Friday, March 21, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Benton, Brown, Loveland, McCaslin, Prentice, Schow, Snyder, Stevens, and West. On motion of Senator Hale, Senators Anderson, Benton, McCaslin, Stevens and West were excused. On motion of Senator Franklin, Senators Brown and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Frava Burgess and Krista Hanberg, presented the Colors. Dan Locke of the Baha'i Community of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

HB 1081 Prime Sponsor, Representative Koster: Strengthening school policies and prohibitions on the use of tobacco at schools. Reported by Committee on Education March 20, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

SHB 1171 Prime Sponsor, House Committee on Government Administration: Revising emergency management statutes. Reported by Committee on Government Operations March 20, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

HB 1241 Prime Sponsor, Representative Pennington: Limiting political activities of citizen members of the legislative ethics board. Reported by Committee on Government Operations March 20, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen and Horn.

Passed to Committee on Rules for second reading.

HB 1288 Prime Sponsor, Representative Johnson: Changing the name of the noncertificated employee category. Reported by Committee on Education March 20, 1997

MAJORITY recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

SHB 1320 Prime Sponsor, House Committee on Government Administration: Designating Anax junius as the official insect of the state of Washington. Reported by Committee on Government Operations March 20, 1997

MAJORITY recommendation: That the bill be referred to Committee on Education without recommendation. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Swanson.

Referred to Committee on Education.

March 20, 1997

HB 1761 Prime Sponsor, Representative D. Schmidt: Revising provisions for mutual aid and interlocal agreements. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

GA 9130 KENNETH ALHADEFF, reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Regents for Washington State University. Reported by Committee on Higher Education

March 20, 1997

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Hale, Kohl, Prince and Sheldon.

Passed to Committee on Rules.

GA 9131 CONNIE L. AMBROSE-HOSMAN, reappointed January 28, 1997, for a term ending April 3, 2000, as a member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

March 20, 1997

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Hale, Kohl, Prince and Sheldon.

Passed to Committee on Rules.

GA 9133 SUE BATALI, reappointed January 28, 1997, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Deaf. Reported by Committee on Education

March 20, 1997

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

GA 9136 TOM BORGAILA, reappointed January 28, 1997, for a term ending July 1, 1998, as a member of the Board of Trustees for the State School for the Deaf. Reported by Committee on Education

March 20, 1997

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

GA 9139 NANCYLYNN BRIDGES, reappointed January 28, 1997, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf. Reported by Committee on Education

March 20, 1997

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

GA 9148 RICKY DOCKTER, reappointed January 28, 1997, for a term ending July 1, 1999, as a member of the Board of Trustees for the State School for the Deaf. Reported by Committee on Education

March 20, 1997

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

March 20, 1997

GA 9153 JOSEPH FRAM, reappointed January 28, 1997, for a term ending July 1, 2001, as a member of the Board of Trustees for the State School for the Blind.  
Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

March 20, 1997

GA 9176 GABRIEL C. LOVE, reappointed January 28, 1997, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

March 20, 1997

GA 9185 EILEEN O. ODUM, reappointed January 28, 1997, for a term ending April 3, 2000, as a member of the State Board for Community and Technical Colleges.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Hale, Kohl, Prince and Sheldon.

Passed to Committee on Rules.

March 20, 1997

GA 9187 JEANNE A. PELKEY, reappointed January 28, 1997, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Blind.  
Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

March 20, 1997

GA 9188 JULIA L. PETERSEN, reappointed January 28, 1997, for a term ending July 1, 2000, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

March 20, 1997

GA 9200 CARIN S. SCHIENBERG, reappointed January 28, 1997, for a term ending July 1, 1997, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules.

March 20, 1997

GA 9230 EDITH L. NELSON, reappointed February 7, 1997, for a term ending September 30, 1997, as a member of the Board of Trustees for Shoreline Community College District No. 7.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Hale, Kohl, Prince and Sheldon.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 19, 1997

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1201,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1866,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1872,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2244, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

March 19, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1578,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1752,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4020, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

March 19, 1997

MR. PRESIDENT:

The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1527,  
ENGROSSED HOUSE BILL NO. 1584,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1898,  
SUBSTITUTE HOUSE BILL NO. 1966,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2096,  
SUBSTITUTE HOUSE BILL NO. 2226,  
HOUSE JOINT MEMORIAL NO. 4005, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

March 19, 1997

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1028,  
SUBSTITUTE HOUSE BILL NO. 1043,  
SUBSTITUTE HOUSE BILL NO. 1126,  
SUBSTITUTE HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1263,  
HOUSE BILL NO. 1267,  
SECOND SUBSTITUTE HOUSE BILL NO. 1275,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1327,  
SUBSTITUTE HOUSE BILL NO. 1358,  
SUBSTITUTE HOUSE BILL NO. 1379,  
SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1624,  
SUBSTITUTE HOUSE BILL NO. 1813,  
SUBSTITUTE HOUSE BILL NO. 1943,  
SUBSTITUTE HOUSE BILL NO. 2051, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1028 by Representatives Sheahan, Schoesler, Chandler, Sterk, McMorris, Mastin, Mulliken, Boldt and Smith

Exempting granges from property taxation.

Referred to Committee on Ways and Means.

SHB 1043 by House Committee on Law and Justice (originally sponsored by Representatives Schoesler, Dunn and Smith)

Requiring the state landlord/tenant act to preempt all other local landlord/tenant acts.

Referred to Committee on Law and Justice.

SHB 1126 by House Committee on Finance (originally sponsored by Representatives Mastin, Sump, Boldt, Doumit, Hatfield, McMorris, Kessler, Sheahan, Sheldon, Mulliken, Grant, Chandler, O'Brien, Conway, Wood, Cooper, Murray and Morris)

Providing for 911 emergency communications funding.

Referred to Committee on Ways and Means.

2SHB 1201 by House Committee on Appropriations (originally sponsored by Representatives Buck, Johnson, Sheldon, Blalock, Regala, Linville, Hatfield, Kessler, Tokuda, Anderson, Morris, Zellinsky, Dunn, Conway, Doumit, Ogden, Grant, Mastin, Butler and Murray)

Providing for reauthorization of assistance to areas impacted by the rural natural resources crisis.

Referred to Committee on Commerce and Labor.

SHB 1261 by House Committee on Finance (originally sponsored by Representatives Mulliken, Pennington, Boldt and Wensman) (by request of Department of Revenue)

Requiring a ranged table in standard increments for the business and occupation tax small business credit.

Referred to Committee on Ways and Means.

SHB 1263 by House Committee on Finance (originally sponsored by Representatives Robertson, Ogden, Dunn, Carrell, Dyer, Cairnes and Benson)

Revising current use taxation provisions.

Referred to Committee on Ways and Means.

HB 1267 by Representatives B. Thomas, Zellinsky and Dickerson

Providing a use tax exemption for vessel manufacturers and dealers.

Referred to Committee on Ways and Means.

2SHB 1275 by House Committee on Finance (originally sponsored by Representatives Mastin, Mitchell, Radcliff, Morris, Mason, Schoesler, Keiser, Dickerson, Wood, Kessler, Scott, Blalock, Thompson, Costa, Kenney and Conway)

Establishing public utility tax credits for weatherization and energy assistance programs.

Referred to Committee on Energy and Utilities.

ESHB 1327 by House Committee on Finance (originally sponsored by Representatives Huff, Carrell, Quall, Mulliken, Morris, Linville, Ogden, Dunshee, B. Thomas, Johnson, Conway, Sheldon, Grant, Mastin, D. Schmidt, Robertson, Kessler, Skinner, Boldt, Lisk, Mielke, Dickerson, L. Thomas, O'Brien, Hatfield, Kenney, Gardner, Cooke, Costa, Ballasiotes, Thompson, Koster, Lantz, Mason, Schoesler, Dunn, Alexander and Anderson)

Reimbursing sellers for sales tax collection costs.

Referred to Committee on Ways and Means.

ESHB 1337 by House Committee on Health Care (originally sponsored by Representatives Dyer, Backlund and Sherstad)

Authorizing providers and provider groups to offer health care coverage.

Referred to Committee on Health and Long-Term Care.

SHB 1358 by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Sump, Schoesler, Johnson, Linville, Sheldon, Wensman and Kessler) (by request of Department of Revenue)

Excluding materials purchased by farmers to improve wildlife habitat or forage from the definition of "sale at retail" or "retail sale" for tax purposes.

Referred to Committee on Natural Resources and Parks.

SHB 1379 by House Committee on Finance (originally sponsored by Representatives Radcliff, Costa, Scott, Thompson, O'Brien, Linville, Blalock, Cooper, Dickerson, Cooke, Mason, Conway and Wood)

Removing the expiration of tax exemptions for new construction of alternative housing for youth in crisis.

Referred to Committee on Ways and Means.

ESHB 1471 by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Zellinsky, Conway, Ogden, Linville, Tokuda, Kessler, Scott, Blalock, Gombosky, Costa and Dickerson) (by request of Attorney General Gregoire)

Protecting vulnerable adults.

Referred to Committee on Health and Long-Term Care.

E2SHB 1527 by House Committee on Appropriations (originally sponsored by Representatives Chandler and Linville) (by request of Department of Agriculture)

Regulating pesticides.

Referred to Committee on Agriculture and Environment.

SHB 1578 by House Committee on Commerce and Labor (originally sponsored by Representatives H. Sommers, McMorris, Lisk, Scott, Cole, Clements, Gombosky, Honeyford, Schoesler, Ballasiotes, Cody, Conway, Carlson, Kenney, Ogden, Chopp, Hatfield, Sheahan, Sterk, Wood, Romero, Tokuda, Blalock, Dickerson, O'Brien, Sheldon, Cooper and Gardner)

Revising the regulation of liquor sales in designated restricted liquor zones.

Referred to Committee on Commerce and Labor.

EHB 1584 by Representatives Sherstad, Zellinsky, Dyer, Skinner, Backlund and Johnson

Revising provisions for school district employee benefits.

Referred to Committee on Health and Long-Term Care.

SHB 1592 by House Committee on Finance (originally sponsored by Representatives Bush, Kastama, Mulliken, Regala, K. Schmidt, McDonald, Lantz, Robertson, Chandler, Poulsen, Talcott, Backlund, McMorris, Thompson, O'Brien, Linville, Dunn and Sheldon)

Providing tax exemptions for small water districts and systems.

Referred to Committee on Ways and Means.

SHB 1624 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Thompson, Dunn, Mulliken, Mielke and Boldt)

Defining wetlands for growth management purposes.

Referred to Committee on Government Operations.



ESHB 1660 by House Committee on Government Reform and Land Use (originally sponsored by Representative Koster)

Creating Skykomish county.

Referred to Committee on Government Operations.

E2SHB 1752 by House Committee on Appropriations (originally sponsored by Representatives Cooke, Dyer, Tokuda, McDonald, Sheahan, Cairnes, Cody, Ballasiotes, Bush, Boldt, Wolfe, Mitchell, Doumit, Ogden, Thompson, Blalock, Poulsen, L. Thomas, O'Brien, Costa, Backlund, Veloria, Kenney and Carlson)

Including persons with developmental disabilities in the long-term ombudsman program.

Referred to Committee on Health and Long-Term Care.

SHB 1813 by House Committee on Trade and Economic Development (originally sponsored by Representatives Dunn, Van Luvan, Veloria, Alexander, Sheldon, Morris, Mason, McDonald, Honeyford and L. Thomas)

Regulating sales and use tax exemptions for motion picture and video production equipment and services.

Referred to Committee on Ways and Means.

E2SHB 1866 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Linville, Lisk, Delvin and Schoesler)

Allowing for the creation of environmental excellence program agreements.

Referred to Committee on Agriculture and Environment.

ESHB 1872 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Scott, Mitchell and Hankins)

Improving public transportation performance.

Referred to Committee on Transportation.

E2SHB 1898 by House Committee on Appropriations (originally sponsored by Representatives Johnson, Cole, Blalock, Zellinsky, Cooper, Tokuda, Dickerson, Keiser, Regala, Ogden, Conway and Linville) (by request of Board of Education)

Establishing teacher assessments for certification.

Referred to Committee on Education.

SHB 1943 by House Committee on Government Administration (originally sponsored by Representatives Reams, Scott, D. Schmidt, Kessler and Schoesler)

Increasing special district commissioner per diem compensation.

Referred to Committee on Government Operations.

SHB 1966 by House Committee on Higher Education (originally sponsored by Representatives Chandler, Mulliken, Radcliff, Butler, Mason, O'Brien and Morris)

Raising the percentage of waivers allowed at some institutions of higher education.

Referred to Committee on Higher Education.

SHB 2051 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Linville, Regala, Mastin, D. Schmidt, Grant, Veloria, Clements, Cody and Parlette)

Exempting environmental remedial services, labor, and businesses from taxation.

Referred to Committee on Agriculture and Environment.

ESHB 2096 by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and K. Schmidt)

Consolidating the state's oil spill prevention program.

Referred to Committee on Agriculture and Environment.

SHB 2226 by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Cooke, Crouse, Sheahan, Clements, Alexander, Wensman, Sehlin, Carlson, Talcott, D. Schmidt, Benson, Regala, Tokuda, Anderson, Wood, Hatfield, Kessler, Blalock, Backlund and Kenney)

Establishing residency requirements for subsidized enrollees in the basic health plan.

Referred to Committee on Health and Long-Term Care.

E2SHB 2244 by House Committee on Appropriations (originally sponsored by Representatives Reams, Mulliken, Bush and Thompson)

Revising the recommendations of the land use study commission.

Referred to Committee on Government Operations.

HJM 4005 by Representatives Mulliken, Chandler, Hankins, Sheahan, Skinner, Lisk, Delvin, Clements, Honeyford, Schoesler, Mastin, Grant, Mielke and McMorris

Returning land within the Hanford control zone to agricultural and wildlife uses.

Referred to Committee on Energy and Utilities.

EHJM 4020 by Representatives Ballasiotes, Costa, Radcliff, Cole, Hankins, Quall, Skinner, Morris, Thompson, Poulsen, Kenney, DeBolt, Conway, Mason, Benson, Cooper, Delvin, Blalock, Honeyford, Dunshee, Van Luven, Zellinsky, Mulliken, Alexander, Scott, L. Thomas, Clements, Parlette, Mastin, Chandler, Schoesler, Robertson and Linville

Requesting Congress adopt the proposed victims' rights amendment to the Constitution of the United States.

Referred to Committee on Law and Justice.

#### PERSONAL PRIVILEGE

Senator Haugen: "Thank you, Mr. President. I rise for a point of personal privilege. On your desks, today, you will find daffodils. These are gifts from our Skagit County Commissioners. We just wanted to remind you that the tulip festival is going to be starting next week in Skagit Valley and this is just a sample of what we have to offer. We would encourage you to come to visit our beautiful valley during the next month. It is, indeed, a lovely, lovely experience if you have never seen the tulips in bloom. The colors are absolutely magnificent and I hope you enjoy these as a sample."

#### PERSONAL PRIVILEGE

Senator Spanel: "Thank you, Mr. President. I would just like to add they used to be grown mainly in my district. Now, Senator Haugen has most of them, but some are in my district."

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9205, Alison Wo Sing, as a member of the Board of Trustees for Edmonds Community College District No. 23 was confirmed.

#### APPOINTMENT OF ALISON WO SING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 39. Absent: Senators Loveland, Schow and Snyder - 3. Excused: Senators Anderson, Benton, Brown, McCaslin, Prentice, Stevens and West - 7.

MOTION

At 10:17 a.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Monday, March 24, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SIXTY-EIGHTH DAY, MARCH 21, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**SEVENTY-FIRST DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, March 24, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Heavey, Patterson, Prentice and Schow. On motion of Senator Long, Senator Schow was excused. On motion of Senator Franklin, Senators Heavey, Patterson and Prentice were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jenny Kovark and Larry Barttelt, presented the Colors. Reverend Robert Cassis, pastor of the South Sound Presbyterian Church of Lacey, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 21, 1997

**SHB 1016** Prime Sponsor, House Committee on Capital Budget: Transferring property to Washington State University Lind dryland research unit. Reported by Committee on Natural Resources and Parks

**MAJORITY Recommendation:** Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Jacobsen, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 21, 1997

**HB 1066** Prime Sponsor, Representative Pennington: Providing for the maintenance of state facilities. Reported by Committee on Government Operations

**MAJORITY Recommendation:** Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 21, 1997

**SHB 1120** Prime Sponsor, House Committee on Education: Changing provisions relating to territory included in city and town boundary extensions. Reported by Committee on Education

**MAJORITY Recommendation:** Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

March 21, 1997

**SHB 1166** Prime Sponsor, House Committee on Government Administration: Establishing procedures for handling found property. Reported by Committee on Government Operations

**MAJORITY Recommendation:** Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 20, 1997

**HB 1198** Prime Sponsor, Representative Mitchell: Regulating motor vehicle dealer practices. Reported by Committee on Commerce and Labor

**MAJORITY Recommendation:** That the bill be referred to Committee on Transportation. Signed by Senators Horn; Vice Chair; Anderson, Franklin and Newhouse.

Referred to Committee on Transportation.

March 21, 1997

SHB 1200 Prime Sponsor, House Committee on Government Administration: Revising the code of ethics for municipal officers. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

March 21, 1997

SHB 1251 Prime Sponsor, House Committee on Government Administration: Clarifying naming conventions for corporations and units of government. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 21, 1997

SHB 1271 Prime Sponsor, House Committee on Government Administration: Relating to the establishment of commissioner districts and the election of commissioners of public hospital districts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

March 21, 1997

HB 1573 Prime Sponsor, Representative Dunn: Authorizing educational agencies to rent, sell, or transfer assistive technology. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 21, 1997

GA 9145 GREGORY COSTELLO, reappointed January 28, 1997, for a term ending January 1, 1999, as a member of the Forest Practices Appeals Board.  
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Jacobsen, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

March 21, 1997

GA 9179 DONNA M. MASON, reappointed January 28, 1997, for a term ending December 31, 1999, as Chair of the Interagency Committee for Outdoor Recreation.  
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Jacobsen, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

March 21, 1997

GA 9224 JOAN K. THOMAS, reappointed January 28, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.

Reported by Committee on Natural Resources

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Jacobsen, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

March 21, 1997

GA 9225 JOLENE UNSOELD, reappointed January 28, 1997, for a term ending at the pleasure of the Governor, as a member of the Fish and Wildlife Commission.  
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Oke, Chair; Jacobsen, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

March 21, 1997

GA 9231 ROBERT E. QUOIDBACH, reappointed February 7, 1997, for a term ending January 1, 2003, as a member of the Forest Practices Appeals Board.  
Reported by Committee on Natural Resources

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Jacobsen, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6085 by Senator Spanel (by request of Office of Financial Management)

AN ACT Relating to an increase in the amount of motor vehicle excise tax transmitted to the county public health account; and reenacting and amending RCW 82.44.110.  
Referred to Committee on Ways and Means.

SB 6086 by Senator Spanel (by request of Governor Locke)

AN ACT Relating to higher education tuition and fees; and amending RCW 28B.15.067 and 28B.15.069.  
Referred to Committee on Higher Education.

SB 6087 by Senator Spanel (by request of Office of Financial Management)

AN ACT Relating to medicaid nursing facility contracting moratorium; and adding a new section to chapter 74.09 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 6088 by Senator Spanel (by request of Office of Financial Management)

AN ACT Relating to the aquatic lands enhancement account; amending RCW 79.24.580; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

#### MOTION

At 10:09 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, March 25, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SEVENTY-FIRST DAY, MARCH 24, 1997**

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**SEVENTY-SECOND DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, March 25, 1997

The Senate was called to order at 12:00 noon by President Pro Tempore Newhouse. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 24, 1997

SHB 1047 Prime Sponsor, House Committee on Higher Education: Changing tuition waivers for members of the Washington national guard and employees of institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Bauer, Kohl, Patterson, Prince and West.

Passed to Committee on Rules for second reading.

March 24, 1997

HB 1054 Prime Sponsor, Representative Dunn: Referencing the prior fiscal period rather than biennia for refunds and recoveries to the state educational trust fund. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Wood, Chair; Bauer, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

March 24, 1997

HB 1188 Prime Sponsor, Representative Carlson: Exempting Wyoming students admitted to the University of Washington's medical school from the tuition differential. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Bauer, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

March 24, 1997

HB 1207 Prime Sponsor, Representative D. Schmidt: Revising provisions for enhanced 911 excise taxes. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

March 24, 1997

EHB 1394 Prime Sponsor, Representative Blalock: Concerning the witnesses of an execution. Reported by Committee on Law and Justice

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections without recommendation. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Haugen, Kline, McCaslin, Stevens and Zarelli.

Referred to Committee on Human Services and Corrections.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 25, 1997

GA 9117 THOMAS C. FITZSIMMONS, appointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Ecology.  
Reported by Committed on Agriculture and Environment

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules.

March 25, 1997

GA 9118 JIM JESERNIG, reappointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Agriculture.  
Reported by Committed on Agriculture and Environment

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6089 by Senator Fairley

AN ACT Relating to actions for harm caused by cigarettes or tobacco products; and adding a new section to chapter 4.24 RCW.  
Referred to Committee on Commerce and Labor.

MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, March 26, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SEVENTY-SECOND DAY, MARCH 25, 1997**

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**SEVENTY-THIRD DAY**

-----  
**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, March 26, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Fairley, Finkbeiner, Horn, McDonald, Patterson, Roach, Schow, Strannigan, West, Winsley and Zarelli. On motion of Senator Franklin, Senators Fairley and Patterson were excused. On motion of Senator Hale, Senators Finkbeiner, Horn, McDonald, Roach, Schow, Strannigan, West, Winsley and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan McCarty and Katie Ogle, presented the Colors. Reverend Robert Cassis, pastor of the South Sound Presbyterian Church of Lacey, offered the prayer.

MOTION

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



REPORTS OF STANDING COMMITTEES

SB 6062 Prime Sponsor Senator West: Making appropriations for the fiscal biennium ending June 30, 1999. Reported by  
Committee on Ways and Means March 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Brown, Fraser, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

HOLD.

SB 6063 Prime Sponsor, Senator Strannigan: Adopting the capital budget. Reported by Committee on Ways and Means March 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 6063 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

HOLD.

SB 6064 Prime Sponsor, Senator Strannigan: Issuing bonds and managing bond retirement. Reported by Committee on Ways and Means March 25, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser, Kohl, Loveland, Sheldon, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

SHB 1124 Prime Sponsor, House Committee on Higher Education: Requiring that information about state higher education support be given to students with their tuition and fee bills. Reported by Committee on Higher Education March 24, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Bauer, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

SHB 1219 Prime Sponsor, House Committee on Finance: Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act. Reported by Committee on Health and Long-Term Care March 24, 1997

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

SHB 1436 Prime Sponsor, House Committee on Appropriations: Authorizing electronic information access for public libraries. Reported by Committee on Energy and Utilities March 25, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Finkbeiner, Chair; Brown, Jacobsen, Rossi and Swanson.

Referred to Committee on Ways and Means.

March 25, 1997

HB 1590 Prime Sponsor, Representative Dyer: Defining health plan. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin and Strannigan.

Passed to Committee on Rules for second reading.

March 25, 1997

HB 1609 Prime Sponsor, Representative Mastin: Limiting the number of times the maximum disposal fee at a radioactive waste disposal site may be adjusted. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

March 25, 1997

HB 1610 Prime Sponsor, Representative DeBolt: Exempting regulated utilities from seeking commission preapproval of some short-term notes having a maturity of twelve or fewer months. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

Passed to Committee on Rules for second reading.

March 25, 1997

SHB 1658 Prime Sponsor, House Committee on Energy and Utilities: Authorizing the utilities and transportation commission to exempt electrical and natural gas companies from securities regulation. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

Passed to Committee on Rules for second reading.

March 25, 1997

SHB 1975 Prime Sponsor, Committee on Energy and Utilities: Regulating public ownership of coal-fired thermal electric generating facilities. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi and Strannigan.

Passed to Committee on Rules for second reading.

March 25, 1997

HB 1982 Prime Sponsor, Representative Dyer: Limiting basic health plan eligibility for persons in institutions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6062 and Senate Bill No. 6063 were advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

March 24, 1997

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

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

Howard N. Jorgenson, appointed March 24, 1997, for a term ending July 26, 2001, as a member of the Personnel Appeals Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Government Operations.

INTRODUCTION AND FIRST READING

SB 6090 by Senators Prince, Haugen, Wood, Goings, Horn and Prentice

AN ACT Relating to transportation bonds; adding new sections to chapter 47.10 RCW; adding new sections to chapter 47.60 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 6091 by Senators Prince, Haugen, Wood, Goings, Horn and Prentice

AN ACT Relating to motor vehicle fuel taxes; amending RCW 82.36.025 and 47.26.080; adding new sections to chapter 46.68 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Transportation.

MOTION

On motion of Senator Johnson, the following bills, which were on the second reading calendar, were referred to the Committee on Rules:

BILLS ON CALENDAR RETURNED TO COMMITTEE ON RULES  
SECOND READING

SB 5051 Growth managment hearngs brds  
SB 5087 f Child victims of sex abuse  
SB 5106 f Advanced college tuition prg  
SB 5115 f Cosmetology/barber licenses  
SB 5123 Sexually aggressive youth  
SB 5124 Prostitution offenses  
SB 5156 Initiative 601 amendment  
SB 5170 False accusation/child abuse  
SB 5182 f Board of education members  
SB 5187 Medical information sharing  
SB 5189 f Sex offender registratr viola  
SB 5213 Public disclosure exemptions  
SB 5225 f Legis. service retirmnt crdt  
SB 5228 f Health care workplace violen  
SB 5261 f Welfare fraud  
SB 5297 f Mastectomy health care benef  
SB 5304 f Drug-induced rape  
SB 5333 Discriminatn against students  
SB 5378 f Prop tax reduction extended  
SB 5502 County transportatn programs  
SB 5504 Electrical well pump install  
SB 5524 Emergency public works/bids  
SB 5525 Public works/bidding exmptns  
SB 5528 f Background checks  
SB 5553 f Vehicle titling & licensing  
SB 5561 f Geoduck harvesting  
SB 5579 Occupational disease benefs  
SB 5580 Workers' comp self-insurers  
SB 5582 f Liquor sales to intoxicated  
SB 5587 f Studnt certificate of mastery

SB 5589 Medicare supplemental insur  
SB 5635 Air pollution contrl authrty  
SB 5658 Columbia/Snake river waters  
SB 5660 f Day care enforcement actions  
SB 5687 f Minor possession of tobacco  
SB 5693 Private information privacy  
SB 5696 f Judicial conduct commission  
SB 5719 Drivers' licenses  
SB 5738 Compensation for employment  
SB 5789 School information  
SB 5810 Employment of minors  
SB 5811 f Foreign terrorism  
SB 5832 Real estate claim liens  
SB 5859 Coercion  
SB 5862 Sport shooting ranges  
SB 5923 Ed opportunity grant program  
SB 5930 Vehicle liability coverage  
SB 5961 Terminal safety audits  
SB 6014 City ownership of telecommun  
SB 6042 f Telecommnctns/rights-of-way

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9204, James E. Sherrill, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

CONFIRMATION OF JAMES E. SHERRILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, Wojahn and Wood - 37. Absent: Senator Bauer - 1. Excused: Senators Fairley, Finkbeiner, Horn, McDonald, Patterson, Roach, Schow, Strannigan, West, Winsley and Zarelli - 11.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9209, Dennis F. Stefani, as a member of the Board of Trustees for Cascadia Community College District No. 30, was confirmed.

MOTION

On motion of Senator Franklin, Senator Bauer was excused.

CONFIRMATION OF DENNIS F. STEFANI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42. Excused: Senators Bauer, Fairley, Finkbeiner, Patterson, Roach, Strannigan and Zarelli - 7.

MOTION

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

SENATE RESOLUTION 1997-8638

By Senator Swecker, Zarelli and Rasmussen

WHEREAS, Holt International Children's Services is celebrating forty years of intercountry adoption; and  
WHEREAS, Harry and Bertha Holt founded Holt International in 1956 in response to seeing thousands of children left homeless after the Korean War; and

WHEREAS, In 1956, at the age of fifty-one and fifty, the Holts adopted eight Korean orphans, drawing gasps from friends who worried that tending their six birth children would make the burden of adoption too heavy; and

WHEREAS, In 1966, Mrs. Holt was awarded American Mother of the Year, and in 1995, was the first foreigner to receive Korea's National Merit Award; and

WHEREAS, Mrs. Holt believes every child deserves a home of their own and is currently bringing children and families together in over ten nations; and

WHEREAS, In four decades, more than 100,000 of the world's children have found permanent homes through the adoption and child welfare programs of Holt International Children's Services; and

WHEREAS, Mrs. Holt has placed more than 1,000 children with families in Washington State alone; and

WHEREAS, Mrs. Holt is still actively working for children and families and has become "grandma" to the over 100,000 orphans she has helped;

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the Washington State Senate, do hereby honor and pay tribute to Mrs. Holt's forty years of leadership in the field of international adoption and permanency planning for children, and pay tribute to the staff of Holt International as people of whom we can all be proud.

#### MOTION

At 10:24 a.m., on motion of Senator Johnson, the Senate recessed until 10:55 a.m.

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

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6062, by Senators West and Spanel (by request of Governor Locke)

Making appropriations for the fiscal biennium ending June 30, 1999.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6062 was substituted for Senate Bill No. 6062 and the substitute bill was placed on second reading and read the second time.

Senator Jacobsen moved that the following amendment be adopted:

On page 3, after line 24, insert the following: "**NEW SECTION. Sec. 104.** (1) The joint legislative audit and review committee shall conduct an ethical audit of the personnel management systems of the community and technical colleges. The audit shall be completed by November 15, 1997. Results of the audit shall be reported to the legislature by December 1, 1997. In conducting the audit, the joint legislative audit and review committee shall review the following issues including but not limited to: (a) Practices for employing part-time rather than full-time faculty; (b) Practices for recruiting, hiring, terminating, and promoting part-time faculty; (c) Salary disparities for full-time and part-time faculty; (d) Benefits for part-time and full-time faculty; (e) Policies on sick leave and vacation time; (f) Access to facilities and support services for part-time faculty; and (g) Teaching assignments for part-time faculty. (2) This section expires December 31, 1997." Renumber the remaining sections consecutively and correct any internal references accordingly. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 3, after line 24, to Substitute Senate Bill No. 6062.

The motion by Senator Jacobsen failed and the amendment was not adopted.

#### MOTION

Senator Fraser moved that the following amendments by Senators Fraser and Kohl be considered simultaneously and be adopted:

On page 7, line 4, increase the water quality account appropriation by \$479,000 On page 7, line 9, delete "884,000" and insert "1,363,000" Adjust the total appropriation accordingly. Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Fraser and Kohl on page 7, lines 4 and 9, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin,

McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senator Fairley - 1.

#### MOTION

Senator Fraser moved that the following amendments be considered simultaneously and be adopted:

Department of Community, Trade, and Economic Development On page 10, line 24, increase the 1998 general fund--state appropriation by \$399,000. On page 10, line 25, increase the 1999 general fund--state appropriation by \$399,000. Adjust the total appropriation accordingly. On page 12, after line 38, insert the following: "(8) \$265,000 of the general fund--state appropriation for fiscal year 1998 and \$265,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to provide information to the department of ecology necessary to complete basin assessments. (9) \$134,000 of the general fund--state appropriation for fiscal year 1998 and \$134,000 of the general fund--state appropriation for fiscal year 1999 are provided for the establishment of interagency watershed teams consisting of the departments of fish and wildlife; ecology; community, trade, and economic development; and health to provide assistance to local watershed planning efforts based on an agency agreed upon work plan." Department of Health On page 44, line 9, increase the 1998 general fund--state appropriation by \$480,000. On page 44, line 10, increase the 1999 general fund--state appropriation by \$481,000. Adjust the total appropriation accordingly. On page 47, after line 15, insert the following: "(16) \$63,000 of the general fund--state appropriation for fiscal year 1998 and \$64,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to provide information to the department of ecology necessary to complete basin assessments. (17) \$117,000 of the general fund--state appropriation for fiscal year 1998 and \$117,000 of the general fund--state appropriation for fiscal year 1999 are provided for the establishment of interagency watershed teams consisting of the departments of fish and wildlife; ecology; community, trade, and economic development; and health to provide assistance to local watershed planning efforts based on an agency agreed upon workplan. (18) \$300,000 of the general fund--state appropriation for fiscal year 1998 and \$300,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for water conservation programs related to graywater, water reclamation and reuse." Department of Ecology On page 52, line 17, increase the 1998 general fund--state appropriation by \$2,591,000. On page 52, line 18, increase the 1999 general fund--state appropriation by \$2,281,000. Adjust the total appropriation accordingly. On page 55, after line 13, insert the following: "(9) \$2,141,000 of the general fund--state appropriation for fiscal year 1998 and \$2,281,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the processing of water right permit applications, conducting basin assessments, continued implementation of water resources data management systems, setting instream flows, and providing technical and data support to local watershed planning and implementation efforts. Of this amount, \$129,000 of the fiscal year 1998 and \$130,000 of the fiscal year 1999 appropriation are provided for the establishment of interagency watershed teams consisting of the departments of fish and wildlife; ecology; community, trade, and economic development; and health to provide assistance to local watershed planning efforts based on an agency agreed upon workplan. (10) \$450,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the facilitation of a process to bring interested parties together to develop recommendations to address water policy." Renumber the sections consecutively and correct any internal references accordingly. Department of Fish and Wildlife On page 58, line 5, increase the 1998 general fund--state appropriation by \$423,000. On page 58, line 6, increase the 1999 general fund--state appropriation by \$412,000. Adjust the total appropriation accordingly. On page 61, after line 8, insert the following: "(21) \$164,000 of the general fund--state appropriation for fiscal year 1998 and \$153,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to assist the department of ecology in processing water right applications and establishing in-stream flows. (22) \$259,000 of the general fund--state appropriation for fiscal year 1998 and \$259,000 of the general fund--state appropriation for fiscal year 1999 are provided for the establishment of interagency watershed teams consisting of the departments of fish and wildlife; ecology; community, trade, and economic development; and health to provide assistance to local watershed planning efforts based on an agency agreed upon workplan." Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Fraser on pages 10, 12, 44, 47, 52, 55, 58, and 61, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senator Fairley - 1.

#### MOTION

Senator Thibaudeau moved that the following amendments by Senators Brown and Thibaudeau be considered simultaneously and be adopted:

On page 23, line 32, increase the appropriation level by \$3,272,000 On page 23, line 33, increase the appropriation level by \$5,305,000 On page 23, line 34, increase the appropriation level by \$3,851,000 Correct the total appropriation amount accordingly. On page 26, after line 4, insert the following: "(11) \$3,272,000 of the fiscal year 1998 general fund - state appropriation, \$5,305,000 of the fiscal year 1999 general fund - state appropriation and \$3,851,000 of the general fund - federal appropriation are provided solely to increase the number of social workers and related supervisory and supporting staff in the child protective services program. Funds provided are intended to reduce the ratio of cases per caseworker to one worker per twenty-nine cases." Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Brown and Thibaudeau on pages 23, lines 32, 33, 34, and page 26, after line 4, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senator Fairley - 1. MOTION

Senator Franklin moved that the following amendments be considered simultaneously and be adopted:

On page 39, line 19, increase the general fund--state appropriation for fiscal year 1998 by \$5,985,000 and adjust the totals accordingly. On page 39, line 20, increase the general fund--state appropriation for fiscal year 1999 by \$16,719,000 and adjust the totals accordingly. On page 39, line 27, strike all material down through and including "clinics." on line 28, and insert the following: "(1) \$6,316,000 of the general fund--state appropriation for fiscal year 1998, and \$6,317,000 of the general fund--state appropriation for fiscal year 1999, are provided solely for health care services provided through local community clinics." On page 40, after line 10, insert the following: "(5) The health care authority shall increase average monthly enrollment in the subsidized basic health plan to 140,000 during fiscal year 1998, and to 150,000 during fiscal year 1999." Remember the sections consecutively and correct any internal references accordingly. Debate ensued.

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

#### MOTION

On motion of Senator Loveland, Senator Haugen was excused.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Franklin on page 39, lines 19, 20, and 27, and page 40, after line 10, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Fairley and Haugen - 2.

#### MOTION

Senator Bauer moved that the following amendments be considered simultaneously and be adopted:

On page 50, line 6, increase the general fund--private/local appropriation by \$228,000 Adjust the total appropriation accordingly. On page 50, starting on line 8, strike everything starting with "The appropriations" through "management plan" on line 15 On page 50, after line 7, insert the following: "(1) \$301,000 of the general fund-state appropriation for fiscal year 1998 and \$300,000 of the general fund-state appropriation for fiscal year 1999 are provided solely for the commission to continue to carry out its mandated duties under the Columbia river gorge national scenic area act. (2) \$59,000 of the general fund-state appropriation for fiscal year 1998 and \$58,000 of the general-fund state appropriation for fiscal year 1999 are provided solely for a program to monitor implementation of the Columbia river gorge national scenic management plan." On page 52, line 4, increase the general fund-state appropriation for fiscal year 1998 by \$143,000 On page 52, line 5, increase the general fund-state appropriation for fiscal year 1999 by \$140,000 Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Bauer on page 50, lines 6, after line 7, and starting on line 8, and page 52, lines 4 and 5, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Fairley and Haugen - 2.

#### MOTION

Senator Franklin moved that the following amendments by Senators Franklin, Kline, Thibaudeau, Loveland and Jacobsen be considered simultaneously and be adopted:

On page 68, line 5, strike "15,957,000" and insert "18,142,000". On page 68, line 6, strike "39,189,000" and insert "41,374,000". On page 68, line 13, strike "139,767,000" and insert "144,137,000". On page 71, after line 13, insert the following: "(m) \$2,185,000 of the general fund--state appropriation for fiscal year 1998 and \$2,185,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for complex need grants. Grants shall be allocated according to amount shown on LEAP Document 30C adopted May 21, 1995, at 23:46 hours." Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Franklin, Kline, Thibaudeau, Loveland and Jacobsen on page 68, lines 5, 6 and 13, and page 71, after line 13, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Fairley and Haugen - 2. MOTION

Senator Franklin moved that the following amendments by Senators Franklin, Kline, Thibaudeau, Loveland and Jacobsen be considered simultaneously and be adopted:

On page 68, line 5, strike "15,957,000" and insert "17,504,000" On page 68, line 6, strike "39,189,000" and insert "40,736,000" On page 68, line 13, strike "139,767,000" and insert "142,861,000" On page 71, after line 13, insert the following: "(m) \$1,547,000 of the general fund--state appropriation for fiscal year 1998 and \$1,547,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for magnet school grants." Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Franklin, Kline, Thibaudeau, Loveland and Jacobsen on page 68, lines 5, 6 and 13, and page 71, after line 13, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25. Excused: Senators Fairley and Haugen - 2.

Vice President Pro Tempore Morton assumed the Chair.

#### MOTION

Senator McAuliffe moved that the following amendments by Senators McAuliffe, Sheldon and Goings be considered simultaneously and be adopted:

On page 68, line 7, strike "49,039,000" and insert "49,719,000". On page 68, line 13, strike "139,767,000" and insert "140,447,000". On page 69, after line 13, strike all the material down to and including line 16, and insert the following: "(e) \$680,000 of the general fund--federal appropriation is



provided for plan development and coordination as required by the federal goals 2000 educate America act." On page 90, beginning on line 14, strike all the material down to and including "assessments" on line 21, and insert: General Fund-- State Appropriation (FY 1998) \_\_\_\_\_, \$ 21,650,000 General Fund-- State Appropriation (FY 1999) \_\_\_\_\_, \$ 3,863,000 Federal Appropriation \_\_\_\_\_, \$ 474,000 TOTAL APPROPRIATION \_\_\_\_\_, \$ 60,987,000 The appropriations in this section are subject to the following conditions and limitation

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support activities,  
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RCW  
28A.415.  
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300." On  
page 93,  
line 20,  
strike  
"45,404,  
000" and  
insert  
"61,984,  
000". On  
page 93,  
line 21,  
strike  
"51,374,  
000" and  
insert  
"63,757,  
000". On  
page 93,  
line 22,  
strike  
"96,778,  
000" and  
insert  
"125,741,  
000". On  
page

93, after line 24, strike all the material down to and including "RCW 28A.510.250." on page 94, line 2, and insert the following : "(1) \$69,804,000 is provided for grants to enhance the ability of instructional staff to teach and assess the student learning requirements with an emphasis on reading, writing, communication, and mathematics. Grants may be used to pay for supplemental contracts only if the activity paid for by the contract specifically enhances teaching or assessment of the essential academic learning requirements. (a) Allocatio

ns for the  
1997-98  
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years  
shall be  
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ensued.

President Owen assumed the Chair.

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators McAuliffe, Sheldon and Goings on page 68, lines 7 and 13; page 69, after line 13; page 90, beginning on line 14; page 91, after line 16; and page 93, lines 20, 21, 22, and after line 24; to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Fairley and Haugen - 2.

#### MOTION

Senator Spanel moved that the following amendments be considered simultaneously and be adopted:

On page 81, beginning on line 11, strike all the material down to and including line 35, on page 82, and insert the following: "**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**General Fund Appropriation (FY 1998) \$ 73,736,000General Fund Appropriation (FY 1999)\$175,716,000TOTAL APPROPRIATION\$249,452,000The appropriations in this section are subject to the following conditions and limitations: (1) \$215,607,000 is provided for cost of living adjustments of 2.5 percent effective September 1, 1997, and 2.5 percent effective September 1, 1998 for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates 19.58 percent for certificated staff and 15.15 percent for classified staff for both years of the biennium. (a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act. (b) The appropriations in this section provide salary increase and incremental fringe benefit allocations based on formula adjustments as follows: (i) For pupil transportation, an increase of \$0.50 per weighted pupil-mile for the 1997-98 school year and \$1.02 for the 1998-99 school year; (ii) For education of highly capable students, an increase of \$5.67 per formula student for the 1997-98 school year and \$11.49 for the 1998-99 school year; and (iii) For transitional bilingual education, an increase of \$14.74 per eligible bilingual student for the 1997-98 school year and \$29.85 for the 1998-99 school year; and (iv) For learning assistance, an increase of \$7.28 per entitlement unit for the 1997-98 school year and \$14.75 for the 1998-99 school year. (c) The appropriations in this section include \$1,109,000 for salary increase adjustments for substitute teachers at rates of \$8.87 per unit in the 1997-98 school year and \$17.95 per unit in the 1998-99 school year. (2)

\$33,845,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$314.51 for the 1997-98 and 1998-99 school years. The appropriations in this section provide increases of \$11.05 per month for the 1997-98 school year and an additional \$15.59 per month for the 1998-99 school year at the following rates: (a) For pupil transportation, an increase of \$0.10 per weighted pupil-mile for the 1997-98 school year and \$0.26 for the 1998-99 school year; (b) For education of highly capable students, an increase of \$0.71 per formula student for the 1997-98 school year and \$1.82 for the 1998-99 school year; (c) For transitional bilingual education, an increase of \$1.79 per eligible bilingual student for the 1997-98 school year and \$4.64 for the 1998-99 school year; and (d) For learning assistance, an increase of \$1.41 per funded unit for the 1997-98 school year and \$3.64 for the 1998-99 school year. (3) The rates specified in this section are subject to revision each year by the legislature." On page 98, after line 14, insert the following: "**NEW SECTION. Sec. 602. FOR THE OFFICE OF FINANCIAL MANAGEMENT -- IMPLEMENT A PORTION OF THE OF THE COST OF LIVING INCREASE AND A PORTION OF THE HEALTH CARE BENEFIT RATES**General Fund Appropriations (FY 1998) \$ 972,000General Fund Appropriations (FY 1999)\$21,750,000 TOTAL APPROPRIATION\$22,722,000The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section. (1) Additional funding of \$19,949,000 of the state general fund is provided for FY 99 to the office of financial management for distribution to public institutions of higher education to implement a 2.5% salary increase on July 1, 1997 and a 2.5% salary increase on July 1, 1998. The office of financial management shall hold in reserve \$4,810,000 in the appropriations for cost of living salary increases in excess of the need for FY 98. (2) Additional funding of \$972,000 for FY 98 and \$1,801,000 for FY 99 of the state general fund is appropriated to the office of financial management for distribution to public institutions of higher education to implement health care benefit rates. The health benefit rate for Fiscal Year 1998 will be \$325.56/month per employee and \$343.15/month per employee for fiscal Year 1999." On page 117, beginning on line 1, strike all material down to and including line 21, on page 118, and insert the following: "**NEW SECTION. Sec. 712. FOR THE GOVERNOR-- COMPENSATION--INSURANCE BENEFITS**General Fund--State Appropriation (FY 1998) \$ 3,211,000General Fund--State Appropriation (FY 1999)\$8,437,000General Fund--Federal Appropriation\$3,992,000General Fund--Private/Local Appropriation \$ 241,000Salary and Insurance Increase Revolving AccountAppropriation\$9,008,000TOTAL APPROPRIATION\$24,889,000The appropriations in this section are subject to the following conditions and limitations: (1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$320.98 per eligible employee for fiscal year 1998, and \$339.21 for fiscal year 1999. (b) The monthly contribution for the operating costs of the health care authority shall not exceed \$4.58 per eligible employee for fiscal year 1998, and \$3.94 for fiscal year 1999. (c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization. (d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition. (2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management. (3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 1998, through December 31, 1998, the subsidy shall be \$42.29 per month. Starting January 1, 1999, the subsidy shall be \$44.23 per month. (4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120: (a) For each full-time employee, \$14.79 per month beginning September 1, 1997, and \$14.80 per month beginning September 1, 1998; (b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning September 1, 1997, and \$14.80 each month beginning September 1, 1998, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority. (5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1997-99 transportation appropriations act." On page 119, beginning on line 3, strike all material down to and including line 30, and insert the following: "**NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT**General Fund--State Appropriation (FY 1998) \$ 25,859,000General Fund--State Appropriation (FY 1999)\$53,123,000General Fund--Federal Appropriation\$22,225,000Salary and Insurance Increase Revolving Account Appropriation \$ 61,585,000TOTAL APPROPRIATION\$162,792,000The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section: (1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 2.5 percent salary increase effective July 1, 1997, and a 2.5 percent increase effective July 1, 1998, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board. (2) The appropriations in this section are sufficient to fund a 2.5 percent salary increase effective July 1, 1997, and a 2.5 percent increase effective July 1, 1998, for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials. (3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 2.5 percent salary increase effective July 1, 1997, and a 2.5 percent increase effective July 1, 1998, for ferry workers consistent with the 1997-99 transportation appropriations act. (4) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board." Debate ensued.

Senator Sheldon demanded a roll call and the demand was sustained.  
Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Spanel on page 81, beginning on line 11; page 98, after line 14; page 117, beginning on line 1; and page 119, beginning on line 3; to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25. Excused: Senators Fairley and Haugen - 2.

#### MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove and McAuliffe be considered simultaneously and be adopted:

On page 88, line 33, strike "86,947,000" and insert "96,148,000" On page 88, line 34, strike "171,545,000" and insert "180,746,000" On page 88, after line 34, insert the following: "The appropriations in this section are subject to the following conditions and limitations: \$9,201,000 of the 1999 fiscal year appropriation shall lapse if legislation increasing levy equalization to 12 percent for calendar year 1999 is not enacted by June 30, 1997." Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Hargrove and McAuliffe on page 88, lines 33, 34 and after line 34, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25. Excused: Senators Fairley and Haugen - 2.

#### MOTION

Senator Snyder moved that the following amendments be considered simultaneously and be adopted:

On page 99, line 21, decrease the FY 1998 General Fund appropriation by \$606,000. On page 99, line 22, decrease the FY 1999 General Fund appropriation by \$27,196,000. On page 99, line 25, increase the Employment and Training Trust Account appropriation by \$37,984,000. Adjust the total appropriation accordingly. On page 100, after line 12, insert the following: "(2) \$64,748,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount: (a) \$45,419,000 is to provide enrollment opportunity for 7,200 full-time equivalent students in fiscal year 1998 and 7,200 full-time equivalent students in fiscal year 1999. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalent students provided in this subsection. (b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection. (c) \$10,226,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted or reduced before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection. (d) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses." Renumber the subsections consecutively. Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Snyder on page 99, lines 21, 22, 25, and page 100, after line 12, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 20. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Excused: Senators Fairley and Haugen - 2.

#### MOTION

Senator Spanel moved that the following amendments be considered simultaneously and be adopted:

On page 108, line 24, increase the appropriation by \$3,500,000 On page 108, line 25, increase the appropriation by \$3,500,000 On page 108, line 27, adjust the total appropriation accordingly On page 109, line 12, strike "\$62,961,000" and insert "\$66,461,000" On page 109, line 13, strike "\$69,663,000" and insert "\$74,163,000" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Spanel on page 108, lines 24, 25, 27, and page 109, lines 12 and 13, to Substitute Senate Bill No. 6062.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Fairley and Haugen - 2.

#### MOTION

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

At 1:50 p.m. on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 2:19 p.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9210, Dr. Alexander Swantz, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

#### CONFIRMATION OF DR. ALEXANDER SWANTZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Bauer - 1. Excused: Senator Fairley - 1.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6062, which was being debated on third reading before the Senate went at ease at 1:50 p.m.

Debate ensued.

#### DEMAND FOR PREVIOUS QUESTION

Senators Johnson, Strannigan and Sellar demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6062.

#### ROLL CALL



The Secretary called the roll on the final passage of Substitute Senate Bill No. 6062 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau and Wojahn - 23. Excused: Senator Fairley - 1. SUBSTITUTE SENATE BILL NO. 6062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:39 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, March 27, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### **JOURNAL OF THE SENATE**

#### **SEVENTY-THIRD DAY, MARCH 26, 1997**

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#### **SEVENTY-FOURTH DAY**

##### ----- NOON SESSION -----

Senate Chamber, Olympia, Thursday, March 27, 1997

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

SHB 1024 Prime Sponsor, House Committee on Health Care: Shortening the notice time given by nursing homes to the department of health to convert beds back to nursing home beds. Reported by Committee on Health and Long-Term Care March 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

SHB 1058 Prime Sponsor, House Committee on Health Care: Providing for disclosure of information obtained by the department of health related to meeting licensing standards in hospitals. Reported by Committee on Health and Long-Term Care March 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

SHB 1089 Prime Sponsor, House Committee on Child and Family Service: Correcting references to the former aid to families with dependent children program. Reported by Committee on Health and Long-Term Care March 25, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin and Strannigan.

Passed to Committee on Rules for second reading.

March 25, 1997

ESHB 1111 Prime Sponsor, House Committee on Agriculture and Ecology: Granting water rights to certain persons who were water users before January 1, 1993. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Referred to Committee on Ways and Means.

March 25, 1997

HB 1162 Prime Sponsor, Representative Dyer: Providing for delegation of lien and subrogation rights to medical health care systems by contract. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Franklin and Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1997

E2SHB 1372 Prime Sponsor, House Committee on Appropriations: Creating the Washington advanced college tuition payment program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Kohl and Patterson.

Referred to Committee on Ways and Means.

March 25, 1997

HB 1424 Prime Sponsor, Representative Skinner: Revising provisions for kidney dialysis centers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley, Franklin and Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1997

EHB 1647 Prime Sponsor, Representative Radcliff: Establishing a home tuition program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Kohl and Patterson.

Passed to Committee on Rules for second reading.

March 25, 1997

HB 1743 Prime Sponsor, Representative Dyer: Allowing the department of community, trade, and economic development to adopt rules to carry out the long-term care ombudsman program. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin and Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1997

SHB 1768 Prime Sponsor, House Committee on Health Care: Regulating pharmacy ancillary personnel. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Benton, Fairley and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Wood, Vice Chair.

Passed to Committee on Rules for second reading.

March 26, 1997

2SHB 1817 Prime Sponsor, House Committee on Appropriations: Authorizing reclaimed water demonstration projects.  
Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

March 25, 1997

SHB 1875 Prime Sponsor, House Committee on Health Care: Updating terminology in chapter 18.108 RCW. Reported by  
Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 26, 1997

ESHB 2013 Prime Sponsor, House Committee on Agriculture and Ecology: Developing an existing ground water right.  
Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 25, 1997

2SHB 2239 Prime Sponsor, House Committee on Health Care: Providing for conversion of nursing home bed capacity to enhanced residential care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 25, 1997

HJM 4009 Prime Sponsor, Representative Sherstad: Expediting the FDA's approval of new products. Reported by  
Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

Passed to Committee on Rules for second reading.

March 25, 1997

HJR 4209 Prime Sponsor, Representative Chandler: Authorizing public money derived from the sale of stormwater or sewer services to be used in financing stormwater and sewer conservation and efficiency measures. Reported by  
Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 26, 1997

GA 9134 DENISSE F. BARRY, reappointed January 28, 1997, for a term ending December 5, 1998, as a member of the Eastern State Hospital Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules.

March 26, 1997

GA 9149 NANCY J. DONIGAN, reappointed January 28, 1997, for a term ending December 5, 1999, as a member of the Western State Hospital Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules.

March 26, 1997

GA 9150 CAROL DOTLICH, reappointed January 28, 1997, for a term ending December 5, 1999, as a member of the Western State Hospital Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules.

March 26, 1997

GA 9177 PAM LUCAS, reappointed January 28, 1997, for a term ending December 5, 1998, as a member of the Eastern State Hospital Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules.

March 26, 1997

GA 9207 DR. MARK E. SOELLING, reappointed January 28, 1997, for a term ending August 2, 1998, as a member of the Western State Hospital Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules.

March 26, 1997

GA 9220 FRAN LEWIS, reappointed January 28, 1997, for a term ending December 5, 1999, as a member of the Western State Hospital Advisory Board.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

March 19, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Karen Miller, appointed March 19, 1997, for a term ending June 30, 1997, as a member of the Housing Finance Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Financial Institutions, Insurance and Housing.

MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, March 28, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SEVENTY-FOURTH DAY, MARCH 27, 1997**

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**SEVENTY-FIFTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, March 28, 1997  
The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Tilson and Don Robbins, presented the Colors. Reverend Robert Cassis, pastor of the South Sound Presbyterian Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 26, 1997  
ESHB 1011 Prime Sponsor, House Committee on Transportation Policy and Budget: Exempting state and county ferry fuel sales and use tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Haugen, Morton, Oke, Prentice and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Jacobsen and Patterson.

Referred to Committee on Ways and Means.

March 27, 1997  
SHB 1033 Prime Sponsor, Committee on Agriculture and Ecology: Revising requirements for grain facilities under the Washington clean air act. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

March 27, 1997

SHB 1061 Prime Sponsor, Houses Committee on Natural Resources: Restricting the state parks and recreation commission authority to regulate metal detectors. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 27, 1997

HB 1087 Prime Sponsor, Representative Sheahan: Providing penalties for public consumption of liquor. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Kline, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

March 27, 1997

ESHB 1115 Prime Sponsor, Committee on Agriculture and Ecology: Altering appeal procedures for water-related actions of the department of ecology. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Referred to Committee on Ways and Means.

March 27, 1997

2SHB 1191 Prime Sponsor, House Committee on Appropriations: Providing for review of mandated health insurance benefits. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

March 27, 1997

SHB 1249 Prime Sponsor, House Committee on Government Administration: Streamlining registration and licensing of businesses. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1485 Prime Sponsor, House Committee on Natural Resources : Requiring the department of fish and wildlife to report to the legislature regarding salmon harvests. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 26, 1997

HB 1545 Prime Sponsor, Representative Sheahan: Regulating funding for domestic violence shelters. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove and Kohl.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1632 Prime Sponsor, House Committee on Government Administration: Establishing a study group to determine whether further training for state investigators is needed. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

Passed to Committee on Rules for second reading.

March 26, 1997

HB 1646 Prime Sponsor, Representative Quall: Extending the existence of the indeterminate sentence review board. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

March 27, 1997

SHB 1799 Prime Sponsor, House Committee on Law and Justice: Regarding letters of credit under the uniform commercial code. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Kline, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

March 27, 1997

HB 2143 Prime Sponsor, Representative Parlette: Concerning volunteer ambulance personnel. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 27, 1997

GA 9152 MICKEY FEARN, reappointed January 28, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.  
Reported by the Committee on Natural Resources and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

March 27, 1997

GA 9166 RONALD W. JOHNSON, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Peninsula Community College District No. 1.  
Reported by the Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 27, 1997

GA 9186 ROBERT L. PARLETTE, reappointed January 28, 1997, for a term ending December 31, 1998, as a member of the Interagency Committee for Outdoor Recreation.  
Reported by the Committee on Natural Resources and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

March 27, 1997

GA 9189 KATHLEEN M. PHILBRICK, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.  
Reported by the Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 27, 1997

GA 9197 FRANK L. RUSSELL, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Bates Technical College District No. 28.  
Reported by the Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules.

March 27, 1997

GA 9215 CHRISTINE WAKEFIELD, reappointed January 28, 1997, for a term ending December 31, 1999, as a member of the Interagency Committee for Outdoor Recreation.  
Reported by the Committee on Natural Resources and Parks

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

March 27, 1997

GA 9221 BRUCE W. HILYER, reappointed January 28, 1997, for a term ending December 31, 2002, as a member of the Parks and Recreation Commission.  
Reported by the Committee on Natural Resources and Parks

- MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SJM 8014 by Senators Patterson, Oke, Swecker, Roach, Heavey, McDonald, Swanson and Brown



Requesting that the cause of Gulf War syndrome be fully and expeditiously investigated.

Referred to Committee on Government Operations.

#### MOTION

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

#### SENATE RESOLUTION 1997-8640

By Senators Prentice, Swanson, Franklin, Johnson, Sheldon, Bauer, Haugen, Hale, Snyder, Wojahn, Spanel, Rasmussen and Kohl

WHEREAS, Gwendolyn E. L. Townsend has been named the 1997 Washington State Mother of the Year by American Mothers Inc., and she will represent the state at the National Mother of the Year competition the first of May; and WHEREAS, Gwendolyn Townsend has dedicated her life to the concept of UJIMA, which is Swahili for "collective work and responsibility" with the goal of assuring a high quality of life for her community, her children, and her family; and WHEREAS, Gwendolyn Townsend has developed an umbrella agency for UJIMA for African American Adoptions/Foster Care Program, UJIMA Extended Family Home, Washington State Birthing Project, Step By Step Project, Rainbow of Choices Project, Just Like Me Project, Boys to Men Project, and Family Resource Project -- which is child-oriented and focused; and

WHEREAS, Gwendolyn Townsend is active in local, state, and national efforts to increase awareness regarding the needs for child advocacy programs and foster and adoptive parents for waiting children and has developed many booklets, handbooks and manuals; and WHEREAS, Gwendolyn Townsend is the initiator of the Statewide Annual African American Foster Care/Adoption Fair, hostess of the Annual National One Church, One Child Conference held in 1994 in Seattle, and presented the 1990 National Black Child Development Institute Bunny Wilburn Award, the 1992 Central Youth and Family Services Effective Black Parenting Award, the 1993 and the 1994 National One Church, One Child Leadership Awards for child advocacy and the 1996 Sigma Gamma Rho Sorority Community Service Award; and

WHEREAS, Gwendolyn has been a licensed foster mother for ten years, received her BA in Public Administration in 1992 in order to better serve children, is an instructor at Western Washington University and many Seattle area community colleges, Foster Intervention/Retention Support Team volunteer, American Red Cross certified First Aid, CPR and HIV-AIDS Awareness trainer (focusing on training these courses to children), a Crisis Pregnancy Counselor, member of the DSHS/DCFS Foster Parents Trainers Unit, Vice President of the Foster Parents association of Washington State, member of the Board of the Pediatric Interim Care Center, member of the King County Superior Court Volunteers Program, and member of many other state and national workgroups, units, teams and initiatives regarding child and family welfare; and

WHEREAS, Gwendolyn is also the wife of Reverend Sam L. Townsend, Sr., a licensed evangelist missionary, founder and coordinator of the Intercessory Praying Women (a 24-hour prayer ministry), and a board leader of Washington State Church of God in Christ Womens' Department; and

WHEREAS, Gwendolyn has guided and parented fourteen children -- biological, foster/adopt, guardianship, and step-children, and is "Mema" (grandma) to many more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes and honors Gwendolyn Townsend's efforts, commitment, responsibility, and dedication to the children of Washington State and the world, and for teaching others the uplifting experience of her philosophy of collective work and responsibility for children, our future.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Gwendolyn Townsend, who was seated on the rostrum. He also introduced some of her family members who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1997-8642

By Senators Heavey, McDonald, Wojahn and Kohl

WHEREAS, Charlie Jung joyfully gave forty-three years of his life working, serving his community, and being a role model for others with his humanitarian acts; and

WHEREAS, Charlie Jung tirelessly served the West Seattle Community as past president of the West Seattle Chamber of Commerce, the West Seattle Lions Club, the West Seattle Shrine Club, and the 34th District Republican Club, and as a state delegate to the Republican National Convention in 1980; and

WHEREAS, Charlie Jung, as a proud veteran of World War II, inspired today's youth by sharing his experiences from World War II and the liberation of the Buchenwald death camp, with high school and middle school students, and participating in a week-long Anne Frank Ceremony; and

WHEREAS, Charlie Jung's civic contributions were widespread through West Seattle Hi Yu, American Legion Post #160, Masonic Temple #287, Nile Temple Shrine, Southwest Historical Society, and Farwell-Roosevelt Post VFW 2715; and

WHEREAS, Charlie Jung served as an upstanding businessman as the owner of K.C. Motor Parts for twenty-two years and as a maintenance man at Seattle Lutheran High School for sixteen years after his retirement; and

WHEREAS, Charlie Jung's honors include the Melvin Jones Fellowship Award from the West Seattle Lions Club, the Orville Rummel Award from American Legion Post #160, and the Designated Distinguished Volunteer Award from Governor John Spellman; and

WHEREAS, The people of Washington have lost a true friend, a faithful and loving husband, and a proud and devoted father and grandfather;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognizes Charlie Jung's life accomplishments and his contribution to the countless number of people who came in contact with him and have been changed for the better; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to the family of Charlie Jung.

Senators Heavey, McDonald and Oke spoke to Senate Resolution 1997-8642.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mrs. Charlie Jung, who was seated in the gallery.

#### INTRODUCTION OF CASHMERE ROYALTY

The President welcomed and introduced Queen Carley Simpson, Princesses Megan Arnold and Charissa Cruckshank who were seated in the gallery. The young ladies were representing the Cashmere Royalty for Founder's Day, as well as the Wenatchee Apple Blossom Festival.

#### MOTION

At 10:20 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Owen.

#### MOTION

On motion of Senator Owen, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6063, by Senators Strannigan and Fraser (by request of Governor Locke)

Adopting the capital budget.

#### MOTION

On motion of Senator Johnson, Substitute Senate Bill No. 6063 was substituted for Senate Bill No. 6063 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6063.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6063 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson,

Thibaudeau and Wojahn - 23. SUBSTITUTE SENATE BILL NO. 6063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:27 a.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Monday, March 31, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**SEVENTY-FIFTH DAY, MARCH 28, 1997**

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**SEVENTY-EIGHTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, March 31, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Lindsay Barnes and Sara Hawkes, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Congregation of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5175 Prime Sponsor, Senator Morton: Revising the business and occupation tax on the handling of hay, alfalfa, and seed. Reported by Committee on Ways and Means March 26, 1997

MAJORITY Recommendation: That Substitute Senate Bill No. 5175 as recommended by Committee on Agriculture and Environment be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, Loveland, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

SB 5343 Prime Sponsor, Senator Sellar: Defining the location of a retail sale by a towing service operator as the place of business. Reported by Committee on Ways and Means March 26, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, Rossi, Sheldon, Snyder, Spanel, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

SB 5543 Prime Sponsor, Senator Snyder: Deferring sales and use tax for rentals of machinery and equipment used in the installation and construction of investment projects in distressed areas. Reported by Committee on Ways and Means March 26, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 1997

SB 5622 Prime Sponsor, Senator Long: Removing the expiration of tax exemptions for new construction of alternative housing for youth in crisis. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 1997

SB 5688 Prime Sponsor, Senator Strannigan: Paying the business and occupation tax by property management companies for on-site employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Kohl, Long, Rossi, Snyder, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 1997

SB 5868 Prime Sponsor, Senator Sellar: Classifying producers of aluminum master alloys as processors for hire for business and occupation tax purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Hochstatter, Long, McDonald, Roach, Rossi, Snyder, Spanel, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

March 28, 1997

SB 6070 Prime Sponsor, Senator West: Creating the disaster response account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 1997

HB 1002 Prime Sponsor, Representative L. Thomas: Clarifying submission of insurance antifraud plans. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1007 Prime Sponsor, House Committee on Financial Institutions and Housing: Expanding the duties of the director of the Washington state pollution liability insurance agency. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 27, 1997

ESHB 1017 Prime Sponsor, House Committee on Natural Resources: Exchanging state-owned aquatic lands with privately owned lands. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 27, 1997

ESHB 1057 Prime Sponsor, House Committee on Health Care: Limiting public disclosure of complaints filed under the uniform disciplinary act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 27, 1997

ESHB 1064 Prime Sponsor, House Committee on Financial Institutions and Insurance: Changing the financial and reporting requirements of health care service contractors and health maintenance organizations. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1065 Prime Sponsor, House Committee on Financial Institutions: Filing certain insurance related corporate documents. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1076 Prime Sponsor, House Committee on Government Reform and Land Use: Reforming regulatory activities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Swanson.

Referred to Committee on Ways and Means.

March 27, 1997

HB 1189 Prime Sponsor, Representative K. Schmidt: Making the moratorium on oil and gas exploration and production off the Washington coast permanent. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 27, 1997

HB 1400 Prime Sponsor, Representative Benson: Removing a termination date in the bank statement rule. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1418 Prime Sponsor, House Committee on Natural Resources: Eliminating pooling of the resource management cost account and removing reference to agricultural college lands. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Prentice, Roach, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 27, 1997

HB 1452 Prime Sponsor, Representative L. Thomas: Providing definitions concerning title insurers. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 28, 1997

HB 1465 Prime Sponsor, Representative Sump: Requiring establishment of a no-cost consulting service regarding mining issues. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 28, 1997

SHB 1466 Prime Sponsor, House Committee on Natural Resources: Allowing the department of natural resources to delegate some or all of its surface mining enforcement authority to qualified personnel of a county, city, or town. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 28, 1997

SHB 1467 Prime Sponsor, House Committee on Natural Resources: Specifying where reclamation performance security must be posted. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 28, 1997

HB 1468 Prime Sponsor, Representative Buck: Removing authority to modify reclamation permit fees. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1504 Prime Sponsor, House Committee on Government Administration: Protecting records of strategy discussions. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1536 Prime Sponsor, House Committee on Health Care: Modifying regulation of respiratory care practitioners.  
Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

March 27, 1997

SHB 1596 Prime Sponsor, House Committee on Government Administration: Concerning the transfer of solid waste regulatory authority back and forth between cities and the utilities and transportation commission. Reported by Committee on Government Operations.

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

Passed to Committee on Rules for second reading.

March 28, 1997

SHB 1600 Prime Sponsor, House Committee on Natural Resources: Revising provisions relating to surface mining permits. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1618 Prime Sponsor, House Committee on Health Care: Modifying certain aspects of programs that treat impaired physicians. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1997

SHB 1624 Prime Sponsor, House Committee on Government Reform and Land Use: Defining wetlands for growth management purposes. Reported by Committee on Government Operations

MAJORITY Recommendation: That the bill be referred to Committee on Agriculture and Environment without recommendation. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Patterson and Swanson.

Referred to Committee on Agriculture and Environment.

March 27, 1997

ESHB 1678 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating mortgage brokers. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1795 Prime Sponsor, House Committee on Natural Resources: Concerning the classification of forest practices and the regulation of forest practices by state and local entities. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

HB 1796 Prime Sponsor, Representative Smith: Delivering the cancellation notice for an insurance policy. Reported by  
Committee on Financial Institutions, Insurance and Housing March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

HB 1819 Prime Sponsor, Representative Benson: Establishing the confidentiality of voluntary compliance efforts by financial institutions. Reported by Committee on Financial Institutions, Insurance and Housing March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

HB 1828 Prime Sponsor, Representative Van Luven: Establishing inspection requirements for private residence conveyances. Reported by Committee on Financial Institutions, Insurance and Housing March 27, 1997

MAJORITY Recommendation: That the bill be referred to Committee on Commerce and Labor without recommendation. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Referred to Committee on Commerce and Labor.

HB 1928 Prime Sponsor, Representative Skinner: Allowing the housing finance commission to impose covenants running with the land. Reported by Committee on Financial Institutions, Insurance and Housing March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Kline and Prentice.

Passed to Committee on Rules for second reading.

HB 1942 Prime Sponsor, Representative B. Thomas: Repealing the coal mining code. Reported by Committee on Natural Resources and Parks March 28, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

HB 1945 Prime Sponsor, Representative Dunn: Concerning foreclosed property deeded by a county for use as state forest land. Reported by Committee on Natural Resources and Parks March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

SHB 1985 Prime Sponsor, House Committee on Appropriations: Allowing for pilot project landscape management plans. Reported by Committee on Natural Resources and Parks March 28, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.



March 27, 1997

SHB 2097 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating the investment practices of insurance companies. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey, Kline and Prentice.

Passed to Committee on Rules for second reading.

March 28, 1997

SHB 2149 Prime Sponsor, House Committee on Natural Resources: Modifying licensing provisions for a dungeness crab--Puget Sound fishery license. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 27, 1997

EHB 3901 Prime Sponsor, Representative Cooke: Implementing the federal personal responsibility and work opportunity reconciliation act of 1996 (Introduced with Senate sponsors). Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Refer to Committee on Rules without recommendation. Signed by Senators Deccio, Vice Chair; Wood, Vice Chair; Benton and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Wojahn.

HOLD.

#### MOTION

On motion of Senator Johnson, Substitute House Bill No. 1076 was referred to the Committee on Ways and Means.

#### REQUEST TO HOLD BILL

Senator Snyder requested that Engrossed House Bill No. 3901 be held at the desk.

#### MOTION

On motion of Senator Johnson, Engrossed House Bill No. 3901 was held on the desk.

#### INTRODUCTION AND FIRST READING

SB 6092 by Senators West and Deccio

AN ACT Relating to abolishing the state health care policy board; amending RCW 41.05.021, 43.70.054, 43.70.066, 43.70.068, and 43.72.310; repealing RCW 43.72.320, 43.73.010, 43.73.020, 43.73.030, and 43.73.040; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6093 by Senators West and Deccio

AN ACT Relating to the basic health plan; amending RCW 70.47.015; and reenacting and amending RCW 70.47.060.  
Referred to Committee on Ways and Means

#### MOTION

On motion of Senator Johnson, the rules were suspended and Senate Concurrent Resolution No. 8410, which was held on the Introduction and First Reading Calendar March 3, 1997, was advanced to second reading.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Horn, Rossi, Johnson, McDonald, Winsley and Rasmussen

Proclaiming the year commencing July 1997, as Klondike Gold Rush Centennial Year.

The concurrent resolution was read the second time.

#### SENATE CONCURRENT RESOLUTION NO. 8410

WHEREAS, At 6:00 a.m. on the morning of July 17, 1897, the *S.S. Portland* steamed into Seattle from St. Michael, Alaska, through Puget Sound with more than a ton of gold on board; and

WHEREAS, News of gold in Canada's Yukon captured the imagination of the world turning a sleepy frontier town on Puget Sound into the "gateway to the Klondike" making it, for the time, the liveliest town in America; and

WHEREAS, The city of Seattle and the surrounding region owe their growth to the gold rush fever brought on by the Klondike gold rush of 1897-1898 which brought tens of thousands of people to the far north corner of the United States; and

WHEREAS, On July 19, 1997, the *Spirit of '98* will reenact the arrival of the *S.S. Portland* one hundred years and two days after the original landing, an effort begun two years ago by the board of directors of the Klondike Centennial Committee of Washington, together with the Klondike Centennial Committee of Alaska, the Office of the Secretary of State, the Seattle Chamber of Commerce, and private business who are also working on a variety of other events and activities; and

WHEREAS, The Klondike Centennial celebration activities are being coordinated by the Klondike Centennial Committees of Alaska, British Columbia, the Yukon, and Washington to ensure the recognition of a significant event in the history of the United States and Canada;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That "The Rush is On," and, in honor of our forbearers, pioneers whose toughness, tenacity, and spirit of adventure have come to characterize the Evergreen State, the year commencing July 1997, is proclaimed the "Klondike Gold Rush Centennial Year"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Office of the Secretary of State, the Klondike Centennial Committee of Washington, the Seattle Chamber of Commerce, and each of the Klondike Centennial Committees of Alaska, British Columbia, and the Yukon.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced the third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8410 was adopted by voice vote.

Senators Horn, Loveland and McCaslin spoke to Senate Concurrent Resolution No. 8410.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Reid Jarvis, past chairman of the Klondike Gold Rush Centennial Committee, who was seated in the gallery.

#### MOTION

At 10:21 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 12:02 p.m. by President Owen.

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Tuesday, April 1, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**SEVENTY-EIGHTH DAY, MARCH 31, 1997**

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**SEVENTY-NINTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, April 1 1997  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 27, 1997  
SB 5210 Prime Sponsor, Senator Swecker: Providing tax exemptions and credits for coal-fired thermal electric generating facilities placed in operation before July 1, 1975. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5210 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 1997  
SB 5353 Prime Sponsor, Senator Benton: Limiting the tax exemption for motor vehicles. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 1997  
SB 5559 Prime Sponsor, Senator Hale: Exempting coin-operated services of car washes from sales and use tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Loveland, McDonald, Rossi, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 1997  
SB 5631 Prime Sponsor, Senator Wood: Exempting education loan guarantee services from business and occupation tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 1997  
SB 6045 Prime Sponsor, Senator West: Creating the savings incentive account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6045 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 27, 1997  
SB 6076 Prime Sponsor, Senator West: Changing the adjustment of state appropriations for needy student financial aid. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 1997

HB 1098 Prime Sponsor, Representative Carlson: Changing teachers' retirement system plan III contribution rates. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1997

HB 1109 Prime Sponsor, Representative Carlson: Requiring the higher education coordinating board to develop models for the delivery of technology-based programs. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Referred to Committee on Ways and Means.

March 27, 1997

HB 1187 Prime Sponsor, Representative Alexander: Contracting with associate development organizations. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin and Newhouse.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1234 Prime Sponsor, House Committee on Commerce and Labor: Modifying the size of the state advisory board of plumbers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1997

2SHB 1275 Prime Sponsor, House Committee on Finance: Establishing public utility tax credits for weatherization and energy assistance programs. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Finkbeiner, Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Referred to Committee on Ways and Means.

March 27, 1997

HB 1278 Prime Sponsor, Representative K. Schmidt: Concerning the labeling of malt liquor packages. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

Passed to Committee on Rules for second reading.

March 28, 1997

HB 1405 Prime Sponsor, Representative McMorris: Authorizing joint bingo games. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

EHB 1411 Prime Sponsor, Representative L. Thomas: Authorizing the collection of fees for consumer loans. Reported by Committee on Financial Institutions, Insurance and Housing March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Kline and Prentice.

Passed to Committee on Rules for second reading.

SHB 1426 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions for liens filed by the department of social and health services. Reported by Committee on Commerce and Labor March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Fraser and Newhouse.

Passed to Committee on Rules for second reading.

ESHB 1471 Prime Sponsor, House Committee on Health Care: Protecting vulnerable adults. Reported by Committee on Health and Long-Term Care March 28, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin and Wojahn.

Passed to Committee on Rules for second reading.

HB 1514 Prime Sponsor, Representative Conway: Establishing requirements for keeping records of unified business identifier account numbers. Reported by Committee on Commerce and Labor March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

2SHB 1622 Prime Sponsor, House Committee on Appropriations: Establishing the Hispanic American endowed scholarship program. Reported by Committee on Higher Education March 31, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

HB 1651 Prime Sponsor, Representative Scott: Authorizing the sale of malt liquor in untapped kegs by class H licensees. Reported by Committee on Commerce and Labor March 27, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1997

SHB 1801 Prime Sponsor, House Committee on Education: Creating the governor's award for excellence in teaching history. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

March 28, 1997

SHB 1805 Prime Sponsor, House Committee on Health Care: Requiring the health care authority to offer health care savings accounts to unsubsidized basic health plan enrollees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

Referred to Committee on Ways and Means.

March 27, 1997

SHB 1813 Prime Sponsor, House Committee on Trade and Economic Development: Regulating sales and use tax exemptions for motion picture and video production equipment and services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 1997

HB 1847 Prime Sponsor, Representative Honeyford: Allowing wine manufacturers that manufacture other liquors to sell the manufacturer's liquor products on its licensed premises. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1887 Prime Sponsor, House Committee on Commerce and Labor: Establishing department of labor and industries WISHA advisory committee. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1997

ESHB 1965 Prime Sponsor, House Committee on Government Administration: Changing the composition of the information services board. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

March 27, 1997

SHB 1992 Prime Sponsor, House Committee on Commerce and Labor: Implementing workplace safety rules. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 31, 1997

SHB 2044 Prime Sponsor, House Committee on Energy and Utilities: Revising the definition of personal wireless service facilities and microcells. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

March 27, 1997

EHB 2093 Prime Sponsor, Representative Boldt: Achieving consistency between state and federal family leave requirements. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

March 28, 1997

HB 2117 Prime Sponsor, Representative McMorris: Lowering the rate of taxation for social card games. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Referred to Committee on Ways and Means.

March 27, 1997

EHB 2142 Prime Sponsor, Representative Lisk: Regulating assignment rights of lottery winnings. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, WA 98504-5000

March 24, 1997

Mr. Michael O'Connell  
Secretary of the Senate  
P. O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. O'Connell:

Enclosed is the Report to the Legislature regarding "Offenses Committed by Juveniles While on Authorized Leave, Unauthorized Leave, and Minimum Security Status During Fiscal Year 1996." This report is required by RCW 13.40.030(1). Please call Dave Guthmann at (360) 902-8085 if you have questions about the report.

Sincerely,  
LYLE QUASIM, Secretary

The Report from the Department of Social and Health Services is on file in the Office of the Secretary of Senate.

MESSAGE FROM THE HOUSE

March 31, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5464, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5464.

MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Wednesday, April 2, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

***JOURNAL OF THE SENATE***

***SEVENTY-NINTH DAY, APRIL 1, 1997***

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTIETH DAY**  
-----  
**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, April 2, 1997

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

The Sergeant at Arms Color Guard, consisting of Pages Nona Lambert and Brock Jones, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Congregation of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

March 27, 1997

SB 5721 Prime Sponsor, Senator Anderson: Allowing bare-boat charters. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5721 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Sheldon, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 31, 1997

SB 5999 Prime Sponsor, Senator Deccio: Financing a stadium and exhibition center and technology grants. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5999 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Bauer, Kohl, Long, Loveland, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

HOLD.

March 31, 1997

SB 6068 Prime Sponsor, Senator West: Enhancing legal advertising of state measures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6068 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Brown, Fraser, Hochstatter, Long, Loveland, McDonald, Rossi, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1193 Prime Sponsor, House Committee on Government Administration: Controlling personal service contracts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1235 Prime Sponsor, House Committee on Appropriations: Prohibiting consultants from charging state agencies for access to data generated under their personal services contracts. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1320 Prime Sponsor, House Committee on Government Administration: Designating Anax junius as the official insect of the state of Washington. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1332 Prime Sponsor, Representative Sheahan: Authorizing diversion agreements to prohibit contact with victims or witnesses of offenses committed by the juvenile. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl and Schow.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1425 Prime Sponsor, House Committee on Capital Budget: Adopting the recommendations of the alternative public works methods oversight committee. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1433 Prime Sponsor, House Committee on Capital Budget: Leasing property to counties for correctional facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1439 Prime Sponsor, Representative B. Thomas: Authorizing counties to set deadlines for petitioning for changes in assessed valuation. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1535 Prime Sponsor, House Committee on Health Care: Declaring a naturopath a health care practitioner for certain purposes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Franklin and Strannigan.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1574 Prime Sponsor, House Committee on Higher Education: Creating the historically Black college fund pilot project.  
Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Hale, Kohl, Patterson, Prince and Sheldon.

Referred to Committee on Ways and Means.

SHB 1784 Prime Sponsor, House Committee on Child and Family Service: Regulating public assistance fraud. Reported by  
Committee on Health and Long-Term Care

April 1, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Referred to Committee on Ways and Means.

EHB 1821 Prime Sponsor, Representative B. Thomas: Consolidating business and occupation tax rates into fewer categories.  
Reported by Committee on Ways and Means

March 31, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

SHB 1859 Prime Sponsor, House Committee on Child and Family Service: Revising provisions on abuse of children and adult dependent and developmentally disabled persons. Reported by Committee on Human Services and Corrections

April 1, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

SHB 1867 Prime Sponsor, House Committee on Health Care: Revising provisions for food sanitation and safety. Reported  
by Committee on Health and Long-Term Care

April 1, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin and Wojahn.

Passed to Committee on Rules for second reading.

SHB 1930 Prime Sponsor, House Committee on Government Administration: Restricting copying of birth certificates.  
Reported by Committee on Health and Long-Term Care

April 1, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

SHB 2090 Prime Sponsor, House Committee on Higher Education: Establishing a community and technical college employees attendance incentive program. Reported by Committee on Higher Education

April 1, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Hale, Kohl, Patterson, Prince, Sheldon and West.

Referred to Committee on Ways and Means.

April 1, 1997

HB 2146 Prime Sponsor, Representative Huff: Regulating claims against the University of Washington. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Wood, Chair; Winsley, Vice Chair; Hale, Kohl, Patterson, Prince, Sheldon and West.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 2193 Prime Sponsor, House Committee on Higher Education: Allowing the joint center for higher education transportation fees and excluding higher education and the joint center for higher education from the state agency parking account. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Hale, Kohl, Patterson, Prince, Sheldon and West.

Referred to Committee on Ways and Means.

April 1, 1997

HJM 4000 Prime Sponsor, Representative Sterk: Honoring law enforcement officers. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5999 was advanced to second reading and placed on the second reading calendar.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 18, 1997

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

I have the honor to submit the following reappointment, subject to your confirmation.  
Judge Ricardo Martinez, reappointed January 18, 1997, for a term ending August 2, 1999, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Law and Justice.

March 19, 1997

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

I have the honor to submit the following appointment, subject to your confirmation.  
Dean S. Lum, appointed March 19, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community College District No. 6.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

#### INTRODUCTION AND FIRST READING

SCR 8411 by Senators West and Snyder

Exempting Senate Bill No. 5999 from cutoff dates.

WHEREAS, Senate Concurrent Resolution No. 8402 established cutoff dates for consideration of legislation during the 1997 Regular Session of the Fifty-fifth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the cutoff dates established in Senate Concurrent Resolution No. 8402 shall not apply to Senate Bill No. 5999.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to second reading and read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted. SENATE CONCURRENT RESOLUTION NO. 8411 was adopted by voice vote.

At 10:15 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:19 a.m. by President Owen.

MOTION

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

SENATE RESOLUTION 1997-8647

By Senators Spanel and Haugen

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and  
WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and  
WHEREAS, The Skagit Valley Tulip Festival begins the festival season in Washington State; and  
WHEREAS, This year's fourteenth annual event will run from March 28 through April 13, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, LaConner, Mount Vernon, and Concrete; and  
WHEREAS, Holly Weigand and Alex McDonald were chosen as this year's Skagit Valley Tulip Festival Ambassadors; and  
WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing to the economy of the Skagit Valley; and  
WHEREAS, This year's visitors will be greeted by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and  
WHEREAS, Highlights of the event include the Kiwanis Annual Salmon Barbeque, Art in a Pickle Barn, the Tulip Pedal Bike Ride, the Tulip 10k Slug Run/Walk, the Downtown Mount Vernon Street Fair and much more;  
NOW, THEREFORE, BE IT RESOLVED, That the Senate salutes the six communities of the Skagit Valley, their Chambers of Commerce, Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee for their Skagit Valley Tulip Festival; and  
BE IT FURTHER RESOLVED, That we commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and  
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Audrey Smith, Tulip Festival Executive Director, and Alex McDonald and Holly Weigand, Skagit Valley Tulip Festival Ambassadors.

Senators Spanel and Haugen spoke to Senate Resolution 1997-8647.

MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5999, by Senators Deccio and Kohl (by request of Governor Locke)

Financing a stadium and exhibition center and technology grants.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5999 was substituted for Senate Bill No. 5999 and the substitute bill was placed on second reading and read the second time.

Senator Heavey moved that the following amendments by Senators Heavey and Schow be considered simultaneously and be adopted:

On page 6, line 7, after "site" insert ", but the site must be in accordance with the results of the election under section 606 of this act" On page 38, after line 2, strike all of section 606 and insert the following: "**NEW SECTION. Sec. 606.** The secretary of state shall submit this act to the people for adoption and ratification, or rejection, at a special election to be held in this state on June 3, 1997, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation. The special election shall be limited to submission of this act to the people. Additionally, the secretary of state shall submit a choice for the preferred site of the new stadium should this act be adopted. The ballot shall contain two questions. The first question: "Shall certain taxes be raised to fund a professional football stadium?" The second question, if the first is approved: "Shall the location of the new stadium be: (1) The pioneer square district of Seattle; or (2) in a renovated Husky stadium?" The ballot shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as to the voter's preference on approval or rejection of the measure itself, and secondly, as between one location option and the other. If the majority of those voting on the first preference is for rejection of the measure, the measure fails. If a majority voting on the first preference is for approval of the measure, then the measure shall be law and the location shall be the location option receiving a majority of the votes." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey and Schow on page 6, line 7, and page 38, after line 2, to Substitute Senate Bill No. 5999.

The motion by Senator Heavey failed and the amendments were not adopted on a rising vote.

#### MOTION

Senator Schow moved that the following amendments by Senators Schow and Heavey be considered simultaneously and be adopted:

Beginning on page 9, after line 2, strike all of sections 201 and 202 and insert the following: "**NEW SECTION. Sec. 201.** A new section is added to chapter 82.04 RCW to read as follows: (1) Upon every person engaging within this state in the business of playing professional football in the national football league, professional baseball in major league baseball, or professional basketball in the national basketball association, as to such persons, the amount of tax with respect to such business shall be equal to the gross income of the business multiplied by a rate of 1.5 percent. (2) Upon every person engaging within this state in the business of printing daily newspapers, radio broadcasting, or television broadcasting, in addition to the tax imposed under RCW 82.04.280, there is imposed a surtax equal to twenty percent of the tax due under RCW 82.04.280.

(3) Proceeds of the tax imposed under this section shall be deposited into the stadium and exhibition center account created in section 214 of this act. **Sec. 202.** RCW 82.04.290 and 1996 c 1 s 2 are each amended to read as follows: (1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.0 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses, other than or in addition to those enumerated in subsection (3) of this section; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.6 percent. (3) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent. (4) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, section 201 of this act, and 82.04.280, and subsections (1), (2), and (3) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.75 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section. **Sec. 203.** RCW 82.04.360 and 1991 c 324 s 19 and 1991 c 275 s 2 are each reenacted and amended to read as follows: (1) This chapter shall not apply to any person in respect to his or her employment in the capacity of an employee or servant as distinguished from that of an independent contractor. For the purposes of this section, the definition of employee shall include those persons that are defined in section 3121(d)(3)(B) of the Internal Revenue Code of 1986, as amended through January 1, 1991. (2) A booth renter, as defined by RCW 18.16.020, is an independent contractor for purposes of this chapter. (3) Persons engaging in the business of playing professional football in the national football league, professional baseball in major league baseball, or professional basketball in the national basketball association shall not be considered to be employees under this section. **NEW SECTION. Sec. 204.** (1) A tax is imposed on each sale of executive suites, luxury box seats, and personal seat licenses in stadiums that exhibit professional football from the national football league, professional baseball from major league baseball, or professional basketball from the national basketball association, in this state. The rate of the tax shall be ten percent of the

sales price. (2) This tax shall be paid by the buyer to the seller and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale, unless the seller is prohibited from collecting the tax from the buyer under the state Constitution or the Constitution or laws of the United States. (3) The tax shall be stated separately from the selling price in any sales invoice or any instrument of sale. Failure to separately state the tax shall create a conclusive presumption that the tax has not been collected. (4) Proceeds of the tax imposed under this section shall be deposited into the stadium and exhibition center account created in section 214 of this act. **Sec. 205.** RCW 36.100.090 and 1995 1st sp.s. c 14 s 6 are each amended to read as follows: (1) The governing board of a public facilities district may apply for deferral of taxes on the construction of buildings, site preparation, and the acquisition of related machinery and equipment for a new public facility. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding the location of the public facility, estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section. (2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the public facility. The use of the certificate shall be governed by rules established by the department of revenue. (3) The public facilities district shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the public facility is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax. (4) The department of revenue may authorize an accelerated repayment schedule upon request of the public facilities district. (5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the public facilities district. (6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section. (7) As used in this section, "public facility" means a baseball stadium with a retractable roof or canopy and natural turf or a stadium and exhibition center as defined in section 101 of this act." Renumber the remaining sections consecutively and correct any internal references accordingly. On page 19, line 12, after "201" insert ", 204," On page 37, line 21, after "(1) Section" strike "201" and insert "204" Debate ensued.

#### POINT OF INQUIRY

Senator Benton: "Senator Heavey, are the taxes that these amendments will impose intended to replace the taxes on all the citizens of the state in terms of the license--the additional sales tax on licensed items and/or the portion of the general fund taxes? Are they intended to replace that? Do these amendments do that, as well?"

Senator Heavey: "Yes."

Further debate ensued.

#### POINT OF INQUIRY

Senator Heavey requested Senator Kohl to yield to a question, but Senator Kohl would not yield to a question.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Schow and Heavey on page 9, after line 2; page 19, line 12; and page 37, line 21, to Substitute Senate Bill No. 5999.

The motion by Senator Schow failed and the amendments were not adopted on a rising vote.

#### MOTIONS

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5999 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Thibaudeau: "Senator Deccio, there was a newspaper report that the Legislature could approve new additional funding sources after the public vote. My understanding is that we passed an amendment--as a matter of fact, I offered it--and we all voted for it lidding the amount of state dollars that could be spent. Is that your understanding or is that a problem?"

Senator Deccio: "I understand that that issue is going to be addressed in the House and they will take care of it over there."

Senator Thibaudeau: "But, it was lidded in the Ways and Means?"

Senator Deccio: "Yes."

Senator Thibaudeau: "Thank you, Senator. Thank you, Mr. President."

Further debate ensued.

#### DEMAND FOR PREVIOUS QUESTION

Senators West, Deccio and Hale demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5999.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5999 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Deccio, Goings, Hale, Horn, Jacobsen, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Prentice, Prince, Rasmussen, Sellar, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Wood - 25. Voting nay: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kline, Oke, Patterson, Roach, Rossi, Schow, Stevens, Strannigan, Swanson, Wojahn and Zarelli - 23. Excused: Senator McDonald - 1. SUBSTITUTE SENATE BILL NO. 5999, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:06 a.m., on motion of Senator Johnson, the Senate adjourned until 12:00 noon, Thursday, April 3, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### **JOURNAL OF THE SENATE**

**EIGHTIETH DAY, APRIL 2, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### **EIGHTY-FIRST DAY**

#### **NOON SESSION**

Senate Chamber, Olympia, Thursday, April 3, 1997

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

SHB 1010 Prime Sponsor, House Committee on Transportation Policy and Budget: Establishing procedures for federal transportation pass-through moneys. Reported by Committee on Transportation  
April 1, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

HB 1023 Prime Sponsor, Representative Buck: Clarifying qualifications for commuter ride sharing. Reported by Committee on Transportation  
March 31, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

ESHB 1113 Prime Sponsor, House Committee on Agriculture and Ecology: Authorizing a change in the use of water made surplus by certain activities and modifying transfer provisions. Reported by Committee on Agriculture and Environment  
April 1, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.



Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1114 Prime Sponsor, House Committee on Agriculture and Ecology: Revising regulations concerning reclaimed water. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

March 31, 1997

SHB 1211 Prime Sponsor, House Committee on Transportation Policy and Budget: Making accident reports available to the traffic safety commission. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1272 Prime Sponsor, House Committee on Agriculture and Ecology: Establishing water conservancy boards. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 1283 Prime Sponsor, House Committee on Trade and Economic Development: Providing funding for business and economic development programs. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Heavey and Newhouse.

Referred to Committee on Ways and Means.

April 1, 1997

ESHB 1292 Prime Sponsor, House Committee on Commerce and Labor: Expanding claims management authority for industrial insurance rating programs. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1300 Prime Sponsor, Representative Sheahan: Making technical corrections affecting the department of financial institutions. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

March 31, 1997

HB 1316 Prime Sponsor, Representative Honeyford: Designating state route number 35. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1323 Prime Sponsor, House Committee on Government Reform and Land Use: Allowing electronic distribution of notices relating to rule making or policy or interpretive statements. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1349 Prime Sponsor, Representative McMorris: Extending existing employer workers' compensation group self-insurance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 1360 Prime Sponsor, House Committee on Government Administration: Allowing state patrol officers to engage in private employment. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Swanson.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 1361 Prime Sponsor, House Committee on Commerce and Labor: Regulating electricians and electrical installations. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1364 Prime Sponsor, House Committee on Commerce and Labor: Updating provisions about the seizure and forfeiture of gambling-related property. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1383 Prime Sponsor, House Committee on Criminal Justice and Corrections: Establishing restitution for rape of a child. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

2SHB 1392 Prime Sponsor, House Committee on Appropriations: Enhancing crime victims' compensation. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Long, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 1, 1997

SHB 1393 Prime Sponsor, House Committee on Criminal Justice and Corrections: Regulating board of industrial insurance appeals. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

EHB 1394 Prime Sponsor, Representative Blalock: Concerning the witnesses of an execution. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 2, 1997

ESHB 1419 Prime Sponsor, House Committee on Agriculture and Environment: Revising provisions for solid waste permits. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 1997

HB 1421 Prime Sponsor, Representative Mitchell: Using transportation centers. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Sellar.

Passed to Committee on Rules for second reading.

April 1, 1997

2SHB 1432 Prime Sponsor, House Committee on Appropriations: Modifying the adoption support reconsideration program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1464 Prime Sponsor, House Committee on Agriculture and Ecology: Updating and modifying certain noxious weed provisions. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 1997

EHB 1496 Prime Sponsor, Representative Benson: Clarifying the definition of "negligent treatment or maltreatment" of a child. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1499 Prime Sponsor, Committee on Trade and Economic Development: Establishing a rural development council. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1513 Prime Sponsor, House Committee on Transportation Policy and Budget: Enhancing transportation demand management. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 1997

E2SHB 1527 Prime Sponsor, House Committee on Appropriations: Regulating pesticides. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

April 1, 1997

ESHB 1560 Prime Sponsor, House Committee on Financial Institutions and Insurance: Modernizing, clarifying, and simplifying the Washington state credit union act. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

April 1, 1997

EHB 1584 Prime Sponsor, Representative Sherstad: Revising provisions for school district employee benefits. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1585 Prime Sponsor, House Committee on Financial Institutions and Insurance: Authorizing the state investment board to delegate certain powers and duties. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1586 Prime Sponsor, House Committee on Financial Institutions and Insurance: Authorizing the state investment board to create public entities for the purposes of handling real estate and other investment assets. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Winsley, Chair; Finkbeiner, Hale and Kline.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

March 31, 1997

HB 1604 Prime Sponsor, Representative Cairnes: Clarifying advertising requirements for limousines. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1607 Prime Sponsor, House Committee on Commerce and Labor: Providing for industrial insurance self-insurers to determine benefits for permanent disability. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

March 28, 1997

SHB 1620 Prime Sponsor, House Committee on Health Care: Abrogating the corporate practice of medicine doctrine. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Fairley and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1657 Prime Sponsor, House Committee on Agriculture and Ecology: Allowing the pass-through of disposal fees for certain solid waste collection companies. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

April 1, 1997

2SHB 1714 Prime Sponsor, House Committee on Appropriations: Establishing basic health plan eligibility for certain persons eligible for medicare. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Franklin, Strannigan and Wojahn.

Referred to Committee on Ways and Means.

April 2, 1997

SHB 1726 Prime Sponsor, House Committee on Agriculture and Ecology: Allowing outdoor burning of storm and flood-related debris. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1729 Prime Sponsor, House Committee on Agriculture and Ecology: Changing irrigation district administration provisions. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 1997

SHB 1786 Prime Sponsor, House Committee on Transportation Policy and Budget: Requiring the transportation improvement board to report to the legislative transportation committees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1791 Prime Sponsor, House Committee on Agriculture and Ecology: Exempting activities conducted for an agricultural commodity commission or board from business and occupation tax. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

April 1, 1997

ESHB 1792 Prime Sponsor, House Committee on Agriculture and Ecology: Expanding the use of environmental technology precertification. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 1997

HB 1802 Prime Sponsor, Representative Hankins: Requiring auto transport companies to report revenues to the UTC on a yearly basis. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 1, 1997

EHB 1832 Prime Sponsor, Representative Clements: Transferring funds for plant pest control activities. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 1840 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating the Washington basic health plan. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1997

2SHB 1862 Prime Sponsor, House Committee on Appropriations: Requiring a community-based response system for certain families referred to child protective services. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1865 Prime Sponsor, House Committee on Education: Allowing school districts to contract with other public and private entities. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1991 Prime Sponsor, Representative Honeyford: Modifying civil penalties for accident prevention program violations. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 2018 Prime Sponsor, House Committee on Health Care: Enacting health insurance reform. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton and Strannigan.

MINORITY Recommendation: Do not pass as amended and do not refer to Committee on Ways and Means. Signed by Senators Fairley and Wojahn.

Referred to Committee on Ways and Means.

April 1, 1997

HB 2040 Prime Sponsor, Representative Hankins: Authorizing the continuation of a special insuring agreement for workers' compensation for the United States department of energy. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

SHB 2051 Prime Sponsor, House Committee on Agriculture and Ecology: Exempting environmental remedial services, labor, and businesses from taxation. Reported by Committee on Agriculture and Environment April 1, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

HB 2074 Prime Sponsor, Representative Alexander: Making changes to the internal operations of counties. Reported by Committee on Government Operations April 1, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

HB 2084 Prime Sponsor, Representative Cole: Regulating vocational rehabilitation benefits. Reported by Committee on Commerce and Labor April 1, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

HB 2098 Prime Sponsor, Representative L. Thomas: Making longshore and harbor workers' compensation insurance available. Reported by Committee on Financial Institutions, Insurance and Housing April 1, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale and Kline.

Passed to Committee on Rules for second reading.

HB 2141 Prime Sponsor, Representative Cairnes: Providing changes to terminal audit violation penalties. Reported by Committee on Transportation April 1, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

HB 2163 Prime Sponsor, Representative Sheldon: Clarifying the requirements for a veterans or military personnel remembrance emblem. Reported by Committee on Transportation March 31, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.



April 1, 1997

ESHB 2170 Prime Sponsor, Committee on Trade and Economic Development: Expediting projects of state-wide significance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 2226 Prime Sponsor, House Committee on Health Care: Establishing residency requirements for subsidized enrollees in the basic health plan. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 2227 Prime Sponsor, House Committee on Commerce and Labor: Establishing requirements for health services providers under industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1997

HJM 4005 Prime Sponsor, Representative Mulliken: Returning land within the Hanford control zone to agricultural and wildlife uses. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Rossi and Strannigan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Jacobsen and Swanson.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Johnson, Substitute House Bill No. 1272 and Engrossed House Bill No. 1584 were passed to the Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 1, 1997

GA 9115 JOHN L. BLEY, reappointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Financial Institutions.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules.

April 1, 1997

GA 9171 CAPTAIN ROBERT N. KROMANN, reappointed January 28, 1997, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Rasmussen.

Passed to Committee on Rules.

April 1, 1997

GA 9181 ROBERT D. McVICARS, reappointed January 28, 1997, for a term ending June 30, 1999, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Winsley, Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules.

April 1, 1997

GA 9184 JEFFREY W. NITTA, reappointed January 28, 1997, for a term ending June 30, 1999, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Winsley, Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules.

April 1, 1997

GA 9216 CAPTAIN BENJAMIN L. WATSON, reappointed January 28, 1997, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Rasmussen.

Passed to Committee on Rules.

April 1, 1997

GA 9232 DR. THOMAS F. SANQUIST, reappointed February 7, 1997, for a term ending December 26, 2000, as a member of the Board of Pilotage Commissioners.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke and Rasmussen.

Passed to Committee on Rules.

April 2, 1997

GA 9241 JOSEPH D. LEHMAN, appointed March 10, 1997, for a term ending at the pleasure of the Governor, as Secretary of the Department of Corrections.  
Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Long, Chair; Franklin, Hargrove, Kohl and Schow.

Passed to Committee on Rules.

April 1, 1997

GA 9243 KAREN MILLER, appointed March 26, 1997, for a term ending June 30, 1997, as a member of the Housing Finance Commission.  
Reported by Committee on Financial Institutions and Housing

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Winsley, Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

April 2, 1997

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5464, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

At 12:03 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Friday, April 4, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**EIGHTY-FIRST DAY, APRIL 3, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTY-SECOND DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, April 4, 1997

The Senate was called to order at 10:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Roach and Zarelli. On motion of Senator Hale, Senators Benton, Roach and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Geis and Brian Tanaka, presented the Colors. Bishop Carlos Sevilla of the Catholic Diocese of Yakima, and a guest of Senators Deccio and Sheldon, offered the prayer.

MOTION

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

MOTION

At 10:07 a.m. on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:26 a.m. by President Pro Tempore Newhouse.

REPORTS OF STANDING COMMITTEES

April 3, 1997

SB 6072 Prime Sponsor, Senator West: Changing the timelines for development and implementation of the student assessment system. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6072 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Goings, McAuliffe and Rasmussen.

Passed to Committee on Rules for second reading.

April 3, 1997

SJM 8014 Prime Sponsor, Senator Patterson: Requesting that the cause of Gulf War syndrome be fully and expeditiously investigated. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 1056 Prime Sponsor, House Committee on Natural Resources: Transferring the status of the Elk River Preserve from a natural area preserve to a natural resources conservation area. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1997

EHB 1096 Prime Sponsor, Representative Sheahan: Concerning the payment and recovery of fees. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Haugen, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1112 Prime Sponsor, House Committee on Agriculture and Ecology: Adjudicating water rights. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Referred to Committee on Ways and Means.

April 1, 1997

ESHB 1130 Prime Sponsor, House Committee on Law and Justice: Reaffirming and protecting the institution of marriage. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kline.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1168 Prime Sponsor, Representative Pennington: Revising restrictions on legislators' newsletters. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Haugen, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

EHB 1205 Prime Sponsor, Representative Lambert: Prohibiting specified sex offenses against children. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1314 Prime Sponsor, House Committee on Law and Justice: Computing the time within which an act is to be done. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 1337 Prime Sponsor, House Committee on Health Care: Authorizing providers and provider groups to offer health care coverage. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1352 Prime Sponsor, House Committee on Transportation Policy and Budget: Funding transportation project environmental mitigation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1358 Prime Sponsor, House Committee on Natural Resources: Excluding materials purchased by farmers to improve wildlife habitat or forage from the definition of "sale at retail" or "retail sale" for tax purposes. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1368 Prime Sponsor, Representative Huff: Easing restrictions on gambling fund-raisers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Fraser and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1387 Prime Sponsor, House Committee on Financial Institutions and Insurance: Clarifying the frequency of filing of rate adjustments for mandatory offering of basic health plan benefits. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Referred to Committee on Ways and Means.

April 3, 1997

SHB 1404 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions for punch boards and pull-tabs. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Heavey and Newhouse.

Referred to Committee on Ways and Means.

April 2, 1997

HB 1459 Prime Sponsor, Representative Cairnes: Regulating licensees of the department of licensing. Reported by  
Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice  
Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1474 Prime Sponsor, House Committee on Government Reform and Land Use: Increasing categorical exemptions from  
SEPA. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair;  
Newhouse and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Rasmussen.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1478 Prime Sponsor, House Committee on Appropriations: Feeding wildlife during severe winters. Reported by  
Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators  
Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

April 3, 1997

HB 1489 Prime Sponsor, Representative Chandler: Modifying public works and water pollution control funding. Reported  
by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair;  
Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 2, 1997

HB 1593 Prime Sponsor, Representative Scott: Collecting solid waste or recyclables. Reported by Committee on  
Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice  
Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1594 Prime Sponsor, House Committee on Transportation Policy and Budget: Relaxing front end length limits on  
garbage trucks. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice  
Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1624 Prime Sponsor, House Committee on Government Reform and Land Use: Defining wetlands for growth  
management purposes. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse and  
Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

April 1, 1997  
SHB 1672 Prime Sponsor, House Committee on Law and Justice: Prohibiting the use of intoxication as a defense. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997  
HB 1673 Prime Sponsor, Representative Dunn: Allowing parents to decline having their children in the transitional bilingual program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997  
SHB 1692 Prime Sponsor, House Committee on Capital Budget: Describing those lands eligible to be included in a port district aquatic lands management agreement. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Prentice, Snyder, Spanel and Stevens.

Referred to Committee on Ways and Means.

April 1, 1997  
SHB 1693 Prime Sponsor, House Committee on Financial Institutions and Insurance: Allowing credit for reinsured ceded risks. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

April 1, 1997  
ESHB 1746 Prime Sponsor, House Committee on Commerce and Labor: Making minor possession of tobacco a class 3 civil infraction and clarifying penalties for violation of current laws regarding youth access to tobacco. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 1, 1997  
SHB 1750 Prime Sponsor, House Committee on Government Administration: Protecting existing functional mobile home park septic systems. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale and Kline.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1770 Prime Sponsor, House Committee on Natural Resources: Setting the fee for the transfer of Dungeness crab-- coastal fishery licenses. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1806 Prime Sponsor, House Committee on Natural Resources: Increasing penalties for the illegal killing and possession of wildlife. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1874 Prime Sponsor, Representative Robertson: Modifying electrical inspections within county road rights of way. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 1, 1997

ESHB 1899 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing standards for life insurance policy illustrations. Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1922 Prime Sponsor, Representative Honeyford: Granting courts of limited jurisdiction concurrent jurisdiction over certain juvenile offenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Kline, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1924 Prime Sponsor, Representative Ballasiotes: Changing the sentencing for sex offenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Haugen, Long, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 3, 1997

SHB 1950 Prime Sponsor, House Committee on Government Administration: Regulating incorporations of towns. Reported by Committee on Government Operations



MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen and Horn.

Passed to Committee on Rules for second reading.

E2SHB 1969 Prime Sponsor, House Committee on Appropriations: Regulating public water systems. Reported by Committee on Energy and Utilities April 3, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Brown, Jacobsen, Rossi, Strannigan and Swanson.

Passed to Committee on Rules for second reading.

SHB 2059 Prime Sponsor, House Committee on Criminal Justice and Corrections: Prohibiting theft of rental and leased property. Reported by Committee on Law and Justice April 1, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

SHB 2083 Prime Sponsor, House Committee on Government Reform and Land Use: Authorizing uses for master planned resorts. Reported by Committee on Government Operations April 3, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

Passed to Committee on Rules for second reading.

ESHB 2096 Prime Sponsor, House Committee on Agriculture and Ecology: Consolidating the state's oil spill prevention program. Reported by Committee on Agriculture and Environment April 3, 1997

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

SHB 2166 Prime Sponsor, House Committee on Transportation Policy and Budget: Encouraging coordinated transportation services. Reported by Committee on Transportation April 2, 1997

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

ESHB 2186 Prime Sponsor, House Committee on Appropriations: Requiring a methodology to identify critical ecological functions within a WRIA. Reported by Committee on Agriculture and Environment April 3, 1997

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Referred to Committee on Ways and Means.

April 1, 1997

SHB 2189 Prime Sponsor, House Committee on Trade and Economic Development: Creating a task force to study alternative financing techniques for the development and renovation of low-income senior housing developments.  
Reported by Committee on Financial Institutions, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Passed to Committee on Rules for second reading.

April 2, 1997

ESHB 2217 Prime Sponsor, House Committee on Transportation Policy and Budget: Removing fish passage barriers.  
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Johnson, Senate Bill No. 6072 was passed to the Committee on Rules for second reading

#### MOTION

Senator Johnson moved that Engrossed House Bill No. 3901, which was held on the desk March 28, 1997, be passed to the Committee on Rules.

#### MOTION

Senator Snyder moved that Engrossed House Bill No. 3901 be referred to the Committee on Ways and Means. Debated ensued.

#### POINT OF INQUIRY

Senator Spanel: "Senator West, has House Bill No. 3901 been heard in the Ways and Means Committee?"  
Senator West: "The substance of House Bill No. 3901 has been more than addressed in Ways and Means and a rose by any other name is still a rose."  
Senator Spanel: "Has this bill been heard in Ways and Means?"  
Senator West: "The underlying substance has been heard in Ways and Means; it has been heard in the Senate Health and Long-Term Care Committee; it has been heard in the House. Frankly, this is no different than a conference committee report, except that we will have an opportunity on the floor of the Senate to amend it, which we never get an opportunity to do in a conference committee."  
Senator Spanel: "Well, I would say that this is very different from a conference committee report, since there has not been a conference committee report and only one side of this body has been represented. So, I would urge that this bill be sent to the Ways and Means Committee and we turn down the motion to send it to Rules."  
Further debate ensued.

#### WITHDRAWAL OF MOTION

On motion of Senator Johnson, the motion to pass Engrossed House Bill No. 3901 to the Committee on Rules, was withdrawn.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 3, 1997

GA 9141 PAUL D. BURTON, reappointed January 28, 1997, for a term ending September 30, 1999, as a member of the Board of Trustees for Shoreline Community College District No. 7.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

April 3, 1997

GA 9151 JOHN M. EMERSON, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Highline Community College District No. 9.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

April 3, 1997

GA 9154 BILL FRANK, JR., reappointed January 28, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for The Evergreen State College.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

April 3, 1997

GA 9163 J. C. JACKSON, reappointed January 28, 1997, for a term ending September 30, 1998, as a member of the Board of Trustees for Bellevue Community College District No. 8.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

April 3, 1997

GA 9169 JOE KING, reappointed January 28, 1997, for a term ending September 30, 2000, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Kohl, Patterson and Prince.

Passed to Committee on Rules.

April 3, 1997

GA 9170 TOM KNEESHAW, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

April 3, 1997

GA 9190 JOSEPH J. PINZONE, reappointed January 28, 1997, for a term ending June 30, 1999, as a member of the Work Force Training and Education Coordinating Board.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

April 3, 1997

GA 9192 NAOMI K. PURSEL, reappointed January 28, 1997, for a term ending September 30, 2001, as a member of the Board of Trustees for Olympic Community College District No. 3.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer,

Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

April 3, 1997

GA 9195 WILLIAM ROBINSON, reappointed January 28, 1997, for a term ending September 30, 2000, as a member of the Board of Trustees for the Spokane Center for Higher Education.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6094 by Senators McCaslin and Haugen (by request of Governor Locke)

AN ACT Relating to growth management; amending RCW 36.70A.030, 36.70A.070, 36.70A.160, 36.70A.190, 36.70A.130, 36.70A.270, 36.70A.290, 36.70A.300, 36.70A.305, 36.70A.320, 36.70A.330, 36.70A.500, 84.34.020, 84.40.030, 90.60.030, 35.13.130, 35A.14.295, 35.13.174, 36.93.170, and 84.14.010; adding new sections to chapter 36.70A RCW; adding a new section to chapter 35.13 RCW; and creating new sections.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6094 was advanced to second reading and placed on the second reading calendar.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1821, by Representatives B. Thomas, Mulliken, Bush, Zellinsky, Kastama, Sullivan, Wensman, Carrell and Schoesler

Consolidating business and occupation tax rates into fewer categories.

The bill was read the second time.

#### MOTION

Senator West moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 82.04.255 and 1996 c 1 s 1 are each amended to read as follows: Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((4.75))~~ 1.5 percent. The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction. **Sec. 2.** RCW 82.04.290 and 1996 c 1 s 2 are each amended to read as follows: (1) ~~((Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.0 percent. (2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses, other than or in addition to those enumerated in subsection (3) of this section; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.6 percent. (3)))~~ Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent. ~~((4))~~ (2) Upon every person engaging within this state

in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsection(s) (1)(~~(2)~~, and ~~(3)~~) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((1-75))~~ 1.5 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section. **Sec. 3.** RCW 82.04.293 and 1995 c 229 s 1 are each amended to read as follows: For purposes of RCW 82.04.290(~~(3)~~): (1) A person is engaged in the business of providing international investment management services, if: (a) Such person is engaged primarily in the business of providing investment management services; and (b) At least ten percent of the gross income of such person is derived from providing investment management services to any of the following: (i) Persons or collective investment funds residing outside the United States; or (ii) persons or collective investment funds with at least ten percent of their investments located outside the United States. (2) "Investment management services" means investment research, investment consulting, portfolio management, fund administration, fund distribution, investment transactions, or related investment services. (3) "Collective investment fund" includes: (a) A mutual fund or other regulated investment company, as defined in section 851(a) of the internal revenue code of 1986, as amended; (b) An "investment company," as that term is used in section 3(a) of the investment company act of 1940, as well as any entity that would be an investment company for this purpose but for the exemptions contained in section 3(c)(1) or (11); (c) An "employee benefit plan," which includes any plan, trust, commingled employee benefit trust, or custodial arrangement that is subject to the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., or that is described in sections 125, 401, 403, 408, 457, and 501(c)(9) and (17) through (23) of the internal revenue code of 1986, as amended, or a similar plan maintained by a state or local government, or a plan, trust, or custodial arrangement established to self-insure benefits required by federal, state, or local law; (d) A fund maintained by a tax-exempt organization, as defined in section 501(c)(3) of the internal revenue code of 1986, as amended, for operating, quasi-endowment, or endowment purposes; (e) Funds that are established for the benefit of such tax-exempt organizations, such as charitable remainder trusts, charitable lead trusts, charitable annuity trusts, or other similar trusts; or (f) Collective investment funds similar to those described in (a) through (e) of this subsection created under the laws of a foreign jurisdiction. (4) Investments are located outside the United States if the underlying assets in which the investment constitutes a beneficial interest reside or are created, issued or held outside the United States. **Sec. 4.** RCW 82.04.4452 and 1994 sp.s. c 5 s 2 are each amended to read as follows: (1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year. (2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate ~~((of 0.545 percent))~~ provided in RCW 82.04.260(6) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and ~~((2.5 percent))~~ the rate provided in RCW 82.04.290(2) for every other person. (3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development. (4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year. (5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section. (6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe. (7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures. (8) The department shall use the information required under subsection (7) of this section to perform three assessments on the tax credit program authorized under this section. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects. (9) For the purpose of this section: (a) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property. (b) "Qualified research and development" shall have the same meaning as in RCW 82.63.010. (c) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research

institution to conduct qualified research and development. (d) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440. (10) This section shall expire December 31, 2004. NEW SECTION. Sec. 5. RCW 82.04.055 and 1993 sp.s. c 25 s 201 are each repealed. NEW SECTION. Sec. 6. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections. NEW SECTION. Sec. 7. This act takes effect July 1, 1998." Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed House Bill No. 1821.

The motion by Senator West carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, on line 2 of the title, after "categories;", strike the remainder of the title and insert "amending RCW 82.04.255, 82.04.290, 82.04.293, and 82.04.4452; creating a new section; repealing RCW 82.04.055; and providing an effective date." On motion of Senator West, the rules were suspended, Engrossed House Bill No. 1821, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1821, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1821, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46. Excused: Senators Benton, Roach and Zarelli - 3. ENGROSSED HOUSE BILL NO. 1821, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, Engrossed House Bill No. 1821, as amended by the Senate, was ordered immediately transmitted to the House of Representatives.

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

#### MOTION

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

#### SENATE RESOLUTION 1997-8649

By Senators Fraser, Winsley, Rasmussen and Roach

WHEREAS, The state of Washington and Hyogo Prefecture have shared an active sister-state relationship for thirty-four years, the longest such relationship in the United States; and

WHEREAS, Several communities in the state of Washington and Hyogo Prefecture have active sister-community relationships, including: Auburn and Kasuga; Kent and Kaibara; Kittitas County and Sanda City; Olympia and Yashiro; Pullman and Kasai City; Renton and Nishiwaki; Seattle and Kobe; Sequim and Yamasaki; Spokane and Nishinomiya; and Walla Walla and Sasayama; and

WHEREAS, The Washington State-Hyogo Prefecture Legislative Friendship Committee was founded three years ago by the Washington State Legislature to foster a continued exchange of friendship and information between our two legislative bodies; and

WHEREAS, The state of Washington-Hyogo Prefecture sister-state relationship has resulted in numerous educational exchanges, including sister-school relationships, such as that of Olympia High School and Yashiro High School, the social science teacher exchange program, and other faculty and student exchange programs that have benefitted both of our regions; and

WHEREAS, The state of Washington-Hyogo Prefecture sister-state relationship has resulted in the opening of the Hyogo Cultural Center in Seattle; the Washington Village housing project in Sanda City; the sister-port relationship between the Port of Seattle and the Port of Kobe; and the Evergreen State College-Kobe College of Commerce (Kobe Shodai) exchange relationship, all of which foster valuable friendship and business ties between our regions; and

WHEREAS, The Washington State-Hyogo Prefecture sister-state relationship has resulted in cultural exchanges, including the formation of the Hyogo Cultural Center in Seattle; arts exchanges between the Washington State Arts

Commission and the Hyogo Prefectural Cultural Association; the Youth Tree Exchange; and the New Leader State Employee Exchange Program, which have enriched the cultures of both the state of Washington and Hyogo Prefecture; and

WHEREAS, Our common experiences with major natural disasters, such as the Great Hanshin-Awaji Earthquake and the Mt. St. Helens volcanic eruption, have led to the valuable sharing of emergency response information; and

WHEREAS, The respect for the environment and waters that we share has increased our concern for the prevention of and response to oil spills;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate welcome and honor the delegation of Hyogo legislators to our state and our country; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Toshitami Kaihara; Mr. Toshihiro Murakam, Speaker of the Hyogo Prefectural Assembly; Mr. Isami Hirazawa, President of the Japan-American Friendship League of Hyogo Prefectural Assembly; and Mr. Takeo Tarahata of the Hyogo Cultural Center located in Seattle.

Senators Fraser, Rasmussen, Sellar, Wojahn and Kline spoke to Senate Resolution 1997-8649.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mr. Isami Hirazawa, President of the Japan-American Friendship League of Hyogo Prefectural Assembly, and members of the legislative delegation who were seated in the back of the Chamber.

#### MOTION

At 11:52 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 5:42 p.m. by President Owen.

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

#### REPORTS OF STANDING COMMITTEES

April 2, 1997

SB 5924 Prime Sponsor, Senator West: Conditioning general assistance eligibility for persons with drug or alcohol addiction on attendance at a certified drug and alcohol treatment program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5924 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1997

SB 6084 Prime Sponsor, Senator West: Transferring enforcement of cigarette and tobacco taxes to the liquor control board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6084 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1005 Prime Sponsor, House Committee on Higher Education: Creating the border county higher education opportunity pilot project.

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Referred to Committee on Ways and Means.

April 3, 1997

SHB 1008 Prime Sponsor, House Committee on Transportation Policy and Budget: Standardizing issuance of license plates. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Heavey, Morton, Oke, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Horn and Patterson.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1022 Prime Sponsor, House Committee on Natural Resources: Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Vice Chair; Hargrove, Morton, Roach, Snyder, Stevens and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Oke, Chair; Jacobsen, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 4, 1997

E2SHB 1032 Prime Sponsor, House Committee on Appropriations: Implementing regulatory reform. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senator Swanson.  
Referred to Committee on Ways and Means.

April 4, 1997

HB 1046 Prime Sponsor, Representative Carlson: Requiring personal flotation devices for children on certain recreational vessels. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Jacobsen, Prentice, Snyder, Spanel and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Hargrove.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1067 Prime Sponsor, Representative Sterk: Extending the time limits for commencing a prosecution for certain traffic crimes where a death results. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1069 Prime Sponsor, House Committee on Law and Justice: Prohibiting the malicious use of explosives. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long and McCaslin.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 1074 Prime Sponsor, House Committee on Law and Justice: Protecting personality rights. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Kline, Long, Stevens and Zarelli.

Passed to Committee on Rules for second reading.



April 4, 1997

ESHB 1085 Prime Sponsor, House Committee on Education: Requiring notification before a school conducts certain tests, questionnaires, surveys, analyses, or evaluations. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1086 Prime Sponsor, House Committee on Education: Establishing criteria that limit school employees' ability to remove students from school. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

HB 1099 Prime Sponsor, Representative Cooke: Transferring law enforcement officers' and fire fighters' retirement system plan I service. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, Rossi, Schow, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

HB 1102 Prime Sponsor, Representative Lambert: Retirement benefits based on excess compensation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1105 Prime Sponsor, House Committee on Appropriations: Providing retirement credit for leave for legislative service. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Kohl, Long, Loveland, McDonald, Sheldon, Snyder, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 1110 Prime Sponsor, House Committee on Agriculture and Ecology: Altering a moratorium on new appropriations of Columbia river waters. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1118 Prime Sponsor, House Committee on Agriculture and Ecology: Reopening the water rights claim filing period. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Referred to Committee on Ways and Means.

April 2, 1997

HB 1119 Prime Sponsor, Representative Schoesler: Extending the expiration date of an act requiring the purchaser of privately owned timber to report to the department of revenue. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1121 Prime Sponsor, House Committee on Children and Family Services: Revising legal custody of children. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Kohl and Schow.

Passed to Committee on Rules for second reading.

April 1, 1997

HB 1172 Prime Sponsor, Representative D. Sommers: Concerning the failure to register as a sex offender. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1176 Prime Sponsor, House Committee on Criminal Justice and Corrections: Adding child rape to the two strikes list. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Kline, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1196 Prime Sponsor, Representative McDonald: Regulating registration of charitable trusts. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Fairley, Goings, Haugen, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1198 Prime Sponsor, Representative Mitchell: Regulating motor vehicle dealer practices. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

April 4, 1997

2SHB 1201 Prime Sponsor, House Committee on Appropriations: Providing for reauthorization of assistance to areas impacted by the rural natural resources crisis. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 1202 Prime Sponsor, Representative Quall: Adopting the recommendations of the task force examining high school credit equivalencies. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 1223 Prime Sponsor, House Committee on Law and Justice: Addressing the public nuisance activities of tenants. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 1230 Prime Sponsor, House Committee on Education: Protecting students' religious rights. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1232 Prime Sponsor, Representative Sump: Changing the SR 2 spur to SR 41. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1260 Prime Sponsor, House Committee on Law and Justice: Providing that communications between certified counselors and their clients are privileged. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1261 Prime Sponsor, House Committee on Finance: Requiring a ranged table in standard increments for the business and occupation tax small business credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

HB 1267 Prime Sponsor, Representative B. Thomas: Providing a use tax exemption for vessel manufacturers and dealers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1286 Prime Sponsor, House Committee on Commerce and Labor: Correcting real estate brokers and salespersons statutes for administrative and practical purposes. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 1997

E2SHB 1303 Prime Sponsor, House Committee on Appropriations: Changing education provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 1317 Prime Sponsor, House Committee on Commerce and Labor: Regulating amusement games. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Heavey.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1330 Prime Sponsor, Representative L. Thomas: Modifying the administration of the responsibilities of self-insurers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Heavey and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Fraser.

Passed to Committee on Rules for second reading.

April 4, 1997

ESHB 1338 Prime Sponsor, House Committee on Government Reform and Land Use: Increasing flexibility for counties and cities in implementing growth management. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 2, 1997

HB 1341 Prime Sponsor, Representative Thompson: Making technical corrections for tax provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, Rossi, Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1342 Prime Sponsor, House Committee on Finance: Revising interest and penalty administration of the department of revenue. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 1367 Prime Sponsor, Representative Johnson: Allowing surplus educational property to be given or loaned to entities for educational use. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

2SHB 1374 Prime Sponsor, House Committee on Appropriations: Establishing alternate teacher certification. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

ESHB 1378 Prime Sponsor, House Committee on Appropriations: Providing educational opportunities for students with different learning needs. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

HB 1388 Prime Sponsor, Representative Conway: Requiring that private organizations that contract with the department to operate work release facilities go through the siting process. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1395 Prime Sponsor, House Committee on Government Administration: Clarifying procedures for filling vacancies. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Haugen.

MINORITY Recommendation: Do not pass. Signed by Senators Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 3, 1997

E2SHB 1423 Prime Sponsor, House Committee on Appropriations: Strengthening the criminal justice training commission.  
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Kline, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 4, 1997

SHB 1429 Prime Sponsor, House Committee on Agriculture and Ecology: Penalizing cigarette discard. Reported by  
Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Prentice, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1458 Prime Sponsor, Representative Zellinsky: Regulating vehicle and vessel licensing. Reported by Committee on  
Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

April 4, 1997

EHB 1472 Prime Sponsor, Representative Reams: Providing for designation of mineral resource lands. Reported by  
Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Roach, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1491 Prime Sponsor, House Committee on Children and Family Services: Changing references from guide or service  
dog to dog guide or service animal. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1505 Prime Sponsor, House Committee on Government Administration: Protecting privacy of law enforcement  
personnel. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Referred to Committee on Transportation.

April 3, 1997

2SHB 1522 Prime Sponsor, House Committee on Appropriations: Providing for enhanced sentencing for criminal street gang  
activity. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, McCaslin, Stevens and Zarelli.

Referred to Committee on Ways and Means.

April 3, 1997

HB 1525 Prime Sponsor, Representative K. Schmidt: Revising the submittal date for county six-year transportation programs. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

April 3, 1997

EHB 1533 Prime Sponsor, Representative Sehlin: Using county road funds. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1536 Prime Sponsor, House Committee on Health Care: Modifying regulation of respiratory care practitioners. Reported by Committee on Ways and Means

MAJORITY Recommendation: Without recommendation. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 1539 Prime Sponsor, Representative Honeyford: Regulating fire district associations. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 2, 1997

HB 1549 Prime Sponsor, Representative H. Sommers: Reducing property tax assessments in response to government restrictions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1550 Prime Sponsor, House Committee on Appropriations: Prohibiting disability retirement benefits resulting from criminal conduct. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1551 Prime Sponsor, Representative Mason: Increasing fiscal flexibility for institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl and Sheldon.

Passed to Committee on Rules for second reading.

April 3, 1997

2SHB 1557 Prime Sponsor, House Committee on Finance: Exempting from taxation and valuation of property improvements used for fish and habitat restoration and protection and water quantity and quality improvement programs. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Snyder, Spanel, Stevens and Swecker.

Referred to Committee on Ways and Means.

SHB 1565 Prime Sponsor, House Committee on Natural Resources: Limiting the regulations of small scale mining. Reported by Committee on Natural Resources and Parks April 4, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Roach, Snyder, Stevens and Swecker.

Passed to Committee on Rules for second reading.

ESHB 1576 Prime Sponsor, House Committee on Government Reform and Land Use: Modifying buildable lands under growth management. Reported by Committee on Government Operations April 4, 1997

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading.

SHB 1577 Prime Sponsor, House Committee on Government Reform and Land Use: Revising land division. Reported by Committee on Government Operations April 4, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Patterson and Swanson.

Passed to Committee on Rules for second reading.

EHB 1581 Prime Sponsor, Representative Sterk: Changing provisions relating to disruptive students and offenders in schools. Reported by Committee on Education April 3, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator McAuliffe.

Passed to Committee on Rules for second reading.

HB 1588 Prime Sponsor, Representative Mulliken: Exempting hearing instruments from sales and use tax. Reported by Committee on Ways and Means April 2, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

HB 1589 Prime Sponsor, Representative Robertson: Allowing a crime victim to have an advocate present at any judicial proceeding. Reported by Committee on Law and Justice April 3, 1997



MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Kline, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1605 Prime Sponsor, House Committee on Criminal Justice and Corrections: Providing for disclosure of information concerning the disease status of offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 1615 Prime Sponsor, Representative Alexander: Changing provisions relating to offenses committed in state parks or parkways. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1636 Prime Sponsor, Representative Ballasiotes: Specifying imminence of threat to bodily harm for crime of harassment. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1680 Prime Sponsor, House Committee on Natural Resources: Regulating mining and milling operations. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 1, 1997

E2SHB 1687 Prime Sponsor, House Committee on Appropriations: Reducing the impact of wage garnishments on employers. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1698 Prime Sponsor, House Committee on Appropriations: Creating the K-20 telecommunications network governance committee. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 1708 Prime Sponsor, Representative McMorris: Eliminating farm implement commissioned salespeople from the minimum rate of compensation for employment in excess of a forty-hour work week requirement. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 1730 Prime Sponsor, House Committee on Agriculture and Ecology: Changing provisions relating to sufficient cause for nonuse of water rights. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, Newhouse and Oke.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1757 Prime Sponsor, House Committee on Commerce and Labor: Revising security guard licensing and requirements. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 2, 1997

ESHB 1771 Prime Sponsor, House Committee on Law and Justice: Providing for certification of professional guardians. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1780 Prime Sponsor, House Committee on Law and Justice: Modifying service of process. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Haugen, Long, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 2, 1997

SHB 1781 Prime Sponsor, House Committee on Appropriations: Expanding the supervision management and recidivist tracking program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove and Schow.

Referred to Committee on Ways and Means.

April 4, 1997

HB 1810 Prime Sponsor, Representative D. Sommers: Revising provision for funding additional education centers. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1815 Prime Sponsor, House Committee on Government Reform and Land Use: Changing standing for purposes of growth management hearings. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Horn and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen and Swanson.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 1816 Prime Sponsor, Representative Reams: Changing the mandatory elements of comprehensive plans under the growth management act. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 4, 1997

2SHB 1825 Prime Sponsor, House Committee on Appropriations: Concerning the funding of the forest development account. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Roach, Snyder, Stevens and Swecker.

Referred to Committee on Ways and Means.

April 4, 1997

SHB 1826 Prime Sponsor, House Committee on Natural Resources: Administering the moneys derived from certain public lands. Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1827 Prime Sponsor, Representative Honeyford: Regulating boxing, kickboxing, martial arts, and wrestling. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 1828 Prime Sponsor, Representative Van Luven: Establishing inspection requirements for private residence conveyances. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1829 Prime Sponsor, House Committee on Commerce and Labor: Requiring a record of transaction for trade-in or exchange of computer hardware. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 3, 1997

E2SHB 1841 Prime Sponsor, House Committee on Criminal Justice and Corrections: Adopting provisions to improve school safety. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator McAuliffe.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1845 Prime Sponsor, House Committee on Education: Strengthening parents' rights in education. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 1997

SHB 1849 Prime Sponsor, Committee on Children and Family Services: Changing provisions relating to developmentally disabled dependent children. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1997

2SHB 1851 Prime Sponsor, House Committee on Appropriations: Changing higher education financial aid. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl, Patterson, Prince and Sheldon.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1860 Prime Sponsor, House Committee on Children and Family Services: Requiring full disclosure of medical and psychological history to prospective adopting parents. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 3, 1997

2SHB 1864 Prime Sponsor, House Committee on Appropriations: Regarding infants who test positive at birth for drugs or alcohol. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Franklin, Hargrove and Kohl.

Referred to Committee on Ways and Means.

April 3, 1997

E2SHB 1866 Prime Sponsor, House Committee on Appropriations: Allowing for the creation of environmental excellence program agreements. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Swecker, Vice Chair; Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1888 Prime Sponsor, House Committee on Trade and Economic Development: Creating the executive-legislative task force on international trade. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 1997

EHB 1891 Prime Sponsor, Representative Dyer: Authorizing the distribution of certain governmental lists of public information to private companies for use by federal, state or local governments and certain business entities. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1903 Prime Sponsor, House Committee on Commerce and Labor: Regulating the registration of contractors. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser and Newhouse.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1908 Prime Sponsor, Representative Thompson: Establishing a fire fighting technical review committee. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 1997

ESHB 1911 Prime Sponsor, House Committee on Commerce and Labor: Revising restrictions on the employment of minors. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Fraser and Heavey.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1935 Prime Sponsor, House Committee on Government Reform and Land Use: Permitting development of inherited property. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Haugen, Patterson and Swanson.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1936 Prime Sponsor, House Committee on Law and Justice: Regulating notice of claim of lien against proceeds.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1997

E2SHB 1938 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to at-risk youth. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Franklin, Hargrove, Schow and Stevens.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Kohl.

Passed to Committee on Rules for second reading.

April 3, 1997

EHB 1940 Prime Sponsor, Representative Robertson: Integrating ignition interlocks into administrative revocation of drivers' licenses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Kline, McCaslin, Stevens and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1946 Prime Sponsor, House Committee on Children and Family Services: Increasing protections for vulnerable persons. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1955 Prime Sponsor, House Committee on Commerce and Labor: Regulating real estate brokerage relationships. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1966 Prime Sponsor, House Committee on Higher Education: Raising the percentage of waivers allowed at some institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Wood, Chair; Winsley, Vice Chair; Bauer, Hale, Kohl and Sheldon.

Referred to Committee on Ways and Means.

April 2, 1997

SHB 1968 Prime Sponsor, House Committee on Children and Family Services: Prohibiting juvenile offenders from being placed in contact with nonoffenders in residential facilities. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Passed to Committee on Rules for second reading.

ESHB 2042 Prime Sponsor, House Committee on Education: Providing pilot and grant programs for reading in the primary grades. Reported by Committee on Education

April 3, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

E2SHB 2046 Prime Sponsor, House Committee on Appropriations: Creating foster parent liaison positions. Reported by Committee on Human Services and Corrections

April 2, 1997

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Referred to Committee on Ways and Means.

ESHB 2050 Prime Sponsor, House Committee on Agriculture and Ecology: Identifying when a new water right would interfere with an existing water right. Reported by Committee on Agriculture and Environment

April 3, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Passed to Committee on Rules for second reading.

2SHB 2054 Prime Sponsor, House Committee on Appropriations: Authorizing local watershed planning and modifying water resource management. Reported by Committee on Agriculture and Environment

April 3, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and McAuliffe.

Referred to Committee on Ways and Means.

SHB 2089 Prime Sponsor, House Committee on Agriculture and Ecology: Identifying livestock. Reported by Committee on Agriculture and Environment

April 3, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senators Morton, Chair; and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 1997

HB 2091 Prime Sponsor, Representative Cairnes: Allowing counties planning under the growth management act to establish industrial land banks as permissible urban growth outside of an urban growth area. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Horn and Patterson.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Swanson.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 2110 Prime Sponsor, House Committee on Children and Family Services: Facilitating assistance for students with disabilities. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

ESHB 2128 Prime Sponsor, House Committee on Government Administration: Stating how a state officer or employee may receive a contract or grant in compliance with the ethics code. Reported by Committee on Government Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen and Swanson.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 2180 Prime Sponsor, House Committee on Transportation Policy and Budget: Establishing a state policy and program for freight mobility strategic investments. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 2237 Prime Sponsor, House Committee on Transportation Policy and Budget: Regulating telecommunications access to limited-access highway rights-of-way. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Finkbeiner, Chair; Hochstatter, Vice Chair; Rossi and Strannigan.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Brown, Jacobsen and Swanson.

Passed to Committee on Rules for second reading.

April 4, 1997

HJM 4001 Prime Sponsor, Representative Buck: Petitioning and directing the commissioner of public lands to not sign an implementation agreement for a habitat conservation plan. Reported by Committee on Natural Resources and Parks



MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Vice Chair; Hargrove, Morton, Roach, Snyder, Stevens and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Oke, Chair; Jacobsen, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 3, 1997

SHJM 4010 Prime Sponsor, House Committee on Transportation Policy and Budget: Renaming the Sequim Bypass.  
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson and Rasmussen.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

April 4, 1997

GA 9062 PATRICK R. McMULLEN, reappointed April 18, 1996, for a term ending January 19, 2001, as a member of the Fish and Wildlife Commission.  
Reported by Committee on Natural Resources and Parks

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Strannigan, Substitute House Bill No. 1505 was referred to the Committee on Transportation.  
On motion of Senator Strannigan, Substitute House Bill No. 1176, Engrossed Substitute House Bill No. 1378, Second Substitute House Bill No. 1851, and Engrossed Second Substitute House Bill No. 1866 were referred to the Committee on Rules.

On motion of Senator Strannigan, Second Substitute House Bill No. 1522, Second Substitute House Bill No. 1557, Second Substitute House Bill No. 1864 and Second Substitute House Bill No. 2054 were referred to the Committee on Ways and Means.

MOTION

At 5:43 p.m., on motion of Senator Strannigan, the Senate adjourned until 8:30 a.m., Monday, April 7, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**EIGHTY-SECOND DAY, APRIL 4, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTY-FIFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Monday, April 7, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benton, Brown, Hargrove, Patterson, Roach and Schow. On motion of Senator Franklin, Senators Bauer, Brown, Hargrove and Patterson were excused. On motion of Senator Hale, Senators Benton, Roach and Schow were excused.

The Sergeant at Arms Color Guard, consisting of Pages John Coburn and Angela Ferguson, presented the Colors. Reverend Jeff Turley, pastor of the Ridge Community Church of Issaquah, and a guest of Senator Bob Morton, offered the prayer.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6095 by Senators Finkbeiner, Rossi and Hochstatter

AN ACT Relating to exempting electric generating facilities powered by landfill gas from sales and use taxes; amending RCW 82.08.02567 and 82.12.02567; and declaring an emergency.  
Referred to Committee on Ways and Means.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9211, Mary Swenson, as a member of the Board of Trustees for Western Washington University, was confirmed.

#### CONFIRMATION OF MARY SWENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Excused: Senators Bauer, Benton, Brown, Hargrove, Patterson, Roach and Schow - 7.

#### MOTION

On motion of Senator Loveland, Gubernatorial Appointment No. 9118, Jim Jesernig, as Director of the Department of Agriculture, was confirmed.

Senators Loveland and Rasmussen spoke to the confirmation of Jim Jesernig as Director of the Department of Agriculture.

#### CONFIRMATION OF JIM JESERNIG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, ;;;'/Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Excused: Senators Bauer, Benton, Brown, Hargrove, Patterson, Roach and Schow - 7.

#### MOTION

At 8:50 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 9:25 a.m. by President Owen.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1007, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas and Wolfe) (by request of Pollution Liability Insurance Agency)  
Expanding the duties of the director of the Washington state pollution liability insurance agency.

The bill was read the second time.

## MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1007.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1007 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Hargrove and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1016, by House Committee on Capital Budget (originally sponsored by Representatives Schoesler, Honeyford, McMorris, Carlson, Boldt, Mason, Sheahan, Buck, Ogden, Huff, Grant, Chandler and Clements) (by request of Washington State University)

Transferring property to Washington State University Lind dryland research unit.

The bill was read the second time.

## MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1016.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1016 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Hargrove and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1019, by Representatives Honeyford, Ogden, D. Sommers and Mason (by request of Public Works Board)

Implementing the public works board's recommendations for project loans.

The bill was read the second time.

## MOTION

Senator West moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds previously appropriated from the public works assistance account: (1) City of Blaine--sanitary sewer project--construct new grit channel, chlorine contact chambers, and chlorination/dechlorination facility and sludge dewatering equipment. Replacement of rotating biological contactors and secondary clarifiers with sequencing batch reactors \$2,318,037 (2) City of Blaine--sanitary sewer project--replace sewer lines between peace portal drive and pump station no. 1 on Marine Drive, including nine manholes, curb and gutter removal, and roadway repair \$593,365 (3) City of Bremerton--sanitary sewer project--separating the

combined sewer and storm water drainage systems, separating roof drains, and other measures to reduce overflows \$662,000(4) City of Buckley--sanitary sewer project--reduce I/I problem by installing a sanitary sewer and storm pipe, conversion of existing sewer mains to storm water, and construction of an aerobic digester \$1,200,000(5) Covington Water District--domestic water project--provide facilities for dosing chemicals for disinfection and PH adjustment\$1,596,000(6) Grays Harbor County--sanitary sewer project--transitioning from failing individual on-site systems to and upgraded and expanding treatment facility with twenty-five mgd advanced secondary wastewater treatment facility \$4,000,000(7) City of Ilwaco--sanitary sewer project--replacement of side sewer lines in two city sewer basins in order to meet department of health compliance order \$193,500

(8) City of Ilwaco--domestic water project--install a steel forty-two thousand gallon aeration basin and a one hundred pound per day ozone generating and injection unit upstream from the existing water filter to improve water quality \$477,000(9) Mason County PUD No. 1--domestic water project--rehabilitation/improvements through the replacement of existing water system facilities, thereby supplying a reliable and safe source of potable water \$1,551,870(10) City of Medical Lake--sanitary sewer project--installation of an advanced wastewater treatment facility, consisting of a sequential batch reactor with rotary fine screens; grit chamber; equalization basin; effluent filters; batch aeration basins; ultraviolet radiation disinfection; ten thousand lineal feet of force main; one lift station and a composting facility \$4,620,000(11) City of Puyallup--sanitary sewer project--provide enhanced removal of pollutants from the community's wastewater to comply with a department of ecology order \$7,000,000(12) City of Quincy--road project--repair/replacement of damaged portions of curb, gutter, and sidewalk; consisting of grading, drainage improvements, crushed rock base, asphalt concrete pavement, curb and gutter, sidewalk, and illumination. Replacement of malfunctioning railroad crossing signal system \$449,995

(13) Town of Rosalia--domestic water project--construct a new three hundred thousand gallon water reservoir, replacement of an antiquated booster pump station \$216,900

(14) City of Seattle--bridge project--replace steel deck grating on the University and Fremont bridges, install truss protection railing, and rehabilitate the centerlock \$3,284,640(15) City of Woodland--domestic water project--provide water collection laterals, transmission main, a new filtration plant with one hundred thousand gallon wet well storage, and filters that will enhance the existing well water source \$1,797,000(16) Emergency Public Works Loans--as authorized by RCW 43.155.065\$1,898,649Section 1 total\$31,858,956

**NEW SECTION. Sec. 2.** An appropriation of \$25,000,000 for the biennium ending June 30, 1997, is hereby made from the public works assistance account to the department of community, trade, and economic development for the purposes of providing funds for the following project loans recommended by the public works board:(1) City of Blaine--sanitary sewer project--replace seventy-year-old sewer system with new sanitary sewers \$332,700(2) City of Bonney Lake--domestic water project--installation of a new two million gallon reservoir to meet department of health requirements \$953,595(3) Public Utility District No. 1 of Chelan County--domestic water--construction of a five hundred thousand gallon concrete reservoir and appurtenances, approximately two hundred lineal feet of eight-inch water main for connection to existing distribution system, and site restoration to comply with department of health requirements \$390,950(4) Coal Creek Utility District--domestic water project--replace approximately ten thousand six hundred lineal feet of water main and construct two water chlorination facilities \$747,425(5) Covington Water District--domestic water project--replace approximately twenty-three thousand five hundred lineal feet of leaky distribution service lines and connections at Timberlane Estates \$1,389,500(6) Cross Valley Water District--domestic water project--construct a water treatment facility including appurtenances, buildings, and equipment for production wells no. 5, 6, and 10 \$945,770(7) City of Duvall--domestic water project--replace two thousand three hundred lineal feet of ten-inch ac water main, install a backup generator, demolish and remove two fifty-five thousand gallon reservoirs and install a one thousand gpm pump station \$298,491(8) Fall City Water District--domestic water project--replace water lines on SE 48th, 328th Way SE, Preston-Fall City Road, also replace Heathercrest water tank, and service the Riverview Park \$211,750(9) Highline Water District--domestic water project--replacement of approximately twenty-three thousand seven hundred fifty lineal feet of water main to improve water quality \$1,261,176(10) City of Leavenworth--sanitary sewer--design and construct improvements to wastewater treatment plant and wastewater collection system; including seven hundred fifty thousand gallon oxidation ditch, a third clarifier, modification/improvements to return to activated sludge pumping, and an ultraviolet disinfection system \$2,915,000(11) City of Monroe--domestic water project--replace Ingraham Hill reservoir with a two million gallon water tank and a two million gallon water standpipe and booster pump station on the North Hill site to reduce environmental and health impact \$3,420,000(12) Olympic View Water and Sewer District--domestic water project--construct a new water filtration facility at Deer Creek for compliance with filtration and disinfection standards \$919,345(13) City of Renton--domestic water project--construction of corrosion control treatment facilities to treat water from wells WW 1, 2, 3, 8, and 9 and Springbrook Springs \$932,600(14) City of Seattle--bridge project--bridge columns and substructure of the South Spokane Street Viaduct will be strengthened by adding seismic jacketing to all existing columns, in addition to increasing the size of the viaduct's bridge girder seats \$456,885(15) Southwest Suburban Sewer District--sanitary sewer project--replace and rehabilitate approximately eighteen thousand lineal feet of existing sanitary sewer lines, associated manholes, and side sewer connections in the Salmon Creek Drainage Basin \$2,100,000(16) City of Spokane--bridge project--remove and replace two bridges in downtown Spokane including new water and sewer mains and a pedestrian/bicycle pathway \$4,000,000(17) City of Spokane--domestic water project--replaces eighty-five-year-old water transmission and ductile mains, including valves and casing under a rail line, also pavement removal, restoration, and traffic control measures \$4,428,000(18) City of University Place--road project--construct six-foot sidewalks, including handicap accessible curbs and gutters, and bicycle lanes on both sides of Grandview Drive. Also construct enclosed storm drainage system \$1,882,000(19) Val Vue Sewer District--sanitary sewer project--rehabilitation of approximately two thousand four hundred sixty-five lineal feet of failing sewer mains in the Rainier Vista area \$175,000

Section 2 total\$27,760,187Total of sections 1 and 2\$59,619,143

**Sec. 3.** RCW 43.155.060 and 1988 c 93 s 2 are each amended to read as follows: In order to aid the financing of public works projects, the board may: (1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter. (2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or

interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government. (3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter. (4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter. The board shall ensure that at the beginning of each fiscal quarter there is a sufficient cash balance in the public works assistance account to cover the disbursements anticipated during the quarter. All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids, except for emergency public works under RCW 43.155.065 for which the recipient jurisdiction shall comply with this requirement to the extent feasible and practicable. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter. **NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to House Bill No. 1019.

The motion by Senator West carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 43.155.060; creating new sections; making an appropriation; and declaring an emergency." On motion of Senator West, the rules were suspended, House Bill No. 1019, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1019, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1019, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. HOUSE BILL NO. 1019, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1054, by Representatives Dunn, Carlson, Mason and Mielke (by request of Higher Education Coordinating Board)

Referencing the prior fiscal period rather than biennia for refunds and recoveries to the state educational trust fund.

The bill was read the second time.

#### MOTIONS

On motion of Senator Wood, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28B.10.821 and 1996 c 107 s 1 are each amended to read as follows: The state educational trust fund is hereby established in the state treasury. The primary purpose of the trust is to pledge state-wide available college student assistance to needy or disadvantaged students, especially middle and high school youth, considered at-risk of dropping out of secondary education who participate in board-approved early awareness and outreach programs and who enter any accredited Washington institution of postsecondary education within two years of high school graduation. The board shall deposit refunds and recoveries of student financial aid funds expended in the prior ((biennia)) fiscal period in such account. The board may also deposit moneys that have been contributed from other state, federal, or private sources. Expenditures from the fund shall be for financial aid to needy or disadvantaged students. The board may annually expend such sums from the fund as may be necessary to fulfill the purposes of this section, including not more than three percent for the costs to administer aid programs supported by the fund. All earnings of investments of balances in the state educational trust fund shall be credited to the trust fund. Expenditures from the fund shall not be subject to appropriation but are subject to allotment procedures under chapter 43.88 RCW." On motion of Senator Wood, the following title amendment was adopted:

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "and amending RCW 28B.10.821."

#### MOTION

On motion of Senator Wood, the rules were suspended, House Bill No. 1054, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1054, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1054, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. HOUSE BILL NO. 1054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Newhouse assumed the Chair.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1061, by House Committee on Natural Resources (originally sponsored by Representatives Sheldon, Mielke and Grant)

Restricting the state parks and recreation commission authority to regulate metal detectors.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1061.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1061 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Wolfe, Dyer and Mason) (by request of Insurance Commissioner Senn)

Changing the financial and reporting requirements of health care service contractors and health maintenance organizations.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute House Bill No. 1064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1064.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1064 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe,

McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Wojahn was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1089, by House Committee on Children and Family Services (originally sponsored by Representatives Cooke, Tokuda, Radcliff, Backlund, Boldt, Mason and Cairnes)

Correcting references to the former aid to families with dependent children program.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1089.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1089 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47. Excused: Senators Schow and Wojahn - 2. SUBSTITUTE HOUSE BILL NO. 1089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the first order of business.

Senator Johnson moved that Engrossed House Bill No. 3901, which was held on the desk March 31 and April 4, 1997, be referred to the Committee on Rules.

#### POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. Friday, when this bill came up, Senator Johnson made a motion to put the bill in Rules and I made a motion to refer the bill to Ways and Means and he later withdrew his motion and then we held the bill down. So, I believe that my motion to refer the bill to Ways and Means is still in order and the motion to refer to Ways and Means or to put the bill in the Rules Committee is of equal rank and since mine was made first, I believe mine would be the one that would be in order now."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Newhouse: "Senator Johnson, do you have comments?"

Senator Johnson: "Well, I think when the motion was granted to place the bill at the desk, Mr. President, that superceded prior motions that might have been pending at that time and, therefore, I think the motion that I made is the pending motion."

President Pro Tempore Newhouse: "Senator Snyder, I am going to rule that the motion by Senator Johnson took priority on Friday. Therefore, your motion is no longer before us."

Senator Snyder: "Well, I believe he withdrew his motion. It wasn't held. His motion was withdrawn on a motion by Senator Johnson, himself, and then the bill, 3901 was held until today."

President Pro Tempore Newhouse: "With business intervening and with no rule covering this subject, the members should renew their motions. Senator Johnson has moved that Engrossed House Bill No. 3901 be referred to the Committee on Rules."

Debate ensued.

#### POINT OF INQUIRY

Senator Snyder: "Senator Deccio, has Engrossed House Bill No. 3901 had a public hearing in your committee?"  
Senator Deccio: "3901 has not, because the bill that came over from the House was a result of the fusing of the Senate Bill and the House Bill. That's the bill that we have been negotiating with the Governor on and that is what we have before us today."

Senator Snyder: "But it hasn't had a public hearing in your committee?"

Senator Deccio: "Senator, both bills have had public hearings, one in the House and three in the Senate and at least two in the House."

Senator Snyder: "But, Engrossed House Bill No. 3901 is different than the ones that have had hearings. Isn't that correct?"

Senator Deccio: "The differences are based on negotiation with the Governor and if I might add, Mr. President, last year I was on four negotiations committees and never was invited to a meeting. At this point, this bill--we are talking about the same kind of a scenario. We are negotiating with the Governor, because we got 'no' votes from the other side of the aisle on the Senate Bill. The House got 'no' votes on the other side of the aisle on the House bill. What purpose would there be in having another hearing? We will consider the same amendments; we are further now with the Governor than we have been with either the Democrats in the House or in the Senate. I don't think that we ought to stop that process."

Senator Snyder: "Senator Deccio, I will have to disagree. I don't remember if there were any Democratic votes for the bill here, but I know the two House members from my district voted for the original bill that came out of the House, so there was some Democratic support and we thought we were pretty close on the bill that went out of here. We had a few questions and we thought if there were improvements made that we could vote for it. Instead of improvements, they have gone the other way. We understand that there are several changes and we can't even get a comparison sheet on what is being negotiated and what went out of here on the original bill. So, I think it needs some public scrutiny and I would certainly urge you to turn down the motion to put it in Rules and then put it in Ways and Means."

Further debate ensued.

#### DEMAND FOR PREVIOUS QUESTION

Senators Johnson, Hale and Strannigan demanded the previous question.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the demand for the previous question.

#### ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Excused: Senator Schow - 1. The President Pro Tempore declared the question before the Senate to be the motion by Senator Johnson to refer Engrossed House Bill No. 3901 to the Committee on Rules.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Johnson to refer Engrossed House Bill No. 3901 to the Committee on Rules.

#### ROLL CALL

The Secretary called the roll and the motion to refer Engrossed House Bill No. 3901 to the Committee on Rules carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Excused: Senator Schow - 1.

ENGROSSED HOUSE BILL NO. 3901 was referred to the Committee on Rules.

President Owen assumed the Chair.

#### MOTION

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1124, by House Committee on Higher Education (originally sponsored by Representatives Quall, Carlson, Mason, Radcliff, Hatfield, Chopp, Lantz, O'Brien, Kessler, Murray, Gombosky, Morris and Costa)

Requiring that information about state higher education support be given to students with their tuition and fee bills.

The bill was read the second time.



#### MOTION

On motion of Senator Wood, the rules were suspended, Substitute House Bill No. 1124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.  
Further debate ensued.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1124.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Loveland and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1162, by Representatives Dyer and Cody (by request of Department of Social and Health Services)

Providing for delegation of lien and subrogation rights to medical health care systems by contract.

The bill was read the second time.

#### MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1162.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1162 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Finkbeiner - 1. Excused: Senator Schow - 1. HOUSE BILL NO. 1162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1166, by House Committee on Government Administration (originally sponsored by Representatives Romero, D. Schmidt, Scott, Wolfe, Dunn and Mason)

Establishing procedures for handling found property.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

## MOTION

On motion of Senator Franklin, Senator Prentice was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1166.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1166 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prentice and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1171, by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Scott and Dunshee) (by request of Military Department)

Revising emergency management statutes.

The bill was read the second time.

## MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1171.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1171 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1188, by Representatives Carlson, Mason, Radcliff, Kenney, Butler, O'Brien, Van Luven, Sheahan, Dunn, Dyer, Chopp and Murray

Exempting Wyoming students admitted to the University of Washington's medical school from the tuition differential.

The bill was read the second time.

## MOTION

On motion of Senator Wood, the rules were suspended, House Bill No. 1188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Wojahn: "Senator Wood, do these students pay all the costs of going to school or does the state pick up the costs?"

Senator Wood: "Washington State does not pick up the cost."

Senator Wojahn: "The full cost is borne by the state that is sending--the reason that I question this is we are losing our own kids to medical school. They cannot get into the University of Washington Medical School--our own state residents."

Most universities throughout the United States now do not admit foreign students because of that reason. It's seems to me that we are being overly generous, especially if that displaces ten of our kids."

Senator Wood: "Senator Wojahn, it does not displace any of the students who apply and are within the quota for the University of Washington and Washington State. It says here that the participating states reimburse the University of Washington for the cost of the 2. program."

Senator Wojahn: "For the full cost?"

Senator Wood: "Yes."

Senator Wojahn: "Because, according to this, it says to the proportionate costs and that would mean that they do not reimburse totally. That is what I am questioning--where it says, 'proportionate costs,' that would mean a share, but not a total cost."

Senator Wood: "What I have on this piece of paper is that Wyoming will pay the full cost for those students, but I am not looking at the yellow sheet."

Senator Wojahn: "Thank you."

Further debate ensued."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1188.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1188 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47. Voting nay: Senator Wojahn - 1. Excused: Senator Schow - 1. HOUSE BILL NO. 1188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1189, by Representatives K. Schmidt, Chandler, DeBolt, Zellinsky, Buck, McMorris, Mastin, Carlson, Radcliff, Talcott, D. Schmidt, Carrell, Cairnes, Ballasiotes, Huff, Robertson, Hickel, Mitchell, Wolfe, Chopp, Kessler, H. Sommers, Cody, Murray, Doumit, Gardner, Regala, Morris, Wensman, Butler, Hatfield, Fisher, Ogden, Wood, Keiser, Conway, Kenney, Anderson, O'Brien, Cooper, Romero, Poulsen, Mason and Blalock

Making the moratorium on oil and gas exploration and production off the Washington coast permanent.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1189.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1189 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Hochstatter - 1. Excused: Senator Schow - 1. HOUSE BILL NO. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1241, by Representatives Pennington, Appelwick, Carlson, D. Schmidt, Wensman, Linville and Mason (by request of Legislative Ethics Board)

Limiting political activities of citizen members of the legislative ethics board.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1241.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1241 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Swanson - 1. Excused: Senator Schow - 1. HOUSE BILL NO. 1241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1249, by House Committee on Government Administration (originally sponsored by Representatives Dunn, Costa, Sheahan, Sterk, Lantz, Kenney, Lambert, Skinner, Gardner, D. Schmidt, D. Sommers, Ogden, O'Brien, Dunshee, B. Thomas, Wensman, Mason and Kessler) (by request of Secretary of State Munro)

Streamlining registration and licensing of businesses.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1249.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1249 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Prince was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1251, by House Committee on Government Administration (originally sponsored by Representatives Parlette, Costa, Sheahan, Sterk, Lantz, Kenney, Skinner, Lambert, Gardner, D. Schmidt and Wensman) (by request of Secretary of State Munro)

Clarifying naming conventions for corporations and units of government.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1251.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1251 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator McDonald - 1. Excused: Senators Prince and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1288, by Representatives Johnson, Hickel, Conway, Cody, Cole, Quall, Smith, Blalock, L. Thomas and D. Schmidt

Changing the name of the noncertificated employee category.

The bill was read the second time.

## MOTION

On motion of Senator Hochstatter, the rules were suspended, House Bill No. 1288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1288.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1288 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Schow - 2. HOUSE BILL NO. 1288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1400, by Representatives Benson, L. Thomas, Wolfe, Zellinsky, Sheahan and Appelwick

Removing a termination date in the bank statement rule.

The bill was read the second time.

## MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 1400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1400.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1400 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Schow - 2. HOUSE BILL NO. 1400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1418, by House Committee on Natural Resources (originally sponsored by Representatives Buck and Regala) (by request of Commissioner of Public Lands Belcher and Department of Natural Resources)

Eliminating pooling of the resource management cost account and removing reference to agricultural college lands.

The bill was read the second time.

#### MOTIONS

On motion of Senator Oke, the following Committee on Natural Resources and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 79.64.030 and 1993 c 460 s 2 are each amended to read as follows: Funds in the account derived from the gross proceeds of leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, ~~((agricultural college lands,))~~ scientific school lands, normal school lands, capitol building lands, or institutional lands shall be ~~((pooled and))~~ expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering ~~((all of the trust lands enumerated in this section))~~ state lands of the same trust. Such funds may be used for similar costs and expenses in managing and administering other lands managed by the department provided that such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at a rate determined by the board of natural resources. An accounting shall be made annually of the accrued expenditures from the ~~((pooled))~~ trust funds in the account. In the event the accounting determines that expenditures have been made from moneys derived from certain trust lands for the benefit of another trust or other lands, such expenditure shall be considered a debt and an encumbrance against the property or trust funds benefited, including property held under chapter 76.12 RCW. The results of the accounting shall be reported to the legislature at the next regular session. The state treasurer is authorized, upon request of the department, to transfer funds between the forest development account and the resource management cost account solely for purpose of repaying loans pursuant to this section. **Sec. 2.** RCW 79.01.136 and 1979 ex.s. c 109 s 5 are each amended to read as follows: Before any state lands are offered for sale, or lease, or are assigned, the department of natural resources may establish the fair market value of those authorized improvements not owned by the state. In the event that agreement cannot be reached between the state and the lessee on the fair market value, such valuation shall be submitted to a review board of appraisers. The board shall be as follows: One member to be selected by the lessee and his or her expense shall be borne by the lessee; one member selected by the state and his or her expense shall be borne by the state; these members so selected shall mutually select a third member and his or her expenses shall be shared equally by the lessee and the state. The majority decision of this appraisal review board shall be binding on both parties. For this purpose "fair market value" is defined as: The highest price in terms of money which a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller, each prudently knowledgeable and assuming the price is not affected by undue stimulus. All damages and wastes committed upon such lands and other obligations due from the lessee shall be deducted from the appraised value of the improvements ~~((=PROVIDED, That))~~. However, the department of natural resources on behalf of the respective trust may purchase at fair market value those improvements if it appears to be in the best interest of the state ((from the RMCA of the general fund)). Payment for the improvements may be made with funds held on behalf of the trust in the resource management cost account established under RCW 79.64.020. **Sec. 3.** RCW 79.64.010 and 1967 ex.s. c 63 s 1 are each amended to read as follows: Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings: (1) "Account" means the resource management cost account in the state general fund. (2) "Department" means the department of natural resources. (3) "Board" means the board of natural resources of the department of natural resources. (4) "Rule" means rule as ~~((the same))~~ that term is defined by RCW 34.05.010. (5) The definitions set forth in RCW 79.01.004 shall be applicable. (6) "Agricultural college lands" means all public lands awarded to the state of Washington under section 16 of the Omnibus Enabling Act (25 Stat. 180) and all lands acquired as the result of the sale or exchange of the lands. **Sec. 4.** RCW 79.64.020 and 1993 c 460 s 1 are each amended to read as follows: A resource management cost account in the state treasury is hereby created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering public lands, and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way on or with respect to such lands as authorized under the provisions of this title. Appropriations from the account to the department shall be expended for no other purposes. The resource management cost account may receive and accept funds that are to be used for such purposes from any source. Funds in the account produced by a trust may be appropriated or transferred by the legislature ~~((for the benefit of all of the trusts from which the funds were derived))~~ only for the benefit of the trust. **NEW SECTION. Sec. 5.** A new section is added to chapter 79.64 RCW to read as follows: No part of the gross proceeds from leases, sales, contracts, licenses, permits, easements, and rights of way on or relating to the agricultural college lands may be used to defray costs or expenses incurred in managing and administering the lands, and all such gross proceeds shall be made available to the beneficiary of the agricultural college lands. **Sec. 6.** RCW 79.64.040 and 1981 2nd ex.s. c 4 s 3 are each amended to read as follows: The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands other than the agricultural college lands. Moneys received with respect to such lands as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the total sum received by the department in connection with any one transaction pertaining to public lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the total gross proceeds received by the department pertaining to second class tide and shore lands and the beds of navigable waters. **NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 3 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 79.64.030, 79.01.136, 79.64.010, 79.64.020, and 79.64.040; adding a new section to chapter 79.64 RCW; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1418, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1418, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1418, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1418, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1433, by House Committee on Capital Budget (originally sponsored by Representatives Sump, McMorris, Ballasiotes, DeBolt, Sheahan, Talcott, Quall, D. Sommers, Honeyford, Chandler, Schoesler, Crouse, Mastin and Mielke)

Leasing property to counties for correctional facilities.

The bill was read the second time.

#### MOTION

Senator Long moved that the following Committee on Human Services and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.17.360 and 1996 c 261 s 2 are each amended to read as follows: (1) The department of social and health services and other state agencies may lease real property and improvements thereon to a consortium of three or more counties in order for the counties to construct or otherwise acquire correctional facilities for juveniles or adults. (2) A lease governed by subsection (1) of this section shall not charge more than one dollar per year for the land value and facilities value, during the initial term of the lease, but the lease may include provisions for payment of any reasonable operation and maintenance expenses incurred by the state. The initial term of a lease governed by subsection (1) of this section shall not exceed twenty years, except as provided in subsection (4) of this section. A lease renewed under subsection (1) of this section after the initial term shall charge the fair rental value for the land and ~~((facilities, and may))~~ improvements other than those improvements paid for by a contracting consortium. The renewed lease may also include provisions for payment of any reasonable operation and maintenance expenses incurred by the state. For the purposes of this subsection, fair rental value shall be determined by the commissioner of public lands in consultation with the department and shall not include the value of any improvements paid for by a contracting consortium. (3) The net proceeds generated from any lease entered or renewed under subsection (1) of this section involving land and facilities on the grounds of eastern state hospital shall be used solely for the benefit of eastern state hospital programs for the long-term care needs of patients with mental disorders. These proceeds shall not supplant or replace funding from traditional sources for the normal operations and maintenance or capital budget projects. It is the intent of this subsection to ensure that eastern state hospital receives the full benefit intended by this section, and that such effect will not be diminished by budget adjustments inconsistent with this intent. The initial term of a lease under subsection (1) of this section entered into after January 1, 1996, and involving the grounds of Eastern State hospital, shall not exceed fifty years. This subsection applies retroactively, and the department shall modify any existing leases to comply with the terms of this subsection. No other terms of a lease modified by this subsection may be modified unless both parties agree. **NEW SECTION. Sec. 2.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### POINT OF INQUIRY

Senator Wojahn: "Senator Long, this land is held in trust for the state of Washington, as you well know. Will that trust be violated if this bill passes?"

Senator Long: "There was no testimony to that affect in the committee and the reason that we put on the fifty years as opposed to the twenty is because local government is investing around five million dollars in the project. By giving them this longer lease at a dollar which is what the underlying bill granted, it makes it so they have the opportunity to regain their investment over that life span." Further debate ensued.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Morton, how much are the counties paying for the lease of the land, not the buildings, but the lease of the land?"

Senator Morton: "The last report that I saw was one dollar. This was agreed upon for the lease. Now, I don't know if that has changed since the last item that I saw--whether it has been amended or not, but it was for one dollar."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment to Substitute House Bill No. 1433.

The motion by Senator Long carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 43.17.360; and declaring an emergency." On motion of Senator Long, the rules were suspended, Substitute House Bill No. 1433, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1433, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1433, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 44. Voting nay: Senators Rasmussen, Thibaudeau and Wojahn - 3. Excused: Senators Prince and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1433, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1590, by Representatives Dyer and Backlund

Defining health plan.

The bill was read the second time.

#### MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1590.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1590 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Schow - 2. HOUSE BILL NO. 1590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1609, by Representatives Mastin, Poulsen, Hankins and Kessler (by request of Utilities and Transportation Commission)

Limiting the number of times the maximum disposal fee at a radioactive waste disposal site may be adjusted.

The bill was read the second time.



#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, House Bill No. 1609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1609.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1609 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Schow - 2. HOUSE BILL NO. 1609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1658, by House Committee on Energy and Utilities (originally sponsored by Representatives Honeyford, Poulsen, Cooper, Crouse and Mastin)

Authorizing the utilities and transportation commission to exempt electrical and natural gas companies from securities regulation.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Substitute House Bill No. 1658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1658.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1658 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Roach - 1. Excused: Senators Prince and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1799, by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, Appelwick, Costa and Sullivan) (by request of Washington Uniform Legislation Commission)

Regarding letters of credit under the uniform commercial code.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1799.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1799 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Prince and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 4, 1997

MR. PRESIDENT:

The House concurred in the Senate amendments(s) to ENGROSSED HOUSE BILL NO. 1821 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

At 11:56 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 8:06 p.m. by President Owen.

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

#### REPORTS OF STANDING COMMITTEES

April 7, 1997

SB 5074 Prime Sponsor, Senator Sellar: Increasing interstate trade through tax incentives for warehouse and grain operations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5074 be substituted therefor, and the second substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

SB 5196 Prime Sponsor, Senator Strannigan: Allowing a business and occupation tax deduction for certain amusement devices. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

SB 5355 Prime Sponsor, Senator Benton: Extending the use tax exemption for donated property. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

SB 5402 Prime Sponsor, Senator Roach: Providing tax exemptions for nonprofit camps and conferences. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SB 5424 Prime Sponsor, Senator West: Providing tax exemptions for businesses in community empowerment zones that provide international services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5424 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Kohl, Roach, Rossi, Schow, Sheldon, Snyder, Swecker and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SB 5737 Prime Sponsor, Senator Anderson: Repealing the carbonated beverage tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5737 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

SB 5845 Prime Sponsor, Senator Swecker: Offsetting an increase in beer tax for health services account with corresponding decrease. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5845 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SB 6050 Prime Sponsor, Senator Oke: Providing tax exemptions for state route number 16 corridor improvements constructed under chapter 47.46 RCW. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6050 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Rossi, Schow, Sheldon, Snyder and Winsley.

Passed to Committee on Rules for second reading.

April 4, 1997

SB 6077 Prime Sponsor, Senator McCaslin: Exempting from business and occupation tax nonprofit organizations providing care for the terminally ill. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6077 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SB 6092 Prime Sponsor, Senator West: Abolishing the state health care policy board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6092 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Long, Loveland, McDonald, Rossi, Sheldon, Swecker and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

SB 6093 Prime Sponsor, Senator West: Revising the basic health plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6093 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Brown, Fraser, Kohl, Loveland, Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

April 7, 1997

E2SHB 1032 Prime Sponsor, House Committee on Appropriations: Implementing regulatory reform. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Kohl, Sheldon, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1033 Prime Sponsor, House Committee on Agriculture and Ecology: Revising requirements for grain facilities under the Washington clean air act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture and Environment. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1076 Prime Sponsor, House Committee on Government Reform and Land Use: Reforming regulatory activities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Government Operations. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

ESHB 1111 Prime Sponsor, House Committee on Agriculture and Ecology: Granting water rights to certain persons who were water users before January 1, 1993. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture and Environment. Signed by Senators West, Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1112 Prime Sponsor, House Committee on Agriculture and Ecology: Adjudicating water rights. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1118 Prime Sponsor, House Committee on Agriculture and Ecology: Reopening the water rights claim filing period. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1190 Prime Sponsor, House Committee on Government Administration: Requiring preliminary compliance reviews of performance audits and consideration of performance audit recommendations in budget preparation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Long, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

2SHB 1191 Prime Sponsor, House Committee on Appropriations: Providing for review of mandated health insurance benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Brown, Fraser, Kohl, Loveland, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1219 Prime Sponsor, House Committee on Finance: Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1257 Prime Sponsor, House Committee on Finance: Providing tax exemptions and credits for coal-fired thermal electric generating facilities placed in operation before July 1, 1975. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Kohl, Long, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1269 Prime Sponsor, Representative Robertson: Providing moneys for the death investigations' account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1277 Prime Sponsor, House Committee on Finance: Providing for confidentiality of property tax information. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Loveland, McDonald, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1280 Prime Sponsor, House Committee on Capital Budget: Removing requirements for public art in department of corrections facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker and Winsley.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1325 Prime Sponsor, House Committee on Capital Budget: Providing facilities for social service organizations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Loveland.

Passed to Committee on Rules for second reading.

April 4, 1997

ESHB 1327 Prime Sponsor, House Committee on Finance: Reimbursing sellers for sales tax collection costs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Loveland and Thibaudeau.

Passed to Committee on Rules for second reading.

April 7, 1997

HB 1353 Prime Sponsor, Representative Buck: Facilitating sale of materials from department of transportation lands. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 3, 1997

E2SHB 1372 Prime Sponsor, House Committee on Appropriations: Creating the Washington advanced college tuition payment program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators West, Chair; Deccio, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1387 Prime Sponsor, House Committee on Financial Institutions and Insurance: Clarifying the frequency of filing of rate adjustments for mandatory offering of basic health plan benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Financial Institutions, Insurance and Housing. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

2SHB 1392 Prime Sponsor, House Committee on Appropriations: Enhancing crime victims' compensation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1402 Prime Sponsor, House Committee on Transportation Policy and Budget: Allowing a county, city, or town to create an assessment reimbursement area on its own initiative to finance the cost of road and street improvements. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1404 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions for punch boards and pull-tabs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Commerce and Labor. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Loveland, Roach, Schow, Sheldon, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

April 7, 1997

E2SHB 1423 Prime Sponsor, House Committee on Appropriations: Strengthening the criminal justice training commission. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

HB 1457 Prime Sponsor, Representative Chandler: Regulating the issuance and cost of permits and certificates issued by the department of licensing. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1473 Prime Sponsor, Representative Sheldon: Providing supplemental appropriation authority for the development loan fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

HB 1487 Prime Sponsor, Representative K. Schmidt: Enhancing transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair; Heavey and Patterson.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1501 Prime Sponsor, House Committee on Transportation Policy and Budget: Clarifying and making technical corrections to driver's license statutes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Benton, Vice Chair; and Heavey.

Passed to Committee on Rules for second reading.

April 4, 1997

E2SHB 1527 Prime Sponsor, House Committee on Appropriations: Regulating pesticides. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

2SHB 1557 Prime Sponsor, House Committee on Finance: Exempting from taxation and valuation of property improvements used for fish and habitat restoration and protection and water quantity and quality improvement programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Natural Resources and Parks. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.



April 3, 1997

SHB 1592 Prime Sponsor, House Committee on Finance: Providing tax exemptions for small water districts and systems.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1612 Prime Sponsor, House Committee on Transportation Policy and Budget: Designating and funding a highway project to be done under a design-build procedure. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Goings, Haugen, Horn, Jacobsen, Newhouse, Rasmussen and Sellar.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Wood, Vice Chair; and Heavey.

Passed to Committee on Rules for second reading.

April 7, 1997

HB 1646 Prime Sponsor, Representative Quall: Extending the existence of the indeterminate sentence review board.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker and Thibaudeau.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1692 Prime Sponsor, House Committee on Capital Budget: Describing those lands eligible to be included in a port district aquatic lands management agreement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Loveland, Roach, Schow, Snyder, Spanel, and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1748 Prime Sponsor, House Committee on Trade and Economic Development: Fostering economic development through increasing maritime trade competitiveness. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 1776 Prime Sponsor, House Committee on Appropriations: Regarding school audits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

HB 1778 Prime Sponsor, Representative Huff: Changing the formula for determining average salaries for certificated instructional staff. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Swecker, Thibaudeau, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Loveland, Sheldon and Snyder.

Passed to Committee on Rules for second reading.

April 7, 1997

HB 1785 Prime Sponsor, Representative K. Schmidt: Encouraging the public to submit names for state ferries. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Horn, Jacobsen, Oke, Patterson and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Heavey.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1791 Prime Sponsor, House Committee on Agriculture and Ecology: Exempting activities conducted for an agricultural commodity commission or board from business and occupation tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture and Environment. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1805 Prime Sponsor, House Committee on Health Care: Requiring the health care authority to offer health care savings accounts to unsubsidized basic health plan enrollees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

2SHB 1817 Prime Sponsor, House Committee on Appropriations: Authorizing reclaimed water demonstration projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Hochstatter, Long, McDonald, Rossi, Schow, Swecker and Winsley.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Brown, Kohl, Loveland and Thibaudeau.

Passed to Committee on Rules for second reading.

April 7, 1997

HB 1924 Prime Sponsor, Representative Ballasiotes: Changing the sentencing for sex offenses. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, Loveland, McDonald, Rossi, Sheldon, Snyder, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 1997

SHB 1971 Prime Sponsor, House Committee on Appropriations: Preventing double payment for insurance benefits for teachers who are legislators. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, Loveland, McDonald, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

April 7, 1997

SHB 1985 Prime Sponsor, House Committee on Appropriations: Allowing for pilot project landscape management plans. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Fraser, Kohl, Long, McDonald, Roach, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 1997

ESHB 2018 Prime Sponsor, House Committee on Health Care: Enacting health insurance reform. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Brown, Fraser, Loveland, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

April 7, 1997

E2SHB 2046 Prime Sponsor, House Committee on Appropriations: Creating foster parent liaison positions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Long, McDonald, Roach, Rossi, Snyder, Spanel, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

April 7, 1997

2SHB 2054 Prime Sponsor, House Committee on Appropriations: Authorizing local watershed planning and modifying water resource management. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Roach, Rossi, Schow, Swecker and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser, Kohl and Spanel.

Passed to Committee on Rules for second reading.

April 4, 1997

2SHB 2080 Prime Sponsor, House Committee on Appropriations: Regulating classification of lands with long-term commercial significance. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Fraser, Hochstatter, McDonald, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Loveland and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 1997

SHB 2090 Prime Sponsor, House Committee on Higher Education: Establishing a community and technical college employees attendance incentive program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, McDonald, Rossi, Schow, Sheldon, Snyder, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

ESHB 2096 Prime Sponsor, House Committee on Agriculture and Ecology: Consolidating the state's oil spill prevention program. Reported by Committee on Ways and Means April 7, 1997

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture and Environment. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Swecker, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

HB 2117 Prime Sponsor, Representative McMorris: Lowering the rate of taxation for social card games. Reported by Committee on Ways and Means April 4, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Kohl, Loveland, Schow, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

HB 2165 Prime Sponsor, Representative K. Schmidt: Paying interest on retroactive raises for ferry workers. Reported by Committee on Transportation April 7, 1997

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Jacobsen, Oke, Patterson and Rasmussen.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

ESHB 2193 Prime Sponsor, House Committee on Higher Education: Allowing the joint center for higher education transportation fees and excluding higher education and the joint center for higher education from the state agency parking account. Reported by Committee on Ways and Means April 4, 1997

MAJORITY Recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Hochstatter, Long, Loveland, McDonald, Rossi, Schow, Snyder, Swecker and Winsley.

Passed to Committee on Rules for second reading.

HB 2197 Prime Sponsor, Representative Huff: Creating the K-20 education technology revolving fund. Reported by Committee on Ways and Means April 3, 1997

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

MOTION

At 8:07 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Tuesday, April 8, 1997.

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**EIGHTY-FIFTH DAY, APRIL 7, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTY-SIXTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Tuesday, April 8, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benton, Brown, Deccio, Goings, McDonald, Patterson, Rasmussen, Roach, Schow, Strannigan and West. On motion of Senator Hale, Senators Benton, Deccio, McDonald, Roach and Schow were excused. On motion of Senator Franklin, Senators Bauer, Goings, Patterson and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kailie Hanson and Mason Miles, presented the Colors. Jim Cammack of the Baha'i Community of Olympia, offered the prayer.

**MOTION**

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

**MOMENT OF SILENCE**

The Senate stood for a moment of silence in memory of Lynne Schow, wife of Senator Ray Schow, who passed away this morning.

**MESSAGES FROM THE HOUSE**

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1158, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 4, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2019, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 4, 1997

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 1821, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 7, 1997

**SIGNED BY THE PRESIDENT**

The President has signed:  
ENGROSSED HOUSE BILL NO. 1821.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

SHB 1158 by House Committee on Capital Budget (originally sponsored by Representatives Sehlin and Ogden) (by request of Office of Financial Management)

Adopting a supplemental capital budget.

Referred to Committee on Ways and Means.

E2SHB 2019 by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, Linville, Johnson, Mason, Sterk, Romero, Smith, Hatfield, Koster, Chopp, Dickerson, Sheahan, Doumit, D. Sommers, Poulsen, Thompson, Veloria, Honeyford, Kastama, Sehlín, Wood, Delvin, O'Brien, Boldt, Anderson, Mitchell, Ogden, Benson, Morris, Huff, Sump, Scott, Lantz, Mastin, Buck, Dunshee, Costa, Tokuda, Sullivan, Regala, Backlund, Grant, Kessler, Kenney, Cody, Crouse, Radcliff, Mielke, Bush, Alexander, Sherstad, Hankins, Pennington, Sheldon, Gombosky, Murray, D. Schmidt, Wensman, Appelwick, Cooke, Zellinsky, Wolfe, Carlson, Hickel, Dunn, B. Thomas, L. Thomas, Van Luven, Keiser and Blalock)

Authorizing charter schools.

Referred to Committee on Education.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9185, Eileen O'Neill Odum, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF EILEEN O'NEILL ODUM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 3; Excused, 9.

Voting yea: Senators Anderson, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 37. Absent: Senators Brown, Strannigan and West - 3. Excused: Senators Bauer, Benton, Deccio, Goings, McDonald, Patterson, Rasmussen, Roach and Schow - 9.

MOTION

On motion of Senator Hale, Senators Sellar and West were excused.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9130, Kenneth Alhadeff, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF KENNETH ALHADEFF

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Anderson, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 38. Absent: Senators Brown and Snyder - 2. Excused: Senators Bauer, Benton, Deccio, McDonald, Patterson, Rasmussen, Schow, Sellar and West - 9.

MOTIONS

On motion of Senator Hale, Senator Roach was excused.

On motion of Senator Sheldon, Senator Brown was excused.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9131, Connie L. Ambrose-Hosman, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF CONNIE L. AMBROSE-HOSMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Anderson, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn,

Wood and Zarelli - 38. Excused: Senators Bauer, Benton, Brown, Deccio, McDonald, Patterson, Rasmussen, Roach, Schow, Sellar and West - 11.

#### SECOND READING

HOUSE BILL NO. 1942, by Representatives B. Thomas, Thompson and Dyer

Repealing the coal mining code.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1942 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1942.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1942 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Anderson, Bauer, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 39. Absent: Senator Finkbeiner - 1. Excused: Senators Benton, Brown, Deccio, McDonald, Patterson, Roach, Schow, Sellar and West - 9. HOUSE BILL NO. 1942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1945, by Representatives Dunn and Boldt

Concerning foreclosed property deeded by a county for use as state forest land.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1945 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1945.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1945 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Deccio, McDonald, Schow, Sellar and West - 6. HOUSE BILL NO. 1945, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2143, by Representatives Parlette and Chandler

Concerning volunteer ambulance personnel.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2143.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2143 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Deccio, McDonald, Schow, Sellar and West - 6. HOUSE BILL NO. 2143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1320, by House Committee on Government Administration (originally sponsored by Representatives L. Thomas, Cooke, Cairnes, D. Schmidt, Keiser, Robertson, Blalock, Ogden, Constantine, Veloria, Dunn and Anderson)

Designating Anux junius as the official insect of the state of Washington.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1320.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1320 and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Newhouse and West - 2. Absent: Senator Brown - 1. Excused: Senators Benton and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2239, by House Committee on Appropriations (originally sponsored by Representative Sherstad)

Providing for conversion of nursing home bed capacity to enhanced residential care services.

The bill was read the second time.

#### MOTION

On motion of Senator Deccio, the rules were suspended, Second Substitute House Bill No. 2239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2239.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2239 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Brown -



1. Excused: Senators Benton and Schow - 2. SECOND SUBSTITUTE HOUSE BILL NO. 2239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.  
MOTION

At 9:21 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 10:57 a.m. by President Owen.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1887, by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Conway, Clements, Honeyford, Cole and O'Brien)

Establishing department of labor and industries WISHA advisory committee.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 1887 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1887.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1887 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Swanson - 1. Excused: Senators Benton and Schow - 2. SUBSTITUTION HOUSE BILL NO. 1887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2170, by House Committee on Trade and Economic Development (originally sponsored by Representatives Pennington, Sheldon and Ogden)

Expediting projects of state-wide significance.

The bill was read the second time.

#### MOTIONS

On motion of Senator Horn, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature declares that certain industrial investments merit special designation and treatment by governmental bodies when they are proposed. Such investments bolster the economies of their locale and impact the economy of the state as a whole. It is the intention of the legislature to recognize industrial projects of state-wide significance and to encourage local governments and state agencies to expedite their completion. NEW SECTION. Sec. 2. (1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330, 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and industrial project of state-wide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of state-wide significance, the project must be completed after January 1, 1997, and have: (a) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars; (b) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars; (c) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars; (d) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars; (e) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars; (f) In counties with a population of greater than four hundred thousand but no more than one million, a capital investment of six hundred million dollars; (g) In counties with a population of greater than one million, a capital investment of one billion dollars; or (h) Been designated by the director of community, trade, and economic development as an industrial project of state-wide significance either: (i) Because the county in which the project is to be located is a distressed county and the economic circumstances of the county merit the additional assistance such designation will bring; or (ii) because the impact on a region due to the size and complexity of the project merits such designation. (2) The term

manufacturing shall have the meaning assigned it in RCW 82.61.010. (3) The term research and development shall have the meaning assigned it in RCW 82.61.010. **NEW SECTION. Sec. 3.** Counties and cities planning under the planning enabling act, chapter 36.70 RCW, or the requirements of the growth management act, chapter 36.70A RCW, shall include a process, to be followed at their discretion for any specific project, for expediting the completion of industrial projects of state-wide significance. **NEW SECTION. Sec. 4.** The department of community, trade, and economic development shall assign an ombudsman to each industrial project of state-wide significance. The ombudsman shall be responsible for assembling a team of state and local government and private officials to help meet the planning and development needs of each project. The ombudsman shall strive to include in the teams those responsible for planning, permitting and licensing, infrastructure development, work force development services including higher education, transportation services, and the provision of utilities. The ombudsman shall encourage each team member to expedite their actions in furtherance of the project. **Sec. 5.** RCW 28C.18.080 and 1995 c 130 s 2 are each amended to read as follows: (1) The state comprehensive plan for work force training and education shall be updated every two years and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan and the updates. The plan shall then become the state's work force training policy unless legislation is enacted to alter the policies set forth in the plan. (2) The comprehensive plan shall include work force training role and mission statements for the work force development programs of operating agencies represented on the board and sufficient specificity regarding expected actions by the operating agencies to allow them to carry out actions consistent with the comprehensive plan. (3) Operating agencies represented on the board shall have operating plans for their work force development efforts that are consistent with the comprehensive plan and that provide detail on implementation steps they will take to carry out their responsibilities under the plan. Each operating agency represented on the board shall provide an annual progress report to the board. (4) The comprehensive plan shall include recommendations to the legislature and the governor on the modification, consolidation, initiation, or elimination of work force training and education programs in the state. (5) The comprehensive plan shall address how the state's work force development system will meet the needs of employers hiring for industrial projects of state-wide significance. (6) The board shall report to the appropriate legislative policy committees by December 1 of each year on its progress in implementing the comprehensive plan and on the progress of the operating agencies in meeting their obligations under the plan. **Sec. 6.** RCW 43.21A.350 and 1987 c 109 s 29 are each amended to read as follows: The department of ecology shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall address how the department will expedite the completion of industrial projects of state-wide significance. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state. Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the department a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection. The department shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan. **Sec. 7.** RCW 90.58.100 and 1995 c 347 s 307 are each amended to read as follows: (1) The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible: (a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts; (b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact; (c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state; (d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary; (e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data; (f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered. (2) The master programs shall include, when appropriate, the following: (a) An economic development element for the location and design of industries, industrial projects of state-wide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state; (b) A public access element making provision for public access to publicly owned areas; (c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas; (d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element; (e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land; (f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection; (g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; (h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and (i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter. (3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding. (4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same. (5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules

adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3). (6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment. **Sec. 8.** RCW 47.06.030 and 1993 c 446 s 3 are each amended to read as follows: The commission shall develop a state transportation policy plan that (1) establishes a vision and goals for the development of the state-wide transportation system consistent with the state's growth management goals, (2) identifies significant state-wide transportation policy issues, and (3) recommends state-wide transportation policies and strategies to the legislature to fulfill the requirements of RCW 47.01.071(1). The state transportation policy plan shall be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. The plan shall address how the department of transportation will meet the transportation needs and expedite the completion of industrial projects of state-wide significance. **Sec. 9.** RCW 28A.525.166 and 1990 c 33 s 457 are each amended to read as follows: Allocations to school districts of state funds provided by RCW 28A.525.160 through 28A.525.182 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner: (1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: **PROVIDED,** That the total cost of the project shall be subject to review and approval by the state board of education. (2) The state matching percentage for a school district shall be computed by the following formula: The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

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PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.525.160 through 28A.525.182, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district. (3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent. (4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from industrial projects of state-wide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency. **Sec. 10.** RCW 28B.80.330 and 1996 c 174 s 1 are each amended to read as follows: The board shall perform the following planning duties in consultation with the four-year institutions, the community and technical college system, and when appropriate the work force training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions: (1) Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system; (2) Identify the state's higher education goals, objectives, and priorities; (3) Prepare a comprehensive master plan which includes but is not limited to: (a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled work force; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions; (b) Recommendations on enrollment and other policies and actions to meet those needs; (c) Guidelines for continuing education, adult education, public service, and other higher education programs; (d) Mechanisms through which the state's higher education system can meet the needs of employers hiring for industrial projects of state-wide significance. The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan. The plan shall be updated every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan; (4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before November 1st of each even-numbered year, and to the legislature by January 1 of each odd-numbered year; (5) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st; (6) Recommend legislation affecting higher education; (7) Recommend tuition and fees policies and levels based on comparisons with peer institutions; (8) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions; (9) Prepare recommendations on merging or closing institutions; and (10) Develop criteria for identifying the need for new baccalaureate institutions. **NEW SECTION. Sec. 11.** Sections 1 through 4 of this act constitute a new chapter in Title 43 RCW." On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "industrial investments and projects of state-wide significance; amending RCW 28C.18.080, 43.21A.350, 90.58.100, 47.06.030, 28A.525.166, and 28B.80.330; and adding a new chapter to Title 43 RCW."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2170, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2170, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2170, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Swanson - 1. Excused: Senators Benton and Schow - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2170, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Health Care (originally sponsored by Representatives Backlund and Cody) (by request of Department of Health)

Limiting public disclosure of complaints filed under the uniform disciplinary act.

The bill was read the second time.

#### MOTIONS

On motion of Senator Deccio, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 18.130.095 and 1995 c 336 s 6 are each amended to read as follows: (1)(a) The secretary, in consultation with the disciplining authorities, shall develop uniform procedural rules to respond to public inquiries concerning complaints and their disposition, active investigations, statement of charges, findings of fact, and final orders involving a licensee, applicant, or unlicensed person. The uniform procedural rules adopted under this subsection apply to all adjudicative proceedings conducted under this chapter and shall include provisions for ~~((the))~~ establishing time periods for initial assessment, investigation, charging, discovery, settlement, and adjudication of complaints, and shall include enforcement provisions for violations of the specific time periods by the department, the disciplining authority, and the respondent. A licensee must be notified upon receipt of a complaint, except when the notification would impede an effective investigation. At the earliest point of time the licensee must be allowed to submit a written statement about that complaint, which statement must be included in the file. Complaints filed after the effective date of this act are exempt from public disclosure under chapter 42.17 RCW until the complaint has been initially assessed and determined to warrant an investigation by the disciplining authority. Complaints determined not to warrant an investigation by the disciplining authority are no longer considered complaints, but must remain in the records and tracking system of the department. Information about complaints that did not warrant an investigation, including the existence of the complaint, may be released only upon receipt of a written public disclosure request or pursuant to an interagency agreement as provided in (b) of this subsection. Complaints determined to warrant an investigation after investigation are subject to public disclosure, must include an explanation of the determination to close the complaint, and must remain in the records and tracking system of the department. (b) The secretary, on behalf of the disciplining authorities, shall enter into interagency agreements for the exchange of records, which may include complaints filed but not yet assessed, with other state agencies if access to the records will assist those agencies in meeting their federal or state statutory responsibilities. Records obtained by state agencies under the interagency agreements are subject to the limitations on disclosure contained in (a) of this subsection. (2) The uniform procedures for conducting investigations shall provide that prior to taking a written statement: (a) For violation of this chapter, the investigator shall inform such person, in writing of: (i) The nature of the complaint; (ii) that the person may consult with legal counsel at his or her expense prior to making a statement; and (iii) that any statement that the person makes may be used in an adjudicative proceeding conducted under this chapter; and (b) From a witness or potential witness in an investigation under this chapter, the investigator shall inform the person, in writing, that the statement may be released to the licensee, applicant, or unlicensed person under investigation if a statement of charges is issued. (3) Only upon the authorization of a disciplining authority identified in RCW 18.130.040(2)(b), the secretary, or his or her designee, may serve as the presiding officer for any disciplinary proceedings of the disciplining authority authorized under this chapter. Except as provided in RCW 18.130.050(8), the presiding officer shall not vote on or make any final decision. All functions performed by the presiding officer shall be subject to chapter 34.05 RCW. The secretary, in consultation with the disciplining authorities, shall adopt procedures for implementing this subsection. (4) The uniform procedural rules shall be adopted by all disciplining authorities listed in RCW 18.130.040(2), and shall be used for all adjudicative proceedings conducted under this chapter, as defined by chapter 34.05 RCW. The uniform procedural rules shall address the use of a presiding officer authorized in subsection (3) of this section to determine and issue decisions on all legal issues and motions arising during adjudicative proceedings. **NEW SECTION. Sec. 2.** A new section is added to chapter 42.17 RCW under the subchapter heading "public records" to read as follows: Complaints filed under chapter 18.130 RCW after the effective date of this act are exempt from disclosure under this chapter to the extent provided in RCW 18.130.095(1). **NEW SECTION. Sec. 3.** A new section is added to chapter 18.130 RCW to read as follows: This chapter does not affect the use of records, obtained from

the secretary or the disciplining authorities, in any existing investigation or action by any state agency. Nor does this chapter limit any existing exchange of information between the secretary or the disciplining authorities and other state agencies." On motion of Senator Deccio, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 18.130.095; adding a new section to chapter 42.17 RCW; and adding a new section to chapter 18.130 RCW." MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 1057, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1057, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1057, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Swanson - 1. Excused: Senators Benton and Schow - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator West was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360, by House Committee on Government Administration (originally sponsored by Representatives K. Schmidt, Scott, Zellinsky and Schoesler)

Allowing state patrol officers to engage in private employment.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows: Washington state patrol officers may engage in private law enforcement off-duty employment in uniform for private benefit, subject to guidelines adopted by the chief of the Washington state patrol. These guidelines must ensure that the integrity and professionalism of the Washington state patrol is preserved. Use of Washington state patrol officer's uniforms shall be considered de minimis use of state property. NEW SECTION. Sec. 2. A new section is added to chapter 4.92 RCW to read as follows: (1) The state of Washington is not liable for tortious conduct by Washington state patrol officers that occurs while such officers are engaged in private law enforcement off-duty employment. (2) Upon petition of the state any suit, for which immunity is granted to the state under subsection (1) of this section, shall be dismissed. (3) Washington state patrol officers engaged in private law enforcement off-duty employment shall notify, in writing, prior to such employment, anyone who employs Washington state patrol officers in private off-duty employment of the specific provisions of subsections (1) and (2) of this section." On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "adding a new section to chapter 43.43 RCW; and adding a new section to chapter 4.92 RCW." MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1360, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### POINT OF INQUIRY

Senator Thibaudeau: "Senator Prince, does your current Senate budget include an increase--an adequate increase--for the State Patrol Troopers? I noted over the years that their range for troopers is very low."

Senator Prince: "I don't disagree with what you say. We are giving the same increase in my version that--and it isn't as adequate as I would like to make it, I have no question there, but to me that's not really the issue. I just don't believe that uniforms should be for sale and it is a matter of principal, I guess. I am one who would like very much to boost the State Patrol salaries, but not in this manner."

Senator Thibaudeau: "Thank you, Senator Prince."



Further debate ensued.

#### POINT OF INQUIRY

Senator Deccio: "For the record, Senator McCaslin, deputy sheriffs and police officers are allowed to wear their uniforms on off duty work?"

Senator McCaslin: "As far as I know, sir."

Senator Deccio: "Thank you. I am going to vote 'yes.'"

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1360, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1360, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Newhouse, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Strannigan, Swanson, Swecker, Winsley and Wood - 29. Voting nay: Senators Brown, Finkbeiner, Fraser, Hochstatter, Jacobsen, Johnson, McDonald, Morton, Oke, Prince, Rossi, Sellar, Spanel, Stevens, Thibaudeau, Wojahn and Zarelli - 17. Excused: Senators Benton, Schow and West - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1383, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Sheahan, Dickerson, Ballasiotes, Constantine, Costa, Radcliff, McDonald, Mason, Schoesler, Mitchell, Blalock, L. Thomas, Sheldon, Wensman, Kenney and Kessler)

Establishing restitution for rape of a child.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1383.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1383 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Swanson - 1. Excused: Senators Benton, Schow and West - 3. SUBSTITUTE HOUSE BILL NO. 1383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1081, by Representatives Koster, Mulliken, Dunn, Mielke, Thompson, McMorris, Boldt, Sterk, Sherstad, Bush and Smith

Strengthening school policies and prohibitions on the use of tobacco at schools.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, House Bill No. 1081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Jacobsen: "Senator Hochstatter, I am curious, if the Charter School Bill passes, will this law also apply to Charter Schools or will they be exempted from this state law, also?"

Senator Hochstatter: "Senator Jacobsen, you have to take my judgement on this. My understanding of this is that this will be a waivable regulation under the Charter Bill, if the Charter Bill does pass. That is my reading of it, but I am not a lawyer."

Senator Jacobsen: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1081.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1081 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Goings, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Roach, Rossi, Sellar, Stevens, Strannigan, Swanson, Swecker, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn - 20. Excused: Senators Benton, Schow and West - 3. HOUSE BILL NO. 1081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2013, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Regala, Schoesler, Linville, Johnson, Bush, McDonald, Mastin, Talcott, Delvin, Carrell, Smith, Koster, Sullivan, Kastama, Fisher, Conway, Cooper and Honeyford)

Developing an existing ground water right.

The bill was read the second time.

## MOTIONS

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was adopted:

On page 1, beginning on line 5, after "Sec. 1." strike all material through "(2)" on line 11 On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 2013, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2013, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2013 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Haugen - 1. Excused: Senators Benton, Schow and West - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2013, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1235, by House Committee on Appropriations (originally sponsored by Representatives Ogden, McMorris, H. Sommers, Carlson, Wolfe, O'Brien, Dunshee, Kenney, Dickerson, Cole, Mason and Robertson) (by request of Joint Legislative Audit and Review Committee)

Prohibiting consultants from charging state agencies for access to data generated under their personal services contracts.

The bill was read the second time.

## MOTION

Senator Bauer moved that the following amendment by Senators Bauer and Prince be adopted:  
On page 1, line 9, after "contract." insert "A consultant under such contract shall provide access to data generated under the contract to the contracting agency, the joint legislative audit and review committee, and the state auditor." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Bauer and Prince on page 1, line 9, to Substitute House Bill No. 1235.

The motion by Senator Bauer carried and the amendment was adopted.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1235, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1235, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1235, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Haugen - 1. Excused: Senators Benton, Schow and West - 3. SUBSTITUTE HOUSE BILL NO. 1235, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:59 a.m., on motion of Senator Johnson, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:33 p.m. by President Owen.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9243, Karen Miller, as a member of the Housing Finance Commission, was confirmed.

Senators Winsley, McAuliffe and Wood spoke to the confirmation of Karen Miller as a member of the Housing Finance Commission.

#### APPOINTMENT OF KAREN MILLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Finkbeiner and Heavey - 2. Excused: Senators Benton and Schow - 2.

#### MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9133, Sue Batali, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### APPOINTMENT OF SUE BATALI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senators Finkbeiner, Heavey and Prince - 3. Excused: Senators Benton, Loveland and Schow - 3.

#### SECOND READING

HOUSE BILL NO. 1651, by Representatives Scott, Costa, Conway and Hatfield

Authorizing the sale of malt liquor in untapped kegs by class H licensees.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1651.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1651 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Anderson - 1. Excused: Senators Benton and Schow - 2. HOUSE BILL NO. 1651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2093, by Representatives Boldt, McMorris, Lisk, Clements and Honeyford

Achieving consistency between state and federal family leave requirements.

The bill was read the second time.

#### MOTION

On motion of Senator Horn, the rules were suspended, Engrossed House Bill No. 2093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2093.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2093 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. ENGROSSED HOUSE BILL NO. 2093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION TO LIMIT DEBATE

Senator Johnson: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through April 27, 1997, Sine Die."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson that debate be limited through April 27, 1997, Sine Die.

The motion by Senator Johnson carried on a rising vote. Debate will be limited to three minutes through April 27, 1997.

#### MOTION

On motion of Senator Hale, Senator McCaslin was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1393, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner and Kenney)

Regulating board of industrial insurance appeals.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1393.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1393 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Long - 1. Excused: Senators Benton, McCaslin and Schow - 3. SUBSTITUTE HOUSE BILL NO. 1393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1120, by House Committee on Education (originally sponsored by Representatives Koster, Costa, Johnson and Scott) (by request of Board of Education)

Changing provisions relating to territory included in city and town boundary extensions.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Substitute House Bill No. 1120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1120.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1120 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, McCaslin and Schow - 3. SUBSTITUTE HOUSE BILL NO. 1120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5811, by Senators Roach, Schow and Fairley (by request of Department of Labor and Industries)

Including foreign terrorism in the definition of criminal act for the purposes of crime victim compensation and assistance.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator McAuliffe: "Senator West, if we need this six million dollars for crime victims funds, how does this differ in needing the Goals 2000 money, which is, I believe, sixteen million dollars? What is the difference here? I believe we need the Goals 2000 money, also, from the federal government."

Senator West: "We are not addicted to that money yet."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5811.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5543, by Senators Snyder, West, Bauer, Zarelli, Oke and Fraser (by request of Department of Revenue)

Deferring sales and use tax for rentals of machinery and equipment used in the installation and construction of investment projects in distressed areas.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5543.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SENATE BILL NO. 5543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5353, by Senators Benton, Wood, Brown, Rossi, Stevens and Winsley

Limiting the tax exemption for motor vehicles.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5353.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5353 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Hochstatter and Roach - 2. Excused: Senators Benton and Schow - 2. SENATE BILL NO. 5353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5688, by Senators Strannigan and Johnson

Paying the business and occupation tax by property management companies for on-site employees.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5688.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1813, by House Committee on Trade and Economic Development (originally sponsored by Representatives Dunn, Van Luven, Veloria, Alexander, Sheldon, Morris, Mason, McDonald, Honeyford and L. Thomas)

Regulating sales and use tax exemptions for motion picture and video production equipment and services.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1813.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1813 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5175, by Senators Morton, Rasmussen, Hochstatter, Goings and Roach (by request of Department of Revenue)

Revising the business and occupation tax on the handling of hay, alfalfa, and seed.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5175 was substituted for Senate Bill No. 5175 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5175.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SUBSTITUTE SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5721, by Senators Anderson, Spanel and McDonald

Allowing bare-boat charters.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5721 was substituted for Senate Bill No. 5721 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5721.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5721 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SUBSTITUTE SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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



## SENATE RESOLUTION 1997-8654

By Senators Kohl, Jacobsen, Wood, Wojahn, Thibaudeau, Sheldon, Loveland, Winsley, Long, McDonald, Spanel, Fraser, West, Brown, Kline, Prentice, Franklin, Snyder, Bauer, Hale, Swanson, Johnson, Fairley and McAuliffe

WHEREAS, The University of Washington (UW) Womens' Crew is one of the leading womens' crews in the nation having won more national championships than any other university crew; and

WHEREAS, The UW Womens' Crew placed fourth in the nation in 1996 as the undefeated champions of the Pac-10 and placed second in the nation in 1995; and

WHEREAS, The UW Womens' Crew just won the first competition of the 1997 season against other nationally ranked teams in San Diego and has set its top goal to be the victors of the first ever NCAA sponsored women's crew championship this year; and

WHEREAS, The UW Womens' Crew is composed of seventy women from around the nation who are not only excellent athletes, but also important role models for the youth of Washington State; and

WHEREAS, With the introduction of scholarships, made possible by the gender equity provisions passed in 1989, the UW Womens' Crew has been able to recruit top national athletes and reward athletes that come from other sports;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the dedication, spirit, and accomplishments of the members and coaches of the UW Womens' Crew; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the UW Womens' Crew and coaches.

Senators Kohl, Jacobsen and Wojahn spoke to Senate Resolution 1997-8654.

### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the University of Washington Womens' Crew and their coaches, who were seated in the gallery.

### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

### MOTIONS

On motion of Senator Franklin, Senators Kohl and Jacobson were excused.

On motion of Senator Hale, Senators Deccio and Wood were excused.

### SECOND READING

SENATE BILL NO. 5868, by Senator Sellar

Classifying producers of aluminum master alloys as processors for hire for business and occupation tax purposes.

### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5868 was substituted for Senate Bill No. 5868 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5868.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Excused: Senators Benton, Deccio, Jacobsen, Kohl, Schow and Wood - 6. SUBSTITUTE SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### SECOND READING

SENATE BILL NO. 5343, by Senators Sellar and Prentice

Defining the location of a retail sale by a towing service operator as the place of business.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5343.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Excused: Senators Benton, Deccio, Jacobsen, Kohl, Schow and Wood - 6. SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1452, by Representatives L. Thomas, Wolfe, Zellinsky, Alexander and Keiser

Providing definitions concerning title insurers.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 1452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1452.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1452 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Excused: Senators Benton, Jacobsen, Kohl, Schow and Wood - 5. HOUSE BILL NO. 1452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1187, by Representatives Alexander, Van Luven, McMorris, DeBolt, Morris, Veloria, Sheldon, Pennington, Sump and Hatfield

Contracting with associate development organizations.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1187.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1187 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Excused: Senators Benton, Jacobsen, Kohl, Schow and Wood - 5. HOUSE BILL NO. 1187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1514, by Representatives Conway, McMorris and Schoesler (by request of Joint Task Force on Nonpayment of Employer Obligations)

Establishing requirements for keeping records of unified business identifier account numbers.

The bill was read the second time.

## MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1514.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1514 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Voting nay: Senator Hochstatter - 1. Excused: Senators Benton, Jacobsen, Kohl, Schow and Wood - 5. HOUSE BILL NO. 1514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1098, by Representatives Carlson, H. Sommers, Cooke, Conway, Sehlin, Ogden, Wolfe, Blalock, Constantine, Tokuda, Hatfield, Dunn, Wood, O'Brien, Voloria, Kessler, Cairnes, Murray, Keiser, Sheldon, Anderson, Cody, Kenney, Scott, Dunshee and Mason (by request of Joint Committee on Pension Policy)

Changing teachers' retirement system plan III contribution rates.

The bill was read the second time.

## MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1098.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1098 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 43. Voting nay: Senator Finkbeiner - 1. Excused: Senators Benton, Jacobsen, Kohl, Schow and Wood - 5. HOUSE BILL NO. 1098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1060, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Hankins, Grant, Keiser, Scott, Dickerson, Cole, Conway, Quall, Lantz, Cody, Murray, Costa, Morris, Linville, Anderson and Chopp) (by request of Interagency Committee for Outdoor Recreation)

Authorizing Washington wildlife and recreation program projects for fiscal year 1997.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1060.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1060 and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Excused: Senators Benton, Jacobsen, Kohl, Schow and Wood - 5. SUBSTITUTE HOUSE BILL NO. 1060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 3:29 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Wednesday, April 9, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### ***JOURNAL OF THE SENATE***

***EIGHTY-SIXTH DAY, APRIL 8, 1997***

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### **EIGHTY-SEVENTH DAY**

#### **MORNING SESSION**

Senate Chamber, Olympia, Wednesday, April 9, 1997

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benton, Finkbeiner, Horn, Patterson, Prentice, Rasmussen and Sellar. On motion of Senator Hale, Senators Benton, Finkbeiner and Horn were excused. On motion of Senator Franklin, Senators Bauer, Patterson, Prentice and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Marcus Croskey and Andrea Grassl, presented the Colors. Jim Cammack of the Baha'i Community of Olympia, offered the prayer.

#### MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT

April 4, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

The Reverend Edward Glynn, S.J., appointed April 4, 1997, for a term ending June 30, 2000, as a member of the Spokane Joint Center for Higher Education.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

#### MESSAGE FROM THE GOVERNOR

April 8, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 8, 1997, Governor Locke approved the following Senate Bill entitled:

Substitute Senate Bill No. 5464

Relating to gender equity in higher education.

Sincerely,  
EVERETT H. BILLINGSLEA, General Counsel

#### MESSAGES FROM THE HOUSE

April 7, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1777, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 8, 1997

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1320, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1320.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

E2SHB 1777 by House Committee on Appropriations (originally sponsored by Representatives Huff, H. Sommers, Alexander, Benson, Clements, Wensman and O'Brien) (by request of Office of Financial Management)

Changing the timelines for development and implementation of the student assessment system.

Referred to Committee on Education.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Long, Gubernatorial Appointment No. 9149, Nancy J. Donigan, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

#### APPOINTMENT OF NANCY J. DONIGAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Absent: Senator Sellar - 1. Excused: Senators Bauer, Benton, Finkbeiner, Horn, Patterson, Prentice and Rasmussen - 7.

#### MOTION

On motion of Senator Hale, Senator Sellar was excused.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9136, Tom Borgaila, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF TOM BORGAILA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Excused: Senators Bauer, Benton, Finkbeiner, Horn, Patterson, Prentice, Rasmussen and Sellar - 8.

MOTION

On motion of Senator Hale, Senator Swecker was excused.

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9154, Bill Frank, Jr., as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF BILL FRANK, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Benton, Horn, Patterson and Swecker - 4.

MOTION

On motion of Senate Anderson, the following resolution was adopted:

SENATE RESOLUTION 1997-8648

By Senators Anderson, Newhouse, Goings, Fraser, Prince, Morton, Rasmussen, Oke, Sellar, Snyder, Swecker, McAuliffe, Zarelli and Spanel

WHEREAS, The Washington State Legislature has designated that the second Wednesday in April each year is celebrated as Arbor Day; and

WHEREAS, Arbor Day is a day to recognize our state tree, the western hemlock, and state flower, the rhododendron; and

WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by citizens in the state of Washington; and

WHEREAS, Arbor Day has been celebrated in Washington since 1917, when Governor Ernest Lister conducted the first official observance; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, horticulturists, and home orchards and gardens all add to the beauty and vigor of our state; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating school children and community groups about the value of trees; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, in neighborhoods and communities, in the state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, The state of Washington is appropriately called the Evergreen State due to the existence and special significance that trees and plants contribute to our jobs, natural beauty, environment, and quality of life to our citizens; and

WHEREAS, By observing Arbor Day every year, the citizens of the state can show their appreciation for the state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting trees and shrubs throughout the year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington proclaim April 9, 1997, as Arbor Day and encourage residents to plant a tree or shrub and celebrate this day.

Senators Anderson and Oke spoke to Senate Resolution 1997-8648.

MOTION

At 9:27 a.m. on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 10:43 a.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1047, by House Committee on Higher Education (originally sponsored by Representatives Carlson, Radcliff, Dunn and O'Brien)

Changing tuition waivers for members of the Washington national guard and employees of institutions of higher education.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Substitute House Bill No. 1047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1047.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1047 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Prince - 1. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1066, by Representatives Pennington, Chopp, Mason, Costa, Skinner, Hankins, Ogden and L. Thomas

Providing for the maintenance of state facilities.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1066.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1066 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. HOUSE BILL NO. 1066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1234, by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Mason, Clements, Mulliken, Thompson, McMorris, Reams, Honeyford, Sterk, Kenney, Blalock, Cody, Keiser, Conway, Cooper, O'Brien, Tokuda, Dunshee, Wood, Fisher and Kastama)

Modifying the size of the state advisory board of plumbers.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1234.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1234 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator West - 1. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1271, by House Committee on Government Administration (originally sponsored by Representatives L. Thomas, Scott, D. Sommers, Dunshee, Doumit, Mulliken, Gardner, Wensman and D. Schmidt)

Relating to the establishment of commissioner districts and the election of commissioners of public hospital districts.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1271.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1271 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1278, by Representatives K. Schmidt, Hatfield, Mitchell, Pennington, Scott, Mielke, Cody, Honeyford and Delvin

Concerning the labeling of malt liquor packages.

The bill was read the second time.

#### MOTION



On motion of Senator Schow, the rules were suspended, House Bill No. 1278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1278.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1278 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yeas: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator West - 1. Excused: Senator Benton - 1. HOUSE BILL NO. 1278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1491, by House Committee on Children and Family Services (originally sponsored by Representatives Cody, Cooke, Tokuda, Dyer, Murray, Ogden and Costa)

Changing references from guide or service dog to dog guide or service animal.

The bill was read the second time.

#### MOTIONS

On motion of Senator Long, the following Committee on Human Services and Corrections amendment was adopted: Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 49.60.010 and 1995 c 259 s 1 are each amended to read as follows: This chapter shall be known as the "law against discrimination". It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, families with children, sex, marital status, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((dog)) or service ((dog)) animal by a disabled person are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, families with children, sex, marital status, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((dog)) or service ((dog)) animal by a disabled person; and the commission established hereunder is hereby given general jurisdiction and power for such purposes. **Sec. 2.** RCW 49.60.030 and 1995 c 135 s 3 are each amended to read as follows: (1) The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((dog)) or service ((dog)) animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to: (a) The right to obtain and hold employment without discrimination; (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement; (c) The right to engage in real estate transactions without discrimination, including discrimination against families with children; (d) The right to engage in credit transactions without discrimination; (e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination; **PROVIDED**, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and (f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide ((dog)) or service ((dog)) animal by a disabled person, or national origin or lawful business relationship: **PROVIDED HOWEVER**, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices. (2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.). (3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce. **Sec. 3.** RCW 49.60.040 and 1995 c 259 s 2 are each amended to read as follows: As used in this chapter: (1) "Person" includes one or more individuals, partnerships,

associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof; (2) "Commission" means the Washington state human rights commission; (3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit; (4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person; (5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment; (6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer; (7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed; (8) "National origin" includes "ancestry"; (9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide ((døg)) or service ((døg)) animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited; (10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution; (11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein; (12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services; (13) " Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof; (14) "Sex" means gender; (15) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur; (16) "Complainant" means the person who files a complaint in a real estate transaction; (17) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction; (18) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred; (19) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years; (20) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units; (21) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building; (22) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons; (23) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability. **Sec. 4.** RCW 49.60.120 and 1993 c 510 s 6 and 1993 c 69 s 4 are each reenacted and amended to read as follows: The commission shall have the functions, powers and duties: (1) To appoint an executive director and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties. (2) To obtain upon request and utilize the services of all governmental departments and agencies. (3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the commission in connection therewith. (4) To receive, impartially investigate, and pass upon complaints alleging unfair practices as defined in this chapter. (5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide ((døg)) or service ((døg)) animal by a disabled person. (6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such

studies. (7) To cooperate and act jointly or by division of labor with the United States or other states, with other Washington state agencies, commissions, and other government entities, and with political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this chapter. However, the powers which may be exercised by the commission under this subsection permit investigations and complaint dispositions only if the investigations are designed to reveal, or the complaint deals only with, allegations which, if proven, would constitute unfair practices under this chapter. The commission may perform such services for these agencies and be reimbursed therefor. (8) To foster good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities. **Sec. 5.** RCW 49.60.130 and 1993 c 510 s 7 are each amended to read as follows: The commission has power to create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The commission may use organizations specifically experienced in dealing with questions of discrimination. **Sec. 6.** RCW 49.60.174 and 1993 c 510 s 8 are each amended to read as follows: (1) For the purposes of determining whether an unfair practice under this chapter has occurred, claims of discrimination based on actual or perceived HIV infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical disability; or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person. (2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV infection status when bona fide statistical differences in risk or exposure have been substantiated. (3) For the purposes of this chapter, "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient. **Sec. 7.** RCW 49.60.175 and 1993 c 510 s 9 are each amended to read as follows: It shall be an unfair practice to use the sex, race, creed, color, national origin, marital status, or the presence of any sensory, mental, or physical disability of any person, or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant. **Sec. 8.** RCW 49.60.176 and 1993 c 510 s 10 are each amended to read as follows: (1) It is an unfair practice for any person whether acting for himself, herself, or another in connection with any credit transaction because of race, creed, color, national origin, sex, marital status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person: (a) To deny credit to any person; (b) To increase the charges or fees for or collateral required to secure any credit extended to any person; (c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto; (d) To attempt to do any of the unfair practices defined in this section. (2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant. (3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon. **Sec. 9.** RCW 49.60.178 and 1993 c 510 s 11 are each amended to read as follows: It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020. The fact that such unfair practice may also be a violation of chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section. The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section. **Sec. 10.** RCW 49.60.180 and 1993 c 510 s 12 are each amended to read as follows: It is an unfair practice for any employer: (1) To refuse to hire any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved. (2) To discharge or bar any person from employment because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person. (3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes. (4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability

or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language. **Sec. 11.** RCW 49.60.190 and 1993 c 510 s 13 are each amended to read as follows: It is an unfair practice for any labor union or labor organization: (1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person. (2) To expel from membership any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person. (3) To discriminate against any member, employer, employee, or other person to whom a duty of representation is owed because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person. **Sec. 12.** RCW 49.60.200 and 1993 c 510 s 14 are each amended to read as follows: It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, creed, color, or national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language. **Sec. 13.** RCW 49.60.215 and 1993 c 510 s 16 are each amended to read as follows: It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a disabled person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice. **Sec. 14.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read as follows: (1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person: (a) To refuse to engage in a real estate transaction with a person; (b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith; (c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person; (d) To refuse to negotiate for a real estate transaction with a person; (e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property; (f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting; (g) To make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto; (h) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith; (i) To expel a person from occupancy of real property; (j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or (k) To attempt to do any of the unfair practices defined in this section. (2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind, deaf, or physically disabled person includes: (a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted; (b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind, deaf, or physically disabled person equal opportunity to use and enjoy a dwelling; or (c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern. Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters

occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence. (3) Notwithstanding any other provision of this chapter, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or families with children status. (4) Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. Nothing in this section affects the rights, responsibilities, and remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the nondiscrimination requirements of this chapter. Nothing in this section limits the applicability of any reasonable federal, state, or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling. (5) Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any public establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation. (6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3). Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3). **Sec. 15.** RCW 49.60.223 and 1993 c 510 s 18 and 1993 c 69 s 6 are each reenacted and amended to read as follows: It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, families with children status, or with any sensory, mental, or physical disability and/or the use of a trained dog guide ~~((dog))~~ or service ~~((dog))~~ animal by a blind, deaf, or physically disabled person. **Sec. 16.** RCW 49.60.224 and 1993 c 69 s 8 are each amended to read as follows: (1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, families with children status, or with any sensory, mental, or physical disability or the use of a trained dog guide ~~((dog))~~ or service ~~((dog))~~ animal by a blind, deaf, or physically disabled person, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, sex, national origin, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ~~((dog))~~ or service ~~((dog))~~ animal by a blind, deaf, or physically disabled person is void. (2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title. **Sec. 17.** RCW 49.60.225 and 1995 c 259 s 4 are each amended to read as follows: (1) When a reasonable cause determination has been made under RCW 49.60.240 that an unfair practice in a real estate transaction has been committed and a finding has been made that the respondent has engaged in any unfair practice under RCW 49.60.250, the administrative law judge shall promptly issue an order for such relief suffered by the aggrieved person as may be appropriate, which may include actual damages as provided by the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable relief. Such order may, to further the public interest, assess a civil penalty against the respondent: (a) In an amount up to ten thousand dollars if the respondent has not been determined to have committed any prior unfair practice in a real estate transaction; (b) In an amount up to twenty-five thousand dollars if the respondent has been determined to have committed one other unfair practice in a real estate transaction during the five-year period ending on the date of the filing of this charge; or (c) In an amount up to fifty thousand dollars if the respondent has been determined to have committed two or more unfair practices in a real estate transaction during the seven-year period ending on the date of the filing of this charge, for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color, national origin, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide ~~((dog))~~ or service ~~((dog))~~ animal by a blind, deaf, or physically disabled person. Enforcement of the order and appeal therefrom by the complainant or respondent may be made as provided in RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice in a real estate transaction that is the object of the charge are determined to have been committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice in a real estate transaction, then the civil penalty of up to fifty thousand dollars may be imposed without regard to the period of time within which any subsequent unfair practice in a real estate transaction occurred. All civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund. (2) Such order shall not affect any contract, sale, conveyance, encumbrance, or lease consummated before the issuance of an order that involves a bona fide purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed under this chapter. (3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to RCW 49.60.250. **Sec. 18.** RCW 70.84.020 and 1980 c 109 s 2 are each amended to read as follows: For the purpose of this chapter, the term "dog guide ~~((dog))~~" ~~((shall mean a dog which is in working harness and))~~ means a dog that is trained ~~((or approved by an accredited school engaged in training dogs))~~ for the purpose of guiding blind persons or a dog ~~((which is))~~ trained ~~((or approved by an accredited school engaged in training dogs))~~ for the purpose of assisting hearing impaired persons. **Sec. 19.** RCW 70.84.021 and 1985 c 90 s 1 are each amended to read as follows: For the purpose of this chapter, "service ~~((dog))~~ animal" means ~~((a dog))~~ an animal that is trained ~~((or approved by an accredited school, or state institution of higher education, engaged in training dogs))~~ for the purposes of assisting or accommodating a ~~((physically))~~ disabled ~~((person related to the))~~ person's sensory, mental, or physical disability. **Sec. 20.** RCW 70.84.040 and 1985 c 90 s 3 are each amended to read as follows: The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip), a totally or partially blind or hearing impaired pedestrian using a dog guide ~~((dog))~~, or an otherwise physically disabled person using a service ~~((dog))~~ animal shall take all necessary precautions to avoid injury to such pedestrian. Any driver who fails to take such precaution shall be liable in damages for any injury caused such pedestrian. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk, such pedestrian, crossing or attempting to cross

the roadway, if such pedestrian (~~indicates his intention to cross or of continuing on, with a timely warning by holding up or waving~~) is using a white cane, using a ~~dog~~ guide (~~dog~~), or using a service (~~dog~~) animal. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws. **Sec. 21.** RCW 70.84.050 and 1980 c 109 s 5 are each amended to read as follows: A totally or partially blind pedestrian not carrying a white cane or a totally or partially blind or hearing impaired pedestrian not using a ~~dog~~ guide (~~dog~~) in any of the places, accommodations, or conveyances listed in RCW 70.84.010, shall have all of the rights and privileges conferred by law on other persons. **Sec. 22.** RCW 70.84.060 and 1985 c 90 s 4 are each amended to read as follows: It shall be unlawful for any pedestrian who is not totally or partially blind to use a white cane or any pedestrian who is not totally or partially blind or is not hearing impaired to use a ~~dog~~ guide (~~dog~~) or any pedestrian who is not otherwise physically disabled to use a service (~~dog~~) animal in any of the places, accommodations, or conveyances listed in RCW 70.84.010 for the purpose of securing the rights and privileges accorded by the chapter to totally or partially blind, hearing impaired, or otherwise physically disabled people. **Sec. 23.** RCW 70.84.100 and 1988 c 89 s 1 are each amended to read as follows: (1) A person who negligently or maliciously kills or injures a ~~dog~~ guide or service (~~dog~~) animal is liable for a penalty of one thousand dollars, to be paid to the user of the (~~dog~~) animal. The penalty shall be in addition to and not in lieu of any other remedies or penalties, civil or criminal, provided by law. (2) A user or owner of a dog guide or service animal, whose animal is negligently or maliciously injured or killed, is entitled to recover reasonable attorneys' fees and costs incurred in pursuing any civil remedy. (3) The commission has no duty to investigate any negligent or malicious acts referred to under this section. **Sec. 24.** RCW 70.84.120 and 1989 c 41 s 1 are each amended to read as follows: A county, city, or town shall honor a request by a blind person or hearing impaired person not to be charged a fee to license his or her ~~dog~~ guide (~~dog~~), or a request by a physically disabled person not to be charged a fee to license his or her service (~~dog~~) animal. **NEW SECTION. Sec. 25.** The Washington state human rights commission shall adopt rules implementing this act no later than March 1, 1998. **NEW SECTION. Sec. 26.** The following acts or parts of acts are each repealed: (1) RCW 70.84.030 and 1985 c 90 s 2, 1980 c 109 s 3, & 1969 c 141 s 3; and (2) RCW 70.84.110 and 1988 c 89 s 2. **NEW SECTION. Sec. 27.** RCW 70.84.090, 70.84.100, and 70.84.120 are each recodified as new sections in chapter 49.60 RCW." On motion of Senator Long, the following title amendment was adopted: On page 1, line 1 of the title, after "animals;" strike the remainder of the title and insert "amending RCW 49.60.010, 49.60.030, 49.60.040, 49.60.130, 49.60.174, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.224, 49.60.225, 70.84.020, 70.84.021, 70.84.040, 70.84.050, 70.84.060, 70.84.100, and 70.84.120; reenacting and amending RCW 49.60.120 and 49.60.223; adding new sections to chapter 49.60 RCW; creating a new section; recodifying RCW 70.84.090, 70.84.100, and 70.84.120; and repealing RCW 70.84.030 and 70.84.110."

#### MOTION

On motion of Senator Long, the rules were suspended, Substitute House Bill No. 1491, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator McCaslin, Senator West was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1491, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1491, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Jacobsen - 1. Excused: Senators Benton and West - 2. **SUBSTITUTE HOUSE BILL NO. 1491**, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1550**, by House Committee on Appropriations (originally sponsored by Representatives Doumit, Ballasiotes, Hatfield, Pennington, Kessler, Tokuda, Carlson, Ogden, Romero and Mielke)

Prohibiting disability retirement benefits resulting from criminal conduct.

The bill was read the second time.

#### MOTION

On motion of Senator Strannigan, the rules were suspended, Substitute House Bill No. 1550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1550.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1550 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and West - 2. SUBSTITUTE HOUSE BILL NO. 1550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1485, by House Committee on Natural Resources (originally sponsored by Representatives Linville, Buck, Hatfield, Chandler, Cooper, Sump, Regala, Butler, Anderson, Doumit, Morris, Sheldon, Tokuda, Kessler, Scott, Blalock and Dickerson)

Requiring the department of fish and wildlife to report to the legislature regarding salmon harvests.

The bill was read the second time.

#### MOTIONS

On motion of Senator Oke, the following Committee on Natural Resources and Parks amendment was adopted:  
Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 75.08 RCW to read as follows: Beginning September 1, 1998, and each September 1st thereafter, the department shall submit a report to the appropriate standing committees of the legislature identifying the total salmon and steelhead harvest of the preceding season. This report shall include the final commercial harvests and recreational harvests. At a minimum, the report shall clearly identify: (1) The total treaty tribal and nontribal harvests by species and by management unit; (2) Where and why the nontribal harvest does not meet the full allocation allowed under United States v. Washington, 384 F. Supp. 312 (1974) (Boldt I) including a summary of the key policies within the management plan that result in a less than full nontribal allocation; and (3) The location and quantity of salmon and steelhead harvested under the wastage provisions of United States v. Washington, 384 F. Supp. 312 (1974)." On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "and adding a new section to chapter 75.08 RCW."

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1485, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1485, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1485, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Stevens - 1. Excused: Senators Benton and West - 2. SUBSTITUTE HOUSE BILL NO. 1485, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1573, by Representatives Dunn, Ogden, Carlson, Mason, Radcliff, Kenney, Cole, Wolfe, Van Luven, Sheldon, O'Brien, D. Schmidt, Alexander, Mielke, Cooke, Boldt, Keiser, Costa and Cooper

Authorizing educational agencies to rent, sell, or transfer assistive technology.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, House Bill No. 1573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1573.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1573 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and West - 2. HOUSE BILL NO. 1573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Deccio was excused.

#### SECOND READING

HOUSE BILL NO. 1636, by Representatives Ballasiotes, Costa, Tokuda, Keiser, Ogden and Blalock

Specifying imminence of threat to bodily harm for crime of harassment.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1636.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1636 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Deccio and West - 3. HOUSE BILL NO. 1636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2040, by Representatives Hankins, Delvin, McMorris and Conway (by request of Department of Labor and Industries)

Authorizing the continuation of a special insuring agreement for workers' compensation for the United States department of energy.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, House Bill No. 2040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2040.



## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2040 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Deccio and West - 3. HOUSE BILL NO. 2040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2098, by Representative L. Thomas

Making longshore and harbor workers' compensation insurance available.

The bill was read the second time.

## MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 2098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2098.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2098 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senators Heavey, Hochstatter, Newhouse and Stevens - 4. Excused: Senators Benton and West - 2. HOUSE BILL NO. 2098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2142, by Representatives Lisk, Cole and Honeyford

Regulating assignment rights of lottery winnings.

The bill was read the second time.

## MOTION

On motion of Senator Schow, the rules were suspended, Engrossed House Bill No. 2142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Horn: "Senator Schow, I notice and applaud the disclosure section in this bill. Based upon testimony in front of the Commerce and Labor Committee, is it not also intended that the assignee will inform the lottery prizewinner of the present value or estimated market value of their prize, based upon the estimated funding data, prior to the assignment?"

Senator Schow: "Yes, Senator Horn, that was the intent."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2142.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2142 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and West - 2. ENGROSSED HOUSE BILL NO. 2142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5029,  
SUBSTITUTE SENATE BILL NO. 5125,  
SUBSTITUTE SENATE BILL NO. 5142,  
SUBSTITUTE SENATE BILL NO. 5254,  
SUBSTITUTE SENATE BILL NO. 5322,  
SUBSTITUTE SENATE BILL NO. 5375,  
SUBSTITUTE SENATE BILL NO. 5401,  
SENATE BILL NO. 5647,  
SENATE BILL NO. 5732,  
SUBSTITUTE SENATE BILL NO. 5755,  
ENGROSSED SENATE BILL NO. 5774,  
SENATE BILL NO. 6007,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8001,  
SENATE JOINT MEMORIAL NO. 8008, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5029,  
SUBSTITUTE SENATE BILL NO. 5125,  
SUBSTITUTE SENATE BILL NO. 5142,  
SUBSTITUTE SENATE BILL NO. 5254,  
SUBSTITUTE SENATE BILL NO. 5322,  
SUBSTITUTE SENATE BILL NO. 5375,  
SUBSTITUTE SENATE BILL NO. 5401,  
SENATE BILL NO. 5647,  
SENATE BILL NO. 5732,  
SUBSTITUTE SENATE BILL NO. 5755,  
ENGROSSED SENATE BILL NO. 5774,  
SENATE BILL NO. 6007,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8001,  
SENATE JOINT MEMORIAL NO. 8008.

MOTION

At 11:53 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 2:21 p.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Goings, Senator Haugen was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9187, Jeanne A. Pelkey, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

#### APPOINTMENT OF JEANNE A. PELKEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Hargrove - 1. Excused: Senators Benton, Haugen and West - 3.

#### MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9188, Julia L. Petersen, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

#### APPOINTMENT OF JULIA L. PETERSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Hargrove - 1. Excused: Senators Benton, Haugen and West - 3.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1930, by House Committee on Government Administration (originally sponsored by Representatives Chandler, Linville, D. Schmidt and Sheldon)

Restricting copying of birth certificates.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1930 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### MOTIONS

On motion of Senator Franklin, Senator Loveland was excused.

On motion of Senator Swecker, Senators Winsley and Wood were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1930.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1930 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West and Wojahn - 43. Voting nay: Senator Zarelli - 1. Excused: Senators Benton, Haugen, Loveland, Winsley and Wood - 5. SUBSTITUTE HOUSE BILL NO. 1930, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1010, by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Mitchell, Hankins, Cairnes, Skinner and Mielke)

Establishing procedures for federal transportation pass-through moneys.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Substitute House Bill No. 1010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1010.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1010 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 45. Absent: Senator Kline - 1. Excused: Senators Benton, Haugen and Winsley - 3. SUBSTITUTE HOUSE BILL NO. 1010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1023, by Representatives Buck, Cooke, Mielke and Cairnes

Clarifying qualifications for commuter ride sharing.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Roach: "Senator Prince, I was just wondering. Would this include, for instance, car pooling if you are a home schooler--if you want to go places--you pick people up and go to school and come back--"

Senator Prince: "I don't believe it would. If you take a look, it has to transport more than one group."

Senator Roach: "How many in a group?"

Senator Prince: "No, not number of people. I think it is more than one trip is what it amounts to. You have a group, you take them one place and you get another group. That's the way that I read that."

Senator Roach: "So, we could have the family station wagon, if the stay-at-home mom wants to take two people to a school or to a private music lesson thing, she could--"

Senator Prince: "On a daily basis."

Senator Roach: "On a daily basis--well, five days a week."

Senator Prince: "That's the way I read it. Now, we would have to get somebody that is a better lawyer than I, to give you a real definite answer."

Senator Roach: "Well, I wish I could sign up."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1023.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1023 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senator Roach - 1. Absent: Senators Hale and Swecker - 2. Excused: Senators Benton and Haugen - 2. HOUSE BILL NO. 1023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 2:45 p.m., on motion of Senator Johnson, the Senate recessed until 3:15 p.m.

The Senate was called to order at 3:16 p.m. by President Owen.

#### SECOND READING

HOUSE BILL NO. 1002, by Representatives L. Thomas, Dyer and Mielke

Clarifying submission of insurance antifraud plans.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, House Bill No. 1002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1002.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1002 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 5; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senators McCaslin, Oke, Roach, Sellar and Strannigan - 5. Excused: Senators Benton and Haugen - 2. HOUSE BILL NO. 1002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Roach was excused.

#### SECOND READING

HOUSE BILL NO. 1300, by Representatives Sheahan, Appelwick, Hickel and L. Thomas (by request of Statute Law Committee)

Making technical corrections affecting the department of financial institutions.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 1300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1300.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1300 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Haugen and Roach - 3. HOUSE BILL NO. 1300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1200, by House Committee on Government Administration (originally sponsored by Representatives Buck, D. Schmidt and Dunn)

Revising the code of ethics for municipal officers.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1200.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1200 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Haugen - 2. SUBSTITUTE HOUSE BILL NO. 1200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1003, by House Committee on Finance (originally sponsored by Representatives Pennington, Hatfield, Mielke, Thompson, Cole, DeBolt, D. Sommers, Conway, Boldt, Alexander, Schoesler, Kessler, Bush, Smith, Dyer and O'Brien)

Defining "local government" and "special assessment" for the purposes of tax deferrals for senior citizens and disabled persons.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1003.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1003 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Haugen - 2. SUBSTITUTE HOUSE BILL NO. 1003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 3901, by Representatives Cooke, Boldt, McDonald, Alexander, Bush, Smith, Mielke, Talcott, Cairnes, Reams, Johnson, Huff, Lambert, Sheahan, Mulliken, Parlette, Backlund, Koster, D. Sommers, D. Schmidt, Schoesler, Wensman and Skinner

Implementing the federal personal responsibility and work opportunity reconciliation act of 1996 (Introduced with Senate sponsors).

The bill was read the second time.

#### MOTION

Senator Deccio moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: **NEW SECTION. Sec. 1. LEGISLATIVE INTENT AND FINDINGS.** The legislature finds that the federal personal responsibility and work opportunity reconciliation

act of 1996 presents both opportunities and challenges for the states as they develop methods of moving families in poverty from welfare to work. The legislature further finds that, although many of the goals of the federal act coincide with Washington state's vision for enabling families to achieve eventual economic self-sufficiency through private, unsubsidized employment, the treatment of legal immigrants under the federal act does not reflect Washington's commitment to those legal immigrants within Washington's borders who have played by the rules, and who live in our communities and participate in the American way of life, providing economic and cultural enrichment to Washington state's population. The legislature finds that at least one-third of public assistance recipients have experience in the work force and sufficient training to enable them to obtain unsubsidized employment. The legislature intends to put a priority on finding jobs, which may include on-the-job training, for this group of public assistance recipients. The legislature intends that state agencies involved in welfare reform shall reorganize to accomplish this priority. The legislature intends that state agencies solicit from businesses information about job opportunities and make the information available to public assistance recipients. The legislature intends that legal immigrants who obey the laws of Washington, and who were granted permission to immigrate by the federal government, should be treated as equitably as possible under the state's enactment and implementation of public assistance programs. The legislature finds that Washington state's goals in implementing the federal act include promoting the American values of work, education, and responsibility, including responsible childbearing and dedication by both parents to protecting, supporting, and bringing up children to become responsible, productive Americans. This has been the goal and the dream of generations of Americans, whether native born or naturalized citizens. The legislature finds that it is necessary, to enable people to leave welfare, to encourage a new alliance of state and local government, business, churches, nonprofit organizations, and individuals to dedicate themselves, within the letter and the spirit of the law, to helping families in poverty overcome barriers, obtain support, direction, and encouragement, and become contributors to the American way of life. The legislature finds that, in pursuance of these goals, it is also necessary to establish policy that recognizes our moral imperative to protect children when their parents or other adults in a child's life are unable or unwilling to do so, and to continue our commitment to the elderly, frail, and vulnerable for whom work is not an option. The legislature reaffirms its commitment to provide medical services to eligible legal immigrants under the children's health program established under RCW 74.09.405. The legislature affirms its commitment to provide the benefits of the maternity care access program under RCW 74.09.800 to documented and undocumented immigrants who qualify. The legislature finds that family structure and relationships are critical to the long-term success and economic self-sufficiency of recipients of temporary assistance for needy families and their children. The department and its employees shall communicate clearly to recipients of temporary assistance for needy families the importance of healthy and safe marriages and family relationships. **NEW SECTION. Sec. 2. SHORT TITLE.** This act may be known and cited as the Washington WorkFirst temporary assistance for needy families act.

#### I. GENERAL PROVISIONS

**Sec. 101.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each amended to read as follows: (1) Public assistance ~~((shall))~~ may be awarded to any applicant: ~~((+))~~ (a) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and ~~((2))~~ (b) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and ~~((3))~~ (c) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: **PROVIDED,** That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act. (2) Any person otherwise qualified for temporary assistance for needy families under this title who has resided in the state of Washington for fewer than twelve consecutive months immediately preceding application for assistance is limited to the benefit level in the state in which the person resided immediately before Washington, using the eligibility rules and other definitions established under this chapter, that was obtainable on the date of application in Washington state, if the benefit level of the prior state is lower than the level provided to similarly situated applicants in Washington state. The benefit level under this subsection shall be in effect for the first twelve months a recipient is on temporary assistance for needy families in Washington state. (3) Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to become employable shall be required by the department to participate in a drug or alcohol treatment program as a condition of benefit receipt. (4) In order to be eligible for temporary assistance for needy families and food stamp program benefits, any applicant with a felony conviction after August 21, 1996, involving drug use or possession, must: (a) Have been assessed as chemically dependent by a chemical dependency program approved under chapter 70.96A RCW and be participating in or have completed a coordinated rehabilitation plan consisting of chemical dependency treatment and vocational services; and (b) have not been convicted of a felony involving drug use or possession in the three years prior to the most current conviction. **Sec. 102.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended to read as follows: All assistance granted under this title shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be enacted, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by such amending or repealing act. There is no legal entitlement to public assistance. **NEW SECTION. Sec. 103. TIME LIMITS.** (1) A family that includes an adult who has received temporary assistance for needy families for sixty months after the effective date of this section shall be ineligible for further temporary assistance for needy families assistance. (2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the family member was a minor child and not the head of the household or married to the head of the household. (3) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of community, trade, and economic development, or the crime victims' compensation program of the department of labor and industries. (4) The department may exempt a recipient and the recipient's family from the application of subsection (1) of this section by reason of hardship or if the recipient meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193. The number of recipients and their families

exempted from subsection (1) of this section for a fiscal year shall not exceed twenty percent of the average monthly number of recipients and their families to which assistance is provided under the temporary assistance for needy families program. (5) The department shall not exempt a recipient and his or her family from the application of subsection (1) of this section until after the recipient has received fifty-two months of assistance under this chapter. **NEW SECTION. Sec. 104. ELECTRONIC BENEFIT TRANSFER.** By October 2002, the department shall develop and implement an electronic benefit transfer system to be used for the delivery of public assistance benefits, including without limitation, food assistance. The department shall comply with P.L. 104-193, and shall cooperate with relevant federal agencies in the design and implementation of the electronic benefit transfer system. **NEW SECTION. Sec. 105.** The following acts or parts of acts are each repealed: (1) RCW 74.12.420 and 1994 c 299 s 9; (2) RCW 74.12.425 and 1994 c 299 s 10; and (3) RCW 74.04.660 and 1994 c 296 s 1, 1993 c 63 s 1, 1989 c 11 s 26, 1985 c 335 s 3, & 1981 1st ex.s. c 6 s 6. **NEW SECTION. Sec. 106.** (1) The department shall allow religiously affiliated organizations to provide services to families receiving temporary assistance for needy families on the same basis as any other nongovernmental provider, without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under chapter 74.12 RCW. (2) The department shall adopt rules implementing this section, and the applicable sections of P.L. 104-193 related to services provided by charitable, religious, or private organizations. **NEW SECTION. Sec. 107.** A new section is added to chapter 74.12 RCW to read as follows: The department shall (1) provide eligible Indian tribes ongoing, meaningful opportunities to participate in the development, oversight, and operation of the state temporary assistance for needy families program; (2) certify annually that it is providing equitable access to the state temporary assistance for needy families program to Indian people whose tribe is not administering a tribal temporary assistance for needy families program; (3) coordinate and cooperate with eligible Indian tribes that elect to operate a tribal temporary assistance for needy families program as provided for in P.L. 104-193; (4) upon approval by the secretary of the federal department of health and human services of a tribal temporary assistance for needy families program, transfer a fair and equitable amount of the state maintenance of effort funds to the eligible Indian tribe; and (5) establish rules related to the operation of this section and section 108 of this act, covering, at a minimum, appropriate uses of state maintenance of effort funds and annual reports on program operations. The legislature shall specify the amount of state maintenance of effort funds to be transferred in the biennial appropriations act. **NEW SECTION. Sec. 108.** A new section is added to chapter 74.12 RCW to read as follows: An eligible Indian tribe exercising its authority under P.L. 104-193 to operate a tribal temporary assistance for needy families program shall operate the program on a state fiscal year basis. If a tribe decides to cancel a tribal temporary assistance for needy families program, it shall notify the department no later than ninety days prior to the start of the state fiscal year. **NEW SECTION. Sec. 109.** A new section is added to chapter 74.12 RCW to read as follows: WRITTEN MATERIAL. All forms, letters, and documents sent to recipients of assistance shall be easy to read and comprehend. The department shall ensure that all forms, letters, and documents covered by this section shall be written at an eighth grade comprehension level. **NEW SECTION. Sec. 110.** A new section is added to chapter 74.12 RCW to read as follows: FOOD STAMP WORK REQUIREMENTS. Single adults without dependents between eighteen and fifty years of age shall comply with federal food stamp work requirements as a condition of eligibility. The department may exempt any counties or subcounty areas from the federal food stamp work requirements in P.L. 104-193, unless the department receives written evidence of official action by a county or subcounty governing entity, taken after noticed consideration, that indicates that a county or subcounty area chooses not to use an exemption to the federal food stamp work requirements.

## II. IMMIGRANT PROTECTION

**Sec. 201.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to read as follows: Medical assistance may be provided in accordance with eligibility requirements established by the department (~~of social and health services~~), as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for (~~aid to families with dependent children~~) temporary assistance for needy families, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) categorically eligible individuals who (~~would be eligible for but choose not to receive cash assistance~~) meet the income and resource requirements of the cash assistance programs; (5) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; (~~and~~) (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act; and (8) persons allowed by section 1931 of the social security act for whom funding is appropriated. **NEW SECTION. Sec. 202. IMMIGRANTS--ELIGIBILITY.** It is the intent of the legislature that all legal immigrants who resided in the United States before August 22, 1996, retain eligibility for assistance programs the same as or similar to those from which they lost benefits as a result of P.L. 104-193. The legislature also intends that sponsors' incomes continue to be deemed for these individuals in the same manner it was addressed prior to August 22, 1996. Accordingly, the state shall exercise its option under P.L. 104-193 to continue services to legal immigrants under temporary assistance for needy families, medicaid, and social services block grant programs. Legal immigrants who lose benefits under the supplemental security income program as a result of P.L. 104-193 are immediately eligible to apply for benefits under the state's general assistance-unemployable program. The department shall redetermine income and resource eligibility at least annually, in accordance with existing state policy. It is the policy of the legislature to distinguish between legal immigrants living in the United States prior to August 22, 1996, and those who immigrated on or after the enactment of P.L. 104-193. The postenactment legal immigrants are subject to a five-year benefit exclusion for means-tested public assistance programs and are subject to the sponsor-deeming provisions of section 206 of this act, which shall be strictly construed in favor of benefit denial. **NEW SECTION. Sec. 203. INCOME AVERAGING--BENEFIT DETERMINATION.** In the case of applicants for temporary assistance for needy families whose principal source of earned income is seasonal employment, the department shall determine eligibility and benefit levels by retrospectively considering the applicant's earned income for the twelve-month period immediately preceding the application for assistance. The earned income shall be prorated on an annual



basis, and the prorated amount used for eligibility and benefit determination in the prospective month. Assistance shall be denied until the applicant's prorated prior twelve months of income equals a monthly amount at or below the eligibility level. The intent of the legislature is to ensure that persons with seasonal earned income that, if prorated on an annual basis, would have exceeded the level qualifying them for assistance will be denied assistance until such time as they qualify on a prorated basis. **NEW SECTION. Sec. 204. NATURALIZATION FACILITATION.** The department shall make an affirmative effort to identify and proactively contact legal immigrants receiving public assistance to facilitate their applications for naturalization. The department shall obtain a complete list of legal immigrants in Washington who are receiving correspondence regarding their eligibility from the social security administration. The department shall inform immigrants regarding how citizenship may be attained. In order to facilitate the citizenship process, the department shall coordinate and contract, to the extent necessary, with existing public and private resources and shall, within available funds, ensure that those immigrants who qualify to apply for naturalization are referred to or otherwise offered classes. The department shall assist eligible immigrants in obtaining appropriate test exemptions, and other exemptions in the naturalization process, to the extent permitted under federal law. The department shall report annually by December 15th to the legislature regarding the progress and barriers of the immigrant naturalization facilitation effort. It is the intent of the legislature that persons receiving naturalization assistance be facilitated in obtaining citizenship within two years of their eligibility to apply. **NEW SECTION. Sec. 205. SPONSOR DEEMING.** (1) Except as provided in subsection (5) of this section, qualified aliens and aliens permanently residing under color of law who are recipients of public assistance under this title as of August 22, 1996, shall have their eligibility for assistance redetermined. (2) Qualified aliens who enter the United States of America after August 22, 1996, are ineligible to receive public assistance under this title for a period of five years, except as provided in subsection (6) of this section. Following their period of ineligibility, their eligibility for public assistance shall be determined as provided for in this section. (3) In determining the eligibility and the amount of benefits of a qualified alien or an alien permanently residing under color of law for public assistance under this title, the income and resources of the alien shall be deemed to include the income and resources of any person and his or her spouse who executed an affidavit of support pursuant to section 213A of the federal immigration and naturalization act on behalf of the alien. The deeming provisions of this subsection shall be waived if the sponsor dies or is permanently incapacitated during the period the affidavit of support is valid. (4) As used in this section, "qualified alien" has the meaning provided it in P.L. 104-193. (5)(a) Qualified aliens specified under sections 403, 412, and 552 (e) and (f), subtitle B, Title IV, of P.L. 104-193 and in P.L. 104-208, are exempt from this section. (b) Qualified aliens who served in the armed forces of an allied country, or were employed by an agency of the federal government, during a military conflict between the United States of America and a military adversary are exempt from the provisions of this section. (c) Qualified aliens who are victims of domestic violence and petition for legal status under the federal violence against women act are exempt from the provisions of this section. (d) Until January 1, 1999, a qualified alien whose sponsor dies or is permanently incapacitated is exempt from this section. (6) Subsection (2) of this section does not apply to the following state benefits: (a) Assistance described in P.L. 104-193 sections 403(c)(H) through (K), 411(b)(1), 421(b), and P.L. 104-208; (b) Short-term, noncash, in-kind emergency disaster relief; (c) Programs comparable to assistance or benefits under the federal national school lunch act; (d) Programs comparable to assistance or benefits under the federal child nutrition act of 1966; (e) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by a communicable disease; (f) Payments for foster care and adoption assistance; (g) Programs, services, or assistance where eligibility is not determined by employees of the department of social and health services; (h) Programs, services, or assistance such as meals from a soup kitchen, crisis counseling and intervention, and short-term shelter, specified by the attorney general, after consultation with appropriate agencies and departments, that: (i) Deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (iii) Are necessary for the protection of life or safety. **NEW SECTION. Sec. 206.** A new section is added to chapter 74.04 RCW to read as follows: **FOOD ASSISTANCE.** (1) The department may establish a food assistance program for persons whose immigrant status meets the eligibility requirements of the federal food stamp program as of August 21, 1996, but who are no longer eligible solely due to their immigrant status under P.L. 104-193. (2) The rules for the state food assistance program shall follow exactly the rules of the federal food stamp program except for the provisions pertaining to immigrant status under P.L. 104-193. (3) The benefit under the state food assistance program shall be established by the legislature in the biennial operating budget. (4) The department may enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program. (5) In the event the department is unable to enter into a contract with the United States department of agriculture, the department may issue vouchers to eligible households for the purchase of eligible foods at participating retailers. **Sec. 207.** RCW 74.09.800 and 1993 c 407 s 10 are each amended to read as follows: The department shall, consistent with the state budget act, develop a maternity care access program designed to ensure healthy birth outcomes as follows: (1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act; (2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act; (3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act: (a) Use of a shortened and simplified application form; (b) Outstationing department staff to make eligibility determinations; (c) Establishing local plans at the county and regional level, coordinated by the department; and (d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman; (4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services; (5) Within available resources, establish appropriate reimbursement levels for maternity care providers; (6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy; (7) Refer persons eligible for maternity care services under the program established by this section to persons, agencies, or organizations with maternity care service practices that primarily emphasize healthy birth outcomes; (8) Provide

family planning services including information about the synthetic progestin capsule implant form of contraception, for twelve months immediately following a pregnancy to women who were eligible for medical assistance under the maternity care access program during that pregnancy or who were eligible only for emergency labor and delivery services during that pregnancy; and (9) Within available resources, provide family planning services to women who meet the financial eligibility requirements for services under subsections (1) and (2) of this section. The legislature reaffirms its commitment to provide health care services under this section to eligible immigrants, regardless of documented or undocumented status.

### III. WASHINGTON WORKFIRST PROGRAM

**NEW SECTION. Sec. 301.** It is the intent of the legislature that all applicants to the Washington WorkFirst program shall be focused on obtaining paid, unsubsidized employment. The focus of the Washington WorkFirst program shall be work for all recipients. **NEW SECTION. Sec. 302. DIVERSION ASSISTANCE.** (1) In order to prevent some families from developing dependency on temporary assistance for needy families, the department shall make available to qualifying applicants a diversion program designed to provide brief, emergency assistance for families in crisis whose income and assets would otherwise qualify them for temporary assistance for needy families. (2) Diversion assistance may include cash or vouchers in payment for the following needs: (a) Child care; (b) Housing assistance; (c) Transportation-related expenses; (d) Food; (e) Medical costs for the recipient's immediate family; (f) Employment-related expenses which are necessary to keep or obtain paid unsubsidized employment. (3) Diversion assistance is available once in each twelve-month period for each adult applicant. Recipients of diversion assistance are not included in the temporary assistance for needy families program. (4) Diversion assistance may not exceed one thousand five hundred dollars for each instance. (5) To be eligible for diversion assistance, a family must otherwise be eligible for temporary assistance for needy families. (6) Families ineligible for temporary assistance for needy families or general assistance due to sanction, noncompliance, the lump sum income rule, or any other reason are not eligible for diversion assistance. (7) Families must provide evidence showing that a bona fide need exists according to subsection (2) of this section in order to be eligible for diversion assistance. An adult applicant may receive diversion assistance of any type no more than once per twelve-month period. If the recipient of diversion assistance is placed on the temporary assistance for needy families program within twelve months of receiving diversion assistance, the prorated dollar value of the assistance shall be treated as a loan from the state, and recovered by deduction from the recipient's cash grant. **Sec. 303.** RCW 74.08.331 and 1992 c 7 s 59 are each amended to read as follows: Any person who by means of a willfully false statement, or representation, or impersonation, or a willful failure to reveal any material fact, condition or circumstance affecting eligibility ~~((of {or}))~~ or need for assistance, including medical care, surplus commodities and food stamps, as required by law, or a willful failure to promptly notify the county office in writing as required by law or any change in status in respect to resources, or income, or need, or family composition, money contribution and other support, from whatever source derived, including unemployment insurance, or any other change in circumstances affecting the person's eligibility or need for assistance, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which the person is not entitled or greater public assistance than that to which he or she is justly entitled shall be guilty of grand larceny and upon conviction thereof shall be punished by imprisonment in a state correctional facility for not more than fifteen years. Any person who by means of a willfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the consent of the secretary shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year in the county jail or a fine of not to exceed one thousand dollars or by both. **NEW SECTION. Sec. 304.** A new section is added to chapter 28A.630 RCW to read as follows: **SCHOOL-TO-WORK TRANSITIONS.** (1) The legislature finds that students who do not prepare for postsecondary education, training, and employment are more likely to become dependent on state assistance programs than those who do make such preparation and that long-term employment and earning outcomes for youth can be significantly improved through school-to-work transition efforts, particularly through work-based learning experiences. The legislature intends that every effort be made to involve all youth in preparation for postsecondary education, training, and employment, including out-of-school youth. (2) Washington is engaged in developing school-to-work transitions for all youth, which involves preparation for postsecondary education, training, and employment and requires outreach to out-of-school youth. All school-to-work transition projects in the state, therefore, whether funded by state or federal funds, shall contain an outreach component directed toward school-age youth not currently enrolled in school and demonstrate the involvement of all in-school youth in preparation for postsecondary education or training or employment. At the time a school-to-work grant is made, the superintendent of public instruction shall withhold twenty percent of the grant award and release the funds upon a showing that the project has satisfactorily included outreach to out-of-school youth and progress in involving students not traditionally engaged in preparation for postsecondary education, training, or employment. (3) The office of the superintendent of public instruction shall provide technical assistance to ensure that school districts establish and operate outreach efforts under this section, and to include out-of-school youth in school-to-work efforts within available funds. **Sec. 305.** RCW 28A.630.876 and 1993 c 335 s 8 are each amended to read as follows: (1) The superintendent of public instruction shall report to the education committees of the legislature and committees of the legislature handling economic development and social welfare issues on the progress of the schools for the school-to-work transitions program by December 15 of each odd-numbered year. (2) Each school district selected to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program shall submit an annual report to the superintendent of public instruction on the progress of the project as a condition of receipt of continued funding. **NEW SECTION. Sec. 306.** A new section is added to chapter 43.30 RCW to read as follows: **JOBS FOR THE ENVIRONMENT PROGRAMS.** In any jobs for the environment program designed to train and employ displaced natural resource workers and operated by the department of natural resources, recipients of temporary assistance for needy families from natural resource areas who are engaged in work search activities are eligible for training and employment on the same basis as displaced natural resource workers within available funds. **NEW SECTION. Sec. 307. INDIVIDUAL DEVELOPMENT ACCOUNTS.** The department shall carry out a program to fund individual development accounts established by recipients eligible for assistance under the temporary assistance for needy families program. (1) An individual development account may be established by or on behalf of a recipient eligible for assistance provided under the temporary assistance for needy families program operated under this title for the purpose of enabling the recipient to accumulate funds for a qualified purpose described in subsection (2) of this section. (2) A qualified purpose as described in this subsection is one or more of the following, as provided by the qualified entity providing assistance to the individual: (a)

Postsecondary expenses paid from an individual development account directly to an eligible educational institution; (b) Qualified acquisition costs with respect to a qualified principal residence for a qualified first-time home buyer, if paid from an individual development account directly to the persons to whom the amounts are due; (c) Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution and is restricted to use solely for qualified business capitalization expenses. (3) A recipient may only contribute to an individual development account such amounts as are derived from earned income, as defined in section 911(d)(2) of the internal revenue code of 1986. (4) The department shall establish rules to ensure funds held in an individual development account are only withdrawn for a qualified purpose as provided in this section. (5) An individual development account established under this section shall be a trust created or organized in the United States and funded through periodic contributions by the establishing recipient and matched by or through a qualified entity for a qualified purpose as provided in this section. (6) For the purpose of determining eligibility for any assistance provided under this title, all funds in an individual development account under this section shall be disregarded for such purpose with respect to any period during which such individual maintains or makes contributions into such an account. (7) The department shall adopt rules authorizing the use of organizations using microcredit and microenterprise approaches to assisting low-income families to become financially self-sufficient. (8) The department shall adopt rules implementing the use of individual development accounts by recipients of temporary assistance for needy families. (9) For the purposes of this section, "eligible educational institution," "postsecondary educational expenses," "qualified acquisition costs," "qualified business," "qualified business capitalization expenses," "qualified expenditures," "qualified first-time home buyer," "date of acquisition," "qualified plan," and "qualified principal residence" include the meanings provided for them in P.L. 104-193. **NEW SECTION. Sec. 308. EARNINGS DISREGARDS AND EARNED INCOME CUTOFFS.** (1) In addition to their monthly benefit payment, a family may earn and keep one-half of its earnings during every month it is eligible to receive assistance under this section. (2) In no event may a family be eligible for temporary assistance for needy families if its monthly gross earned income exceeds the maximum earned income level as set by the department. In calculating a household's gross earnings, the department shall disregard the earnings of a minor child who is: (a) A full-time student; or (b) A part-time student carrying at least half the normal school load and working fewer than thirty-five hours per week. **Sec. 309.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows: For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply: (1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance. (2) "Department"—The department of social and health services. (3) "County or local office"—The administrative office for one or more counties or designated service areas. (4) "Director" or "secretary" means the secretary of social and health services. (5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program. (6)(a) "General assistance"—Aid to persons in need who: (i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance; (ii) Meet one of the following conditions: (A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal (~~aid to families with dependent children~~) temporary assistance for needy families program(~~—PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance~~); or (B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. (C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program; (iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and (iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt. (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance: (i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or (ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of (~~aid to families with dependent children~~) temporary assistance for needy families whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received. (c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication: (i) First failure: One week; (ii) Second failure within six months: One month; (iii) Third and subsequent failure within one year: Two months. (d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security

income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies. (e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information. (f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so. (g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal ~~((aid to families with dependent children))~~ temporary assistance for needy families program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal ~~((aid to families with dependent children))~~ temporary assistance for needy families program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls. (7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance. (8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance. (9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department. (10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources. (a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need. (b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance. (c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed ~~((one))~~ five thousand ~~((five hundred))~~ dollars. (d) A motor vehicle necessary to transport a physically disabled household member. This exclusion is limited to one vehicle per physically disabled person. (e) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars. ~~((€))~~ (f) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the ~~((aid to families with dependent children))~~ temporary assistance for needy families program rules adopted by the department. ~~((€))~~ (g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That: (A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale; (B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630; (C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and (D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property. (11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of ~~((aid to families with dependent children))~~ temporary assistance for needy families is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance. (b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource. (12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the

dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family. (13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom. (14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary. **NEW SECTION. Sec. 310.**

**NONCUSTODIAL PARENTS IN WORK PROGRAMS.** The department may provide Washington WorkFirst activities or make cross-referrals to existing programs to qualifying noncustodial parents of children receiving temporary assistance for needy families who are unable to meet their child support obligations. Services authorized under this section shall be provided within available funds. **NEW SECTION. Sec. 311. DEFINITIONS.** Unless the context clearly requires otherwise, as used in this chapter, "work activity" means: (1) Unsubsidized paid employment in the private or public sector; (2) Subsidized paid employment in the private or public sector; (3) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available; (4) On-the-job training; (5) Job search and job readiness assistance; (6) Community service programs; (7) Vocational educational training, not to exceed twelve months with respect to any individual; (8) Job skills training directly related to employment; (9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a GED; (10) Satisfactory attendance at secondary school or in a course of study leading to a GED, in the case of a recipient who has not completed secondary school or received such a certificate; (11) The provision of child care services to an individual who is participating in a community service program; and (12) Services required by the recipient under RCW 74.08.025(3) and 74.---(3) (section 103(3) of this act) to become employable. **NEW SECTION. Sec. 312. JOB SEARCH OR WORK ACTIVITY.** (1) There is established in the department the Washington WorkFirst program. The department shall administer the program consistent with the temporary assistance for needy families provisions of P.L. 104-193. In operating the WorkFirst program the department shall meet the minimum work participation rates specified in federal law, and shall require recipients of assistance to engage in job search and work activities as an ongoing condition of eligibility. (2) Upon application to the temporary assistance for needy families program, each recipient shall be placed in the job search component. For recipients who have been approved for assistance before the effective date of this section, the job search component shall be completed no later than one hundred eighty days after the effective date of this section. (3) The Washington WorkFirst program shall include a job search component in which each nonexempt recipient of temporary assistance for needy families shall participate. The job search component may not last more than four weeks for each recipient. Each recipient shall be required to attend job search component activities at least thirty-six hours per week. Failure to participate in the job search component shall result in sanctions under section 313 of this act. The job search component shall serve as the assessment tool to comply with federal law. If a recipient fails to find paid employment during the job search component, the department may refer the recipient to those work activities that are directly related to improving the recipient's employability. (4) As used in this section, "job search component" means an activity in which nonexempt recipients engage each weekday upon entering the Washington WorkFirst program. The component shall provide at least three hours per weekday of classroom instruction on how to secure a job and at least three hours per weekday of individual job search activities. **NEW SECTION. Sec. 313. PLACEMENT INTO WORK ACTIVITY.** Recipients who have not obtained paid, unsubsidized employment by the end of the job search component authorized in section 312 of this act shall be referred to a work activity. (1) Each recipient shall be assessed immediately upon completion of the job search component. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, employment strengths, and employment history. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient. Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for moving the recipient immediately into employment; (b) contains the obligation of the recipient to become and remain employed; (c) moves the recipient into whatever employment the recipient is capable of handling as quickly as possible; and (d) describes the services available to the recipient to enable the recipient to obtain and keep employment. (2) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under section 314 of this act, shall engage in self-directed service as provided in section 326 of this act. (3) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated. (4) The department may waive the penalties required under subsection (3) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in section 314 of this act. (5) In implementing this section, the department shall assign the highest priority to the most employable clients, including adults in two-parent families and parents in single-parent families that include older preschool or school age children to be engaged in work activities. (6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides. **NEW SECTION. Sec. 314. GOOD CAUSE.** Good cause reasons for failure to participate in WorkFirst program components include: (1) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (2) until June 30, 1999, if the recipient is a parent with a child under the age of one year. A parent may only receive this exemption for a total of twelve months, which may be consecutive or nonconsecutive; or (3) after June 30, 1999, if the recipient is a parent with a child under three months of age. **NEW SECTION. Sec. 315. WORKFIRST--GOALS--CONTRACTS--SERVICE AREAS--PLANS.** (1) The legislature finds that moving those eligible for assistance to self-sustaining employment is a goal of the WorkFirst program. It is the intent of WorkFirst to aid a participant's progress to self-sufficiency by allowing flexibility within the state-wide program to reflect community resources, the local characteristics of the labor market, and the composition of the caseload. Program success will be enhanced through effective coordination at regional and local levels, involving employers, labor representatives, educators, community leaders, local governments, and social service providers. (2) The department, through its regional offices, shall collaborate with employers, recipients, frontline workers, educational institutions, labor, private

industry councils, the work force training and education coordinating board, community rehabilitation employment programs, employment and training agencies, local governments, the employment security department, and community action agencies to develop work programs that are effective and work in their communities. For planning purposes, the department shall collect and make accessible to regional offices successful work program models from around the United States, including the employment partnership program, apprenticeship programs, microcredit, microenterprise, self-employment, and W-2 Wisconsin works. Work programs shall incorporate local volunteer citizens in their planning and implementation phases to ensure community relevance and success. (3) To reduce administrative costs and to ensure equal state-wide access to services, the department may develop contracts for state-wide welfare-to-work services. These state-wide contracts shall support regional flexibility and ensure that resources follow local labor market opportunities and recipients' needs. (4) The secretary shall establish WorkFirst service areas for purposes of planning WorkFirst programs and for distributing WorkFirst resources. Service areas shall reflect department regions. (5) By July 31st of each odd-numbered year, a plan for the WorkFirst program shall be developed for each region. The plan shall be prepared in consultation with local and regional sources, adapting the state-wide WorkFirst program to achieve maximum effect for the participants and the communities within which they reside. Local consultation shall include to the greatest extent possible input from local and regional planning bodies for social services and work force development. The regional and local administrator shall consult with employers of various sizes, labor representatives, training and education providers, program participants, economic development organizations, community organizations, tribes, and local governments in the preparation of the service area plan. (6) The secretary has final authority in plan approval or modification. Regional program implementation may deviate from the state-wide program if specified in a service area plan, as approved by the secretary.

**NEW SECTION. Sec. 316. WORK PROGRAM CONTRACTS.** (1) It is the intent of the legislature that the department is authorized to engage in competitive contracting using performance-based contracts to provide all work activities authorized in chapter . . . , Laws of 1997 (this act), including the job search component authorized in section 312 of this act. (2) The department may use competitive performance-based contracting to select which vendors will participate in the WorkFirst program. Performance-based contracts shall be awarded based on factors that include but are not limited to the criteria listed in section 702 of this act, past performance of the contractor, demonstrated ability to perform the contract effectively, financial strength of the contractor, and merits of the proposal for services submitted by the contractor. Contracts shall be made without regard to whether the contractor is a public or private entity. (3) The department may contract for an evaluation of the competitive contracting practices and outcomes to be performed by an independent entity with expertise in government privatization and competitive strategies. The evaluation shall include quarterly progress reports to the fiscal committees of the legislature and to the governor, starting at the first quarter after the effective date of the first competitive contract and ending two years after the effective date of the first competitive contract. (4) The department shall seek independent assistance in developing contracting strategies to implement this section. Assistance may include but is not limited to development of contract language, design of requests for proposal, developing full cost information on government services, evaluation of bids, and providing for equal competition between private and public entities.

**NEW SECTION. Sec. 317. PLACEMENT BONUSES.** In the case of service providers that are not public agencies, initial placement bonuses of no greater than five hundred dollars may be provided by the department for service entities responsible for placing recipients in an unsubsidized job for a minimum of twelve weeks, and the following additional bonuses shall also be provided: (1) A percent of the initial bonus if the job pays double the minimum wage; (2) A percent of the initial bonus if the job provides health care; (3) A percent of the initial bonus if the job includes employer-provided child care needed by the recipient; and (4) A percent of the initial bonus if the recipient is continuously employed for two years.

**NEW SECTION. Sec. 318.** No collective bargaining agreement may be entered into, extended, or renewed after the effective date of this section that prevents or restricts the authority of the department of social and health services to exercise the powers granted under sections 312 through 317 of this act and RCW 74.04.050.

**Sec. 319.** RCW 74.04.050 and 1981 1st ex.s. c 6 s 3 are each amended to read as follows: (1) The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for: ~~((1))~~ (a) Medical assistance; ~~((2))~~ Aid to dependent children; (b) Temporary assistance for needy families; ~~((3))~~ (c) Child welfare services; and ~~((4))~~ (d) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made. (2) The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities and services are extended to the state for the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds. The department shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds. (3) The department may contract with public and private entities for administrative services for the following programs and functions: (a) Temporary assistance for needy families; (b) general assistance; (c) refugee services; (d) facilitation of eligibility for federal supplemental security income benefits; (e) medical assistance eligibility; and (f) food stamps.

**Sec. 320.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows: (1) Nothing contained in this chapter shall prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract. (2) Nothing in this chapter shall be construed to prohibit the department of social and health services from carrying out the provisions of sections 312 through 318 of this act and RCW 74.04.050.

**NEW SECTION. Sec. 321. FUNDING RESTRICTIONS.** The department of social and health services shall operate the Washington WorkFirst program authorized under sections 301, 302, 307, 308, 310 through 318, 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and 74.25.040, and chapter 74.12 RCW within the following constraints: (1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program

authorized in sections 301, 302, 307, 308, 310 through 318, 323 through 326, and 401 through 403 of this act, RCW 74.13.0903 and 74.25.040, and chapter 74.12 RCW. (2) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in section 702 of this act. No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in sections 301, 302, 307, 308, 310 through 318, and 323 through 326 of this act and chapter 74.12 RCW. (3) The department shall implement strategies that accomplish the outcome measures identified in section 702 of this act that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in sections 301, 302, 307, 308, 310 through 318, and 323 through 326 of this act and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection. (4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

**NEW SECTION. Sec. 322.** The following acts or parts of acts are each repealed: (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5; (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126 s 6; (3) RCW 74.25.030 and 1991 c 126 s 7; (4) RCW 74.25.900 and 1991 c 126 s 8; and (5) RCW 74.25.901 and 1991 c 126 s 9.

**NEW SECTION. Sec. 323.** A new section is added to chapter 43.330 RCW to read as follows: **ENTREPRENEURIAL ASSISTANCE--DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT.** (1) The department shall ensure that none of its rules or practices act to exclude recipients of temporary assistance for needy families from any small business loan opportunities or entrepreneurial assistance it makes available through its community development block grant program or otherwise provides using state or federal resources. The department shall encourage local administrators of microlending programs using public funds to conduct outreach activities to encourage recipients of temporary assistance for needy families to explore self-employment as an option. The department shall compile information on private and public sources of entrepreneurial assistance and loans for start-up businesses and provide the department of social and health services with the information for dissemination to recipients of temporary assistance for needy families. (2) The department shall, as part of its industrial recruitment efforts, work with the work force training and education coordinating board to identify the skill sets needed by companies locating in the state. The department shall provide the department of social and health services with the information about the companies' needs in order that recipients of public assistance and service providers assisting such recipients through training and placement programs may be informed and respond accordingly. The department shall work with the state board for community and technical colleges, the job skills program, the employment security department, and other employment and training programs to facilitate the inclusion of recipients of temporary assistance for needy families in relevant training that would make them good employees for recruited firms. (3) The department shall perform the duties under this section within available funds.

**NEW SECTION. Sec. 324.** **JOB ASSISTANCE--DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** The department shall: (1) Notify recipients of temporary assistance for needy families that self-employment is one method of leaving state assistance. The department shall provide its regional offices, recipients of temporary assistance for needy families, and any contractors providing job search, training, or placement services notification of programs available in the state for entrepreneurial training, technical assistance, and loans available for start-up businesses; (2) Provide recipients of temporary assistance for needy families and service providers assisting such recipients through training and placement programs with information it receives about the skills and training required by firms locating in the state; (3) Encourage recipients of temporary assistance for needy families that are in need of basic skills to seek out programs that integrate basic skills training with occupational training and workplace experience.

**NEW SECTION. Sec. 325.** **WAGE SUBSIDY PROGRAM.** The department shall establish a wage subsidy program for recipients of temporary assistance for needy families. The department shall give preference in job placements to private sector employers that have agreed to participate in the wage subsidy program. The department shall identify characteristics of employers who can meet the employment goals stated in section 702 of this act. The department shall use these characteristics in identifying which employers may participate in the program. The department shall adopt rules for the participation of recipients of temporary assistance for needy families in the wage subsidy program. Participants in the program established under this section may not be employed if: (1) The employer has terminated the employment of any current employee or otherwise caused an involuntary reduction of its work force in order to fill the vacancy so created with the participant; or (2) the participant displaces or partially displaces current employees. Employers providing positions created under this section shall meet the requirements of chapter 49.46 RCW. This section shall not diminish or result in the infringement of obligations or rights under chapters 41.06, 41.56, and 49.36 RCW and the national labor relations act, 29 U.S.C. Ch. 7. The department shall establish such local and state-wide advisory boards, including business and labor representatives, as it deems appropriate to assist in the implementation of the wage subsidy program. Once the recipient is hired, the wage subsidy shall be authorized for up to nine months.

**NEW SECTION. Sec. 326.** **COMMUNITY SERVICE PROGRAM.** The department shall establish the community service program to provide the experience of work for recipients of public assistance. The program is intended to promote a strong work ethic for participating public assistance recipients. Under this program, public assistance recipients are required to volunteer to work for charitable nonprofit organizations and public agencies, or engage in another activity designed to benefit the recipient, the recipient's family, or the recipient's community, as determined by the department on a case-by-case basis. Participants in a community service or work experience program established by this chapter are deemed employees for the purpose of chapter 49.17 RCW. The cost of premiums under Title 51 RCW shall be paid for by the department for participants in a community service or work experience program. Participants in a community service or work experience program may not be placed if: (1) An employer has terminated the employment of any current employee or otherwise caused an involuntary reduction of its work force in order to fill the vacancy so created with the participant; or (2) the participant displaces or partially displaces current employees.

**Sec. 327.** RCW 74.12A.020 and 1993 c 312 s 8 are each amended to read as follows: The department

~~((may))~~ shall provide grants to community action agencies or other local nonprofit organizations to provide job opportunities and basic skills training program participants with transitional support services, one-to-one assistance, case management, and job retention services. NEW SECTION. Sec. 328. A new section is added to chapter 74.12 RCW to read as follows: A grant provided under the temporary assistance for needy families program shall be provided on a pro rata basis to the extent the recipient complies with mandated work and work activity requirements. NEW SECTION. Sec. 329. A new section is added to chapter 74.12 RCW to read as follows: In determining eligibility for the temporary assistance for needy families program of an assistance unit under this title, if a household member is excluded from an assistance unit based on residency, alienage, or citizenship of the household member, the department shall allocate the full amount of the household's income to the assistance unit without deducting an amount for the support of the household member.

#### IV. CHILD CARE

NEW SECTION. Sec. 401. The legislature finds that informed choice is consistent with individual responsibility and that parents should be given a range of options for available child care while participating in the program. NEW SECTION. Sec. 402. CHILD CARE. (1) Within available funds, the department shall administer a single, integrated child care program which may serve families with incomes up to one hundred seventy-five percent of the federal poverty level. (2) All families participating in the child care program shall have equal access to the child care of their choice. However, the child care providers must comply with applicable licensing rules if they are required by law to comply with those rules. (3) The minimum copayment per family shall be at least ten dollars per month. Child care shall be provided on a sliding scale but may not be provided for any family whose income equals or exceeds one hundred seventy-five percent of the federal poverty level adjusted for family size on an annual income basis. For families with income between seventy-four and one hundred percent of the federal poverty level adjusted for family size, the monthly child care copayment shall be thirty percent of earned income in excess of seventy-four percent of federal poverty level adjusted for family size. For families with income at or above one hundred percent of the federal poverty level adjusted for family size, the copay shall be a minimum of one hundred dollars per month. For families with income between one hundred one and one hundred thirty percent of the federal poverty level adjusted for family size, the monthly copay shall be twenty-nine percent of earned income in excess of seventy-four percent of the federal poverty level adjusted for family size. For families with income between one hundred thirty-one and one hundred seventy-five percent of the federal poverty level adjusted for family size, the copay shall be fifty percent of earned income above one hundred percent of the federal poverty level adjusted for family size. (4) All compensable child care services authorized in this section shall be paid for through vouchers. Vouchers shall be provided to recipients and may only be used to purchase child care through the program created in this section. NEW SECTION. Sec. 403. (1) The legislature finds that to comply with P.L. 104-193 section 407(e)(2), Washington is obligated to provide appropriate and affordable child care for recipients of temporary assistance for needy families. To comply with this federal requirement and to avoid possible fiscal sanctions, the legislature intends to determine what constitutes affordable, accessible child care in Washington. (2) The Washington institute for public policy shall conduct a study of reasonable, affordable child care subsidy rates that are realistic for low-income working families. The institute for public policy shall review child care subsidy rates in use in other jurisdictions and shall model the economic impact of child care subsidy rates on low-income families. The institute for public policy shall report its findings and recommendations to the legislature no later than December 15, 1997. Sec. 404. RCW 74.13.0903 and 1993 c 453 s 2 are each amended to read as follows: The office of child care policy is established to operate under the authority of the department of social and health services. The duties and responsibilities of the office include, but are not limited to, the following, within appropriated funds: (1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090; (2) Work in conjunction with the state-wide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training; (3) Actively seek public and private money for distribution as grants to the state-wide child care resource and referral network and to existing or potential local child care resource and referral organizations; (4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives: (a) Provide parents with information about child care resources, including location of services and subsidies; (b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040; (c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks; (d) Provide information for businesses regarding child care supply and demand; (e) Advocate for increased public and private sector resources devoted to child care; ~~((and))~~ (f) Provide technical assistance to employers regarding employee child care services; and (g) Serve recipients of temporary assistance for needy families and working parents with incomes at or below household incomes of one hundred seventy-five percent of the federal poverty line; (5) Provide staff support and technical assistance to the state-wide child care resource and referral network and local child care resource and referral organizations; (6) Maintain a state-wide child care licensing data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state; (7) Through the state-wide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development; (8) Coordinate with the state-wide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers; and (9) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services. Sec. 405. RCW 74.25.040 and 1994 c 299 s 8 are each amended to read as follows: (1) Recipients of ~~((aid to families with dependent children))~~ temporary assistance for needy families who are ~~((not))~~ employed or participating in ((an education or work training program)) a work activity under section 312 of this act may volunteer ((te)) or work in a licensed child care facility((, or other willing volunteer work site)). Licensed child care facilities participating in this effort shall provide care for the recipient's children and provide for the development of positive child care skills. (2) The department shall train two hundred fifty recipients of temporary assistance for needy families to become family child care providers or child care center teachers. The department shall offer the training in rural and urban communities. The department shall adopt rules to implement the child care training program in this section. (3) Recipients trained under this



section shall provide child care services to clients of the department for two years following the completion of their child care training.

#### V. TEEN PARENTS. PERMISSIBLE LIVING SITUATIONS

**Sec. 501.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to read as follows: (1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and either pregnant or having a dependent child or children in the applicant's care. An appropriate living situation(s) shall include a place of residence that is maintained by the applicant's parents, parent, legal guardian, or other adult relative as their or his or her own home(, -or other) and that the department finds would provide an appropriate supportive living arrangement ((supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107)). It also includes a living situation maintained by an agency that is licensed under chapter 74.15 RCW that the department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department. (2) ~~((An applicant under eighteen years of age who is either pregnant or has a dependent child and is not living in a situation described in subsection (1) of this section shall be))~~ An unmarried minor parent or pregnant minor applicant residing in the most appropriate living situation, as provided under subsection (1) of this section, is presumed to be unable to manage adequately the funds paid to the minor or on behalf of the dependent child or children and, unless the ((teenage custodial parent demonstrates otherwise)) minor provides sufficient evidence to rebut the presumption, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280. (3) The department shall consider any statements or opinions by either parent of the ~~((teen recipient))~~ unmarried minor parent or pregnant minor applicant as to an appropriate living situation for the ((teen)) minor and his or her children, whether in the parental home or other situation. If the parents or a parent of the ((teen head of household applicant for assistance)) minor request, they or he or she shall be entitled to a hearing in juvenile court regarding ((the fitness and suitability of their home as the top priority choice)) designation of the parental home or other relative placement as the most appropriate living situation for the pregnant or parenting ((teen applicant for assistance)) minor. The department shall provide the parents ((shall have)) or parent with the opportunity to make a showing((-based on the preponderance of the evidence,)) that the parental home, or home of the other relative placement, is the most appropriate living situation. It shall be presumed in any administrative or judicial proceeding conducted under this subsection that the parental home or other relative placement requested by the parents or parent is the most appropriate living situation. This presumption is rebuttable. (4) In cases in which the ~~((head of household is under eighteen years of age,))~~ minor is unmarried((-)) and unemployed, ((and requests information on adoption,)) the department shall, as part of the determination of the appropriate living situation, make an affirmative effort to provide current and positive information about adoption including referral to community-based organizations for counseling and provide information about the manner in which adoption works, its benefits for unmarried, unemployed minor parents and their children, and the meaning and availability of open adoption. (5) For the purposes of this section, "most appropriate living situation" shall not include a living situation including an adult male who fathered the qualifying child and is found to meet the elements of rape of a child as set forth in RCW 9A.44.079. **Sec. 502.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to read as follows: (1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and pregnant who are eligible for general assistance as defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living situation(s) shall include a place of residence that is maintained by the applicant's parents, parent, legal guardian, or other adult relative as their or his or her own home(, -or other) and that the department finds would provide an appropriate supportive living arrangement ((supervised by an adult where feasible and consistent with federal regulations under 45 C.F.R. chapter II, section 233.107)). It also includes a living situation maintained by an agency that is licensed under chapter 74.15 RCW that the department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department. (2) ~~((An applicant under eighteen years of age who is pregnant and is not living in a situation described in subsection (1) of this section shall be))~~ A pregnant minor residing in the most appropriate living situation, as provided under subsection (1) of this section, is presumed to be unable to manage adequately the funds paid to the minor or on behalf of the dependent child or children and, unless the ((teenage custodial parent demonstrates otherwise)) minor provides sufficient evidence to rebut the presumption, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280. (3) The department shall consider any statements or opinions by either parent of the ~~((teen recipient))~~ unmarried minor parent or pregnant minor applicant as to an appropriate living situation for the ((teen)) minor, whether in the parental home or other situation. If the parents or a parent of the ((teen head of household applicant for assistance)) minor request, they or he or she shall be entitled to a hearing in juvenile court regarding ((the fitness and suitability of their home as the top priority choice)) designation of the parental home or other relative placement as the most appropriate living situation for the pregnant or parenting ((teen applicant for assistance)) minor. The department shall provide the parents ((shall have)) or parent with the opportunity to make a showing((-based on the preponderance of the evidence,)) that the parental home, or home of the other relative placement, is the most appropriate living situation. It shall be presumed in any administrative or judicial proceeding conducted under this subsection that the parental home or other relative placement requested by the parents or parent is the most appropriate living situation. This presumption is rebuttable. (4) In cases in which the ~~((head of household is under eighteen years of age,))~~ minor is unmarried((-)) and unemployed, ((and requests information on adoption,)) the department shall, as part of the determination of the appropriate living situation, provide information about adoption including referral to community-based organizations ((for)) providing counseling. (5) For the purposes of this section, "most appropriate living situation" shall not include a living situation including an adult male who fathered the qualifying child and is found to meet the elements of rape of a child as set forth in RCW 9A.44.079. **NEW SECTION. Sec. 503.** TEEN PARENT REQUIREMENTS. All applicants under the age of eighteen years who are approved for assistance and, within one hundred eighty days after the date of federal certification of the Washington temporary assistance for needy families program, all unmarried minor parents or pregnant minor applicants shall, as a condition of receiving benefits, actively progress toward the completion of a high school diploma or a GED.

#### B. GRANDPARENT LIABILITY

**NEW SECTION. Sec. 504. UNMARRIED MINOR PARENT--ELIGIBILITY.** The unmarried minor parent and the minor's child shall be considered to be part of the household of the minor's parents or parent for purposes of determining eligibility for temporary assistance for needy families and general assistance for pregnant women as defined in RCW 74.04.005(6)(a)(i)(A); and as such, the income and resources of the entire household are considered to be available to support the unmarried minor and his or her child. **Sec. 505.** RCW 13.34.160 and 1993 c 358 s 2 are each amended to read as follows: (1) In an action brought under this chapter, the court may inquire into the ability of the parent or parents of the child to pay child support and may enter an order of child support as set forth in chapter 26.19 RCW. The court may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of RCW 26.23.050. (2) For purposes of this section, if a dependent child's parent is an unmarried minor parent or pregnant minor applicant, then the parent or parents of the minor shall also be deemed a parent or parents of the dependent child. However, liability for child support under this subsection only exists if the parent or parents of the unmarried minor parent or pregnant minor applicant are provided the opportunity for a hearing on their ability to provide support. Any child support order requiring such a parent or parents to provide support for the minor parent's child may be effective only until the minor parent reaches eighteen years of age. **Sec. 506.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to read as follows: If the department, after investigation, finds that any applicant for assistance under this chapter or any recipient of funds under ~~((an aid to families with dependent children grant))~~ this chapter would not use, or is not utilizing, the grant adequately for the needs of ~~((the))~~ his or her child or children or would dissipate the grant or is ((otherwise)) dissipating such grant, or would be or is unable to manage adequately the funds paid on behalf of said child and that to provide or continue ((said)) payments to ((him)) the applicant or recipient would be contrary to the welfare of the child, the department may make such payments to another individual who is interested in or concerned with the welfare of such child and relative: PROVIDED, That the department shall provide such counseling and other services as are available and necessary to develop greater ability on the part of the relative to manage funds in such manner as to protect the welfare of the family. Periodic review of each case shall be made by the department to determine if said relative is able to resume management of the assistance grant. If after a reasonable period of time the payments to the relative cannot be resumed, the department may request the attorney general to file a petition in the superior court for the appointment of a guardian for the child or children. Such petition shall set forth the facts warranting such appointment. Notice of the hearing on such petition shall be served upon the recipient and the department not less than ten days before the date set for such hearing. Such petition may be filed with the clerk of superior court and all process issued and served without payment of costs. If upon the hearing of such petition the court is satisfied that it is for the best interest of the child or children, and all parties concerned, that a guardian be appointed, he shall order the appointment, and may require the guardian to render to the court a detailed itemized account of expenditures of such assistance payments at such time as the court may deem advisable. It is the intention of this section that the guardianship herein provided for shall be a special and limited guardianship solely for the purpose of safeguarding the assistance grants made to dependent children. Such guardianship shall terminate upon the termination of such assistance grant, or sooner on order of the court, upon good cause shown.

#### **VI. ILLEGITIMACY PREVENTION AND ABSTINENCE PROMOTION**

**Sec. 601.** RCW 74.12.410 and 1994 c 299 s 3 are each amended to read as follows: (1) At time of application or reassessment under this chapter the department shall offer or contract for family planning information and assistance, including alternatives to abortion, and any other available locally based teen pregnancy prevention programs, to prospective and current recipients of aid to families with dependent children. (2) The department shall work in cooperation with the superintendent of public instruction to reduce the rate of illegitimate births and abortions in Washington state. (3) The department of health shall maximize federal funding by timely application for federal funds available under P.L. 104-193 and Title V of the federal social security act, 42 U.S.C. 701 et seq., as amended, for the establishment of qualifying abstinence education and motivation programs. The department of health shall contract, by competitive bid, with entities qualified to provide abstinence education and motivation programs in the state. (4) The department of health shall seek and accept local matching funds to the maximum extent allowable from qualified abstinence education and motivation programs. (5)(a) For purposes of this section, "qualifying abstinence education and motivation programs" are those bidders with experience in the conduct of the types of abstinence education and motivation programs set forth in Title V of the federal social security act, 42 U.S.C. Sec. 701 et seq., as amended. (b) The application for federal funds, contracting for abstinence education and motivation programs and performance of contracts under this section are subject to review and oversight by a joint committee of the legislature, composed of four legislative members, appointed by each of the two caucuses in each house.

#### **VII. DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY**

**NEW SECTION. Sec. 701.** It is the intent of the legislature that the Washington WorkFirst program focus on work and on personal responsibility for recipients. The program shall be evaluated among other evaluations, through a limited number of outcome measures designed to hold each community service office and economic services region accountable for program success. **NEW SECTION. Sec. 702. OUTCOME MEASURES.** (1) The WorkFirst program shall develop outcome measures for use in evaluating the WorkFirst program authorized in chapter . . . , Laws of 1997 (this act), which may include but are not limited to: (a) Caseload reduction; (b) Recidivism to caseload after two years; (c) Job retention; (d) Earnings; (e) Reduction in average grant through increased recipient earnings; and (f) Placement of recipients into private sector, unsubsidized jobs. (2) The department shall require that contractors for WorkFirst services collect outcome measure information and report outcome measures to the department regularly. The department shall develop benchmarks that compare outcome measure information from all contractors to provide a clear indication of the most effective contractors. Benchmark information shall be published quarterly and provided to the legislature, the governor, and all contractors for WorkFirst services. **NEW SECTION. Sec. 703. EVALUATION.** Every WorkFirst office, region, contract, employee, and contractor shall be evaluated using the criteria in section 702 of this act. The department shall award contracts to the highest performing entities according to the criteria in section 702 of this act. The department may provide for bonuses to offices, regions, and employees with the best outcomes according to measures in section 702 of this act. **NEW SECTION. Sec. 704. OUTCOME MEASURES--REPORT.** The department shall provide a report to the appropriate committees of the legislature on achievement of the outcome measures by region and contract on an annual basis, no later than January 15th of each year, beginning in 1999. The report shall include how the department is using the outcome measure information obtained under section 702 of this act to manage the WorkFirst program. **NEW SECTION. Sec. 705.** A new section is added to chapter

44.28 RCW to read as follows: **WORKFIRST PROGRAM STUDY.** (1) The joint legislative audit and review committee shall conduct an evaluation of the effectiveness of the WorkFirst program described in chapter . . . , Laws of 1997 (this act), including the job opportunities and basic skills training program and any approved private, county, or local government WorkFirst program. The evaluation shall assess the success of the program in assisting clients to become employed and to reduce their use of temporary assistance for needy families. The study shall include but not be limited to the following: (a) An assessment of employment outcomes, including hourly wages, hours worked, and total earnings, for clients; (b) A comparison of temporary assistance for needy families outcomes, including grant amounts and program exits, for clients; and (c) An audit of the performance-based contract for each private nonprofit contractor for job opportunities and basic skills training program services. The joint legislative audit and review committee may contract with the Washington institute for public policy for appropriate portions of the evaluation required by this section. (2) Administrative data shall be provided by the department of social and health services, the employment security department, the state board for community and technical colleges, local governments, and private contractors. The department of social and health services shall require contractors to provide administrative and outcome data needed for this study as a condition of contract compliance. **NEW SECTION. Sec. 706. PATERNITY ESTABLISHMENT.** In order to be eligible for temporary assistance for needy families, applicants shall, at the time of application for assistance, provide the names of both parents of their child or children, whether born or unborn.

#### **VIII. LICENSE SUSPENSION AND CHILD SUPPORT ENFORCEMENT. LICENSE SUSPENSION**

**NEW SECTION. Sec. 801.** It is the intent of the legislature to provide a strong incentive for persons owing child support to make timely payments, and to cooperate with the department of social and health services to establish an appropriate schedule for the payment of any arrears. To further ensure that child support obligations are met, sections 801 through 890 of this act establish a program by which certain licenses may be suspended or not renewed if a person is one hundred eighty days or more in arrears on child support payments. In the implementation and management of this program, it is the legislature's intent that the objective of the department of social and health services be to obtain payment in full of arrears, or where that is not possible, to enter into agreements with delinquent obligors to make timely support payments and make reasonable payments towards the arrears. The legislature intends that if the obligor refuses to cooperate in establishing a fair and reasonable payment schedule for arrears or refuses to make timely support payments, the department shall proceed with certification to a licensing entity or the department of licensing that the person is not in compliance with a child support order. **NEW SECTION. Sec. 802.** A new section is added to chapter 74.20A RCW to read as follows: (1) The department may serve upon a responsible parent a notice informing the responsible parent of the department's intent to submit the parent's name to the department of licensing and any appropriate licensing entity as a licensee who is not in compliance with a child support order. The department shall attach a copy of the responsible parent's child support order to the notice. Service of the notice must be by certified mail, return receipt requested. If service by certified mail is not successful, service shall be by personal service. (2) The notice of noncompliance must include the address and telephone number of the department's division of child support office that issues the notice and must inform the responsible parent that: (a) The parent may request an adjudicative proceeding to contest the issue of compliance with the child support order. The only issues that may be considered at the adjudicative proceeding are whether the parent is required to pay child support under a child support order and whether the parent is in compliance with that order; (b) A request for an adjudicative proceeding shall be in writing and must be received by the department within twenty days of the date of service of the notice; (c) If the parent requests an adjudicative proceeding within twenty days of service, the department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order pending entry of a written decision after the adjudicative proceeding; (d) If the parent does not request an adjudicative proceeding within twenty days of service and remains in noncompliance with a child support order, the department will certify the parent's name to the department of licensing and any appropriate licensing entity for noncompliance with a child support order; (e) The department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance if the parent agrees to make timely payments of current support and agrees to a reasonable payment schedule for payment of the arrears. It is the parent's responsibility to contact in person or by mail the department's division of child support office indicated on the notice within twenty days of service of the notice to arrange for a payment schedule. The department may stay certification for up to thirty days after contact from a parent to arrange for a payment schedule; (f) If the department certifies the responsible parent to the department of licensing and a licensing entity for noncompliance with a child support order, the licensing entity will suspend or not renew the parent's license and the department of licensing will suspend or not renew any driver's license that the parent holds until the parent provides the department of licensing and the licensing entity with a release from the department stating that the responsible parent is in compliance with the child support order; (g) If the department certifies the responsible parent as a person who is in noncompliance with a child support order, the department of fish and wildlife will suspend the fishing license, hunting license, commercial fishing license, or any other license issued under chapters 77.32, 77.28, and 75.25 RCW that the responsible parent may possess. Notice from the department of licensing that a responsible parent's driver's license has been suspended shall serve as notice of the suspension of a license issued under chapters 77.32 and 75.25 RCW; (h) Suspension of a license will affect insurability if the responsible parent's insurance policy excludes coverage for acts occurring after the suspension of a license; (i) If after receiving the notice of noncompliance with a child support order, the responsible parent files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, or if a motion for modification of a court or administrative order for child support is pending, the department or the court may stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order. A stay shall not exceed six months unless the department finds good cause. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification; and (j) If the responsible parent subsequently becomes in compliance with the child support order, the department will promptly provide the parent with a release stating that the parent is in compliance with the order, and the parent may request that the licensing entity or the department of licensing reinstate the suspended license. (3) A responsible parent may request an adjudicative proceeding upon service of the notice described in subsection (1) of this section. The request for an adjudicative proceeding must be received by the department within twenty days of service. The request must be in writing and indicate the current mailing address and daytime phone number, if available, of the responsible parent. The proceedings under this subsection shall be conducted in accordance with the requirements of chapter 34.05 RCW. The issues that may be considered at the adjudicative proceeding

are limited to whether: (a) The person named as the responsible parent is the responsible parent; (b) The responsible parent is required to pay child support under a child support order; and (c) The responsible parent is in compliance with the order. (4) The decision resulting from the adjudicative proceeding must be in writing and inform the responsible parent of his or her rights to review. The parent's copy of the decision may be sent by regular mail to the parent's most recent address of record. (5) If a responsible parent contacts the department's division of child support office indicated on the notice of noncompliance within twenty days of service of the notice and requests arrangement of a payment schedule, the department shall stay the certification of noncompliance during negotiation of the schedule for payment of arrears. In no event shall the stay continue for more than thirty days from the date of contact by the parent. The department shall establish a schedule for payment of arrears that is fair and reasonable, and that considers the financial situation of the responsible parent and the needs of all children who rely on the responsible parent for support. At the end of the thirty days, if no payment schedule has been agreed to in writing and the department has acted in good faith, the department shall proceed with certification of noncompliance. (6) If a responsible parent timely requests an adjudicative proceeding pursuant to subsection (4) of this section, the department may not certify the name of the parent to the department of licensing or a licensing entity for noncompliance with a child support order unless the adjudicative proceeding results in a finding that the responsible parent is not in compliance with the order. (7) The department may certify to the department of licensing and any appropriate licensing entity the name of a responsible parent who is not in compliance with a child support order or a residential or visitation order if: (a) The responsible parent does not timely request an adjudicative proceeding upon service of a notice issued under subsection (1) of this section and is not in compliance with a child support order twenty-one days after service of the notice; (b) An adjudicative proceeding results in a decision that the responsible parent is not in compliance with a child support order; (c) The court enters a judgment on a petition for judicial review that finds the responsible parent is not in compliance with a child support order; (d) The department and the responsible parent have been unable to agree on a fair and reasonable schedule of payment of the arrears; (e) The responsible parent fails to comply with a payment schedule established pursuant to subsection (5) of this section; or (f) The department is ordered to certify the responsible parent by a court order under section 887 of this act. The department shall send by regular mail a copy of any certification of noncompliance filed with the department of licensing or a licensing entity to the responsible parent at the responsible parent's most recent address of record. (8) The department of licensing and a licensing entity shall, without undue delay, notify a responsible parent certified by the department under subsection (7) of this section that the parent's driver's license or other license has been suspended because the parent's name has been certified by the department as a responsible parent who is not in compliance with a child support order or a residential or visitation order. (9) When a responsible parent who is served notice under subsection (1) of this section subsequently complies with the child support order, or when the department receives a court order under section 886 of this act stating that the parent is in compliance with a residential or visitation order, the department shall promptly provide the parent with a release stating that the responsible parent is in compliance with the order. A copy of the release shall be transmitted by the department to the appropriate licensing entities. (10) The department may adopt rules to implement and enforce the requirements of this section. The department shall deliver a copy of rules adopted to implement and enforce this section to the legislature by June 30, 1998. (11) Nothing in this section prohibits a responsible parent from filing a motion to modify support with the court or from requesting the department to amend a support obligation established by an administrative decision. If there is a reasonable likelihood that a pending motion or request will significantly change the amount of the child support obligation, the department or the court may stay action to certify the responsible parent to the department of licensing and any licensing entity for noncompliance with a child support order. A stay shall not exceed six months unless the department finds good cause to extend the stay. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification. (12) The department of licensing and a licensing entity may renew, reinstate, or otherwise extend a license in accordance with the licensing entity's or the department of licensing's rules after the licensing entity or the department of licensing receives a copy of the release specified in subsection (9) of this section. The department of licensing and a licensing entity may waive any applicable requirement for reissuance, renewal, or other extension if it determines that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest. (13) The procedures in chapter . . . , Laws of 1997 (this act), constitute the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order and suspension of a license under this section, and satisfy the requirements of RCW 34.05.422. **NEW SECTION. Sec. 803.** A new section is added to chapter 74.20A RCW to read as follows: (1) The department and all of the various licensing entities subject to section 802 of this act shall enter into such agreements as are necessary to carry out the requirements of the license suspension program established in section 802 of this act. (2) The department and all licensing entities subject to section 802 of this act shall compare data to identify responsible parents who may be subject to the provisions of chapter . . . , Laws of 1997 (this act). The comparison may be conducted electronically, or by any other means that is jointly agreeable between the department and the particular licensing entity. The data shared shall be limited to those items necessary to implementation of chapter . . . , Laws of 1997 (this act). The purpose of the comparison shall be to identify current licensees who are not in compliance with a child support order, and to provide to the department the following information regarding those licensees: (a) Name; (b) Date of birth; (c) Address of record; (d) Federal employer identification number and social security number; (e) Type of license; (f) Effective date of license or renewal; (g) Expiration date of license; and (h) Active or inactive status. **NEW SECTION. Sec. 804.** A new section is added to chapter 74.20A RCW to read as follows: (1) In furtherance of the public policy of increasing collection of child support and to assist in evaluation of the program established in section 802 of this act, the department shall report the following to the legislature and the governor on December 1, 1998, and annually thereafter: (a) The number of responsible parents identified as licensees subject to section 802 of this act; (b) The number of responsible parents identified by the department as not in compliance with a child support order; (c) The number of notices of noncompliance served upon responsible parents by the department; (d) The number of responsible parents served a notice of noncompliance who request an adjudicative proceeding; (e) The number of adjudicative proceedings held, and the results of the adjudicative proceedings; (f) The number of responsible parents certified to the department of licensing or licensing entities for noncompliance with a child support order, and the number of each type of licenses that were suspended; (g) The costs incurred in the implementation and enforcement of section 802 of this act and an estimate of the amount of child support collected due to the department under section 802 of this act; (h) Any other information regarding this program that the department feels will assist in evaluation of

the program; (i) Recommendations for the addition of specific licenses in the program or exclusion of specific licenses from the program, and reasons for such recommendations; and (j) Any recommendations for statutory changes necessary for the cost-effective management of the program. (2) To assist in evaluation of the program established in section 802 of this act, the office of the administrator for the courts shall report the following to the legislature and the governor on December 1, 1998, and annually thereafter: (a) The number of motions for contempt for violation of a visitation or residential order filed under RCW 26.09.160(3); (b) The number of parents found in contempt under RCW 26.09.160(3); and (c) The number of parents whose licenses were suspended under RCW 26.09.160(3). (3) This section expires December 2, 2002. **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each amended to read as follows: Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings: (1) "Department" means the state department of social and health services. (2) "Secretary" means the secretary of the department of social and health services, ~~((his))~~ the secretary's designee or authorized representative. (3) "Dependent child" means any person: (a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or (b) Over the age of eighteen for whom a court order for support exists. (4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state. (5) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support. (6) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation. (7) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics. (8) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist until terminated as provided for in RCW 26.16.205. (9) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation. (10) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt. (11) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (12) "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account. (13) "Child support order" means a superior court order or an administrative order. (14) "Financial institution" means: (a) A depository institution, as defined in section 3(c) of the federal deposit insurance act; (b) An institution-affiliated party, as defined in section 3(u) of the federal deposit insurance act; (c) Any federal or state credit union, as defined in section 101 of the federal credit union act, including an institution-affiliated party of such credit union, as defined in section 206(r) of the federal deposit insurance act; or (d) Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity. (15) "License" means a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity to a licensee evidencing admission to or granting authority to engage in a profession, occupation, business, industry, recreational pursuit, or the operation of a motor vehicle. "License" does not mean the tax registration or certification issued under Title 82 RCW by the department of revenue. (16) "Licensee" means any individual holding a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, industry, recreational pursuit, or the operation of a motor vehicle. (17) "Licensing entity" includes any department, board, commission, or other organization authorized to issue, renew, suspend, or revoke a license authorizing an individual to engage in a business, occupation, profession, industry, recreational pursuit, or the operation of a motor vehicle, and includes the Washington state supreme court, to the extent that a rule has been adopted by the court to implement suspension of licenses related to the practice of law. (18) "Noncompliance with a child support order" for the purposes of the license suspension program authorized under section 802 of this act means a responsible parent has: (a) Accumulated arrears totaling more than six months of child support payments; (b) Failed to make payments pursuant to a written agreement with the department towards a support arrearage in an amount that exceeds six months of payments; or (c) Failed to make payments required by a superior court order or administrative order towards a support arrearage in an amount that exceeds six months of payments. (19) "Noncompliance with a residential or visitation order" means that a court has found the parent in contempt of court under RCW 26.09.160(3) for failure to comply with a residential provision of a court-ordered parenting plan. **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read as follows: The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee: (1) Has committed an offense for which mandatory revocation or suspension of license is provided by law; (2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage; (3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways; (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3); ~~((or))~~ (5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289; ~~((or))~~ (6) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.336; or (7) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as

provided in section 802 of this act. **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to read as follows: (1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289 (~~and~~), 46.20.291(5), or section 802 of this act, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be fifty dollars. (2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. (3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars. **NEW SECTION. Sec. 808.** A new section is added to chapter 48.22 RCW to read as follows: In the event that the department of licensing suspends a driver's license solely for the nonpayment of child support as provided in chapter 74.20A RCW or for noncompliance with a residential or visitation order as provided in chapter 26.09 RCW, any provision in the driver's motor vehicle liability insurance policy excluding insurance coverage for an unlicensed driver shall not apply to the driver for ninety days from the date of suspension. When a driver's license is suspended under chapter 74.20A RCW, the driving record for the suspended driver shall include a notation that explains the reason for the suspension. **NEW SECTION. Sec. 809.** The legislature intends that the license suspension program established in chapter 74.20A RCW be implemented fairly to ensure that child support obligations are met and that parents comply with residential and visitation orders. However, being mindful of the separations of powers and responsibilities among the branches of government, the legislature strongly encourages the state supreme court to adopt rules providing for suspension and denial of licenses related to the practice of law to those individuals who are in noncompliance with a support order or a residential or visitation order. **NEW SECTION. Sec. 810.** A new section is added to chapter 2.48 RCW to read as follows: The Washington state supreme court may provide by rule that no person who has been certified by the department of social and health services as a person who is in noncompliance with a support order or a residential or visitation order as provided in section 802 of this act may be admitted to the practice of law in this state, and that any member of the Washington state bar association who has been certified by the department of social and health services as a person who is in noncompliance with a support order or a residential or visitation order as provided in section 802 of this act shall be immediately suspended from membership. The court's rules may provide for review of an application for admission or reinstatement of membership after the department of social and health services has issued a release stating that the person is in compliance with the order. **NEW SECTION. Sec. 811.** A new section is added to chapter 18.04 RCW to read as follows: The board shall immediately suspend the certificate or license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to read as follows: (1) Upon application in writing and after hearing pursuant to notice, the board may: ~~((1))~~ (a) Modify the suspension of, or reissue a certificate or license to, an individual whose certificate has been revoked or suspended; or ~~((2))~~ (b) Modify the suspension of, or reissue a license to a firm whose license has been revoked, suspended, or which the board has refused to renew. (2) In the case of suspension for failure to comply with a support order under chapter 74.20A RCW or a residential or visitation order under chapter 26.09 RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a certificate or license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **NEW SECTION. Sec. 813.** A new section is added to

chapter 18.08 RCW to read as follows: The board shall immediately suspend the certificate of registration or certificate of authorization to practice architecture of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **Sec. 814.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to read as follows: (1) No license shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly. (2) The following shall be grounds for denial, suspension, or revocation of a license, or imposition of an administrative fine by the department: (a) Misrepresentation or concealment of material facts in obtaining a license; (b) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law; (c) Revocation of a license by another state; (d) Misleading or false advertising; (e) A pattern of substantial misrepresentations related to auctioneering or auction company business; (f) Failure to cooperate with the department in any investigation or disciplinary action; (g) Nonpayment of an administrative fine prior to renewal of a license; (h) Aiding an unlicensed person to practice as an auctioneer or as an auction company; and (i) Any other violations of this chapter. (3) The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 815.** A new section is added to chapter 18.16 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 816.** A new section is added to chapter 18.20 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 817.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each amended to read as follows: (1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter. (2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for: (a) One year; (b) Until the bond expires; or (c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate. (3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year. (4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor. (5) The department shall immediately suspend the certificate of registration of a contractor who has been certified by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order as provided in section 802 of this act. The certificate of registration shall not be reissued or renewed unless the person provides to the department a release from the department of social and health services stating that he or she is in compliance with the order and the person has continued to meet all other requirements for certification during the suspension. **NEW SECTION. Sec. 818.** A new section is added to chapter 18.28 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 819.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to read as follows: The director shall have the following powers and duties: (1) To issue all licenses provided for under this chapter; (2) To renew licenses under this chapter; (3) To collect all fees prescribed and required under this chapter; ~~(and)~~ (4) To immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order; and (5) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter. **NEW SECTION. Sec. 820.** A new section is added to chapter 18.39 RCW to read as follows: In the case of suspension for failure to comply with a support order under chapter 74.20A RCW or a residential or visitation order under chapter 26.09 RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **NEW SECTION. Sec. 821.** A new section is added to chapter 18.43 RCW to read as follows: The board shall immediately suspend the registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for membership during the suspension, reissuance of the certificate of registration shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 822.** A new section is added to chapter 18.44 RCW to read as follows: The department shall immediately suspend the certificate of registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation

order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 823.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read as follows: (1) The department may deny, suspend, or revoke a license in any case in which it finds that there has been failure or refusal to comply with the requirements established under this chapter or the rules adopted under it. (2) The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. RCW 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding but shall not apply to actions taken under subsection (2) of this section. **NEW SECTION. Sec. 824.** A new section is added to chapter 18.51 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services, division of support, as a person who is not in compliance with a child support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the division of child support stating that the person is in compliance with the order. **NEW SECTION. Sec. 825.** A new section is added to chapter 18.76 RCW to read as follows: The department shall immediately suspend the certification of a poison center medical director or a poison information specialist who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certification shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 826.** A new section is added to chapter 18.85 RCW to read as follows: The director shall immediately suspend the license of a broker or salesperson who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 827.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended to read as follows: (1) The director may refuse to renew, or may suspend or revoke, a certificate of registration to use the titles landscape architect, landscape architecture, or landscape architectural in this state upon the following grounds: ((1)) (a) The holder of the certificate of registration is impersonating a practitioner or former practitioner. ((2)) (b) The holder of the certificate of registration is guilty of fraud, deceit, gross negligence, gross incompetency or gross misconduct in the practice of landscape architecture. ((3)) (c) The holder of the certificate of registration permits his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by employees subject to his direction and control. ((4)) (d) The holder of the certificate has committed fraud in applying for or obtaining a certificate. (2) The director shall immediately suspend the certificate of registration of a landscape architect who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of registration shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 828.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to read as follows: (1) In cases other than those relating to the failure of a licensee to renew a license, the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons: ((1)) (a) For fraud or deception in obtaining the license; ((2)) (b) For fraud or deception in reporting under RCW 18.104.050; ((3)) (c) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health. (2) The director shall immediately suspend any license issued under this chapter if the holder of the license has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (3) No license shall be suspended for more than six months, except that a suspension under section 802 of this act shall continue until the department receives a release issued by the department of social and health services stating that the person is in compliance with the order. (4) No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation. **NEW SECTION. Sec. 829.** A new section is added to chapter 18.106 RCW to read as follows: The department shall immediately suspend any certificate of competency issued under this chapter if the holder of the certificate has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of competency shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 830.** A new section is added to chapter 18.130 RCW to read as follows: The secretary shall immediately suspend the license of any person subject to this chapter who has been certified by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order as provided in section 802 of this act. **Sec. 831.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to read as follows: A person whose license has been suspended or revoked under this chapter may petition the disciplining authority for reinstatement after an interval as determined by the disciplining authority in the order. The disciplining authority shall hold hearings on the petition and may deny the petition or may order reinstatement and impose terms and conditions as provided in RCW 18.130.160 and issue an order of reinstatement. The disciplining authority may require successful completion of an examination as a condition of reinstatement. A person whose license has been suspended for noncompliance with a support order or a residential or visitation order under section 802 of this act may petition for reinstatement at any time by providing the secretary a release issued by the department of social and health services stating that the person is in compliance with the order. If the person has



continued to meet all other requirements for reinstatement during the suspension, the secretary shall automatically reissue the person's license upon receipt of the release, and payment of a reinstatement fee, if any. **NEW SECTION. Sec. 832.** A new section is added to chapter 18.140 RCW to read as follows: The director shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 833.** A new section is added to chapter 18.145 RCW to read as follows: The director shall immediately suspend any certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 834.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to read as follows: (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons: (a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems; (b) Conviction of a felony; (c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business; (d) Use of false evidence or misrepresentation in an application for a license or certificate of competency; (e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or (f) Knowingly violating any provisions of this chapter or the regulations issued thereunder. (2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended. (3) The state director of fire protection shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for issuance or reinstatement during the suspension, issuance or reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (4) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW. This subsection does not apply to actions taken under subsection (3) of this section. **Sec. 835.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to read as follows: The following acts are prohibited and constitute grounds for disciplinary action, assessing administrative penalties, or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director: (1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter; (2) Knowingly making a material misstatement or omission in the application for or renewal of a license or firearms certificate, including falsifying requested identification information; (3) Not meeting the qualifications set forth in RCW 18.165.030, 18.165.040, or 18.165.050; (4) Failing to return immediately on demand a firearm issued by an employer; (5) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private investigator license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties; (6) Failing to return immediately on demand company identification, badges, or other items issued to the private investigator by an employer; (7) Making any statement that would reasonably cause another person to believe that the private investigator is a sworn peace officer; (8) Divulging confidential information obtained in the course of any investigation to which he or she was assigned; (9) Acceptance of employment that is adverse to a client or former client and relates to a matter about which a licensee has obtained confidential information by reason of or in the course of the licensee's employment by the client; (10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended; (11) Advertising that is false, fraudulent, or misleading; (12) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed; (13) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction; (14) Failure to cooperate with the director by: (a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter; (b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or (c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; (15) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director; (16) Aiding or abetting an unlicensed person to practice if a license is required; (17) Misrepresentation or fraud in any aspect of the conduct of the business or profession; (18) Failure to adequately supervise employees to the extent that the public health or safety is at risk; (19) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action; (20) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.165.050; (21) Assisting a client to locate, trace, or contact a person when the investigator knows that the client is prohibited by any court order from harassing or contacting the person whom the investigator is being asked to locate, trace, or contact, as it pertains

to domestic violence, stalking, or minor children; (22) Failure to maintain bond or insurance; ~~((or))~~ (23) Failure to have a qualifying principal in place; or (24) Being certified as not in compliance with a support order or a residential or visitation order as provided in section 802 of this act. **NEW SECTION. Sec. 836.** A new section is added to chapter 18.165 RCW to read as follows: The director shall immediately suspend a license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 837.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to read as follows: In addition to the provisions of section 838 of this act, the following acts are prohibited and constitute grounds for disciplinary action, assessing administrative penalties, or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director: (1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter; (2) Practicing fraud, deceit, or misrepresentation in any of the private security activities covered by this chapter; (3) Knowingly making a material misstatement or omission in the application for a license or firearms certificate; (4) Not meeting the qualifications set forth in RCW 18.170.030, 18.170.040, or 18.170.060; (5) Failing to return immediately on demand a firearm issued by an employer; (6) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private security guard license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties; (7) Failing to return immediately on demand any uniform, badge, or other item of equipment issued to the private security guard by an employer; (8) Making any statement that would reasonably cause another person to believe that the private security guard is a sworn peace officer; (9) Divulging confidential information that may compromise the security of any premises, or valuables shipment, or any activity of a client to which he or she was assigned; (10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended; (11) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof; (12) Advertising that is false, fraudulent, or misleading; (13) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed; (14) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction; (15) Failure to cooperate with the director by: (a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter; (b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or (c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; (16) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the disciplining authority; (17) Aiding or abetting an unlicensed person to practice if a license is required; (18) Misrepresentation or fraud in any aspect of the conduct of the business or profession; (19) Failure to adequately supervise employees to the extent that the public health or safety is at risk; (20) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against a client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action; (21) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.170.060; (22) Failure to maintain insurance; and (23) Failure to have a qualifying principal in place. **NEW SECTION. Sec. 838.** A new section is added to chapter 18.170 RCW to read as follows: The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 839.** A new section is added to chapter 18.175 RCW to read as follows: The director shall immediately suspend a certificate of registration issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 840.** A new section is added to chapter 18.185 RCW to read as follows: The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 841.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to read as follows: This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. (1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in ~~((an other))~~ another manner that shows proof of receipt. (2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice. (a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent. (b) The department may make the date the action is effective sooner than twenty-eight days after receipt when

necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent. (c) When the department has received certification pursuant to chapter 74.20A RCW from the division of child support that the licensee is a person who is not in compliance with a support order or an order from court stating that the licensee is in noncompliance with a residential or visitation order under chapter 26.09 RCW, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee. (3) Except for licensees suspended for noncompliance with a support order under chapter 74.20A RCW or a residential or visitation order under chapter 26.09 RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt. (4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause. (b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause. NEW SECTION. Sec. 842. A new section is added to chapter 28A.410 RCW to read as follows: Any certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended by the authority authorized to grant the certificate or permit if the department of social and health services certifies that the person is not in compliance with a support order or a residential or visitation order as provided in section 802 of this act. If the person continues to meet other requirements for reinstatement during the suspension, reissuance of the certificate or permit shall be automatic after the person provides the authority a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 843.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read as follows: This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. This section does not govern actions taken under chapter 18.130 RCW. (1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in ~~((an other [another]))~~ another manner that shows proof of receipt. (2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice. (a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent. (b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent. (c) When the department has received certification pursuant to chapter 74.20A RCW from the department of social and health services that the licensee is a person who is not in compliance with a child support order or an order from a court stating that the licensee is in noncompliance with a residential or visitation order under chapter 26.09 RCW, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee. (3) Except for licensees suspended for noncompliance with a child support order under chapter 74.20A RCW or noncompliance with a residential or visitation order under chapter 26.09 RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt. (4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause. (b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause. **Sec. 844.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to read as follows: (1) The department has the power, in case of serious noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective twenty days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board. The filing of an appeal stays the effect of a revocation or suspension until the board makes its decision. The appeal shall be filed within twenty days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. The hearing shall be conducted in accordance with chapter 34.05 RCW. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund. (2) The department shall immediately suspend

the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 845.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to read as follows: (1) The department may revoke any certificate of competency upon the following grounds: (a) The certificate was obtained through error or fraud; (b) The holder thereof is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician; (c) The holder thereof has violated any of the provisions of RCW 19.28.510 through 19.28.620 or any rule adopted under this chapter. (2) Before any certificate of competency shall be revoked, the holder shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing before the board. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 846.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to read as follows: Any person may protest the grant or renewal of a license under this section. The director may revoke, suspend, or refuse to issue or renew any license when it is shown that: (1) The farm labor contractor or any agent of the contractor has violated or failed to comply with any of the provisions of this chapter; (2) The farm labor contractor has made any misrepresentations or false statements in his or her application for a license; (3) The conditions under which the license was issued have changed or no longer exist; (4) The farm labor contractor, or any agent of the contractor, has violated or wilfully aided or abetted any person in the violation of, or failed to comply with, any law of the state of Washington regulating employment in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business activities, or operations of the contractor in his or her capacity as a farm labor contractor; (5) The farm labor contractor or any agent of the contractor has in recruiting farm labor solicited or induced the violation of any then existing contract of employment of such laborers; or (6) The farm labor contractor or any agent of the contractor has an unsatisfied judgment against him or her in any state or federal court, arising out of his or her farm labor contracting activities. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 847.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to read as follows: In addition to other provisions of this chapter, any license issued pursuant to this chapter or any application therefor may be denied, not renewed, revoked, or suspended, or in lieu of or in addition to suspension a licensee may be assessed a civil, monetary penalty in an amount not to exceed one thousand dollars: (1) If an individual applicant or licensee is less than eighteen years of age or is not a resident of this state. (2) If an applicant or licensee is not authorized to do business in this state. (3) If the application or renewal forms required by this chapter are incomplete, fees required under RCW 19.16.140 and 19.16.150, if applicable, have not been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 19.16.190, if applicable, has not been filed or renewed or is canceled. (4) If any individual applicant, owner, officer, director, or managing employee of a nonindividual applicant or licensee: (a) Shall have knowingly made a false statement of a material fact in any application for a collection agency license or an out-of-state collection agency license or renewal thereof, or in any data attached thereto and two years have not elapsed since the date of such statement; (b) Shall have had a license to engage in the business of a collection agency or out-of-state collection agency denied, not renewed, suspended, or revoked by this state, any other state, or foreign country, for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements: PROVIDED, That the terms of this subsection shall not apply if: (i) Two years have elapsed since the time of any such denial, nonrenewal, or revocation; or (ii) The terms of any such suspension have been fulfilled; (c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and is incarcerated for that offense or five years have not elapsed since the date of such conviction; (d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in said action: PROVIDED, That in no event shall a license be issued unless the judgment debt has been discharged; (e) Has had his license to practice law suspended or revoked and two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state; (f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of RCW 19.86.020 and two years have not elapsed since the entry of the final judgment: PROVIDED, That in no event shall a license be issued unless the terms of such judgment, if any, have been fully complied with: PROVIDED FURTHER, That said judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license unless the judgment arises out of and is based on acts of the applicant, owner, officer, director, managing employee, or licensee while acting for or as a collection agency or an out-of-state collection agency; (g) Has petitioned for bankruptcy, and two years have not elapsed since the filing of said petition; (h) Shall be insolvent in the sense that his or its liabilities exceed his or its assets or in the sense that he or it cannot meet his or its obligations as they mature; (i) Has failed to pay any civil, monetary penalty assessed in accordance with RCW 19.16.351 or 19.16.360 within ten days after the assessment becomes final; (j) Has knowingly failed to comply with, or violated any provisions of this chapter or any rule or regulation issued pursuant to this chapter, and two years have not elapsed since the occurrence of said noncompliance or violation; or (k) Has been found by a court of competent jurisdiction to have violated the federal fair debt collection practices act, 15 U.S.C. Sec. 1692 et seq., or

the Washington state consumer protection act, chapter 19.86 RCW, and two years have not elapsed since that finding. Except as otherwise provided in this section, any person who is engaged in the collection agency business as of January 1, 1972 shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this chapter, be issued a license ((hereunder)) under this chapter. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 848.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended to read as follows: (1) In accordance with the provisions of chapter 34.05 RCW as now or as hereafter amended, the director may by order deny, suspend or revoke the license of any employment agency if he finds that the applicant or licensee: ((+)) (a) Was previously the holder of a license issued under this chapter, which was revoked for cause and never reissued by the director, or which license was suspended for cause and the terms of the suspension have not been fulfilled; ((2)) (b) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving wilful fraud, misrepresentation or conversion; ((3)) (c) Has made a false statement of a material fact in his application or in any data attached thereto; ((4)) (d) Has violated any provisions of this chapter, or failed to comply with any rule or regulation issued by the director pursuant to this chapter. (2) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 849.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to read as follows: (1) The director of agriculture may cancel or suspend any such license if he finds after proper investigation that (a) the licensee has violated any provision of this chapter or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any act the administration of which is in the charge of the department of agriculture, or (b) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten days after receipt from the director of agriculture of written notice to do so. (2) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten days from the date of such notice. (3) Any order made by the director suspending or revoking any license may be reviewed by certiorari in the superior court of the county in which the licensed premises are located, within ten days from the date notice in writing of the director's order revoking or suspending such license has been served upon him. (4) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 850.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to read as follows: (1) A registration or an application for registration of camping resort contracts or renewals thereof may by order be denied, suspended, or revoked if the director finds that: (a) The advertising, sales techniques, or trade practices of the applicant, registrant, or its affiliate or agent have been or are deceptive, false, or misleading; (b) The applicant or registrant has failed to file copies of the camping resort contract form under RCW 19.105.360; (c) The applicant, registrant, or affiliate has failed to comply with any provision of this chapter, the rules adopted or the conditions of a permit granted under this chapter, or a stipulation or final order previously entered into by the operator or issued by the department under this chapter; (d) The applicant's, registrant's, or affiliate's offering of camping resort contracts has worked or would work a fraud upon purchasers or owners of camping resort contracts; (e) The camping resort operator or any officer, director, or affiliate of the camping resort operator has been within the last five years convicted of or pleaded nolo contendere to any misdemeanor or felony involving conversion, embezzlement, theft, fraud, or dishonesty, has been enjoined from or had any civil penalty assessed for a finding of dishonest dealing or fraud in a civil suit, or been found to have engaged in any violation of any act designed to protect consumers, or has been engaged in dishonest practices in any industry involving sales to consumers; (f) The applicant or registrant has represented or is representing to purchasers in connection with the offer or sale of a camping resort contract that a camping resort property, facility, amenity camp site, or other development is planned, promised, or required, and the applicant or registrant has not provided the director with a security or assurance of performance as required by this chapter; (g) The applicant or registrant has not provided or is no longer providing the director with the necessary security arrangements to assure future availability of titles or properties as required by this chapter or agreed to in the permit to market; (h) The applicant or registrant is or has been employing unregistered salespersons or offering or proposing a membership referral program not in compliance with this chapter; (i) The applicant or registrant has breached any escrow, impound, reserve account, or trust arrangement or the conditions of an order or permit to market required by this chapter; (j) The applicant or registrant has breached any stipulation or order entered into in settlement of the department's filing of a previous administrative action; (k) The applicant or registrant has filed or caused to be filed with the director any document or affidavit, or made any statement during the course of a registration or exemption procedure with the director, that is materially untrue or misleading; (l) The applicant or registrant has engaged in a practice of failing to provide the written disclosures to purchasers or prospective purchasers as required under this chapter; (m) The applicant, registrant, or any of its officers, directors, or employees, if the operator is other than a natural person, have wilfully done, or permitted any of their salespersons or agents to do, any of the following: (i) Engage in a pattern or practice of making untrue or misleading statements of a material fact, or omitting to state a material fact; (ii) Employ any device, scheme, or artifice to defraud purchasers or members; (iii) Engage in a pattern or practice of failing to provide the written disclosures to purchasers or prospective purchasers as required under this chapter; (n) The applicant or registrant has failed to provide a bond, letter of credit, or other arrangement to assure delivery of promised gifts, prizes, awards, or other items of consideration, as required under this chapter, breached such a security arrangement, or failed to maintain such a security arrangement in effect because

of a resignation or loss of a trustee, impound, or escrow agent; (o) The applicant or registrant has engaged in a practice of selling contracts using material amendments or codicils that have not been filed or are the consequences of breaches or alterations in previously filed contracts; (p) The applicant or registrant has engaged in a practice of selling or proposing to sell contracts in a ratio of contracts to sites available in excess of that filed in the affidavit required by this chapter; (q) The camping resort operator has withdrawn, has the right to withdraw, or is proposing to withdraw from use all or any portion of any camping resort property devoted to the camping resort program, unless: (i) Adequate provision has been made to provide within a reasonable time thereafter a substitute property in the same general area that is at least as desirable for the purpose of camping and outdoor recreation; (ii) The property is withdrawn because, despite good faith efforts by the camping resort operator, a nonaffiliate of the camping resort has exercised a right of withdrawal from use by the camping resort (such as withdrawal following expiration of a lease of the property to the camping resort) and the terms of the withdrawal right have been disclosed in writing to all purchasers at or prior to the time of any sales of camping resort contracts after the camping resort has represented to purchasers that the property is or will be available for camping or recreation purposes; (iii) The specific date upon which the withdrawal becomes effective has been disclosed in writing to all purchasers and members prior to the time of any sales of camping resort contracts after the camping resort has represented to purchasers that the property is or will be available for camping or recreation purposes; (iv) The rights of members and owners of the camping resort contracts under the express terms of the camping resort contract have expired, or have been specifically limited, upon the lapse of a stated or determinable period of time, and the director by order has found that the withdrawal is not otherwise inconsistent with the protection of purchasers or the desire of the majority of the owners of camping resort contracts, as expressed in their previously obtained vote of approval; (r) The format, form, or content of the written disclosures provided therein is not complete, full, or materially accurate, or statements made therein are materially false, misleading, or deceptive; (s) The applicant or registrant has failed or declined to respond to any subpoena lawfully issued and served by the department under this chapter; (t) The applicant or registrant has failed to file an amendment for a material change in the manner or at the time required under this chapter or its implementing rules; (u) The applicant or registrant has filed voluntarily or been placed involuntarily into a federal bankruptcy or is proposing to do so; or (v) A camping resort operator's rights or interest in a campground has been terminated by foreclosure or the operations in a camping resort have been terminated in a manner contrary to contract provisions. (2) Any applicant or registrant who has violated subsection (1)(a), (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be fined by the director in an amount not to exceed one thousand dollars for each such violation. Proceedings seeking such fines shall be held in accordance with chapter 34.05 RCW and may be filed either separately or in conjunction with other administrative proceedings to deny, suspend, or revoke registrations authorized under this chapter. Fines collected from such proceedings shall be deposited in the state general fund. (3) An operator, registrant, or applicant against whom administrative or legal proceedings have been filed shall be responsible for and shall reimburse the state, by payment into the general fund, for all administrative and legal costs actually incurred by the department in issuing, processing, and conducting any such administrative or legal proceeding authorized under this chapter that results in a final legal or administrative determination of any type or degree in favor of the department. (4) No order may be entered under this section without appropriate prior notice to the applicant or registrant of opportunity for a hearing and written findings of fact and conclusions of law, except that the director may by order summarily deny an application for registration or renewal under any of the above subsections and may summarily suspend or revoke a registration under subsection (1)(d), (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine may be imposed by summary order. (5) The proceedings to deny an application or renewal, suspend or revoke a registration or permit, whether summarily or otherwise, or impose a fine shall be held in accordance with chapter 34.05 RCW. (6) The director may enter into assurances of discontinuance in lieu of issuing a statement of charges or a cease and desist order or conducting a hearing under this chapter. The assurances shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or registrant shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violating or breaching an assurance under this subsection is grounds for suspension or revocation of registration or imposition of a fine. (7) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 851.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to read as follows: (1) A salesperson may apply for registration by filing in a complete and readable form with the director an application form provided by the director which includes the following: (a) A statement whether or not the applicant within the past five years has been convicted of, pleaded nolo contendere to, or been ordered to serve probation for a period of a year or more for any misdemeanor or felony involving conversion, embezzlement, theft, fraud, or dishonesty or the applicant has been enjoined from, had any civil penalty assessed for, or been found to have engaged in any violation of any act designed to protect consumers; (b) A statement fully describing the applicant's employment history for the past five years and whether or not any termination of employment during the last five years was the result of any theft, fraud, or act of dishonesty; (c) A consent to service comparable to that required of operators under this chapter; and (d) Required filing fees. (2) The director may by order deny, suspend, or revoke a camping resort salesperson's registration or application for registration under this chapter or the person's license or application under chapter 18.85 RCW, or impose a fine on such persons not exceeding two hundred dollars per violation, if the director finds that the order is necessary for the protection of purchasers or owners of camping resort contracts and the applicant or registrant is guilty of: (a) Obtaining registration by means of fraud, misrepresentation, or concealment, or through the mistake or inadvertence of the director; (b) Violating any of the provisions of this chapter or any lawful rules adopted by the director pursuant thereto; (c) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses. For the purposes of this section, "being convicted" includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended; (d) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication, or distribution of false statements, descriptions, or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions, or promises purport to be made or to be performed by either the

applicant or registrant and the applicant or registrant then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions, or promises; (e) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relies upon the work, representation, or conduct of the applicant or registrant; (f) Failing, upon demand, to disclose to the director or the director's authorized representatives acting by authority of law any information within his or her knowledge or to produce for inspection any document, book or record in his or her possession, which is material to the salesperson's registration or application for registration; (g) Continuing to sell camping resort contracts in a manner whereby the interests of the public are endangered, if the director has, by order in writing, stated objections thereto; (h) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter; (i) Misrepresentation of membership in any state or national association; or (j) Discrimination against any person in hiring or in sales activity on the basis of race, color, creed, or national origin, or violating any state or federal antidiscrimination law. (3) No order may be entered under this section without appropriate prior notice to the applicant or registrant of opportunity for a hearing and written findings of fact and conclusions of law, except that the director may by order summarily deny an application for registration under this section. (4) The proceedings to deny an application or renewal, suspend or revoke a registration or permit, whether summarily or otherwise, or impose a fine shall be held in accordance with chapter 34.05 RCW. (5) The director, subsequent to any complaint filed against a salesperson or pursuant to an investigation to determine violations, may enter into stipulated assurances of discontinuances in lieu of issuing a statement of charges or a cease and desist order or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The salesperson shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for a disciplinary action, a suspension of registration, or a fine not to exceed one thousand dollars. (6) The director may by rule require such further information or conditions for registration as a camping resort salesperson, including qualifying examinations and fingerprint cards prepared by authorized law enforcement agencies, as the director deems necessary to protect the interests of purchasers. (7) Registration as a camping resort salesperson shall be effective for a period of one year unless the director specifies otherwise or the salesperson transfers employment to a different registrant. Registration as a camping resort salesperson shall be renewed annually, or at the time of transferring employment, whichever occurs first, by the filing of a form prescribed by the director for that purpose. (8) It is unlawful for a registrant of camping resort contracts to employ or a person to act as a camping resort salesperson covered under this section unless the salesperson has in effect with the department and displays a valid registration in a conspicuous location at each of the sales offices at which the salesperson is employed. It is the responsibility of both the operator and the salesperson to notify the department when and where a salesperson is employed, his or her responsibilities and duties, and when the salesperson's employment or reported duties are changed or terminated. (9) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 852.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to read as follows: (1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant: (a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled; (b) Has been found guilty of a felony within the past five years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion; (c) Has made a false statement of a material fact in an application under this chapter or in data attached to it; (d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter; (e) Has failed to display the registration as provided in this chapter; (f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public; or (g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising. (2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion. (3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 853.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to read as follows: (1) In order to maintain or defend a lawsuit or do any business in this state, a commercial telephone solicitor must be registered with the department of licensing. Prior to doing business in this state, a commercial telephone solicitor shall register with the department of licensing. Doing business in this state includes both commercial telephone solicitation from a location in Washington and solicitation of purchasers located in Washington. (2) The department of licensing, in registering commercial telephone solicitors, shall have the authority to require the submission of information necessary to assist in identifying and locating a commercial telephone solicitor, including past business history, prior judgments, and such other information as may be useful to purchasers. (3) The department of licensing shall issue a registration number to the commercial telephone solicitor. (4) It is a violation of this chapter for a commercial telephone solicitor to: (a) Fail to maintain a valid registration; (b) Advertise that one is registered as a commercial telephone solicitor or to represent that such registration constitutes approval or endorsement by any government or governmental office or agency; (c) Provide inaccurate or incomplete information to the department of licensing when making a registration application; or (d) Represent that a person is registered or that such person has a valid registration number when such person does not. (5) An annual registration fee shall be assessed by the department of licensing, the amount of which shall be determined at the discretion of the director of the department of licensing, and which shall be reasonably related to the cost of administering the provisions of this chapter. (6) The department shall immediately suspend the license or certificate of a

person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 854.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to read as follows: (1) An application for registration as an international student exchange visitor placement organization shall be submitted in the form prescribed by the secretary of state. The application shall include: (a) Evidence that the organization meets the standards established by the secretary of state under RCW 19.166.050; (b) The name, address, and telephone number of the organization, its chief executive officer, and the person within the organization who has primary responsibility for supervising placements within the state; (c) The organization's unified business identification number, if any; (d) The organization's United States Information Agency number, if any; (e) Evidence of council on standards for international educational travel listing, if any; (f) Whether the organization is exempt from federal income tax; and (g) A list of the organization's placements in Washington for the previous academic year including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements. (2) The application shall be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within Washington. If the secretary of state determines that the application is complete, the secretary of state shall file the application and the applicant is registered. (3) International student exchange visitor placement organizations that have registered shall inform the secretary of state of any changes in the information required under subsection (1) of this section within thirty days of the change. (4) Registration shall be renewed annually as established by rule by the office of the secretary of state. (5) The office of the secretary of state shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the office of the secretary of state's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 855.** A new section is added to chapter 20.01 RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 856.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to read as follows: The director may by order deny, suspend, or revoke registration of any broker-dealer, salesperson, investment adviser representative, or investment adviser; censure or fine the registrant or an officer, director, partner, or person occupying similar functions for a registrant; or restrict or limit a registrant's function or activity of business for which registration is required in this state; if the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director: (1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact; (2) Has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder; (3) Has been convicted, within the past five years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities or investment commodities business, or any felony involving moral turpitude; (4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities or investment commodities business; (5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative; (6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or a commodity broker-dealer or sales representative, or the substantial equivalent of those terms as defined in this chapter or by the commodity futures trading commission denying or revoking registration as a commodity merchant as defined in RCW 21.30.010, or is the subject of an order of suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the federal commodity exchange act, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) the director may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section; (7) Has engaged in dishonest or unethical practices in the securities or investment commodities business; (8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; (9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or (10)(a) Has failed to supervise reasonably a salesperson or an investment adviser representative. For the purposes of this subsection, no person fails to supervise reasonably another person, if: (i) There are established procedures, and a system for applying those procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation by another person of this chapter, or a rule or order under this chapter; and (ii) The supervising person has reasonably discharged the duties and obligations required by these procedures and system without reasonable cause to believe that another person was violating this chapter or rules or orders under this chapter. (b) The director may issue a summary order pending final determination of a proceeding under this section upon a finding that it is in the public interest and necessary or appropriate for the protection of investors. The director may not impose a fine under this section except after notice and opportunity for hearing. The fine imposed under this section may not exceed five thousand dollars for each act or omission that constitutes the basis for issuing the order. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the



department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 857.** A new section is added to chapter 48.17 RCW to read as follows: The commissioner shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the commissioner's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 858.** A new section is added to chapter 74.15 RCW to read as follows: The secretary shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the secretary's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 859.** A new section is added to chapter 47.68 RCW to read as follows: The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 860.** A new section is added to chapter 71.12 RCW to read as follows: The department of health shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department of health's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 861.** A new section is added to chapter 66.20 RCW to read as follows: The board shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 862.** A new section is added to chapter 66.24 RCW to read as follows: The board shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 863.** A new section is added to chapter 88.02 RCW to read as follows: The department shall immediately suspend the vessel registration or vessel dealer's registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the registration shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 864.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to read as follows: (1) The department may grant annual licenses upon application in compliance with the rules and regulations prescribed by the director, and the payment of the fees, the amount of which is to be set by the director in accordance with RCW 43.24.086, prescribed to promoters, managers, referees, boxers, wrestlers, and seconds: **PROVIDED,** That the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the defense department or any bona fide athletic club which is a member of the Pacific northwest association of the amateur athletic union of the United States, holding and promoting athletic contests and where all funds are used primarily for the benefit of their members. (2) Any such license may be revoked by the department for any cause which it shall deem sufficient. (3) No person shall participate or serve in any of the above capacities unless licensed as provided in this chapter. (4) The referee for any boxing contest shall be designated by the department from among such licensed referees. (5) The referee for any wrestling exhibition or show shall be provided by the promoter and licensed by the department. (6) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 865.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read as follows: (1) The department shall not issue or renew a master license to any person if: (a) The person does not have a valid tax registration, if required; (b) The person is a corporation delinquent in fees or penalties owing to the secretary of state or is not validly registered under Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute now or hereafter adopted which gives corporate or business licensing responsibilities to the secretary of state; or (c) The person has not submitted the sum of all fees and deposits required for the requested individual license endorsements, any outstanding master license delinquency fee, or other fees and penalties to be collected through the system. (2) Nothing in this section shall prevent registration by the state of an employer for the purpose of paying an employee of that employer industrial insurance or unemployment insurance benefits. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services

stating that the licensee is in compliance with the order. **Sec. 866.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to read as follows: Except as provided in section 869 of this act, at the close of each examination the department of licensing shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of licensing and notify all applicants who have failed to pass the examination of that fact. **Sec. 867.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to read as follows: Except as provided in section 869 of this act, whenever there is filed in a matter under the jurisdiction of the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. In addition, the governor shall appoint a consumer member of the committee. The decision of any three members of such committee shall be the decision of the committee. The appointed members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060. **Sec. 868.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to read as follows: Except as provided in section 869 of this act, any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal to superior court from the decision of the director of licensing, which shall be taken, prosecuted, heard, and determined in the manner provided in chapter 34.05 RCW. The decision of the superior court may be reviewed by the supreme court or the court of appeals in the same manner as other civil cases. **NEW SECTION. Sec. 869.** A new section is added to chapter 43.24 RCW to read as follows: The department shall immediately suspend any license issued by the department of licensing of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 870.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to read as follows: All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on ~~(the date when this 1969 amendatory act takes effect)~~ August 11, 1969, shall within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after ~~((this act takes effect))~~ August 11, 1969, shall, before so engaging, make an application in writing, subscribed to by such person or his agent, to the department of labor and industries, the application stating: (1) Location of place of manufacture or processing; (2) Kind of explosives manufactured, processed or used; (3) The distance that such explosives manufacturing building is located or intended to be located from the other factory buildings, magazines, inhabited buildings, railroads and highways and public utility transmission systems; (4) The name and address of the applicant; (5) The reason for desiring to manufacture explosives; (6) The applicant's citizenship, if the applicant is an individual; (7) If the applicant is a partnership, the names and addresses of the partners, and their citizenship; (8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship; and (9) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter. There shall be kept in the main office on the premises of each explosives manufacturing plant a plan of said plant showing the location of all explosives manufacturing buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the department of labor and industries. The superintendent of each plant shall upon demand of said inspector furnish the following information: (a) The maximum amount and kind of explosive material which is or will be present in each building at one time. (b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades. Except as provided in RCW 70.74.370, the department of labor and industries shall as soon as possible after receiving such application cause an inspection to be made of the explosives manufacturing plant, and if found to be in accordance with RCW 70.74.030 and 70.74.050 and 70.74.061, such department shall issue a license to the person applying therefor showing compliance with the provisions of this chapter if the applicant demonstrates that either the applicant or the officers, agents or employees of the applicant are sufficiently experienced in the manufacture of explosives and the applicant meets the qualifications for a license under RCW 70.74.360. Such license shall continue in full force and effect until expired, suspended, or revoked by the department pursuant to this chapter. **Sec. 871.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to read as follows: Every person desiring to engage in the business of dealing in explosives shall apply to the department of labor and industries for a license therefor. Said application shall state, among other things: (1) The name and address of applicant; (2) The reason for desiring to engage in the business of dealing in explosives; (3) Citizenship, if an individual applicant; (4) If a partnership, the names and addresses of the partners and their citizenship; (5) If an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and (6) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter. Except as provided in RCW 70.74.370, the department of labor and industries shall issue the license if the applicant demonstrates that either the applicant or the principal officers, agents, or employees of the applicant are experienced in the business of dealing in explosives, possess suitable facilities therefor, have not been convicted of any crime that would warrant revocation or nonrenewal of a license under this chapter, and have never had an explosives-related license revoked under this chapter or under similar provisions of any other state. **Sec. 872.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to read as follows: (1) The department of labor and industries shall revoke and not renew the license of any person holding a manufacturer, dealer, purchaser, user, or storage license upon conviction of any of the following offenses, which conviction has become final: (a) A violent offense as defined in RCW 9.94A.030; (b) A crime involving perjury or false swearing, including the making of a false affidavit or statement under oath to the department of labor and industries in an application or report made pursuant to this title; (c) A crime involving bomb threats; (d) A crime involving a schedule I or II controlled substance, or any other drug or alcohol related offense, unless such other drug or alcohol related offense does not reflect a drug or alcohol dependency. However, the department of labor and industries may

condition renewal of the license to any convicted person suffering a drug or alcohol dependency who is participating in an alcoholism or drug recovery program acceptable to the department of labor and industries and has established control of their alcohol or drug dependency. The department of labor and industries shall require the licensee to provide proof of such participation and control; (e) A crime relating to possession, use, transfer, or sale of explosives under this chapter or any other chapter of the Revised Code of Washington. (2) The department of labor and industries shall revoke the license of any person adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease. The director shall not renew the license until the person has been restored to competency. (3) The department of labor and industries is authorized to suspend, for a period of time not to exceed six months, the license of any person who has violated this chapter or the rules promulgated pursuant to this chapter. (4) The department of labor and industries may revoke the license of any person who has repeatedly violated this chapter or the rules promulgated pursuant to this chapter, or who has twice had his or her license suspended under this chapter. (5) The department of labor and industries shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department of labor and industries' receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. (6) Upon receipt of notification by the department of labor and industries of revocation or suspension, a licensee must surrender immediately to the department any or all such licenses revoked or suspended. **Sec. 873.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read as follows: (1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license. (2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority shall be adopted by rule. No retail license of any kind may be issued to: (a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft; (b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section; (c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee; or (d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington. (3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. (b) The board shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. (c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt. (d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence. (e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein. (4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee. (5)(a) At the time of the original issuance of a class H license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required. (b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect. (6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date. (7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises. (8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and

in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. (9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license. (10) The restrictions set forth in subsection (9) of this section shall not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation. (11) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or wholesaler license to an applicant assuming an existing retail or wholesaler license to continue the operation of the retail or wholesaler premises during the period the application for the license is pending and when the following conditions exist: (a) The licensed premises has been operated under a retail or wholesaler license within ninety days of the date of filing the application for a temporary license; (b) The retail or wholesaler license for the premises has been surrendered pursuant to issuance of a temporary operating license; (c) The applicant for the temporary license has filed with the board an application to assume the retail or wholesaler license at such premises to himself or herself; and (d) The application for a temporary license is accompanied by a temporary license fee established by the board by rule. A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for an additional sixty-day period upon payment of an additional fee and upon compliance with all conditions required in this section. Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses. Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full. **Sec. 874.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to read as follows: (1) The department shall issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and in all other respects ~~(meets)~~ meets the qualifications. The certificate shall bear the date of issuance, a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the department. A renewal fee shall be assessed for each certificate. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee. (2) The certificate of manufactured home installation provided for in this chapter grants the holder the right to engage in manufactured home installation throughout the state, without any other installer certification. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 875.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to read as follows: (1) The department shall establish a process to certify incinerator and landfill operators. To the greatest extent possible, the department shall rely on the certification standards and procedures developed by national organizations and the federal government. (2) Operators shall be certified if they: (a) Attend the required training sessions; (b) Successfully complete required examinations; and (c) Pay the prescribed fee. (3) By January 1, 1991, the department shall adopt rules to require incinerator and appropriate landfill operators to: (a) Attend a training session concerning the operation of the relevant type of landfill or incinerator; (b) Demonstrate sufficient skill and competency for proper operation of the incinerator or landfill by successfully completing an examination prepared by the department; and (c) Renew the certificate of competency at reasonable intervals established by the department. (4) The department shall provide for the collection of fees for the issuance and renewal of certificates. These fees shall be sufficient to recover the costs of the certification program. (5) The department shall establish an appeals process for the denial or revocation of a certificate. (6) The department shall establish a process to automatically certify operators who have received comparable certification from another state, the federal government, a local government, or a professional association. (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or operator of an incinerator or landfill may apply to the department for interim certification. Operators shall receive interim certification if they: (a) Have received training provided by a recognized national organization, educational institution, or the federal government that is acceptable to the department; or (b) Have received individualized training in a manner approved by the

department; and (c) Have successfully completed any required examinations. (8) No interim certification shall be valid after January 1, 1992, and interim certification shall not automatically qualify operators for certification pursuant to subsections (2) through (4) of this section. (9) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 876.** A new section is added to chapter 70.95B RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 877.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to read as follows: Any license, permit, or certification provided for in this chapter may be revoked or suspended, and any license, permit, or certification application may be denied by the director for cause. If the director suspends a license under this chapter with respect to activity of a continuing nature under chapter 34.05 RCW, the director may elect to suspend the license for a subsequent license year during a period that coincides with the period commencing thirty days before and ending thirty days after the date of the incident or incidents giving rise to the violation. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 878.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to read as follows: (1) After January 1, 1991, a contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified. (2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee. (3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification. (4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds: (a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel; (b) Failing to file a work plan; (c) Failing to perform work pursuant to the work plan; (d) Failing to perform work that meets the requirements of the department; ~~((e))~~ (e) The certificate was obtained by error, misrepresentation, or fraud; or (f) If the person has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation. (6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses. (7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter. **Sec. 879.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to read as follows: (1) The director shall enforce all laws and rules relating to the licensing of mortgage brokers, grant or deny licenses to mortgage brokers, and hold hearings. (2) The director may impose the following sanctions: (a) Deny applications for licenses for: (i) Violations of orders, including cease and desist orders issued under this chapter; or (ii) any violation of RCW 19.146.050 or 19.146.0201 (1) through (9); (b) Suspend or revoke licenses for: (i) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license; (ii) Failure to pay a fee required by the director or maintain the required bond; (iii) Failure to comply with any directive or order of the director; or (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9) or (13), 19.146.205(3), or 19.146.265; (c) Impose fines on the licensee, employee or loan originator of the licensee, or other person subject to this chapter for: (i) Any violations of RCW 19.146.0201 (1) through (9) or (13), 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or 19.146.265; or (ii) Failure to comply with any directive or order of the director; (d) Issue orders directing a licensee, its employee or loan originator, or other person subject to this chapter to: (i) Cease and desist from conducting business in a manner that is injurious to the public or violates any provision of this chapter; or (ii) Pay restitution to an injured borrower; or (e) Issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under this chapter for: (i) Any violation of 19.146.0201 (1) through (9) or (13), 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or 19.146.265; or (ii) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license; (iii) Conviction of a gross misdemeanor involving dishonesty or financial misconduct or a felony after obtaining a license; or (iv) Failure to comply with any directive or order of the director. (3) Each day's continuance of a violation or failure to comply with any directive or order of the director is a separate and distinct violation or failure. (4) The director shall establish by rule standards for licensure of

applicants licensed in other jurisdictions. Every licensed mortgage broker that does not maintain a physical office within the state must maintain a registered agent within the state to receive service of any lawful process in any judicial or administrative noncriminal suit, action, or proceeding, against the licensed mortgage broker which arises under this chapter or any rule or order under this chapter, with the same force and validity as if served personally on the licensed mortgage broker. Service upon the registered agent shall be effective if the plaintiff, who may be the director in a suit, action, or proceeding instituted by him or her, sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address of the respondent or defendant on file with the director. In any judicial action, suit, or proceeding arising under this chapter or any rule or order adopted under this chapter between the department or director and a licensed mortgage broker who does not maintain a physical office in this state, venue shall be exclusively in the superior court of Thurston county. (5) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 880.** A new section is added to chapter 75.25 RCW to read as follows: (1) Licenses issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order or residential or visitation order. Fisheries patrol officers, ex officio fisheries patrol officers, and authorized fisheries employees shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(7) shall be prima facie evidence that the individual is in noncompliance with a support order or residential or visitation order. Presentation of a written release issued by the department of social and health services or a court stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order, residential order, or visitation order. (2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended. **NEW SECTION. Sec. 881.** A new section is added to chapter 77.32 RCW to read as follows: (1) Licenses, tags, and stamps issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order or residential or visitation order. Wildlife agents and ex officio wildlife agents shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(7) shall be prima facie evidence that the individual is in noncompliance with a support order or residential or visitation order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order, residential order, or visitation order. (2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended. **NEW SECTION. Sec. 882.** A new section is added to chapter 75.28 RCW to read as follows: (1) The department shall immediately suspend the license of a person who has been certified pursuant to section 402 of this act by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. (2) A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(7) shall be prima facie evidence that the individual is in noncompliance with a support order or residential or visitation order. Presentation of a written release issued by the department of social and health services or a court stating that the person is in compliance with an order shall serve as proof of compliance. **Sec. 883.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to read as follows: (1) Except as otherwise provided by this title, it is unlawful to engage in any of the following activities without a license or permit issued by the director: (a) Commercially fish for or take food fish or shellfish; (b) Deliver food fish or shellfish taken in offshore waters; (c) Operate a charter boat or commercial fishing vessel engaged in a fishery; (d) Engage in processing or wholesaling food fish or shellfish; or (e) Act as a guide for salmon for personal use in freshwater rivers and streams, other than that part of the Columbia river below the bridge at Longview. (2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, and the person is the named license holder or an alternate operator designated on the license and the person's license is not suspended. (3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent. (4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules. **NEW SECTION. Sec. 884.** A new section is added to chapter 75.30 RCW to read as follows: (1) A license renewed under the provisions of this chapter that has been suspended under section 882 of this act shall be subject to the following provisions: (a) A license renewal fee shall be paid as a condition of maintaining a current license; and (b) The department shall waive any other license requirements, unless the department determines that the license holder has had sufficient opportunity to meet these requirements. (2) The provisions of subsection (1) of this section shall apply only to a license that has been suspended under section 882 of this act for a period of twelve months or less. A license holder shall forfeit a license subject to this chapter and may not recover any license renewal fees previously paid if the license holder does not meet the requirements of section 802(9) of this act within twelve months of license suspension. **NEW SECTION. Sec. 885.** (1) The director of the department of fish and wildlife and the director of the department of information services shall jointly develop a comprehensive, state-wide implementation plan for the automated issuance, revocation, and general administration of hunting, fishing, and recreational licenses administered under the authority of the department of fish and wildlife to ensure compliance with the license suspension requirements in section 802 of this act. (2) The plan shall detail the implementation steps necessary to effectuate the automated administration of hunting, fishing, and recreational licenses and shall include recommendations regarding all costs and equipment associated with the plan. (3) The plan shall be submitted to the legislature for review by September 1, 1997. **NEW SECTION. Sec. 886.** A new section is added to chapter 26.09 RCW to read as follows: (1) Unless the context clearly requires otherwise, the definitions in this section apply in this section. (a) "License" means a license, certificate, registration, permit, approval, or other similar

document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, or industry. "License" does not mean the tax registration or certification issued under Title 82 RCW by the department of revenue. (b) "Licensee" means any individual holding a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, or industry. (c) "Licensing entity" includes any department, board, commission, or other organization of the state authorized to issue, renew, suspend, or revoke a license authorizing an individual to engage in a business, occupation, profession, or industry, and the Washington state bar association. (d) "Noncompliance with a residential or visitation order" means that a court has found the parent in contempt of court, under RCW 26.09.160 for failure to comply with a residential provision of a court-ordered parenting plan on two occasions within three years. (e) "Residential or visitation order" means the residential schedule or visitation schedule contained in a court-ordered parenting plan. (2) If a court determines under RCW 26.09.160 that a parent is not in compliance with a provision of a residential or visitation order under RCW 26.09.160, the court shall enter an order directed to the department of social and health services to certify the parent as in noncompliance with a residential or visitation order. The order shall contain the noncomplying parent's name, address, and social security number, and shall indicate whether the obligor is believed to be a licensee of any licensing entity. The court clerk shall forward the order to the department of social and health services. (3) Once the parent whose license is suspended has complied with the requirements of the court's order under RCW 26.09.160, or at an earlier date if the court deems it appropriate, the parent whose license is suspended may petition the court to set a review hearing to determine whether the noncomplying parent is in compliance with the residential or visitation order. If the court determines that the parent is in compliance with the residential or visitation order, the court shall enter an order directing the department of social and health services to issue a release to the parent and to the appropriate license entities. **Sec. 887.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to read as follows: (1) The performance of parental functions and the duty to provide child support are distinct responsibilities in the care of a child. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit contact with children is not suspended. An attempt by a parent, in either the negotiation or the performance of a parenting plan, to condition one aspect of the parenting plan upon another, to condition payment of child support upon an aspect of the parenting plan, to refuse to pay ordered child support, to refuse to perform the duties provided in the parenting plan, or to hinder the performance by the other parent of duties provided in the parenting plan, shall be deemed bad faith and shall be punished by the court by holding the party in contempt of court and by awarding to the aggrieved party reasonable attorneys' fees and costs incidental in bringing a motion for contempt of court. (2)(a) A motion may be filed to initiate a contempt action to coerce a parent to comply with an order establishing residential provisions for a child. If the court finds there is reasonable cause to believe the parent has not complied with the order, the court may issue an order to show cause why the relief requested should not be granted. (b) If, based on all the facts and circumstances, the court finds after hearing that the parent, in bad faith, has not complied with the order establishing residential provisions for the child, the court shall find the parent in contempt of court. Upon a finding of contempt, the court shall order: (i) The noncomplying parent to provide the moving party additional time with the child. The additional time shall be equal to the time missed with the child, due to the parent's noncompliance; (ii) The parent to pay, to the moving party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; and (iii) The parent to pay, to the moving party, a civil penalty, not less than the sum of one hundred dollars. The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order, but in no event for more than one hundred eighty days. (3) On a second failure within three years to comply with a residential provision of a court-ordered parenting plan, a motion may be filed to initiate contempt of court proceedings according to the procedure set forth in subsection (2) (a) and (b) of this section. On a finding of contempt under this subsection, the court shall ~~((order))~~ enter any combination of the following orders: (a) Order the noncomplying parent to provide the other parent or party additional time with the child. The additional time shall be twice the amount of the time missed with the child, due to the parent's noncompliance; (b) Order the noncomplying parent to pay, to the other parent or party, all court costs and reasonable attorneys' fees incurred as a result of the noncompliance, and any reasonable expenses incurred in locating or returning a child; ~~((and))~~ (c) Order the noncomplying parent to pay, to the moving party, a civil penalty of not less than two hundred fifty dollars; or (d) Enter an order under section 886 of this act directed to the department of social and health services to certify the parent as in noncompliance for the purposes of section 802 of this act. The court may also order the parent to be imprisoned in the county jail, if the parent is presently able to comply with the provisions of the court-ordered parenting plan and is presently unwilling to comply. The parent may be imprisoned until he or she agrees to comply with the order but in no event for more than one hundred eighty days. (4) For purposes of subsections (1), (2), and (3) of this section, the parent shall be deemed to have the present ability to comply with the order establishing residential provisions unless he or she establishes otherwise by a preponderance of the evidence. The parent shall establish a reasonable excuse for failure to comply with the residential provision of a court-ordered parenting plan by a preponderance of the evidence. (5) Any monetary award ordered under subsections (1), (2), and (3) of this section may be enforced, by the party to whom it is awarded, in the same manner as a civil judgment. (6) Subsections (1), (2), and (3) of this section authorize the exercise of the court's power to impose remedial sanctions for contempt of court and is in addition to any other contempt power the court may possess. (7) Upon motion for contempt of court under subsections (1) through (3) of this section, if the court finds the motion was brought without reasonable basis, the court shall order the moving party to pay to the nonmoving party, all costs, reasonable attorneys' fees, and a civil penalty of not less than one hundred dollars. **Sec. 888.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to read as follows: (1) If the ~~((office of support enforcement))~~ division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation: (a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry; (b) A statement that ~~((a notice of payroll deduction may be issued, or other income withholding action under chapter 26.18 or 74.20A RCW may be taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless: (i) One of the

parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or (ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~((and))~~ (c) A statement that the receiving parent might be required to submit an accounting of how the support is being spent to benefit the child; and (d) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in section 802 of this act. As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support. (2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties. (a) The superior court shall include in all orders under this subsection that establish or modify a support obligation: (i) A statement that ~~((a notice of payroll deduction may be issued or other income))~~ withholding action ~~((under chapter 26.18 or 74.20A RCW))~~ may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless: (A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or (B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; and (ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child. As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate. (b) The superior court may order immediate or delayed income withholding as follows: (i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW. (ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that ~~((a notice of payroll deduction may be issued, or other income withholding action under chapter 26.18 or 74.20A RCW may be taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due. (c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the ~~((office of support enforcement))~~ division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the ~~((office of support enforcement's))~~ division of child support's subsequent service of an income withholding notice. (3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in section 802 of this act. All administrative orders shall also state that ~~((a notice of payroll deduction may be issued, or other income withholding action taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless: (a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or (b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate arrangement. (4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that ~~((a notice of payroll deduction may be issued))~~ withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the ~~((office of support enforcement))~~ division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt. (5) Every support order shall state: (a) The address where the support payment is to be sent; (b) That ~~((a notice of payroll deduction may be issued or other income withholding action under chapter 26.18 or 74.20A RCW may be taken))~~ withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of ~~((an order by the court))~~ a support order, unless: (i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or (ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; (c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based; (d) The support award as a sum certain amount; (e) The specific day or date on which the support payment is due; (f) The social security number, residence address, date of birth, telephone number, driver's license number, and name and address of the employer of the responsible parent; (g) The social security number and residence address of the physical custodian except as provided in subsection (6) of this section; (h) The names, dates of birth, and social security numbers, if any, of the dependent children; (i) ~~((In cases requiring payment to the Washington state support registry, that the parties are to notify the Washington state support registry of any change in residence address. The responsible parent shall notify the registry of the name and address of his or her current employer.))~~ A provision requiring the responsible parent to keep the Washington state support registry informed of whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information; (j) That any parent owing a duty of child support shall be obligated to provide health insurance coverage for his or her child if coverage that can be extended to cover the child is or becomes available to that parent through employment or is union-related as provided under RCW 26.09.105; (k) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the obligee or the department may seek direct enforcement of the coverage through the obligor's employer or union without further notice to the obligor as provided under chapter 26.18 RCW; ~~((and))~~ (l) The reasons for not ordering



health insurance coverage if the order fails to require such coverage; and (m) That the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in section 802 of this act. (6) The physical custodian's address: (a) Shall be omitted from an order entered under the administrative procedure act. When the physical custodian's address is omitted from an order, the order shall state that the custodian's address is known to the ~~((office of support enforcement))~~ division of child support. (b) A responsible parent may request the physical custodian's residence address by submission of a request for disclosure under RCW 26.23.120 to the ~~((office of support enforcement))~~ division of child support. (7) ~~((The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation which provide that support payments shall be made to the support registry. If a superior court order entered prior to January 1, 1988, directs the responsible parent to make support payments to the clerk, the clerk shall send a true and correct copy of the support order and the payment record to the registry for enforcement action when the clerk identifies that a payment is more than fifteen days past due. The office of support enforcement shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the social security act. (8) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who have not made a written application for support enforcement services to the office of support enforcement and who are not recipients of public assistance is deemed to be a request for payment services only. (9))~~) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section. **Sec. 889.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to read as follows: The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF . . . . .

Obligee No. . . . . vs. , WAGE ASSIGNMENT Obligor ORDER , Employer  
THE STATE OF WASHINGTON TO:

Employer

AND TO:

Obligor

The above-named obligee claims that the above-named obligor is subject to a support order requiring immediate income withholding or is more than fifteen days past due in either child support or spousal maintenance payments, or both, in an amount equal to or greater than the child support or spousal maintenance payable for one month. The amount of the accrued child support or spousal maintenance debt as of this date is . . . . . dollars, the amount of arrearage payments specified in the support or spousal maintenance order (if applicable) is . . . . . dollars per . . . . ., and the amount of the current and continuing support or spousal maintenance obligation under the order is . . . . . dollars per . . . . .

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you. If you possess any earnings or other remuneration for employment due and owing to the obligor, then you shall do as follows: (1) Withhold from the obligor's earnings or remuneration each month, or from each regular earnings disbursement, the lesser of: (a) The sum of the accrued support or spousal maintenance debt and the current support or spousal maintenance obligation; (b) The sum of the specified arrearage payment amount and the current support or spousal maintenance obligation; or (c) Fifty percent of the disposable earnings or remuneration of the obligor. (2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor. (3) Upon receipt of this wage assignment order you shall make immediate deductions from the obligor's earnings or remuneration and remit to the Washington state support registry or other address specified below the proper amounts at each regular pay interval. You shall continue to withhold the ordered amounts from nonexempt earnings or remuneration of the obligor until notified by: (a) The court that the wage assignment has been modified or terminated; or (b) The addressee specified in the wage assignment order under this section that the accrued child support or spousal maintenance debt has been paid. You shall promptly notify the court and the addressee specified in the wage assignment order under this section if and when the employee is no longer employed by you, or if the obligor no longer receives earnings or remuneration from you. If you no longer employ the employee, the wage assignment order shall remain in effect for one year after the employee has left your employment or you are no longer in possession of any earnings or remuneration owed to the employee, whichever is later. You shall continue to hold the wage assignment order during that period. If the employee returns to your employment during the one-year period you shall immediately begin to withhold the employee's earnings according to the terms of the wage assignment order. If the employee has not returned to your employment within one year, the wage assignment will cease to have effect at the expiration of the one-year period, unless you still owe the employee earnings or other remuneration. You shall deliver the withheld earnings or remuneration to the Washington state support registry or other address stated below at each regular pay interval. You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support or spousal maintenance, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR

TERMINATE THE WAGE ASSIGNMENT ORDER. REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT RENEWED A PROFESSIONAL, DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT EXCEEDS SIX MONTHS OF PAYMENTS.

DATED THIS . . . . day of . . . ., 19. . .

Obligee, Judge/Court Commissioner or obligee's attorney Send withheld payments to:

**Sec. 890.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to read as follows: (1) The ~~((office of support enforcement))~~ division of child support may issue a notice of payroll deduction: (a) As authorized by a support order that contains ~~((the income withholding notice provisions in RCW 26.23.050 or a substantially similar notice))~~ a notice clearly stating that child support may be collected by withholding from earnings, wages, or benefits without further notice to the obligated parent; or (b) After service of a notice containing an income-withholding provision under this chapter or chapter 74.20A RCW. (2) The ~~((office of support enforcement))~~ division of child support shall serve a notice of payroll deduction upon a responsible parent's employer or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW ~~((by personal service or by any form of mail requiring a return receipt))~~: (a) In the manner prescribed for the service of a summons in a civil action; (b) By certified mail, return receipt requested; or (c) By electronic means if there is an agreement between the secretary and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means. (3) Service of a notice of payroll deduction upon an employer or employment security department requires the employer or employment security department to immediately make a mandatory payroll deduction from the responsible parent's unpaid disposable earnings or unemployment compensation benefits. The employer or employment security department shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent's disposable earnings. (4) A notice of payroll deduction for support shall have priority over any wage assignment, garnishment, attachment, or other legal process. (5) The notice of payroll deduction shall be in writing and include: (a) The name and social security number of the responsible parent; (b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction; (c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings; ~~((and))~~ (d) The address to which the payments are to be mailed or delivered; and (e) A notice to the responsible parent warning the responsible parent that, despite the payroll deduction, the responsible parent's privileges to obtain and maintain a license, as defined in section 802 of this act, may not be renewed, or may be suspended if the parent is not in compliance with a support order as defined in section 802 of this act. (6) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail. (7) An employer or employment security department that receives a notice of payroll deduction shall make immediate deductions from the responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry on each date the responsible parent is due to be paid. (8) An employer, or the employment security department, upon whom a notice of payroll deduction is served, shall make an answer to the ~~((office of support enforcement))~~ division of child support within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives unemployment compensation benefits from the employment security department, whether the employer or employment security department anticipates paying earnings or unemployment compensation benefits and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving unemployment compensation benefits from the employment security department, the answer shall state the present employer's name and address, if known. (9) The employer or employment security department may deduct a processing fee from the remainder of the responsible parent's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry. (10) The notice of payroll deduction shall remain in effect until released by the ~~((office of support enforcement))~~ division of child support, the court enters an order terminating the notice and approving an alternate arrangement under RCW 26.23.050~~((2))~~, or one year has expired since the employer has employed the responsible parent or has been in possession of or owing any earnings to the responsible parent or the employment security department has been in possession of or owing any unemployment compensation benefits to the responsible parent. (11) The division of child support may use uniform interstate withholding forms adopted by the United States department of health and human services to take withholding actions under this section when the responsible parent is receiving earnings or unemployment compensation in another state.

#### **B. CHILD SUPPORT ENFORCEMENT**

**Sec. 891.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to read as follows: (1) Whenever the department ~~((of social and health services))~~ receives an application for public assistance on behalf of a child, the department shall take appropriate action under the provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys. (2) The secretary may accept a request for support enforcement services on behalf of persons who are not recipients of public assistance and may take appropriate action to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Requests accepted under this subsection may be conditioned upon the payment of a fee as required through regulation issued by the secretary. ~~((Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations.))~~ The secretary may establish by

regulation, reasonable standards and qualifications for support enforcement services under this subsection. (3) The secretary may accept requests for support enforcement services from child support enforcement agencies in other states operating child support programs under Title IV-D of the social security act or from foreign countries, and may take appropriate action to establish and enforce support obligations, or to enforce subpoenas, information requests, orders for genetic testing, and collection actions issued by the other agency against the parent or other person owing a duty to pay support moneys, the parent or other person's employer, or any other person or entity properly subject to child support collection or information-gathering processes. The request shall contain and be accompanied by such information and documentation as the secretary may by rule require, and be signed by an authorized representative of the agency. The secretary may adopt rules setting forth the duration and nature of services provided under this subsection. (4) The department may take action to establish, enforce, and collect a support obligation, including performing related services, under this chapter and chapter 74.20A RCW, or through the attorney general or prosecuting attorney for action under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state. (5) Whenever a support order is filed with the Washington state support registry under chapter 26.23 RCW, the department may take appropriate action under the provisions of this chapter, chapter 26.23 or 74.20A RCW, or other appropriate law of this state to establish or enforce the support obligations contained in that order against the responsible parent or other persons owing a duty to pay support moneys. (6) The secretary may charge and collect a fee from the person obligated to pay support to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The fee charged shall be in addition to the support obligation. In no event may any moneys collected by the department (~~of social and health services~~) from the person obligated to pay support be retained as satisfaction of fees charged until all current support obligations have been satisfied. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to any person obligated to pay support. The secretary may, on showing of necessity, waive or defer any such fee. (7) Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations. (8) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed. (9) The secretary shall adopt rules conforming to federal laws, rules, and regulations required to be observed in maintaining the state child support enforcement program required under Title IV-D of the federal social security act. The adoption of these rules shall be calculated to promote the cost-effective use of the agency's resources and not otherwise cause the agency to divert its resources from its essential functions. **NEW SECTION. Sec. 892.** A new section is added to chapter 74.20A RCW to read as follows: **CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--COLLECTION AS CHILD SUPPORT.** (1) If a person or entity not entitled to child support payments wrongfully or negligently retains child support payments owed to another or to the Washington state support registry, those payments retain their character as child support payments and may be collected by the division of child support using any remedy available to the division of child support under Washington law for the collection of child support. (2) Child support moneys subject to collection under this section may be collected for the duration of the statute of limitations as it applies to the support order governing the support obligations, and any legislative or judicial extensions thereto. (3) This section applies to the following: (a) Cases in which an employer or other entity obligated to withhold child support payments from the parent's pay, bank, or escrow account, or from any other asset or distribution of money to the parent, has withheld those payments and failed to remit them to the payee; (b) Cases in which child support moneys have been paid to the wrong person or entity in error; (c) Cases in which child support recipients have retained child support payments in violation of a child support assignment executed or arising by operation of law in exchange for the receipt of public assistance; and (d) Any other case in which child support payments are retained by a party not entitled to them. (4) This section does not apply to fines levied under section 893(3)(b) of this act. **NEW SECTION. Sec. 893.** A new section is added to chapter 74.20A RCW to read as follows: **NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--LIABILITY.** (1) The division of child support may issue a notice of noncompliance to any person, firm, entity, or agency of state or federal government that the division believes is not complying with: (a) A notice of payroll deduction issued under chapter 26.23 RCW; (b) A lien, order to withhold and deliver, or assignment of earnings issued under this chapter; (c) Any other wage assignment, garnishment, attachment, or withholding instrument properly served by the agency or firm providing child support enforcement services for another state, under Title IV-D of the federal social security act; (d) A subpoena issued by the division of child support, or the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act; (e) An information request issued by the division of child support, or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, to an employer or entity required to respond to such requests under section 897 of this act; or (f) The duty to report newly hired employees imposed by RCW 26.23.040. (2) Liability for noncompliance with a wage withholding, garnishment, order to withhold and deliver, or any other lien or attachment issued to secure payment of child support is governed by RCW 26.23.090 and 74.20A.100, except that liability for noncompliance with remittance time frames is governed by subsection (3) of this section. (3) The division of child support may impose fines of up to one hundred dollars per occurrence for: (a) Noncompliance with a subpoena or an information request issued by the division of child support, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act; (b) Noncompliance with the required time frames for remitting withheld support moneys to the Washington state support registry, or the agency or firm providing child support enforcement services for another state, except that no liability shall be established for failure to make timely remittance unless the division of child support has provided the person, firm, entity, or agency of state or federal government with written warning: (i) Explaining the duty to remit withheld payments promptly; (ii) Explaining the potential for fines for delayed submission; and (iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or federal government may seek assistance with child support withholding issues. (4) The division of child support may assess fines according to RCW 26.23.040 for failure to comply with employer reporting requirements. (5) The division of child support may suspend licenses for failure to comply with a subpoena issued under section 898 of this act. (6) The division of child support may serve a notice of

noncompliance by personal service or by any method of mailing requiring a return receipt. (7) The liability asserted by the division of child support in the notice of noncompliance becomes final and collectible on the twenty-first day after the date of service, unless within that time the person, firm, entity, or agency of state or federal government: (a) Initiates an action in superior court to contest the notice of noncompliance; (b) Requests a hearing by delivering a hearing request to the division of child support in accordance with rules adopted by the secretary under this section; or (c) Contacts the division of child support and negotiates an alternate resolution to the asserted noncompliance or demonstrates that the person, firm, entity, or agency of state or federal government has complied with the child support processes. (8) The notice of noncompliance shall contain: (a) A full and fair disclosure of the rights and obligations created by this section; and (b) Identification of the: (i) Child support process with respect to which the division of child support is alleging noncompliance; and (ii) State child support enforcement agency issuing the original child support process. (9) In an administrative hearing convened under subsection (7)(b) of this section, the presiding officer shall determine whether or not, and to what extent, liability for noncompliance exists under this section, and shall enter an order containing these findings. If liability does exist, the presiding officer shall include language in the order advising the parties to the proceeding that the liability may be collected by any means available to the division of child support under subsection (12) of this section without further notice to the liable party. (10) Hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. (11) After the twenty days following service of the notice, the person, firm, entity, or agency of state or federal government may petition for a late hearing. A petition for a late hearing does not stay any collection action to recover the debt. A late hearing is available upon a showing of any of the grounds stated in civil rule 60 for the vacation of orders. (12) The division of child support may collect any obligation established under this section using any of the remedies available under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the collection of child support. (13) The division of child support may enter agreements for the repayment of obligations under this section. Agreements may: (a) Suspend the obligation imposed by this section conditioned on future compliance with child support processes. Such suspension shall end automatically upon any failure to comply with a child support process. Amounts suspended become fully collectible without further notice automatically upon failure to comply with a child support process; (b) Resolve amounts due under this section and provide for repayment. (14) The secretary may adopt rules to implement this section. **Sec. 894.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to read as follows: (1) The employer shall be liable to the Washington state support registry, or to the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act and issuing a notice, garnishment, or wage assignment attaching wages or earnings in satisfaction of a support obligation, for one hundred percent of the amount of the support debt, or the amount of support moneys which should have been withheld from the employee's earnings, whichever is the lesser amount, if the employer: (a) Fails or refuses, after being served with a notice of payroll deduction, or substantially similar action issued by the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act, to deduct and promptly remit from unpaid earnings the amounts of money required in the notice; (b) Fails or refuses to submit an answer to the notice of payroll deduction, or substantially similar action issued by the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act, after being served; or (c) Is unwilling to comply with the other requirements of RCW 26.23.060. (2) Liability may be established in superior court or may be established pursuant to ((RCW 74.20A.270)) section 893 of this act. Awards in superior court and in actions pursuant to ((RCW 74.20A.270)) section 893 of this act shall include costs, interest under RCW 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs as a part of the award. Debts established pursuant to this section may be collected ((pursuant to chapter 74.20A RCW utilizing any of the remedies contained in that chapter)) by the division of child support using any of the remedies available under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the collection of child support. **Sec. 895.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to read as follows: (1) Any person, firm, corporation, association, political subdivision or department of the state shall be liable to the department, or to the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act and issuing a notice, garnishment, or wage assignment attaching wages or earnings in satisfaction of a support obligation, in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of earnings, or the amount that should have been withheld, whichever amount is less, together with costs, interest, and reasonable attorney fees if that person or entity: (a) Fails to answer an order to withhold and deliver, or substantially similar action issued by the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act, within the time prescribed herein; (b) Fails or refuses to deliver property pursuant to said order; (c) After actual notice of filing of a support lien, pays over, releases, sells, transfers, or conveys real or personal property subject to a support lien to or for the benefit of the debtor or any other person; (d) Fails or refuses to surrender property distrained under RCW 74.20A.130 upon demand; or (e) Fails or refuses to honor an assignment of earnings presented by the secretary. (2) The secretary is authorized to issue a notice of ((debt pursuant to RCW 74.20A.040 and to take appropriate action to collect the debt under this chapter if: (a) A judgment has been entered as the result of an action in superior court against a person, firm, corporation, association, political subdivision, or department of the state based on a violation of this section; or (b) Liability has been established under RCW 74.20A.270)) noncompliance under section 893 of this act or to proceed in superior court to obtain a judgment for noncompliance under this section. **Sec. 896.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156 are each reenacted and amended to read as follows: (1) The secretary may issue a notice of ((noncompliance)) retained support or notice to recover a support payment to any person((, firm, corporation, association, or political subdivision of the state of Washington or any officer or agent thereof who has violated chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040,)); (a) Who is in possession of support moneys, or who has had support moneys in his or her possession at some time in the past, which support moneys were or are claimed by the department as the property of the department by assignment, subrogation, or by operation of law or legal process under chapter 74.20A RCW((, if the support moneys have not been remitted to the department as required by law)); (b) Who has received a support payment erroneously directed to the wrong payee, or issued by the department in error; or (c) Who is in possession of a support payment obtained through the internal revenue service tax refund offset process, which payment was later reclaimed from the department by the internal revenue service as a result of an amended tax return filed by the obligor or the obligor's spouse. (2) The notice shall ((describe the claim of the department, stating)) state the legal basis for the claim and shall provide sufficient detail to enable the person((, firm, corporation, association, or political subdivision or officer or agent thereof upon whom service is made)) to identify the support moneys in issue ((or the specific violation of RCW 74.20A.100 that has occurred--

The notice may also make inquiry as to relevant facts necessary to the resolution of the issue)). (3) The department shall serve the notice ((may be served)) by certified mail, return receipt requested, or in the manner of a summons in a civil action. ((Upon service of the notice all moneys not yet disbursed or spent or like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any adjudicative proceeding.)) (4) The amounts claimed in the notice ((shall be answered under oath and in writing within twenty days of the date of service, which answer shall include true answers to the matters inquired of in the notice. The answer shall also either acknowledge)) shall become assessed, determined, and subject to collection twenty days from the date of service of the notice unless within those twenty days the person in possession of the support moneys: (a) Acknowledges the department's right to the moneys ((or application for)) and executes an agreed settlement providing for repayment of the moneys; or (b) Requests an adjudicative proceeding to ((contest the allegation that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been violated, or)) determine the rights to ownership of the support moneys in issue. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. The burden of proof to establish ownership of the support moneys claimed((-including but not limited to moneys not yet disbursed or spent,)) is on the department. ((If no answer is made within the twenty days, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW 26.23.040. Any such debtor)) (5) After the twenty-day period, a person served with a notice under this section may, at any time within one year from the date of service of the notice of support debt, petition the secretary or the secretary's designee for an adjudicative proceeding upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60. A copy of the petition shall also be served on the department. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending the final administrative order. Any such moneys held and/or taken by collection action ((prior to)) after the date of any such stay ((and any support moneys claimed by the department, including moneys to be received in the future to which the department may have a claim,)) shall be held ((in trust)) by the department pending the final order, to be disbursed in accordance with the final order. ((The secretary or the secretary's designee shall condition the stay to provide for the trust. If the petition is granted the issue in the proceeding is limited to the determination of the ownership of the moneys claimed in the notice of debt. The right to an adjudicative proceeding is conditioned upon holding of any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings. The presiding or reviewing officer shall enter an appropriate order providing for the terms of the trust.)) (6) If the debtor fails to attend or participate in the hearing or other stage of an adjudicative proceeding, the presiding officer shall, upon showing of valid service, enter an order declaring the amount of support moneys, as claimed in the notice, to be assessed and determined and subject to collection action. (7) The department may take action to collect an obligation established under this section using any remedy available under this chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection of child support. (8) If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in an adjudicative proceeding, the judgment shall supersede the final administrative order. ((Any debt determined by the superior court in excess of the amount determined by the final administrative order shall be the property of the department as assigned under 42 U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or 74.20.330.)) The department may((-despite any final administrative order,)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain such a judgment or to collect moneys determined by such a judgment to be due and owing. ((If public assistance moneys have been paid to a parent for the benefit of that parent's minor dependent children, debt under this chapter shall not be incurred by nor at any time be collected from that parent because of that payment of assistance. Nothing in this section prohibits or limits the department from acting pursuant to RCW 74.20.320 and this section to assess a debt against a recipient or ex recipient for receipt of support moneys paid in satisfaction of the debt assigned under RCW 74.20.330 which have been assigned to the department but were received by a recipient or ex recipient from another responsible parent and not remitted to the department. To collect these wrongfully retained funds from the recipient, the department may not take collection action in excess of ten percent of the grant payment standard during any month the public assistance recipient remains in that status unless required by federal law.)) (9) If a person owing a debt established under this section is receiving public assistance, the department may collect the debt by offsetting up to ten percent of the grant payment received by the person. No collection action may be taken against the earnings of a person receiving cash public assistance to collect a debt assessed under this section. (10) Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under this section. **NEW SECTION. Sec. 897.** A new section is added to chapter 74.20A RCW to read as follows: **ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY.** (1) Notwithstanding any other provision of Washington law, the division of child support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act may access records of the following nature, in the possession of any agency or entity listed in this section: (a) Records of state and local agencies, including but not limited to: (i) The state registrar, including but not limited to records of birth, marriage, and death; (ii) Tax and revenue records, including, but not limited to, information on residence addresses, employers, and assets; (iii) Records concerning real and titled personal property; (iv) Records of occupational, professional, and recreational licenses and records concerning the ownership and control of corporations, partnerships, and other business entities; (v) Employment security records; (vi) Records of agencies administering public assistance programs; and (vii) Records of the department of corrections, and of county and municipal correction or confinement facilities; (b) Records of public utilities and cable television companies relating to persons who owe or are owed support, or against whom a support obligation is sought, including names and addresses of the individuals, and employers' names and addresses pursuant to section 898 of this act and RCW 74.20A.120; and (c) Records held by financial institutions, pursuant to section 899 of this act. (2) Upon the request of the division of child support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the social security act, any employer shall provide information as to the employment, earnings, benefits, and residential address and phone number of any employee. (3) Entities in possession of records described in subsection (1)(a) and (c) of this section must provide information and records upon the request of the division of child support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act. The division of child support may enter into agreements providing for electronic access to these records. (4) Public utilities and cable television companies must provide the information in response to a judicial or administrative subpoena issued by the division of child

support, the Washington state support registry, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act. (5) Entities responding to information requests and subpoenas under this section are not liable for disclosing information pursuant to the request or subpoena. (6) The division of child support shall maintain all information gathered under this section confidential and shall only disclose this information as provided under RCW 26.23.120. (7) The division of child support may impose fines for noncompliance with this section using the notice of noncompliance under section 893 of this act. **NEW SECTION. Sec. 898.** A new section is added to chapter 74.20 RCW to read as follows: **SUBPOENA AUTHORITY--ENFORCEMENT.** In carrying out the provisions of this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the secretary and other duly authorized officers of the department may subpoena witnesses, take testimony, and compel the production of such papers, books, records, and documents as they may deem relevant to the performance of their duties. The division of child support may enforce subpoenas issued under this power according to section 893 of this act. **NEW SECTION. Sec. 899.** A new section is added to chapter 74.20A RCW to read as follows: **FINANCIAL INSTITUTION DATA MATCHES.** (1) Each calendar quarter financial institutions doing business in the state of Washington shall report to the department the name, record address, social security number or other taxpayer identification number, and other information determined necessary by the department for each individual who maintains an account at such institution and is identified by the department as owing a support debt. (2) The department and financial institutions shall enter into agreements to develop and operate a data match system, using automated data exchanges to the extent feasible, to minimize the cost of providing information required under subsection (1) of this section. (3) The department may pay a reasonable fee to a financial institution for conducting the data match not to exceed the actual costs incurred. (4) A financial institution is not liable for any disclosure of information to the department under this section. (5) The division of child support shall maintain all information gathered under this section confidential and shall only disclose this information as provided under RCW 26.23.120. **Sec. 900.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows: (1) The following are exempt from public inspection and copying: (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients. (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer. (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath. (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination. (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal. (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss. (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action. (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user. (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070. (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter. (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035. (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW. (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095. (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency. (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department. (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant. (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order. (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW

maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9). (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090. (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420. (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW. (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information. (bb) Financial and valuable trade information under RCW 51.36.120. (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030. (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. (ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. (ff) Business related information protected from public inspection and copying under RCW 15.86.110. (gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW. (hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents. (ii) Personal information in files maintained in a data base created under RCW 43.07.360. (2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function. (4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. **NEW SECTION. Sec. 901.** A new section is added to chapter 74.20 RCW to read as follows: **ORDERS FOR GENETIC TESTING.** (1) The division of child support may issue an order for genetic testing when providing services under this chapter and Title IV-D of the federal social security act if genetic testing: (a) Is appropriate in an action under chapter 26.26 RCW, the uniform parentage act; (b) Is appropriate in an action to establish support under RCW 74.20A.056; or (c) Would assist the parties or the division of child support in determining whether it is appropriate to proceed with an action to establish or disestablish paternity. (2) The order for genetic testing shall be served on the alleged parent or parents and the legal parent by personal service or by any form of mail requiring a return receipt. (3) Within twenty days of the date of service of an order for genetic testing, any party required to appear for genetic testing, the child, or a guardian on the child's behalf, may petition in superior court under chapter 26.26 RCW to bar or postpone genetic testing. (4) The order for genetic testing shall contain: (a) An explanation of the right to proceed in superior court under subsection (3) of this section; (b) Notice that if no one proceeds under subsection (3) of this section, the agency issuing the order will schedule genetic testing and will notify the parties of the time and place of testing by regular mail; (c) Notice that the parties must keep the agency issuing the order for genetic testing informed of their residence address and that mailing a notice of time and place for genetic testing to the last known address of the parties by regular mail constitutes valid service of the notice of time and place; (d) Notice that the order for genetic testing may be enforced through: (i) Public assistance grant reduction for noncooperation, pursuant to agency rule, if the child and custodian are receiving public assistance; (ii) Termination of support enforcement services under Title IV-D of the federal social security act if the child and custodian are not receiving public assistance; (iii) A referral to superior court for an appropriate action under chapter 26.26 RCW; or (iv) A referral to superior court for remedial sanctions under RCW 7.21.060. (5) The department may advance the costs of genetic testing under this section. (6) If an action is pending under chapter 26.26 RCW, a judgment for reimbursement of the cost of genetic testing may be awarded under RCW 26.26.100. (7) If no action is pending in superior court, the department may impose an obligation to reimburse costs of genetic testing according to rules adopted by the department to implement RCW 74.20A.056. **Sec. 902.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to read as follows: (1) The ~~((office of support enforcement))~~ division of child support, Washington state support registry, shall provide support enforcement services under the following circumstances: (a) Whenever public assistance under RCW 74.20.330 is paid; (b) ~~((Whenever a request for nonassistance support enforcement services under RCW 74.20.040(2) is received; (c)))~~ Whenever a request for support enforcement services under RCW 74.20.040((3)) is received; ((d)) (c) When a support order which contains language directing a responsible parent to make support payments to the Washington state support registry under RCW 26.23.050 is submitted and the division of child support receives a written application for services or is already providing services; ((e) When a support order is forwarded to the Washington state support registry by the clerk of a superior court under RCW 26.23.050(5); (f)) (d) When the obligor submits a support order or support payment, and an application, to the Washington state support registry. (2) The ~~((office of support enforcement))~~ division of child support shall continue to provide support enforcement services for so long as and under such conditions as the department shall establish by regulation or until the superior court enters an order

removing the requirement that the obligor make support payments to the Washington state support registry as provided for in RCW 26.23.050((2)). **NEW SECTION. Sec. 903.** A new section is added to chapter 26.23 RCW to read as follows: **STATE CASE REGISTRY--SUBMISSION OF ORDERS.** (1) The division of child support, Washington state support registry shall operate a state case registry containing records of all orders establishing or modifying a support order that are entered after October 1, 1998. (2) The superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry, a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation that provide that support payments shall be made to the support registry. (3) The division of child support shall reimburse the clerk for the reasonable costs of copying and sending copies of court orders to the registry at the reimbursement rate provided in Title IV-D of the federal social security act. (4) Effective October 1, 1998, the superior court clerk, the office of administrative hearings, and the department of social and health services shall, within five days of entry, forward to the Washington state support registry a true and correct copy of all superior court orders or administrative orders establishing or modifying a support obligation. (5) Receipt of a support order by the registry or other action under this section on behalf of a person or persons who have not made a written application for support enforcement services to the division of child support and who are not recipients of public assistance is deemed to be: (a) A request for payment services only if the order requires payment to the Washington state support registry; (b) A submission for inclusion in the state case registry if the order does not require that support payments be made to the Washington state support registry. **NEW SECTION. Sec. 904.** A new section is added to chapter 26.23 RCW to read as follows: **ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO UPDATE--PROVISIONS REGARDING SERVICE.** (1) Each party to a paternity or child support proceeding must provide the court and the Washington state child support registry with his or her: (a) Social security number; (b) Current residential address; (c) Date of birth; (d) Telephone number; (e) Driver's license number; and (f) Employer's name, address, and telephone number. (2) Each party to an order entered in a child support or paternity proceeding shall update the information required under subsection (1) of this section promptly after any change in the information. The duty established under this section continues as long as any monthly support or support debt remains due under the support order. (3) In any proceeding to establish, enforce, or modify the child support order between the parties, a party may demonstrate to the presiding officer that he or she has diligently attempted to locate the other party. Upon a showing of diligent efforts to locate, the presiding officer may allow, or accept as adequate, service of process for the action by delivery of written notice to the address most recently provided by the party under this section. (4) All support orders shall contain notice to the parties of the obligations established by this section and possibility of service of process according to subsection (3) of this section. **Sec. 905.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to read as follows: (1) There is created a Washington state support registry within the ~~((office of support enforcement))~~ division of child support as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall: (a) Provide a central unit for collection of support payments made to the registry; (b) Account for and disburse all support payments received by the registry; ~~((b))~~ (c) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties; ~~((c))~~ (d) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry; and (e) Maintain a state child support case registry to compile and maintain records on all child support orders entered in the state of Washington. (2) The ~~((office of support enforcement))~~ division of child support may assess and collect interest at the rate of twelve percent per year on unpaid child support that has accrued under any support order entered into the registry. This interest rate shall not apply to those support orders already specifying an interest assessment at a different rate. (3) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered. **Sec. 906.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153 are each reenacted and amended to read as follows: (1) The secretary may assert a lien upon the real or personal property of a responsible parent: (a) When a support payment is past due, if the parent's support order ~~((was entered in accordance with RCW 26.23.050(1)))~~ contains notice that liens may be enforced against real and personal property, or notice that action may be taken under this chapter; (b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040; (c) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; (d) Twenty-one days after service of a notice and finding of parental responsibility; (e) Twenty-one days after service of a notice of support owed under RCW 26.23.110; or (f) When appropriate under RCW 74.20A.270. (2) The division of child support may use uniform interstate lien forms adopted by the United States department of health and human services to assert liens on a responsible parent's real and personal property located in another state. (3) The claim of the department for a support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in which such property is located. ~~((3))~~ (4) Whenever a support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be subject to the support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in RCW 74.20A.090 and 74.20A.130, unless: (a) A written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state; or (b) A determination has been made in an adjudicative proceeding pursuant to RCW 74.20A.055 or by a superior court ordering release of said support lien on the basis that no debt exists or that the debt has been satisfied. **Sec. 907.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to read as follows: (1) The secretary may issue to any person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States, an order to withhold and deliver property of any kind, including but not restricted to earnings which are or might become due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States property which is or might



become due, owing, or belonging to said debtor. Such order to withhold and deliver may be issued: (a) ~~((When a support payment is past due))~~ At any time, if a responsible parent's support order: (i) Contains ~~((language directing the parent to make support payments to the Washington state support registry; and))~~ notice that withholding action may be taken against earnings, wages, or assets without further notice to the parent; or (ii) Includes a statement that other income-withholding action under this chapter may be taken without further notice to the responsible parent ~~((as provided for in RCW 26.23.050(1)))~~; (b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040; (c) Twenty-one days after service of a notice and finding of parental responsibility under RCW 74.20A.056; (d) Twenty-one days after service of a notice of support owed under RCW 26.23.110; (e) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; or (f) When appropriate under RCW 74.20A.270. (2) The order to withhold and deliver shall: (a) State the amount to be withheld on a periodic basis if the order to withhold and deliver is being served to secure payment of monthly current support; (b) State the amount of the support debt accrued; ~~((b))~~ (c) State in summary the terms of RCW 74.20A.090 and 74.20A.100; ~~((e))~~ (d) Be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. (3) The division of child support may use uniform interstate withholding forms adopted by the United States department of health and human services to take withholding actions under this section when the responsible parent is owed money or property that is located in another state. (4) Any person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States upon whom service has been made is hereby required to: (a) Answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein; and (b) Provide further and additional answers when requested by the secretary. ~~((4))~~ (5) Any such person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States in possession of any property which may be subject to the claim of the department ~~((of social and health services))~~ shall: (a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver; and (ii) Immediately deliver the property to the secretary as soon as the twenty-day answer period expires; (iii) Continue to withhold earnings payable to the debtor at each succeeding disbursement interval as provided for in RCW 74.20A.090, and deliver amounts withheld from earnings to the secretary on the date earnings are payable to the debtor; (iv) Deliver amounts withheld from periodic payments to the secretary on the date the payments are payable to the debtor; (v) Inform the secretary of the date the amounts were withheld as requested under this section; or (b) Furnish to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. ~~((5))~~ (6) An order to withhold and deliver served under this section shall not expire until: (a) Released in writing by the ~~((office of support enforcement))~~ division of child support; (b) Terminated by court order; or (c) The person or entity receiving the order to withhold and deliver does not possess property of or owe money to the debtor for any period of twelve consecutive months following the date of service of the order to withhold and deliver. ~~((6))~~ (7) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision, or department of the state, or agency, subdivision, or instrumentality of the United States subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. ~~((7))~~ (8) Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver. ~~((8))~~ (9) A person, firm, corporation, or association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States that complies with the order to withhold and deliver under this chapter is not civilly liable to the debtor for complying with the order to withhold and deliver under this chapter. ~~((9))~~ (10) The secretary may hold the money or property delivered under this section in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. ~~((10))~~ (11) Exemptions contained in RCW 74.20A.090 apply to orders to withhold and deliver issued under this section. ~~((11))~~ (12) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for judicial review. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy. ~~((12))~~ (13) An order to withhold and deliver issued in accordance with this section has priority over any other wage assignment, garnishment, attachment, or other legal process ~~((except for another wage assignment, garnishment, attachment, or other legal process for child support))~~. ~~((13))~~ (14) The ~~((office of support enforcement))~~ division of child support shall notify any person, firm, corporation, association, or political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States required to withhold and deliver the earnings of a debtor under this action that they may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first disbursement to the department and one dollar for each subsequent disbursement under the order to withhold and deliver. **Sec. 908.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to read as follows: (1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the ~~((office of support enforcement))~~ division of child support, or under chapter 74.20 RCW shall be private and confidential and shall only be subject to public disclosure as provided in subsection (2) of this section. (2) The secretary of the department of social and health services ~~((shall))~~ may adopt rules ~~((which))~~: (a) That specify what information is confidential; (b) That specify the individuals or agencies to whom this information and these records may be disclosed ~~((;))~~; (c) Limiting the purposes for which the information may be disclosed ~~((; and the))~~; (d) Establishing procedures to obtain the information or records; or (e) Establishing safeguards necessary to comply with federal law requiring safeguarding of information. (3) The rules adopted under subsection (2) of this section shall provide for disclosure of the information and records, under appropriate circumstances, which shall include, but not be limited to: (a) When authorized or required by federal statute or regulation governing the support enforcement program; (b) To the person the subject of the records or information, unless the information is exempt from disclosure under RCW 42.17.310; (c) To

government agencies, whether state, local, or federal, and including federally recognized tribes, law enforcement agencies, prosecuting agencies, and the executive branch, if the disclosure is necessary for child support enforcement purposes or required under Title IV-D of the federal social security act; (d) To the parties in a judicial or adjudicative proceeding upon a specific written finding by the presiding officer that the need for the information outweighs any reason for maintaining the privacy and confidentiality of the information or records; (e) To private persons, federally recognized tribes, or organizations if the disclosure is necessary to permit private contracting parties to assist in the management and operation of the department; (f) Disclosure of address and employment information to the parties to an action for purposes relating to a child support order, subject to the limitations in subsections (4) and (5) of this section; (g) Disclosure of information or records when necessary to the efficient administration of the support enforcement program or to the performance of functions and responsibilities of the support registry and the ~~((office of support enforcement))~~ division of child support as set forth in state and federal statutes; or (h) Disclosure of the information or records when authorized under RCW 74.04.060. ~~((3))~~ (4) Prior to disclosing the ~~((physical custodian's address under subsection (2)(f) of this section))~~ whereabouts of a parent or a party to a support order to the other parent or party, a notice shall be mailed, if appropriate under the circumstances, to the ~~((physical custodian))~~ parent or other party whose whereabouts are to be disclosed, at ~~((the physical custodian's))~~ that person's last known address. The notice shall advise the ~~((physical custodian))~~ parent or party that a request for disclosure has been made and will be complied with unless the department: (a) Receives a copy of a court order within thirty days which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the ~~((physical custodian))~~ parent or party whose address is to be disclosed or the child ~~((or the custodial parent requests a hearing to contest the disclosure));~~ (b) Receives a hearing request within thirty days under subsection (5) of this section; or (c) Has reason to believe that the release of the information may result in physical or emotional harm to the party whose whereabouts are to be released, or to the child. (5) A person receiving notice under subsection (4) of this section may request an adjudicative proceeding under chapter 34.05 RCW, at which the person may show that there is reason to believe that release of the information may result in physical or emotional harm to the person or the child. The administrative law judge shall determine whether the ~~((address))~~ whereabouts of the ~~((custodial parent))~~ person should be disclosed based on ~~((the same standard as a claim of "good cause" as defined in 42 U.S.C. Sec. 602(a)(26)(e)))~~ subsection (4)(c) of this section, however no hearing is necessary if the department has in its possession a protective order or an order limiting visitation or contact. ~~((4))~~ (6) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.17.260 ~~((6))~~ (9). Nothing in this section shall be construed to prevent the disclosure of information and records if all details identifying an individual are deleted or the individual consents to the disclosure. ~~((5))~~ (7) It shall be unlawful for any person or agency in violation of this section to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists of names for commercial or political purposes or the use of any information for purposes other than those purposes specified in this section. A violation of this section shall be a gross misdemeanor as provided in chapter 9A.20 RCW. **Sec. 909.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to read as follows: (1) Application for a marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose, which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, social security number, birthplace, whether single, widowed or divorced, and whether under control of a guardian, residence during the past six months: PROVIDED, That each county may require such other and further information on said application as it shall deem necessary. (2) The county legislative authority may impose an additional fee up to fifteen dollars on a marriage license for the purpose of funding family services such as family support centers. **Sec. 910.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to read as follows: (1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in subsections (4), (5), (8), and (9) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state. (2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance. (3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child. (4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances: (a) If the order in practice works a severe economic hardship on either party or the child; (b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; (c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or (d) To add an automatic adjustment of support provision consistent with RCW 26.09.100. (5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to: (a) Require health insurance coverage for a child named therein; or (b) Modify an existing order for health insurance coverage. (6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances. (7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011 and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order. (8)(a) All child support decrees may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the adjustment by filing a motion and child support worksheets. (b) A party may petition for modification in cases of substantially changed circumstances under subsection (1) of this section at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a motion for an adjustment under (a) of this subsection may be filed. (c) If, pursuant to (a) of this subsection or subsection (9) of this section, the court adjusts or modifies a child support obligation by

more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for an adjustment under (a) of this subsection may be filed. (d) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to subsection (1) of this section alleging that increase constitutes a substantial change of circumstances. (e) The department of social and health services may file an action at any time to modify an order of child support in cases of substantially changed circumstances if public assistance money is being paid to or for the benefit of the child. The determination of the existence of substantially changed circumstances by the department that lead to the filing of an action to modify the order of child support is not binding upon the court. (9) An order of child support may be adjusted twenty-four months from the date of the entry of the decree or the last adjustment or modification, whichever is later, based upon changes in the economic table or standards in chapter 26.19 RCW. **Sec. 911.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to read as follows: In this chapter: (1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent. (2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state. (3) "Duty of support" means an obligation imposed or imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support. (4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period. (5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state. (6) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by ~~(chapter 6.27)~~ RCW 50.04.080, to withhold support from the income of the obligor. (7) "Initiating state" means a state ~~((in))~~ from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act ~~((is filed for forwarding to a responding state))~~. (8) "Initiating tribunal" means the authorized tribunal in an initiating state. (9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage. (10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage. (11) "Law" includes decisional and statutory law and rules and regulations having the force of law. (12) "Obligee" means: (a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered; (b) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or (c) An individual seeking a judgment determining parentage of the individual's child. (13) "Obligor" means an individual, or the estate of a decedent: (a) Who owes or is alleged to owe a duty of support; (b) Who is alleged but has not been adjudicated to be a parent of a child; or (c) Who is liable under a support order. (14) "Register" means to record or file in the appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically, a support order or judgment determining parentage. (15) "Registering tribunal" means a tribunal in which a support order is registered. (16) "Responding state" means a state ~~((to))~~ in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act. (17) "Responding tribunal" means the authorized tribunal in a responding state. (18) "Spousal support order" means a support order for a spouse or former spouse of the obligor. (19) "State" means a state of the United States, the District of Columbia, ~~((the Commonwealth of))~~ Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term ~~(("state"))~~ includes: (i) An Indian tribe ~~((and includes));~~ and (ii) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders ~~((that))~~ which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act. (20) "Support enforcement agency" means a public official or agency authorized to seek: (a) Enforcement of support orders or laws relating to the duty of support; (b) Establishment or modification of child support; (c) Determination of parentage; or (d) Location of obligors or their assets. (21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, that provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorneys' fees, and other relief. (22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage. **Sec. 912.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to read as follows: (1) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order: (a) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or (b) Until ~~((each individual party has))~~ all of the parties who are individuals have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction. (2) A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter. (3) If a child support order of this state is modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only: (a) Enforce the order that was modified as to amounts accruing before the modification; (b) Enforce nonmodifiable aspects of that order; and (c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification. (4) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order pursuant to this chapter or a law substantially similar to this chapter. (5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal. (6) A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state

may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state. **Sec. 913.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to read as follows: (1) If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized. (2) If a proceeding is brought under this chapter, and ~~((one))~~ two or more child support orders have been issued ~~((in))~~ by tribunals of this state or another state with regard to ~~((an))~~ the same obligor and ~~((a))~~ child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction: (a) If only one of the tribunals ~~((has issued a child support order))~~ would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal must be recognized. (b) ~~((If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal must be recognized.~~ (c) If ~~((two or more tribunals have issued child support orders for the same obligor and child, and))~~ more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized. ~~((d))~~ If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state may issue a child support order, which must be recognized. (2) The tribunal that has issued an order recognized under subsection (1) of this section is the tribunal having continuing, exclusive jurisdiction. (c) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized. (3) If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under subsection (2) of this section. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination. (4) The tribunal that issued the controlling order under subsection (1), (2), or (3) of this section is the tribunal that has continuing, exclusive jurisdiction under RCW 26.21.115. (5) A tribunal of this state which determines by order the identity of the controlling order under subsection (2)(a) or (b) of this section or which issues a new controlling order under subsection (2)(c) of this section shall state in that order the basis upon which the tribunal made its determination. (6) Within thirty days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order. **Sec. 914.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to read as follows: (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward three copies of the petition and its accompanying documents: ~~((1))~~ (a) To the responding tribunal or appropriate support enforcement agency in the responding state; or ~~((2))~~ (b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged. (2) If a responding state has not enacted the Uniform Interstate Family Support Act or a law or procedure substantially similar to the Uniform Interstate Family Support Act, a tribunal of this state may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state. **Sec. 915.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to read as follows: (1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to RCW 26.21.205(3), it shall cause the petition or pleading to be filed and notify the petitioner ~~((by first class mail))~~ where and when it was filed. (2) A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following: (a) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage; (b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance; (c) Order income withholding; (d) Determine the amount of any arrearages, and specify a method of payment; (e) Enforce orders by civil or criminal contempt, or both; (f) Set aside property for satisfaction of the support order; (g) Place liens and order execution on the obligor's property; (h) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment; (i) Issue a bench warrant or writ of arrest for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant or writ of arrest in any local and state computer systems for criminal warrants; (j) Order the obligor to seek appropriate employment by specified methods; (k) Award reasonable attorneys' fees and other fees and costs; and (l) Grant any other available remedy. (3) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based. (4) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation. (5) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order ~~((by first class mail))~~ to the petitioner and the respondent and to the initiating tribunal, if any. **Sec. 916.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to read as follows: If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner ~~((by first class mail))~~ where and when the pleading was sent. **Sec. 917.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to read as follows: (1) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter. (2) A support enforcement agency that is providing services to the petitioner as appropriate shall: (a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent; (b) Request an appropriate tribunal to set a date, time, and place for a hearing; (c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties; (d) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice ~~((by first class mail))~~ to the petitioner; (e) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication ~~((by first class mail))~~ to the petitioner; and (f) Notify the petitioner if jurisdiction over the respondent cannot be obtained. (3) This chapter does not create or negate a

relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency. **Sec. 918.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to read as follows: ~~((+))~~ An income-withholding order issued in another state may be sent ~~((by first class mail))~~ to the person or entity defined as the obligor's employer under ~~((chapter 6.27))~~ RCW 50.04.080 without first filing a petition or comparable pleading or registering the order with a tribunal of this state. ~~((Upon receipt of the order, the employer shall: (a) Treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this state; (b) Immediately provide a copy of the order to the obligor; and (c) Distribute the funds as directed in the income-withholding order. (2) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this state. RCW 26.21.510 applies to the contest. The obligor shall give notice of the contest to any support enforcement agency providing services to the obligee and to: (a) The person or agency designated to receive payments in the income-withholding order; or (b) If no person or agency is designated, the obligee.))~~ **NEW SECTION. Sec. 919.** A new section is added to chapter 26.21 RCW to read as follows: **EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER STATE.** (1) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor. (2) The employer shall treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this state. (3) Except as provided in subsection (4) of this section and section 920 of this act, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify: (a) The duration and amount of periodic payments of current child support, stated as a sum certain; (b) The person or agency designated to receive payments and the address to which the payments are to be forwarded; (c) Medical support, whether in the form of periodic cash payment, stated as sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment; (d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sum certain; and (e) The amount of periodic payments of arrearages and interest on arrearages, stated as sum certain. (4) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to: (a) The employer's fee for processing an income withholding order; (b) The maximum amount permitted to be withheld from the obligor's income; and (c) The times within which the employer must implement the withholding order and forward the child support payment. **NEW SECTION. Sec. 920.** A new section is added to chapter 26.21 RCW to read as follows: **COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS.** If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees. **NEW SECTION. Sec. 921.** A new section is added to chapter 26.21 RCW to read as follows: **IMMUNITY FROM CIVIL LIABILITY.** An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income. **NEW SECTION. Sec. 922.** A new section is added to chapter 26.21 RCW to read as follows: **PENALTIES FOR NONCOMPLIANCE.** An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state. **NEW SECTION. Sec. 923.** A new section is added to chapter 26.21 RCW to read as follows: **CONTEST BY OBLIGOR.** (1) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. RCW 26.21.510 applies to the contest. (2) The obligor shall give notice of the contest to: (a) A support enforcement agency providing services to the obligee; (b) Each employer that has directly received an income-withholding order; and (c) The person or agency designated to receive payments in the income-withholding order, or if no person or agency is designated, to the obligee. **Sec. 924.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to read as follows: (1) A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the support enforcement agency of this state or to the superior court of any county in this state where the obligor resides, works, or has property: (a) A letter of transmittal to the tribunal requesting registration and enforcement; (b) Two copies, including one certified copy, of all orders to be registered, including any modification of an order; (c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage; (d) The name of the obligor and, if known: (i) The obligor's address and social security number; (ii) The name and address of the obligor's employer and any other source of income of the obligor; and (iii) A description and the location of property of the obligor in this state not exempt from execution; and (e) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted. (2) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. (3) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought. **Sec. 925.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to read as follows: (1) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. ~~((Notice must be given by certified or registered mail or by any means of personal service authorized by the law of this state.))~~ The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order. (2) The notice must inform the nonregistering party: (a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state; (b) That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of receipt by certified or registered mail or personal service of the notice given to a nonregistering party within the state and within sixty days after the date of receipt by certified or registered mail or personal service of the notice on a nonregistering party outside of the state; (c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and (d) Of the amount of any alleged arrearages. (3) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state. **Sec. 926.** RCW

26.21.530 and 1993 c 318 s 606 are each amended to read as follows: (1) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after the date of receipt of certified or registered mail or the date of personal service of notice of the registration on the nonmoving party within this state, or, within sixty days after the receipt of certified or registered mail or personal service of the notice on the nonmoving party outside of the state. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to RCW 26.21.540. (2) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law. (3) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties ~~((by first class mail))~~ of the date, time, and place of the hearing. **Sec. 927.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to read as follows: (1) After a child support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if ~~((-))~~ section 929 of this act does not apply and after notice and hearing((-)) it finds that: (a) The following requirements are met: (i) The child, the individual obligee, and the obligor do not reside in the issuing state; (ii) A petitioner who is a nonresident of this state seeks modification; and (iii) The respondent is subject to the personal jurisdiction of the tribunal of this state; or (b) ~~((An individual party or))~~ The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the ((individual)) parties who are individuals have filed ((a)) written consents in the issuing tribunal ((providing that)) for a tribunal of this state ((may)) to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under the Uniform Interstate Family Support Act, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order. (2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner. (3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under RCW 26.21.135 establishes the aspects of the support order that are nonmodifiable. (4) On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal ~~((of))~~ having continuing, exclusive jurisdiction. ~~((5) Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.)~~ **Sec. 928.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to read as follows: A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act or a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall: (1) Enforce the order that was modified only as to amounts accruing before the modification; (2) Enforce only nonmodifiable aspects of that order; (3) Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and (4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement. **NEW SECTION. Sec. 929.** A new section is added to chapter 26.21 RCW to read as follows: **JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF INDIVIDUAL PARTIES RESIDE IN THIS STATE.** (1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order. (2) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this chapter do not apply. **NEW SECTION. Sec. 930.** A new section is added to chapter 26.21 RCW to read as follows: **NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.** Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction. **Sec. 931.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to read as follows: (1) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child. (2) In a proceeding to determine parentage, a responding tribunal of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW, procedural and substantive law of this state, and the rules of this state on choice of law. **NEW SECTION. Sec. 932.** A new section is added to chapter 26.21 RCW to read as follows: **ADOPTION OF RULES.** The secretary of the department of social and health services shall issue such rules as necessary to act as the administrative tribunal pursuant to RCW 26.21.015. **Sec. 933.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to read as follows: (1) The department of social and health services shall adopt rules for the distribution of support money collected by the ~~((office of support enforcement))~~ division of child support. These rules shall: (a) Comply with ~~((42 U.S.C. Sec. 657))~~ Title IV-D of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996; (b) Direct the ~~((office of support enforcement))~~ division of child support to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution: (i) The location of the custodial parent is unknown; (ii) The support debt is in litigation; (iii) The ~~((office of support enforcement))~~ division of child support cannot identify the responsible parent or the custodian; (c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and (d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant. (2) The ~~((office of support enforcement))~~ division of child support may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an

application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall: (a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent; (b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and (c) File a copy of the notice with the clerk of the court that entered the original support order. (3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ten percent of amounts collected as current support. (4) The division of child support shall ensure that the fifty dollar pass through payment, as required by 42 U.S.C. Sec. 657 before the adoption of P.L. 104-193, is terminated immediately upon the effective date of this section and all rules to the contrary adopted before the effective date of this section are without force and effect. **Sec. 934.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each amended to read as follows: (1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child under a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with ~~((42 U.S.C. Sec. 657)) RCW 26.23.035~~. (2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation. (3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270. (4) No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7). For the period July 1, 1993, through June 30, 1995, a collection action may be taken against parents of children with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care. The child support obligation shall be calculated pursuant to chapter 26.19 RCW. **Sec. 935.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended to read as follows: Whenever a custodian of children, or other person, receives support moneys paid to them which moneys are paid in whole or in part in satisfaction of a support obligation which has been assigned to the department pursuant to ~~((42 U.S.C. Sec. 602(A)(26)(a)))~~ Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 or RCW 74.20.330 or to which the department is owed a debt pursuant to RCW 74.20A.030, the moneys shall be remitted to the department within eight days of receipt by the custodian or other person. If not so remitted the custodian or other person shall be indebted to the department as a support debt in an amount equal to the amount of the support money received and not remitted. By not paying over the moneys to the department, a custodial parent or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the department of any support delinquency owed which is not already assigned to the department or to any support delinquency which may accrue in the future in an amount equal to the amount of support money retained. The department may utilize the collection procedures in chapter 74.20A RCW to collect the assigned delinquency to effect recoupment and satisfaction of the debt incurred by reason of the failure of the custodial parent or other person to remit. The department is also authorized to make a set-off to effect satisfaction of the debt by deduction from support moneys in its possession or in the possession of any clerk of the court or other forwarding agent which are paid to the custodial parent or other person for the satisfaction of any support delinquency. Nothing in this section authorizes the department to make set-off as to current support paid during the month for which the payment is due and owing. **Sec. 936.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to read as follows: (1) Whenever public assistance is paid under ~~((this title))~~ a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any unpaid support obligation or support debt which has accrued at the time the assignment is made. (2) Payment of public assistance under ~~((this title))~~ a state program funded under Title IV-A of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 shall: (a) Operate as an assignment by operation of law; and (b) Constitute an authorization to the department to provide the assistance recipient with support enforcement services. **Sec. 937.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read as follows: (1) Within ten days after the birth of any child, the attending physician, midwife, or his or her agent shall: (a) Fill out a certificate of birth, giving all of the particulars required, including: (i) The mother's name and date of birth, and (ii) if the mother and father are married at the time of birth or the father has signed an acknowledgment of paternity, the father's name and date of birth; and (b) File the certificate of birth together with the mother's and father's social security numbers with the ~~((local))~~ state registrar of ~~((the district in which the birth occurred))~~ vital statistics. (2) The local registrar shall forward the birth certificate, any signed affidavit acknowledging paternity, and the mother's and father's social security numbers to the state office of vital statistics pursuant to RCW 70.58.030. (3) The state ~~((office))~~ registrar of vital statistics shall make available to the ~~((office of support enforcement))~~ division of child support the birth certificates, the mother's and father's social security numbers and paternity affidavits. (4) Upon the birth of a child to an unmarried woman, the attending physician, midwife, or his or her agent shall: (a) Provide an opportunity for the child's mother and natural father to complete an affidavit acknowledging paternity. The completed affidavit shall be filed with the ~~((local))~~ state registrar of vital statistics. The affidavit shall contain or have attached: (i) A sworn statement by the mother consenting to the assertion of paternity and stating that this is the only possible father; (ii) A statement by the father that he is the natural father of the child; (iii) A sworn statement signed by the mother and the putative father that each has been given notice, both orally and in writing, of the alternatives to, the legal consequences of, and the

rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from, signing the affidavit acknowledging paternity; (iv) Written information, furnished by the department of social and health services, explaining the implications of signing, including parental rights and responsibilities; and ~~((iv))~~ (v) The social security numbers of both parents. (b) Provide written information and oral information, furnished by the department of social and health services, to the mother and the father regarding the benefits of having ~~((he))~~ the child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services. The oral and written information shall also include information regarding the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor any rights afforded due to minority status, and responsibilities that arise from, signing the affidavit acknowledging paternity. (5) The physician or midwife or his or her agent is entitled to reimbursement for reasonable costs, which the department shall establish by rule, when an affidavit acknowledging paternity is filed with the state ~~((office))~~ registrar of vital statistics. (6) If there is no attending physician or midwife, the father or mother of the child, householder or owner of the premises, manager or superintendent of the public or private institution in which the birth occurred, shall notify the local registrar, within ten days after the birth, of the fact of the birth, and the local registrar shall secure the necessary information and signature to make a proper certificate of birth. (7) When an infant is found for whom no certificate of birth is known to be on file, a birth certificate shall be filed within the time and in the form prescribed by the state board of health. (8) When no putative father is named on a birth certificate of a child born to an unwed mother the mother may give any surname she so desires to her child but shall designate in space provided for father's name on the birth certificate "None Named". **Sec. 938.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to read as follows: (1) A man is presumed to be the natural father of a child for all intents and purposes if: (a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court; or (b) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation; (c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and (i) He has acknowledged his paternity of the child in writing filed with the state registrar of vital statistics, (ii) With his consent, he is named as the child's father on the child's birth certificate, or (iii) He is obligated to support the child under a written voluntary promise or by court order; (d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; (e) He acknowledges his paternity of the child pursuant to RCW 70.58.080 or in a writing filed with the state ~~((office))~~ registrar of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, if she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the state registrar of vital statistics. An acknowledgment of paternity under RCW 70.58.080 shall be a legal finding of paternity of the child sixty days after the acknowledgment is filed with the center for health statistics unless the acknowledgment is sooner rescinded or challenged. After the sixty-day period has passed, the acknowledgment may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. Legal responsibilities of the challenger, including child support obligations, may not be suspended during the challenge, except for good cause shown. Judicial and administrative proceedings are neither required nor permitted to ratify an unchallenged acknowledgment of paternity filed after the effective date of this section. In order to enforce rights of residential time, custody, and visitation, a man presumed to be the father as a result of filing a written acknowledgment must seek appropriate judicial orders under this title; (f) The United States immigration and naturalization service made or accepted a determination that he was the father of the child at the time of the child's entry into the United States and he had the opportunity at the time of the child's entry into the United States to admit or deny the paternal relationship; or (g) Genetic testing indicates a ninety-eight percent or greater probability of paternity. (2) A presumption under this section may be rebutted in an appropriate action only by clear, cogent, and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man. **NEW SECTION. Sec. 939.** A new section is added to chapter 26.26 RCW to read as follows: **PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.** In all actions brought under this chapter, bills for pregnancy, childbirth, and genetic testing shall: (1) Be admissible as evidence without requiring third-party foundation testimony; and (2) Constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. **Sec. 940.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to read as follows: (1) The secretary may, in the absence of a superior court order, or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. (2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: **PROVIDED**, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. (3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include: (a) A statement of the name of the recipient or custodian and the name of the child or children for whom support is sought; (b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged; (c) A statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be



liable for any or all of the debt, past and future; (d) ~~((A statement that the alleged responsible parent may challenge the presumption of paternity; (e)))~~ A statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action; ~~((f))~~ (e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice. (4) A responsible parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection. An adjudicative proceeding shall be held in the county of residence or other place convenient to the responsible parent. (a) If the responsible parent files the application within twenty days, the department shall schedule an adjudicative proceeding to hear the parent's objection and determine the parents' support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order; (b) If the responsible parent fails to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection; (c) If the responsible parent files the application more than twenty days after, but within one year of the date of service, the department shall schedule an adjudicative proceeding to hear the parents' objection and determine the parent's support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action; (d) If the responsible parent files the application more than one year after the date of service, the department shall schedule an adjudicative proceeding at which the responsible parent must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action: (i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the parent's support obligation; (ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The responsible parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support; (e) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules. (5)~~((a))~~ If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation. ~~((b) If a responsible parent provides credible evidence at an adjudicative proceeding that would rebut the presumption of paternity set forth in RCW 26.26.040, the presiding officer shall direct the department to refer the issue for scheduling of an appropriate hearing in superior court to determine whether the presumption should be rebutted.)~~ (6) If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. (7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order. (8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer. **Sec. 941.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5 are each reenacted and amended to read as follows: (1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state ~~((office))~~ registrar of vital statistics before July 1, 1997, the ~~((office of support enforcement))~~ division of child support may serve a notice and finding of parental responsibility on him. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the ~~((center for health))~~ state registrar of vital statistics, and shall state that: (a) The alleged father may file an application for an adjudicative proceeding at which he will be required to appear and show cause why the amount stated in the finding of financial responsibility as to support is incorrect and should not be ordered; (b) An alleged father may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the ~~((office of support enforcement))~~ division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and (c) If the alleged father does not request that a blood or genetic test be administered or file an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.060 that the parent-child relationship does not exist. (2) An alleged father who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. (3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days: (a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and (b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a

responsible parent. (4) An alleged father who denies being a responsible parent may request that a blood or genetic test be administered at any time. The request for testing shall be in writing and served on the ~~((office of support enforcement))~~ division of child support personally or by registered or certified mail. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's last known address. (5) If the test excludes the alleged father from being a natural parent, the ~~((office of support enforcement))~~ division of child support shall file a copy of the results with the state ~~((office))~~ registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state ~~((office))~~ registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select. (6) The alleged father may, within twenty days after the date of receipt of the test results, request the ~~((office of support enforcement))~~ division of child support to initiate an action under RCW 26.26.060 to determine the existence of the parent-child relationship. If the ~~((office of support enforcement))~~ division of child support initiates a superior court action at the request of the alleged father and the decision of the court is that the alleged father is a natural parent, the alleged father shall be liable for court costs incurred. (7) If the alleged father does not request the ~~((office of support enforcement))~~ division of child support to initiate a superior court action, or if the alleged father fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.060. (8)(a) If an alleged father has signed an affidavit acknowledging paternity that has been filed with the state registrar of vital statistics after July 1, 1997, within sixty days from the date of filing of the acknowledgment: (i) The division of child support may serve a notice and finding of parental responsibility on him as set forth under this section; and (ii) The alleged father or any other signatory may rescind his acknowledgment of paternity. The rescission shall be notarized and delivered to the state registrar of vital statistics personally or by registered or certified mail. The state registrar shall remove the father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate or any other name that the mother may select. The state registrar shall file rescission notices in a sealed file. All future paternity actions on behalf of the child in question shall be performed under court order. (b) If the alleged father does not file an application for an adjudicative proceeding or rescind his acknowledgment of paternity, the amount of support stated in the notice and finding of parental responsibility becomes final, subject only to a subsequent determination under RCW 26.26.060 that the parent-child relationship does not exist. (c) An alleged father who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation. (i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. (ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent. (d) If an alleged father makes a request for genetic testing, the department shall proceed as set forth under section 901 of this act. (e) If the alleged father does not request an adjudicative proceeding, or if the alleged father fails to rescind his filed acknowledgment of paternity, the notice of parental responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.060. (9) Affidavits acknowledging paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26 and 70.58 RCW. (10) The department and the department of health may adopt rules to implement the requirements under this section. **NEW SECTION. Sec. 942.** A new section is added to chapter 26.18 RCW to read as follows: **CHILD SUPPORT LIENS--CREATION--ATTACHMENT.** Child support debts, not paid when due, become liens by operation of law against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien attaches to all real and personal property of the debtor on the date of filing with the county auditor of the county in which the property is located. **Sec. 943.** RCW 26.23.040 and 1994 c 127 s 1 are each amended to read as follows: (1) Except as provided in subsection (3) of this section, all employers doing business in the state of Washington, and to whom the department of employment security has assigned the standard industrial classification sic codes listed in subsection (2) of this section, shall report to the Washington state support registry: (a) The hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and (b) The rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment. (2) Employers in the standard industrial classifications that shall report to the Washington state support registry include: (a) Construction industry sic codes: 15, general building; 16, heavy construction; and 17, special trades; (b) Manufacturing industry sic code 37, transportation equipment; (c) Business services sic codes: 73, except sic code 7363 (temporary help supply services); and health services sic code 80. (3) Employers are not required to report the hiring of any person who: (a) Will be employed for less than one month's duration; (b) Will be employed sporadically so that the employee will be paid for less than three hundred fifty hours during a continuous six-month period; or (c) Will have gross earnings less than three hundred dollars in every month. The secretary of the department of social and health services may adopt rules to establish additional exemptions if needed to reduce unnecessary or burdensome reporting. (4) Employers may report by mailing the employee's copy of the W-4 form, or other means authorized by the registry which will result in timely reporting. (5) Employers shall submit reports within thirty-five days of the hiring, rehiring, or return to work of the employee. The report shall contain: (a) The employee's name, address, social security number, and date of birth; and (b) The employer's name, address, and employment security reference number or unified business identifier number. (6) An employer who fails to report as required under this section shall be given a written warning for the first violation and shall be subject to a civil penalty of up to two hundred dollars per month for each subsequent violation after the warning has been given. All violations within a single month shall be considered a single violation for purposes of assessing the penalty. The penalty may be imposed and collected by the ~~((office of support enforcement))~~ division of child support under ~~((RCW 74.20A.270))~~ section 893 of this act. (7) ~~((The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support obligation or debt of the employee. If the employee does not owe such an~~

obligation or a debt, the registry shall not create a record regarding the employee and the information contained in the notice shall be promptly destroyed. Prior to the destruction of the notice, the department of social and health services shall make the information contained in the notice available to other state agencies, based upon the written request of an agency's director or chief executive, specifically for comparison with records or information possessed by the requesting agency to detect improper or fraudulent claims. If, after comparison, no such situation is found or reasonably suspected to exist, the information shall be promptly destroyed by the requesting agency. Requesting agencies that obtain information from the department of social and health services under this section shall maintain the confidentiality of the information received, except as necessary to implement the agencies' responsibilities.)) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support debt of the employee. The registry may, however, retain information for a particular employee for as long as may be necessary to: (a) Transmit the information to the national directory of new hires as required under federal law; or (b) Provide the information to other state agencies for comparison with records or information possessed by those agencies as required by law. Information that is not permitted to be retained shall be promptly destroyed. Agencies that obtain information from the department of social and health services under this section shall maintain the confidentiality of the information received, except as necessary to implement the agencies' responsibilities. **Sec. 944.** RCW 26.23.040 and 1997 c ... s 943 (section 943 of this act) are each amended to read as follows: (1) ((Except as provided in subsection (3) of this section.)) All employers doing business in the state of Washington, and to whom the department of employment security has assigned ((the)) a standard industrial classification sic code((s-listed in subsection (2) of this section.)) shall report to the Washington state support registry: (a) The hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and (b) The rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment. ((2)) Employers in the standard industrial classifications that shall report to the Washington state support registry include: (a) Construction industry sic codes: 15, general building; 16, heavy construction; and 17, special trades; (b) Manufacturing industry sic code 37, transportation equipment; (c) Business services sic codes: 73, except sic code 7363 (temporary help supply services); and health services sic code 80. (3) Employers are not required to report the hiring of any person who: (a) Will be employed for less than one month duration; (b) Will be employed sporadically so that the employee will be paid for less than three hundred fifty hours during a continuous six-month period; or (c) Will have gross earnings less than three hundred dollars in every month.)) The secretary of the department of social and health services may adopt rules to establish additional exemptions if needed to reduce unnecessary or burdensome reporting. ((4)) (2) Employers may report by mailing the employee's copy of the W-4 form, or other means authorized by the registry which will result in timely reporting. ((5)) (3) Employers shall submit reports within ((thirty-five)) twenty days of the hiring, rehiring, or return to work of the employee, except as provided in subsection (4) of this section. The report shall contain: (a) The employee's name, address, social security number, and date of birth; and (b) The employer's name, address, ((and)) employment security reference number ((or)), unified business identifier number and identifying number assigned under section 6109 of the internal revenue code of 1986. ((6)) (4) In the case of an employer transmitting reports magnetically or electronically, the employer shall report newly hired employees by two monthly transmissions, if necessary, not less than twelve days nor more than sixteen days apart. (5) An employer who fails to report as required under this section shall be given a written warning for the first violation and shall be subject to a civil penalty of up to two hundred dollars per month for each subsequent violation after the warning has been given. All violations within a single month shall be considered a single violation for purposes of assessing the penalty. The penalty may be imposed and collected by the division of child support under RCW 74.20A.--- (section 893 of this act). ((7)) (6) The registry shall retain the information for a particular employee only if the registry is responsible for establishing, enforcing, or collecting a support debt of the employee. The registry may, however, retain information for a particular employee for as long as may be necessary to: (a) Transmit the information to the national directory of new hires as required under federal law; or (b) Provide the information to other state agencies for comparison with records or information possessed by those agencies as required by law. Information that is not permitted to be retained shall be promptly destroyed. Agencies that obtain information from the department of social and health services under this section shall maintain the confidentiality of the information received, except as necessary to implement the agencies' responsibilities. **Sec. 945.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c 375 s 3 are each reenacted and amended to read as follows: (1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following: (a) The last known residence of each party; (b) The social security number of each party; (c) The date and place of the marriage; ((e)) (d) If the parties are separated the date on which the separation occurred; ((f)) (e) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant; ((e)) (f) Any arrangements as to the residential schedule of, decision making for, dispute resolution for, and support of the children and the maintenance of a spouse; ((f)) (g) A statement specifying whether there is community or separate property owned by the parties to be disposed of; ((g)) (h) The relief sought. (2) Either or both parties to the marriage may initiate the proceeding. (3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of health. **Sec. 946.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are each reenacted and amended to read as follows: (1) The court may, and upon request of a party shall, require the child, mother, or any alleged or presumed father who has been made a party to submit to blood tests or genetic tests of blood, tissues, or other bodily fluids. If ((an alleged father)) a party objects to a proposed order requiring ((him to submit to paternity)) blood or genetic tests, the court ((may)) shall require the party making the allegation of possible paternity to provide sworn testimony, by affidavit or otherwise, stating the facts upon which the allegation is based. The court shall order blood or genetic tests if it appears that a reasonable possibility exists that the requisite sexual contact occurred or where nonpaternity is alleged, that the requisite sexual contact did not occur. The tests shall be performed by an expert in paternity blood or genetic testing appointed by the court. The expert's verified report identifying the blood or genetic characteristics observed is admissible in evidence in any hearing or trial in the parentage action, if (a) the alleged or presumed father has had the opportunity to gain information about the security, validity, and interpretation of the tests and the qualifications of any experts, and (b) the report is accompanied by an affidavit from the expert which describes the expert's qualifications as an expert and analyzes and interprets the results. Verified documentation of the chain of custody of the blood or genetic samples tested is admissible to establish the chain of custody. The court may consider published sources as aids to interpretation of the test results. (2)(a) Any objection to genetic testing results must be made in writing and served upon the opposing party, within twenty days

before any hearing at which such results may be introduced into evidence. (b) If an objection is not made as provided in this subsection, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy. (3) The court, upon request by a party, shall order that additional blood or genetic tests be performed by the same or other experts qualified in paternity blood or genetic testing, if the party requesting additional tests advances the full costs of the additional testing within a reasonable time. The court may order additional testing without requiring that the requesting party advance the costs only if another party agrees to advance the costs or if the court finds, after hearing, that (a) the requesting party is indigent, and (b) the laboratory performing the initial tests recommends additional testing or there is substantial evidence to support a finding as to paternity contrary to the initial blood or genetic test results. The court may later order any other party to reimburse the party who advanced the costs of additional testing for all or a portion of the costs. (4) In all cases, the court shall determine the number and qualifications of the experts. **Sec. 947.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to read as follows: (1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes. (2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued. (3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800. (4) The judgment and order shall contain the social security numbers of all parties to the order. (5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child. ~~((5))~~ (6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW. ~~((6))~~ (7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party. ~~((7))~~ (8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody. ~~((8))~~ (9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW. ~~((9))~~ (10) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST. ~~((10))~~ (11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state. **Sec. 948.** RCW 70.58.055 and 1991 c 96 s 1 are each amended to read as follows: (1) To promote and maintain nation-wide uniformity in the system of vital statistics, the certificates required by this chapter or by the rules adopted under this chapter shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics including social security numbers. (2) The state board of health by rule may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form and shall not be subject to the view of the public or for certification purposes except upon order of the court. The state board of health may eliminate from the forms items that it determines are not necessary for statistical study. (3) Each certificate or other document required by this chapter shall be on a form or in a format prescribed by the state registrar. (4) All vital records shall contain the data required for registration. No certificate may be held to be complete and correct that does not supply all items of information called for or that does not satisfactorily account for the omission of required items. (5) Information required in certificates or documents authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar.

#### X. MISCELLANEOUS

**NEW SECTION. Sec. 1001.** The legislature finds that, according to the department of health's monitoring system, sixty percent of births to women on medicaid were identified as unintended by the women themselves. The director of the office of financial management shall establish an interagency task force on unintended pregnancy in order to: (1) Review existing research on the short and long-range costs; (2) Analyze the impact on the temporary assistance for needy families program; and (3) Develop and implement a state strategy to reduce unintended pregnancy. **NEW SECTION. Sec. 1002.** The following acts or parts of acts are each repealed: (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1, 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120; and (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3. **NEW SECTION. Sec. 1003.** A new section is added to chapter 74.04 RCW to read as follows: For the purpose of evaluating the effect of the defense of equitable estoppel on the recovery of overpayments and the administration of justice in public assistance cases, the department shall report the following to the appropriate committees of the legislature by December 1, 1997: (1) The number of applicants and recipients of public assistance who have raised the defense of equitable estoppel in an administrative proceeding related to the collection of overpayments or the determination of eligibility; (2) The number of recipients or applicants of public assistance who prevailed in an administrative proceeding related to the collection of overpayments or the determination of eligibility due to

the defense of equitable estoppel; (3) The amount, average amount, and percent of payments and overpayments not collected due to the successful assertion of the defense of equitable estoppel at an administrative proceeding related to the collection of overpayments or the determination of eligibility; (4) Any other information regarding the assertion of the defense of equitable estoppel in administrative proceedings that the department feels will assist in evaluation of the defense. **Sec. 1004.** RCW 50.13.060 and 1996 c 79 s 1 are each amended to read as follows: (1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and: (a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and (b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and (c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes. (2) The requirements of subsections (1) and ~~((8))~~ (9) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW. (3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately. (4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws. (5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied. (6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080. (7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control. (8) For purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program, the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program shall have access to employer wage information on clients in the program whose names and social security numbers are provided to the department. The information provided by the department may be used only for statistical analysis, research, and evaluation purposes as provided in sections 702 and 703 of this act. The department of social and health services is not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. (9) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained. ~~((9))~~ (10) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply. **NEW SECTION. Sec. 1005.** A new section is added to chapter 43.20A RCW to read as follows: (1) The department shall provide the employment security department quarterly with the names and social security numbers of all clients in the WorkFirst program and any successor state welfare program. (2) The information provided by the employment security department under RCW 50.13.060 for statistical analysis and welfare program evaluation purposes may be used only for statistical analysis, research, and evaluation purposes as provided in sections 702 and 703 of this act. Through individual matches with accessed employment security department confidential employer wage files, only aggregate, statistical, group level data shall be reported. Data sharing by the employment security department may be extended to include the office of financial management and other such governmental entities with oversight responsibility for this program. (3) The department and other agencies of state government shall protect the privacy of confidential personal data supplied under RCW 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms and conditions of a formal data-sharing agreement between the employment security department and agencies of state government, however the misuse or unauthorized use of confidential data supplied by the employment security department is subject to the penalties in RCW 50.13.080. **Sec. 1006.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to read as follows: Upon written request of a person who has been properly identified as an officer of the law (~~(with a felony arrest warrant)~~) or a properly identified United States immigration official (~~(with a warrant for an illegal~~

alien)) the department shall disclose to such officer the current address and location of ((the person properly described in the warrant)) a recipient of public welfare if the officer furnishes the department with such person's name and social security account number and satisfactorily demonstrates that such recipient is a fugitive, that the location or apprehension of such fugitive is within the officer's official duties, and that the request is made in the proper exercise of those duties. When the department becomes aware that a public assistance recipient is the subject of an outstanding warrant, the department may contact the appropriate law enforcement agency and, if the warrant is valid, provide the law enforcement agency with the location of the recipient. NEW SECTION. Sec. 1007. QUESTIONNAIRES. The department of social and health services shall create a questionnaire, asking businesses for information regarding available and upcoming job opportunities for welfare recipients. The department of revenue shall include the questionnaire in a regular quarterly mailing. The department of social and health services shall receive responses and use the information to develop work activities in the areas where jobs will be available. NEW SECTION. Sec. 1008. PART HEADINGS, CAPTIONS, AND TABLE OF CONTENTS NOT LAW. Part headings, captions, and the table of contents used in this act are not any part of the law. NEW SECTION. Sec. 1009. The governor and the department of social and health services shall seek all necessary exemptions and waivers from and amendments to federal statutes, rules, and regulations and shall report to the appropriate committees in the house of representatives and senate quarterly on the efforts to secure the federal changes to permit full implementation of this act at the earliest possible date. NEW SECTION. Sec. 1010. Sections 1, 2, 103, 104, 106, 202 through 205, 301, 302, 307, 308, 310 through 318, 321, 324 through 326, 402, 503, 504, 701 through 704, and 706 of this act constitute a new chapter in Title 74 RCW. NEW SECTION. Sec. 1011. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state. As used in this section, "allocation of federal funds to the state" means the allocation of federal funds that are appropriated by the legislature to the department of social and health services and on which the department depends for carrying out any provision of the operating budget applicable to it. NEW SECTION. Sec. 1012. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 1013. (1) Sections 1, 2, 101 through 110, 201 through 207, 301 through 329, 401 through 404, 501 through 506, 601, 705, 706, 888, 891 through 943, 945 through 948, and 1002 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately. (2) Sections 801 through 887, 889, and 890 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997. (3) Sections 701 through 704 of this act take effect January 1, 1998. (4) Section 944 of this act takes effect October 1, 1998. NEW SECTION. Sec. 1014. If specific funding for the purposes of sections 404 and 405 of this act, referencing this act by bill or chapter number and section numbers, is not provided by June 30, 1997, in the omnibus appropriations act, sections 404 and 405 of this act are null and void."

#### MOTION

Senator Thibaudeau moved that the following amendments by Senators Wojahn and Thibaudeau to the striking amendment by Senator Deccio be considered simultaneously and be adopted:

On page 6, line 3 of the amendment, after "9;" insert "and" On page 6, beginning on line 4 of the amendment, after "10" strike all material through "6" on line 6 Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Wojahn and Thibaudeau on page 6, line 3, and beginning on line 4, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

The motion by Senator Thibaudeau failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Swanson moved that the following amendment to the striking amendment by Senator Deccio be adopted:

On page 7, beginning on line 16 of the amendment, strike all of section 110 Correct any internal references accordingly. Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Swanson on page 7, beginning on line 16, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senators Benton and Haugen - 2.

#### MOTION

Senator Fairley moved that the following amendment to the striking amendment by Senator Deccio be adopted:

On page 7, after line 26 of the amendment, insert the following: "**NEW SECTION. Sec. 111.** A new section is added to chapter 74.12 RCW to read as follows: **STATE-FUNDED TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.** (1) The department may provide state-funded temporary assistance for needy families and medical assistance to needy families if: The needy caretaker relative is disabled; the needy caretaker relative is needed in the home to care for a disabled family member; or the needy nonparent caretaker relative is at least fifty years old. (2) Such assistance shall be provided under the same rules and in the same amount as under the temporary assistance for needy families program except: Such families shall not be subject to temporary assistance for needy families WorkFirst requirements unless they volunteer. (3) The department may use state funds as appropriated to provide such benefits." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 7, after line 26, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

The motion by Senator Fairley failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Kline moved that the following amendments to the striking amendment by Senator Deccio be considered simultaneously and be adopted:

Beginning on page 8, line 21 of the amendment, strike all of section 202 and insert the following: "**NEW SECTION. Sec. 202.** **IMMIGRANTS--ELIGIBILITY--GENERALLY.** (1) The state shall exercise its option under P.L. 104-193, as amended, to provide benefits and services to legal immigrants under temporary assistance for needy families, medicaid, and social services block grant programs. (2) The department may provide state-funded cash, food, and medical assistance to legal immigrants who are not eligible for federal benefits due to their immigrant status and the provisions of P.L. 104-193. (3) Legal immigrants who are not eligible for the supplemental security income program as a result of P.L. 104-193 are eligible to apply for benefits under the state's general assistance programs. The department shall redetermine income and resource eligibility at least annually, in accordance with existing state policy. **NEW SECTION. Sec. 203.** **IMMIGRANTS--STATE CASH AND MEDICAL PROGRAMS.** (1) The department may provide state-funded cash and medical assistance to legal immigrants including those permanently residing in the United States under color of law who are not eligible under federal law for the temporary assistance for needy families program solely due to their date of entry or their immigration status. (2) Such assistance shall be provided under the same rules and in the same amount as under the temporary assistance for needy families program. Any month in which a family receives such assistance should be considered a month in which the family received temporary assistance for needy families for the purpose of the sixty-month time limit. (3) The department may use state general assistance and state medical care services funds as may be appropriated to provide such benefits. (4) The department may provide state-funded medical care services, including long-term care, to legal immigrants including those permanently residing in the United States under color of law who are not eligible under federal law for the federal medicaid program solely due to their date of entry or their immigration status. **NEW SECTION. Sec. 204.** **IMMIGRANTS--FOOD ASSISTANCE.** (1) The department may establish a state-funded food assistance program for legal immigrants who do not qualify for federal food stamps solely due to the immigrant exclusions under P.L. 104-193. The rules and benefit amounts for the state food assistance program shall be the same as in the federal food stamp program. (2) The department shall enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program." Renumber the remaining sections consecutively and correct any internal references accordingly. Beginning on page 9, line 23 of the amendment, after "naturalization," strike all material through "apply." on page 10, line 2 Beginning on page 10, line 3 of the amendment, strike all of section 205 and insert the following: "**NEW SECTION. Sec. 205.** **SPONSOR-DEEMING FOR LEGAL IMMIGRANTS.** (1) Except as provided in subsection (2) of this section, in determining the eligibility and amount of benefits for state-funded general assistance or state-funded food stamps, the department may provide that the income and resources of an alien shall be deemed to include the income and resources of any individual, and his or her spouse, who executes an affidavit of support under section 213A of the federal immigration and nationality act on behalf of the alien for a period of five years following the execution of that affidavit of support. (2) The sponsor-deeming provisions of subsection (1) of this section do not apply to the following: (a) An alien who has worked forty qualifying quarters of coverage as defined under Title II of the social security act or can be credited with such qualifying quarters as provided under P.L. 104-193 Sec. 435; (b) An alien who is lawfully residing in any state and is a veteran of, or on active duty in, the armed forces of the United States, or the spouse or unmarried dependent child of such individual; (c) An alien who served in the armed forces of an allied country, or was employed by an agency of the federal government, during a military conflict between the United States and a military adversary; (d) Aliens who are victims of domestic violence and who petition for legal status under the federal violence against women act; (e) For a period not to exceed twelve months, an alien for whom a determination has been made by the department that, in the absence of the assistance provided by the department, the alien would be unable to obtain food and shelter, taking into account the alien's own income plus any cash, food, housing, or other assistance provided by other individuals including the sponsor; and (f) An alien who achieves United States citizenship through naturalization pursuant to chapter 2 of Title III of the immigration and nationality act." Beginning on page 11, line 26 of the amendment, strike all of section 206 Renumber the remaining sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Kline on page 8, line 21; page 9, line 23; page 10, line 3; and page 11, line 26; to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

The motion by Senator Kline failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Franklin moved that the following amendment to the striking amendment by Senator Deccio be adopted:

On page 27, line 35 of the amendment, after "under" strike "three" and insert "six" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Franklin on page 27, line 35, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senators Benton and Haugen - 2.

#### MOTION

Senator Brown moved that the following amendment to the striking amendment by Senator Deccio be adopted:

On page 36, beginning on line 23 of the amendment, after "(3)" strike all material through "size." on page 37, line 6, and insert "The department shall establish the eligibility and copayment structure of the child care subsidy program." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 36, beginning on line 23, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

The motion by Senator Brown failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Franklin moved that the following amendments to the striking amendment by Senator Deccio be considered simultaneously and be adopted:

On page 39, line 18 of the amendment, after "communities" insert "and shall ensure that child care providers are trained in communities where child care capacity is insufficient to meet the demand generated by the WorkFirst program" On page 39, line 21 of the amendment, after "(3)" insert "The department shall conduct a needs assessment to determine which communities are most in need of trained child care providers and shall provide training for child care providers in those areas. (4)" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Franklin on page 39, lines 18 and 21, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senators Benton and Haugen - 2.

#### MOTION

Senator Wojahn moved that the following amendments to the striking amendment by Senator Deccio be considered simultaneously and be adopted:

On page 60, beginning on line 26 of the amendment, after "met" strike all material through "orders" on line 27 On page 60, beginning on line 32 of the amendment, after "order" strike all material through "order" on line 33 On page 61, beginning on line 1 of the amendment, strike all material through "order." on line 13 and insert the following: "A person who is certified by the department of social and health services as being in noncompliance with a support order, as provided in section 802 of this act, shall not be permitted to provide legal representation in appearances before state or local agencies, boards, commissions, or other nonjudicial entities, shall not be employed as counsel for state or agencies, and shall not serve as a guardian or guardian ad litem. **NEW SECTION. Sec. 811.** A new section is added to chapter 9A.64 RCW to read as follows: Any person who is admitted to the practice of law in the state of Washington, and is certified by the department of social and health services as being in noncompliance with a support order, as provided in section 802 of this act, is guilty of criminal failure to provide financial support, which is a class C felony." Renummer the remaining sections consecutively and correct any internal references accordingly.

#### POINT OF ORDER

Senator Deccio: "A point of order. Would Senator Wojahn yield? I don't think she is speaking to the amendments. They only deal with attorneys."

#### REPLY BY THE PRESIDENT



President Owen: "It would not be appropriate for you to request her to yield to a question, but the--"

Senator Deccio: "Well, I don't think they are the same amendments that I am looking at."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Wojahn on page 60, beginning on lines 26 and 32, and page 61, beginning on line 1, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

The motion by Senator Wojahn failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Patterson moved that the following amendment by Senators Wojahn and Kline to the striking amendment by Senator Deccio be considered simultaneously and be adopted:

Beginning on page 48, line 9 of the amendment, strike all of sections 802 through 890 and insert the following: "**NEW SECTION. Sec. 802.** A new section is added to chapter 74.20A RCW to read as follows: (1) The department may serve upon a responsible parent a notice informing the responsible parent of the department's intent to submit the parent's name to the department of licensing and any appropriate licensing entity as a licensee who is not in compliance with a child support order. The department shall attach a copy of the responsible parent's child support order to the notice. Service of the notice must be by certified mail, return receipt requested. If service by certified mail is not successful, service shall be by personal service. (2) The notice of noncompliance must include the address and telephone number of the department's division of child support office that issues the notice and must inform the responsible parent that: (a) The parent may request an adjudicative proceeding to contest the issue of compliance. The only issues that may be considered at the adjudicative proceeding are whether the parent is required to pay child support under a child support order and whether the parent is in compliance with that order; (b) A request for an adjudicative proceeding shall be in writing and must be received by the department within twenty days of the date of service of the notice; (c) If the parent requests an adjudicative proceeding within twenty days of service, the department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order pending entry of a written decision after the adjudicative proceeding; (d) If the parent does not request an adjudicative proceeding within twenty days of service and remains in noncompliance with a child support order, the department will certify the parent's name to the department of licensing and any appropriate licensing entity for noncompliance with a child support order; (e) The department will stay action to certify the parent to the department of licensing and any licensing entity for noncompliance if the parent agrees to make timely payments of current support and agrees to a reasonable payment schedule for payment of the arrears. It is the parent's responsibility to contact in person or by mail the department's division of child support office indicated on the notice within twenty days of service of the notice to arrange for a payment schedule. The department may stay certification for up to thirty days after contact from a parent to arrange for a payment schedule; (f) If the department certifies the responsible parent to the department of licensing and a licensing entity for noncompliance with a child support order, the licensing entity will suspend or not renew the parent's license and the department of licensing will suspend or not renew any driver's license that the parent holds until the parent provides the department of licensing and the licensing entity with a release from the department stating that the responsible parent is in compliance with the child support order; (g) Suspension of a license will affect insurability if the responsible parent's insurance policy excludes coverage for acts occurring after the suspension of a license; (h) If after receiving the notice of noncompliance with a child support order, the responsible parent files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, the department or the court may stay action to certify the parent to the department of licensing and any licensing entity for noncompliance with a child support order. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification; and (i) If the responsible parent subsequently becomes in compliance with the child support order, the department will promptly provide the parent with a release stating that the parent is in compliance with the order, and the parent may request that the licensing entity or the department of licensing reinstate the suspended license. (3) A responsible parent may request an adjudicative proceeding upon service of the notice described in subsection (1) of this section. The request for an adjudicative proceeding must be received by the department within twenty days of service. The request must be in writing and indicate the current mailing address and daytime phone number, if available, of the responsible parent. The proceedings under this subsection shall be conducted in accordance with the requirements of chapter 34.05 RCW. The issues that may be considered at the adjudicative proceeding are limited to whether: (a) The person named as the responsible parent is the responsible parent; (b) The responsible parent is required to pay child support under a child support order; and (c) The responsible parent is in compliance with the order. (4) The decision resulting from the adjudicative proceeding must be in writing and inform the responsible parent of his or her rights to review. The parent's copy of the decision may be sent by regular mail to the parent's most recent address of record. (5) If a responsible parent contacts the department's division of child support office indicated on the notice of noncompliance within twenty days of service of the notice and requests arrangement of a payment schedule, the department shall stay the certification of noncompliance during negotiation of the schedule for payment of arrears. In no event shall the stay continue for more than thirty days from the date of contact by the parent. The department shall make good faith efforts to establish a schedule for payment of arrears that is fair and reasonable, and that considers the financial situation of the responsible parent and the needs of all children who rely on the responsible parent for support. At the end of the thirty days, if no payment schedule has been agreed to in writing, the department shall proceed with certification of noncompliance. (6) If a responsible parent timely requests an adjudicative proceeding pursuant to subsection (4) of this section, the department may not certify the name of the parent to the department of licensing or a licensing entity for noncompliance with a child support order unless the adjudicative proceeding results in a finding that the responsible parent is not in compliance with the order. (7) The department may certify to the department of licensing and any appropriate licensing entity the name of a responsible parent who is not in compliance with a child support order if: (a) The responsible parent does not timely request an adjudicative proceeding upon service of a notice issued under subsection (1) of this section and is not in compliance with a child support order twenty-one days after service of the notice; (b) An adjudicative proceeding results in a decision that the responsible parent is not in compliance with a child support order; (c) The court enters a judgment on a petition for judicial review that finds the

responsible parent is not in compliance with a child support order; (d) The department and the responsible parent have been unable to agree on a fair and reasonable schedule of payment of the arrears; or (e) The responsible parent fails to comply with a payment schedule established pursuant to subsection (5) of this section. The department shall send by regular mail a copy of any certification of noncompliance filed with the department of licensing or a licensing entity to the responsible parent at the responsible parent's most recent address of record. (8) The department of licensing and a licensing entity shall, without undue delay, notify a responsible parent certified by the department under subsection (7) of this section that the parent's driver's license or other license has been suspended because the parent's name has been certified by the department as a responsible parent who is not in compliance with a child support order. (9) When a responsible parent who is served notice under subsection (1) of this section subsequently complies with the child support order, the department shall promptly provide the parent with a release stating that the responsible parent is in compliance with the order. A copy of the release shall be transmitted by the department to the appropriate licensing entities. (10) The department may adopt rules to implement and enforce the requirements of this section. (11) Nothing in this section prohibits a responsible parent from filing a motion to modify support with the court or from requesting the department to amend a support obligation established by an administrative decision. If there is a reasonable likelihood that the motion or request will significantly change the amount of the child support obligation, the department or the court may stay action to certify the responsible parent to the department of licensing and any licensing entity for noncompliance with a child support order. The responsible parent has the obligation to notify the department that a modification proceeding is pending and provide a copy of the motion or request for modification. (12) The department of licensing and a licensing entity may issue, renew, reinstate, or otherwise extend a license in accordance with the licensing entity's or the department of licensing's rules after the licensing entity or the department of licensing receives a copy of the release specified in subsection (9) of this section. The department of licensing and a licensing entity may waive any applicable requirement for reissuance, renewal, or other extension if it determines that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest. (13) The procedures in chapter . . . , Laws of 1997 (this act), constitute the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order and suspension of a license under this section, and satisfy the requirements of RCW 34.05.422. **NEW SECTION. Sec. 803.** A new section is added to chapter 74.20A RCW to read as follows: (1) The department and all of the various licensing entities subject to section 802 of this act shall enter into such agreements as are necessary to carry out the requirements of the license suspension program established in section 802 of this act. (2) The department and all licensing entities subject to section 802 of this act shall compare data to identify responsible parents who may be subject to the provisions of chapter . . . , Laws of 1997 (this act). The comparison may be conducted electronically, or by any other means that is jointly agreeable between the department and the particular licensing entity. The data shared shall be limited to those items necessary to implementation of chapter . . . , Laws of 1997 (this act). The purpose of the comparison shall be to identify current licensees who are not in compliance with a child support order, and to provide to the department the following information regarding those licensees: (a) Name; (b) Date of birth; (c) Address of record; (d) Federal employer identification number and social security number; (e) Type of license; (f) Effective date of license or renewal; (g) Expiration date of license; and (h) Active or inactive status. **NEW SECTION. Sec. 804.** A new section is added to chapter 74.20A RCW to read as follows: In furtherance of the public policy of increasing collection of child support and to assist in evaluation of the program established in section 802 of this act, the department shall report the following to the legislature and the governor on December 1, 1998, and annually thereafter: (1) The number of responsible parents identified as licensees subject to section 802 of this act; (2) The number of responsible parents identified by the department as not in compliance with a child support order; (3) The number of notices of noncompliance served upon responsible parents by the department; (4) The number of responsible parents served a notice of noncompliance who request an adjudicative proceeding; (5) The number of adjudicative proceedings held, and the results of the adjudicative proceedings; (6) The number of responsible parents certified to the department of licensing or licensing entities for noncompliance with a child support order, and the number of each type of licenses that were suspended; (7) The costs incurred in the implementation and enforcement of section 802 of this act and an estimate of the amount of child support collected due to the department under section 802 of this act; (8) Any other information regarding this program that the department feels will assist in evaluation of the program; (9) Recommendations for the addition of specific licenses in the program or exclusion of specific licenses from the program, and reasons for such recommendations; and (10) Any recommendations for statutory changes necessary for the cost-effective management of the program. **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each amended to read as follows: Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings: (1) "Department" means the state department of social and health services. (2) "Secretary" means the secretary of the department of social and health services, ((his)) the secretary's designee or authorized representative. (3) "Dependent child" means any person: (a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or (b) Over the age of eighteen for whom a court order for support exists. (4) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state. (5) "Superior court order" means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support. (6) "Administrative order" means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation. (7) "Responsible parent" means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics and includes the parent of an unmarried minor with a child. (8) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist until terminated as provided for in RCW 26.16.205. (9) "Support moneys" means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child

support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation. (10) "Support debt" means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt. (11) "State" means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (12) "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account. (13) "Child support order" means a superior court order or an administrative order. (14) "Financial institution" means: (a) A depository institution, as defined in section 3(c) of the federal deposit insurance act; (b) An institution-affiliated party, as defined in section 3(u) of the federal deposit insurance act; (c) Any federal or state credit union, as defined in section 101 of the federal credit union act, including an institution-affiliated party of such credit union, as defined in section 206(r) of the federal deposit insurance act; or (d) Any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity. (15) "License" means a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity to a licensee evidencing admission to or granting authority to engage in a profession, occupation, business, industry, recreational pursuit, or the operation of a motor vehicle. (16) "Licensee" means any individual holding a license, certificate, registration, permit, approval, or other similar document issued by a licensing entity evidencing admission to or granting authority to engage in a profession, occupation, business, industry, recreational pursuit, or the operation of a motor vehicle. (17) "Licensing entity" includes any department, board, commission, or other organization authorized to issue, renew, suspend, or revoke a license authorizing an individual to engage in a business, occupation, profession, industry, recreational pursuit, or the operation of a motor vehicle, and includes the Washington state supreme court, to the extent that a rule has been adopted by the court to implement suspension of licenses related to the practice of law. (18) "Noncompliance with a child support order" for the purposes of the license suspension program authorized under section 802 of this act means a responsible parent has: (a) Accumulated arrears totaling more than six months of child support payments; (b) Failed to make payments pursuant to a written agreement with the department towards a support arrearage in an amount that exceeds six months of payments; or (c) Failed to make payments required by a superior court order or administrative order towards a support arrearage in an amount that exceeds six months of payments. **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read as follows: The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee: (1) Has committed an offense for which mandatory revocation or suspension of license is provided by law; (2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage; (3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways; (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3); ~~((¶))~~ (5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289; ~~((¶))~~ (6) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.336; or (7) Has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in section 802 of this act. **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to read as follows: (1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289 ~~((and))~~, 46.20.291(5), or section 802 of this act, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be fifty dollars. (2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall

not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. (3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars. **NEW SECTION. Sec. 808.** A new section is added to chapter 48.22 RCW to read as follows: If a motor vehicle liability insurance policy contains any provision excluding insurance coverage for an unlicensed driver, such provision shall not apply for ninety days from the date of suspension in the event that the department of licensing suspends a driver's license solely for the nonpayment of child support as provided in chapter 74.20A RCW. **NEW SECTION. Sec. 809.**

**ATTORNEYS.** The legislature intends that the license suspension program established in chapter 74.20A RCW be implemented fairly to ensure that child support obligations are met. However, being mindful of the separations of powers and responsibilities among the branches of government, the legislature strongly encourages the state supreme court to adopt rules providing for suspension and denial of licenses related to the practice of law to those individuals who are in noncompliance with a support order. **NEW SECTION. Sec. 810.** A new section is added to chapter 2.48 RCW to read as follows: **ATTORNEYS.** The Washington state supreme court may provide by rule that no person who has been certified by the department of social and health services as a person who is in noncompliance with a support order as provided in section 802 of this act may be admitted to the practice of law in this state, and that any member of the Washington state bar association who has been certified by the department of social and health services as a person who is in noncompliance with a support order as provided in section 802 of this act shall be immediately suspended from membership. The court's rules may provide for review of an application for admission or reinstatement of membership after the department of social and health services has issued a release stating that the person is in compliance with the order. **NEW SECTION. Sec. 811.** A new section is added to chapter 18.04 RCW to read as follows: The board shall immediately suspend the certificate or license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to read as follows: (1) Upon application in writing and after hearing pursuant to notice, the board may: ((+)) (a) Modify the suspension of, or reissue a certificate or license to, an individual whose certificate has been revoked or suspended; or ((-)) (b) Modify the suspension of, or reissue a license to a firm whose license has been revoked, suspended, or which the board has refused to renew. (2) In the case of suspension for failure to comply with a support order under chapter 74.20A RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a certificate or license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **Sec. 813.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to read as follows: (1) Except as provided in section 815 of this act, a certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience. (2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086. (3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess any of the following qualifications: (a) Have an accredited architectural degree and three years' practical architectural work experience approved by the board, which may include designing buildings as a principal activity. At least two years' work experience must be supervised by an architect with detailed professional knowledge of the work of the applicant; (b) Have eight years' practical architectural work experience approved by the board. Each year spent in an accredited architectural program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect; or (c) Be a person who has been designing buildings as a principal activity for eight years, or has an equivalent combination of education and experience, but who was not registered under chapter 323, Laws of 1959, as amended, as it existed before July 28, 1992, provided that application is made within four years after July 28, 1992. Nothing in this chapter prevents such a person from designing buildings for four years after July 28, 1992, or the five-year period allowed for completion of the examination process, after that person has applied for registration. A person who has been designing buildings and is qualified under this subsection shall, upon application to the board of registration for architects, be allowed to take the examination for architect registration on an equal basis with other applicants. **Sec. 814.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to read as follows: (1) Except as provided in section 815 of this act, a certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience. (2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086. (3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess any of the following qualifications: (a) Have an accredited architectural degree and three years' practical architectural work experience approved by the board, which may include designing buildings as a principal activity. At least two years' work experience must be supervised by an architect with detailed professional knowledge of the work of the applicant; or (b) Have eight years' practical architectural work experience approved by the board. Each year spent in an accredited architectural program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect. **NEW SECTION. Sec. 815.** A new section is added to chapter 18.08 RCW to read as follows: The board shall immediately suspend the certificate of registration or certificate of authorization to practice architecture of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **Sec. 816.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to read as follows: (1) No

license shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly. (2) The following shall be grounds for denial, suspension, or revocation of a license, or imposition of an administrative fine by the department: (a) Misrepresentation or concealment of material facts in obtaining a license; (b) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law; (c) Revocation of a license by another state; (d) Misleading or false advertising; (e) A pattern of substantial misrepresentations related to auctioneering or auction company business; (f) Failure to cooperate with the department in any investigation or disciplinary action; (g) Nonpayment of an administrative fine prior to renewal of a license; (h) Aiding an unlicensed person to practice as an auctioneer or as an auction company; and (i) Any other violations of this chapter. (3) The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 817.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to read as follows: (1) Upon payment of the proper fee, except as provided in section 818 of this act, the director shall issue the appropriate license to any person who: (a) Is at least seventeen years of age or older; (b) Has completed and graduated from a course approved by the director of sixteen hundred hours of training in cosmetology, one thousand hours of training in barbering, five hundred hours of training in manicuring, five hundred hours of training in esthetics, and/or five hundred hours of training as an instructor-trainee; and (c) Has received a passing grade on the appropriate licensing examination approved or administered by the director. (2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course approved by the director. (3) Upon payment of the proper fee, the director shall issue a salon/shop license to the operator of a salon/shop if the salon/shop meets the other requirements of this chapter as demonstrated by information submitted by the operator. (4) The director may consult with the state board of health and the department of labor and industries in establishing training and examination requirements. **NEW SECTION. Sec. 818.** A new section is added to chapter 18.16 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 819** A new section is added to chapter 18.20 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 820.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each amended to read as follows: (1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter. (2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for: (a) One year; (b) Until the bond expires; or (c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate. (3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year. (4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor. (5) The department shall immediately suspend the certificate of registration of a contractor who has been certified by the department of social and health services as a person who is not in compliance with a support order as provided in section 802 of this act. The certificate of registration shall not be reissued or renewed unless the person provides to the department a release from the department of social and health services stating that he or she is in compliance with the order and the person has continued to meet all other requirements for certification during the suspension. **Sec. 821.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to read as follows: Except as provided in section 822 of this act, the director shall issue a license to an applicant if the following requirements are met: (1) The application is complete and the applicant has complied with RCW 18.28.030. (2) Neither an individual applicant, nor any of the applicant's members if the applicant is a partnership or association, nor any of the applicant's officers or directors if the applicant is a corporation: (a) Has ever been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other like offense, or has been disbarred from the practice of law; (b) has participated in a violation of this chapter or of any valid rules, orders or decisions of the director promulgated under this chapter; (c) has had a license to engage in the business of debt adjusting revoked or removed for any reason other than for failure to pay licensing fees in this or any other state; or (d) is an employee or owner of a collection agency, or process serving business. (3) An individual applicant is at least eighteen years of age. (4) An applicant which is a partnership, corporation, or association is authorized to do business in this state. (5) An individual applicant for an original license as a debt adjuster has passed an examination administered by the director, which examination may be oral or written, or partly oral and partly written, and shall be practical in nature and sufficiently thorough to ascertain the applicant's fitness. Questions on bookkeeping, credit adjusting, business ethics, agency, contracts, debtor and creditor relationships, trust funds and the provisions of this chapter shall be included in the examination. No applicant may use any books or other similar aids while taking the examination, and no applicant may take the examination more than three times in any twelve month period. **NEW SECTION. Sec. 822.** A new section is added to chapter 18.28 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department

of social and health services stating that the licensee is in compliance with the order. **Sec. 823.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to read as follows: The director shall have the following powers and duties: (1) To issue all licenses provided for under this chapter; (2) To renew licenses under this chapter; (3) To collect all fees prescribed and required under this chapter; ~~((and))~~ (4) To immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order; and (5) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter. **NEW SECTION. Sec. 824.** A new section is added to chapter 18.39 RCW to read as follows: In the case of suspension for failure to comply with a support order under chapter 74.20A RCW, if the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of a license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. **NEW SECTION. Sec. 825.** A new section is added to chapter 18.43 RCW to read as follows: The board shall immediately suspend the registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for membership during the suspension, reissuance of the certificate of registration shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 826.** A new section is added to chapter 18.44 RCW to read as follows: The department shall immediately suspend the certificate of registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 827.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read as follows: (1) The department may deny, suspend, or revoke a license in any case in which it finds that there has been failure or refusal to comply with the requirements established under this chapter or the rules adopted under it. (2) The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. RCW 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding but shall not apply to actions taken under subsection (2) of this section. **NEW SECTION. Sec. 828.** A new section is added to chapter 18.51 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services, division of support, as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the division of child support stating that the person is in compliance with the order. **NEW SECTION. Sec. 829.** A new section is added to chapter 18.76 RCW to read as follows: The department shall immediately suspend the certification of a poison center medical director or a poison information specialist who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certification shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 830.** A new section is added to chapter 18.85 RCW to read as follows: The director shall immediately suspend the license of a broker or salesperson who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 831.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended to read as follows: (1) The director may refuse to renew, or may suspend or revoke, a certificate of registration to use the titles landscape architect, landscape architecture, or landscape architectural in this state upon the following grounds: ~~((+))~~ (a) The holder of the certificate of registration is impersonating a practitioner or former practitioner. ~~((2))~~ (b) The holder of the certificate of registration is guilty of fraud, deceit, gross negligence, gross incompetency or gross misconduct in the practice of landscape architecture. ~~((3))~~ (c) The holder of the certificate of registration permits his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by employees subject to his direction and control. ~~((4))~~ (d) The holder of the certificate has committed fraud in applying for or obtaining a certificate. (2) The director shall immediately suspend the certificate of registration of a landscape architect who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of registration shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 832.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to read as follows: (1) In cases other than those relating to the failure of a licensee to renew a license, the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons: ~~((+))~~ (a) For fraud or deception in obtaining the license; ~~((2))~~ (b) For fraud or deception in reporting under RCW 18.104.050; ~~((3))~~ (c) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health. (2) The director shall immediately suspend any license issued under this chapter if the holder of the license has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (3) No license shall be suspended for more than six months, except that a suspension under section 802 of this act shall continue until the department receives a release issued by the department of social and health services stating that the person is in compliance with the order. (4) No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation. **Sec. 833.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to read

as follows: (1) Except as provided in section 834 of this act, the department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. A renewal fee shall be assessed for each certificate. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee. The certificate of competency and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber or specialty plumber in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists. (2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request. (3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988, not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and (c) effective July 1, 1988, not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber. An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the ~~((commission for vocational education))~~ work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter. **NEW SECTION. Sec. 834.** A new section is added to chapter 18.106 RCW to read as follows: The department shall immediately suspend any certificate of competency issued under this chapter if the holder of the certificate has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of competency shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 835.** A new section is added to chapter 18.130 RCW to read as follows: The secretary shall immediately suspend the license of any person subject to this chapter who has been certified by the department of social and health services as a person who is not in compliance with a support order as provided in section 802 of this act. **Sec. 836.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to read as follows: A person whose license has been suspended or revoked under this chapter may petition the disciplining authority for reinstatement after an interval as determined by the disciplining authority in the order. The disciplining authority shall hold hearings on the petition and may deny the petition or may order reinstatement and impose terms and conditions as provided in RCW 18.130.160 and issue an order of reinstatement. The disciplining authority may require successful completion of an examination as a condition of reinstatement. A person whose license has been suspended for noncompliance with a support order under section 802 of this act may petition for reinstatement at any time by providing the secretary a release issued by the department of social and health services stating that the person is in compliance with the order. If the person has continued to meet all other requirements for reinstatement during the suspension, the secretary shall automatically reissue the person's license upon receipt of the release, and payment of a reinstatement fee, if any. **NEW SECTION. Sec. 837.** A new section is added to chapter 18.140 RCW to read as follows: The director shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 838.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8 are each reenacted and amended to read as follows: Except as provided in section 839 of this act, the department shall issue a certificate to any applicant who meets the standards established under this chapter and who: (1) Is holding one of the following: (a) Certificate of proficiency, registered professional reporter, registered merit reporter, or registered diplomate reporter from ~~((the))~~ the national court reporters association; (b) Certificate of proficiency or certificate of merit from ~~((the))~~ the national stenomask verbatim reporters association; or (c) A current Washington state court reporter certification; or (2) Has passed an examination approved by the director or an examination that meets or exceeds the standards established by the director. **NEW SECTION. Sec. 839.** A new section is added to chapter 18.145 RCW to read as follows: The director shall immediately suspend any certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the

person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 840.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to read as follows: (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons: (a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems; (b) Conviction of a felony; (c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business; (d) Use of false evidence or misrepresentation in an application for a license or certificate of competency; (e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or (f) Knowingly violating any provisions of this chapter or the regulations issued thereunder. (2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended. (3) The state director of fire protection shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for issuance or reinstatement during the suspension, issuance or reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (4) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW. This subsection does not apply to actions taken under subsection (3) of this section. **Sec. 841.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to read as follows: The following acts are prohibited and constitute grounds for disciplinary action, assessing administrative penalties, or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director: (1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter; (2) Knowingly making a material misstatement or omission in the application for or renewal of a license or firearms certificate, including falsifying requested identification information; (3) Not meeting the qualifications set forth in RCW 18.165.030, 18.165.040, or 18.165.050; (4) Failing to return immediately on demand a firearm issued by an employer; (5) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private investigator license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties; (6) Failing to return immediately on demand company identification, badges, or other items issued to the private investigator by an employer; (7) Making any statement that would reasonably cause another person to believe that the private investigator is a sworn peace officer; (8) Divulging confidential information obtained in the course of any investigation to which he or she was assigned; (9) Acceptance of employment that is adverse to a client or former client and relates to a matter about which a licensee has obtained confidential information by reason of or in the course of the licensee's employment by the client; (10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended; (11) Advertising that is false, fraudulent, or misleading; (12) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed; (13) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction; (14) Failure to cooperate with the director by: (a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter; (b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or (c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; (15) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director; (16) Aiding or abetting an unlicensed person to practice if a license is required; (17) Misrepresentation or fraud in any aspect of the conduct of the business or profession; (18) Failure to adequately supervise employees to the extent that the public health or safety is at risk; (19) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action; (20) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.165.050; (21) Assisting a client to locate, trace, or contact a person when the investigator knows that the client is prohibited by any court order from harassing or contacting the person whom the investigator is being asked to locate, trace, or contact, as it pertains to domestic violence, stalking, or minor children; (22) Failure to maintain bond or insurance; ~~((23))~~ (23) Failure to have a qualifying principal in place; or (24) Being certified as not in compliance with a support order as provided in section 802 of this act. **NEW SECTION. Sec. 842.** A new section is added to chapter 18.165 RCW to read as follows: The director shall immediately suspend a license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 843.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to read as follows: In addition to the provisions of section 844 of this act, the following acts are prohibited and constitute grounds for disciplinary action, assessing administrative penalties, or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director: (1) Knowingly violating any of the



provisions of this chapter or the rules adopted under this chapter; (2) Practicing fraud, deceit, or misrepresentation in any of the private security activities covered by this chapter; (3) Knowingly making a material misstatement or omission in the application for a license or firearms certificate; (4) Not meeting the qualifications set forth in RCW 18.170.030, 18.170.040, or 18.170.060; (5) Failing to return immediately on demand a firearm issued by an employer; (6) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private security guard license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties; (7) Failing to return immediately on demand any uniform, badge, or other item of equipment issued to the private security guard by an employer; (8) Making any statement that would reasonably cause another person to believe that the private security guard is a sworn peace officer; (9) Divulging confidential information that may compromise the security of any premises, or valuables shipment, or any activity of a client to which he or she was assigned; (10) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction; (11) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof; (12) Advertising that is false, fraudulent, or misleading; (13) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed; (14) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction; (15) Failure to cooperate with the director by: (a) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter; (b) Not furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or (c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; (16) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the disciplining authority; (17) Aiding or abetting an unlicensed person to practice if a license is required; (18) Misrepresentation or fraud in any aspect of the conduct of the business or profession; (19) Failure to adequately supervise employees to the extent that the public health or safety is at risk; (20) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against a client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action; (21) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.170.060; (22) Failure to maintain insurance; and (23) Failure to have a qualifying principal in place. **NEW SECTION. Sec. 844.** A new section is added to chapter 18.170 RCW to read as follows: The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 845.** A new section is added to chapter 18.175 RCW to read as follows: The director shall immediately suspend a certificate of registration issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **NEW SECTION. Sec. 846.** A new section is added to chapter 18.185 RCW to read as follows: The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 847.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to read as follows: This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. (1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in ~~((an other))~~ another manner that shows proof of receipt. (2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice. (a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent. (b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent. (c) When the department has received certification pursuant to chapter 74.20A RCW from the division of child support that the licensee is a person who is not in compliance with a support order, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee. (3) Except for licensees suspended for noncompliance with a support order under chapter 74.20A RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt. (4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been

entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause. (b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause. **NEW SECTION. Sec. 848.** A new section is added to chapter 28A.410 RCW to read as follows: Any certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended by the authority authorized to grant the certificate or permit if the department of social and health services certifies that the person is not in compliance with a support order as provided in section 802 of this act. If the person continues to meet other requirements for reinstatement during the suspension, reissuance of the certificate or permit shall be automatic after the person provides the authority a release issued by the department of social and health services stating that the person is in compliance with the order. **Sec. 849.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read as follows: This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. This section does not govern actions taken under chapter 18.130 RCW. (1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in ~~((an other [another]))~~ another manner that shows proof of receipt. (2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice. (a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given the licensee or agent. (b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent. (c) When the department has received certification pursuant to chapter 74.20A RCW from the department of social and health services that the licensee is a person who is not in compliance with a child support order, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee. (3) Except for licensees suspended for noncompliance with a child support order under chapter 74.20A RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt. (4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause. (b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause. **Sec. 850.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to read as follows: (1) The department has the power, in case of serious noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective twenty days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board. The filing of an appeal stays the effect of a revocation or suspension until the board makes its decision. The appeal shall be filed within twenty days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. The hearing shall be conducted in accordance with chapter 34.05 RCW. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund. (2) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 851.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to read as follows: (1) The department may revoke any certificate of competency upon the following grounds: (a) The certificate was obtained through error or fraud; (b) The holder thereof is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician; (c) The holder thereof has violated any of the provisions of RCW 19.28.510 through 19.28.620 or any rule adopted under this chapter. (2) Before any certificate of competency shall be revoked, the holder shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing before the board. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision. (3) The department shall immediately suspend the license or

certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 852.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to read as follows: Any person may protest the grant or renewal of a license under this section. The director may revoke, suspend, or refuse to issue or renew any license when it is shown that: (1) The farm labor contractor or any agent of the contractor has violated or failed to comply with any of the provisions of this chapter; (2) The farm labor contractor has made any misrepresentations or false statements in his or her application for a license; (3) The conditions under which the license was issued have changed or no longer exist; (4) The farm labor contractor, or any agent of the contractor, has violated or wilfully aided or abetted any person in the violation of, or failed to comply with, any law of the state of Washington regulating employment in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business activities, or operations of the contractor in his or her capacity as a farm labor contractor; (5) The farm labor contractor or any agent of the contractor has in recruiting farm labor solicited or induced the violation of any then existing contract of employment of such laborers; or (6) The farm labor contractor or any agent of the contractor has an unsatisfied judgment against him or her in any state or federal court, arising out of his or her farm labor contracting activities. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 853.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to read as follows: In addition to other provisions of this chapter, any license issued pursuant to this chapter or any application therefor may be denied, not renewed, revoked, or suspended, or in lieu of or in addition to suspension a licensee may be assessed a civil, monetary penalty in an amount not to exceed one thousand dollars: (1) If an individual applicant or licensee is less than eighteen years of age or is not a resident of this state. (2) If an applicant or licensee is not authorized to do business in this state. (3) If the application or renewal forms required by this chapter are incomplete, fees required under RCW 19.16.140 and 19.16.150, if applicable, have not been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 19.16.190, if applicable, has not been filed or renewed or is canceled. (4) If any individual applicant, owner, officer, director, or managing employee of a nonindividual applicant or licensee: (a) Shall have knowingly made a false statement of a material fact in any application for a collection agency license or an out-of-state collection agency license or renewal thereof, or in any data attached thereto and two years have not elapsed since the date of such statement; (b) Shall have had a license to engage in the business of a collection agency or out-of-state collection agency denied, not renewed, suspended, or revoked by this state, any other state, or foreign country, for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements: PROVIDED, That the terms of this subsection shall not apply if: (i) Two years have elapsed since the time of any such denial, nonrenewal, or revocation; or (ii) The terms of any such suspension have been fulfilled; (c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and is incarcerated for that offense or five years have not elapsed since the date of such conviction; (d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in said action: PROVIDED, That in no event shall a license be issued unless the judgment debt has been discharged; (e) Has had his license to practice law suspended or revoked and two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state; (f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of RCW 19.86.020 and two years have not elapsed since the entry of the final judgment: PROVIDED, That in no event shall a license be issued unless the terms of such judgment, if any, have been fully complied with: PROVIDED FURTHER, That said judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license unless the judgment arises out of and is based on acts of the applicant, owner, officer, director, managing employee, or licensee while acting for or as a collection agency or an out-of-state collection agency; (g) Has petitioned for bankruptcy, and two years have not elapsed since the filing of said petition; (h) Shall be insolvent in the sense that his or its liabilities exceed his or its assets or in the sense that he or it cannot meet his or its obligations as they mature; (i) Has failed to pay any civil, monetary penalty assessed in accordance with RCW 19.16.351 or 19.16.360 within ten days after the assessment becomes final; (j) Has knowingly failed to comply with, or violated any provisions of this chapter or any rule or regulation issued pursuant to this chapter, and two years have not elapsed since the occurrence of said noncompliance or violation; or (k) Has been found by a court of competent jurisdiction to have violated the federal fair debt collection practices act, 15 U.S.C. Sec. 1692 et seq., or the Washington state consumer protection act, chapter 19.86 RCW, and two years have not elapsed since that finding. Except as otherwise provided in this section, any person who is engaged in the collection agency business as of January 1, 1972 shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this chapter, be issued a license (~~hereunder~~) under this chapter. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 854.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended to read as follows: (1) In accordance with the provisions of chapter 34.05 RCW as now or as hereafter amended, the director may by order deny, suspend or revoke the license of any employment agency if he finds that the applicant or licensee: ((1)) (a) Was previously the holder of a license issued under this chapter, which was revoked for cause and never reissued by the director, or which license was suspended for cause and the terms of the suspension have not been fulfilled; ((2)) (b) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving wilful fraud, misrepresentation or conversion; ((3)) (c) Has made a false statement of a material fact in his application or in any data attached thereto; ((4)) (d) Has violated any

provisions of this chapter, or failed to comply with any rule or regulation issued by the director pursuant to this chapter. (2) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 855.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to read as follows: (1) The director of agriculture may cancel or suspend any such license if he finds after proper investigation that (a) the licensee has violated any provision of this chapter or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any act the administration of which is in the charge of the department of agriculture, or (b) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten days after receipt from the director of agriculture of written notice to do so. (2) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten days from the date of such notice. (3) Any order made by the director suspending or revoking any license may be reviewed by certiorari in the superior court of the county in which the licensed premises are located, within ten days from the date notice in writing of the director's order revoking or suspending such license has been served upon him. (4) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 856.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to read as follows: (1) A registration or an application for registration of camping resort contracts or renewals thereof may by order be denied, suspended, or revoked if the director finds that: (a) The advertising, sales techniques, or trade practices of the applicant, registrant, or its affiliate or agent have been or are deceptive, false, or misleading; (b) The applicant or registrant has failed to file copies of the camping resort contract form under RCW 19.105.360; (c) The applicant, registrant, or affiliate has failed to comply with any provision of this chapter, the rules adopted or the conditions of a permit granted under this chapter, or a stipulation or final order previously entered into by the operator or issued by the department under this chapter; (d) The applicant's, registrant's, or affiliate's offering of camping resort contracts has worked or would work a fraud upon purchasers or owners of camping resort contracts; (e) The camping resort operator or any officer, director, or affiliate of the camping resort operator has been within the last five years convicted of or pleaded nolo contendere to any misdemeanor or felony involving conversion, embezzlement, theft, fraud, or dishonesty, has been enjoined from or had any civil penalty assessed for a finding of dishonest dealing or fraud in a civil suit, or been found to have engaged in any violation of any act designed to protect consumers, or has been engaged in dishonest practices in any industry involving sales to consumers; (f) The applicant or registrant has represented or is representing to purchasers in connection with the offer or sale of a camping resort contract that a camping resort property, facility, amenity camp site, or other development is planned, promised, or required, and the applicant or registrant has not provided the director with a security or assurance of performance as required by this chapter; (g) The applicant or registrant has not provided or is no longer providing the director with the necessary security arrangements to assure future availability of titles or properties as required by this chapter or agreed to in the permit to market; (h) The applicant or registrant is or has been employing unregistered salespersons or offering or proposing a membership referral program not in compliance with this chapter; (i) The applicant or registrant has breached any escrow, impound, reserve account, or trust arrangement or the conditions of an order or permit to market required by this chapter; (j) The applicant or registrant has breached any stipulation or order entered into in settlement of the department's filing of a previous administrative action; (k) The applicant or registrant has filed or caused to be filed with the director any document or affidavit, or made any statement during the course of a registration or exemption procedure with the director, that is materially untrue or misleading; (l) The applicant or registrant has engaged in a practice of failing to provide the written disclosures to purchasers or prospective purchasers as required under this chapter; (m) The applicant, registrant, or any of its officers, directors, or employees, if the operator is other than a natural person, have wilfully done, or permitted any of their salespersons or agents to do, any of the following: (i) Engage in a pattern or practice of making untrue or misleading statements of a material fact, or omitting to state a material fact; (ii) Employ any device, scheme, or artifice to defraud purchasers or members; (iii) Engage in a pattern or practice of failing to provide the written disclosures to purchasers or prospective purchasers as required under this chapter; (n) The applicant or registrant has failed to provide a bond, letter of credit, or other arrangement to assure delivery of promised gifts, prizes, awards, or other items of consideration, as required under this chapter, breached such a security arrangement, or failed to maintain such a security arrangement in effect because of a resignation or loss of a trustee, impound, or escrow agent; (o) The applicant or registrant has engaged in a practice of selling contracts using material amendments or codicils that have not been filed or are the consequences of breaches or alterations in previously filed contracts; (p) The applicant or registrant has engaged in a practice of selling or proposing to sell contracts in a ratio of contracts to sites available in excess of that filed in the affidavit required by this chapter; (q) The camping resort operator has withdrawn, has the right to withdraw, or is proposing to withdraw from use all or any portion of any camping resort property devoted to the camping resort program, unless: (i) Adequate provision has been made to provide within a reasonable time thereafter a substitute property in the same general area that is at least as desirable for the purpose of camping and outdoor recreation; (ii) The property is withdrawn because, despite good faith efforts by the camping resort operator, a nonaffiliate of the camping resort has exercised a right of withdrawal from use by the camping resort (such as withdrawal following expiration of a lease of the property to the camping resort) and the terms of the withdrawal right have been disclosed in writing to all purchasers at or prior to the time of any sales of camping resort contracts after the camping resort has represented to purchasers that the property is or will be available for camping or recreation purposes; (iii) The specific date upon which the withdrawal becomes effective has been disclosed in writing to all purchasers and members prior to the time of any sales of camping resort contracts after the camping resort has represented to purchasers that the property is or will be available for camping or recreation purposes; (iv) The rights of members and owners of the camping resort contracts under the express terms of the camping resort contract have expired, or have been specifically limited, upon the lapse of a stated or determinable period of time, and the director by order has found that the withdrawal is

not otherwise inconsistent with the protection of purchasers or the desire of the majority of the owners of camping resort contracts, as expressed in their previously obtained vote of approval; (r) The format, form, or content of the written disclosures provided therein is not complete, full, or materially accurate, or statements made therein are materially false, misleading, or deceptive; (s) The applicant or registrant has failed or declined to respond to any subpoena lawfully issued and served by the department under this chapter; (t) The applicant or registrant has failed to file an amendment for a material change in the manner or at the time required under this chapter or its implementing rules; (u) The applicant or registrant has filed voluntarily or been placed involuntarily into a federal bankruptcy or is proposing to do so; or (v) A camping resort operator's rights or interest in a campground has been terminated by foreclosure or the operations in a camping resort have been terminated in a manner contrary to contract provisions. (2) Any applicant or registrant who has violated subsection (1)(a), (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be fined by the director in an amount not to exceed one thousand dollars for each such violation. Proceedings seeking such fines shall be held in accordance with chapter 34.05 RCW and may be filed either separately or in conjunction with other administrative proceedings to deny, suspend, or revoke registrations authorized under this chapter. Fines collected from such proceedings shall be deposited in the state general fund. (3) An operator, registrant, or applicant against whom administrative or legal proceedings have been filed shall be responsible for and shall reimburse the state, by payment into the general fund, for all administrative and legal costs actually incurred by the department in issuing, processing, and conducting any such administrative or legal proceeding authorized under this chapter that results in a final legal or administrative determination of any type or degree in favor of the department. (4) No order may be entered under this section without appropriate prior notice to the applicant or registrant of opportunity for a hearing and written findings of fact and conclusions of law, except that the director may by order summarily deny an application for registration or renewal under any of the above subsections and may summarily suspend or revoke a registration under subsection (1)(d), (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine may be imposed by summary order. (5) The proceedings to deny an application or renewal, suspend or revoke a registration or permit, whether summarily or otherwise, or impose a fine shall be held in accordance with chapter 34.05 RCW. (6) The director may enter into assurances of discontinuance in lieu of issuing a statement of charges or a cease and desist order or conducting a hearing under this chapter. The assurances shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or registrant shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violating or breaching an assurance under this subsection is grounds for suspension or revocation of registration or imposition of a fine. (7) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. Sec. 857. RCW 19.105.440 and 1988 c 159 s 21 are each amended to read as follows: (1) A salesperson may apply for registration by filing in a complete and readable form with the director an application form provided by the director which includes the following: (a) A statement whether or not the applicant within the past five years has been convicted of, pleaded nolo contendere to, or been ordered to serve probation for a period of a year or more for any misdemeanor or felony involving conversion, embezzlement, theft, fraud, or dishonesty or the applicant has been enjoined from, had any civil penalty assessed for, or been found to have engaged in any violation of any act designed to protect consumers; (b) A statement fully describing the applicant's employment history for the past five years and whether or not any termination of employment during the last five years was the result of any theft, fraud, or act of dishonesty; (c) A consent to service comparable to that required of operators under this chapter; and (d) Required filing fees. (2) The director may by order deny, suspend, or revoke a camping resort salesperson's registration or application for registration under this chapter or the person's license or application under chapter 18.85 RCW, or impose a fine on such persons not exceeding two hundred dollars per violation, if the director finds that the order is necessary for the protection of purchasers or owners of camping resort contracts and the applicant or registrant is guilty of: (a) Obtaining registration by means of fraud, misrepresentation, or concealment, or through the mistake or inadvertence of the director; (b) Violating any of the provisions of this chapter or any lawful rules adopted by the director pursuant thereto; (c) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses. For the purposes of this section, "being convicted" includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended; (d) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication, or distribution of false statements, descriptions, or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions, or promises purport to be made or to be performed by either the applicant or registrant and the applicant or registrant then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions, or promises; (e) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relies upon the work, representation, or conduct of the applicant or registrant; (f) Failing, upon demand, to disclose to the director or the director's authorized representatives acting by authority of law any information within his or her knowledge or to produce for inspection any document, book or record in his or her possession, which is material to the salesperson's registration or application for registration; (g) Continuing to sell camping resort contracts in a manner whereby the interests of the public are endangered, if the director has, by order in writing, stated objections thereto; (h) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter; (i) Misrepresentation of membership in any state or national association; or (j) Discrimination against any person in hiring or in sales activity on the basis of race, color, creed, or national origin, or violating any state or federal antidiscrimination law. (3) No order may be entered under this section without appropriate prior notice to the applicant or registrant of opportunity for a hearing and written findings of fact and conclusions of law, except that the director may by order summarily deny an application for registration under this section. (4) The proceedings to deny an application or renewal, suspend or revoke a registration or permit, whether summarily or otherwise, or impose a fine shall be held in accordance with chapter 34.05 RCW. (5) The director, subsequent to any complaint filed against a salesperson or pursuant to an investigation to determine violations, may enter into stipulated assurances of

discontinuances in lieu of issuing a statement of charges or a cease and desist order or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The salesperson shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for a disciplinary action, a suspension of registration, or a fine not to exceed one thousand dollars. (6) The director may by rule require such further information or conditions for registration as a camping resort salesperson, including qualifying examinations and fingerprint cards prepared by authorized law enforcement agencies, as the director deems necessary to protect the interests of purchasers. (7) Registration as a camping resort salesperson shall be effective for a period of one year unless the director specifies otherwise or the salesperson transfers employment to a different registrant. Registration as a camping resort salesperson shall be renewed annually, or at the time of transferring employment, whichever occurs first, by the filing of a form prescribed by the director for that purpose. (8) It is unlawful for a registrant of camping resort contracts to employ or a person to act as a camping resort salesperson covered under this section unless the salesperson has in effect with the department and displays a valid registration in a conspicuous location at each of the sales offices at which the salesperson is employed. It is the responsibility of both the operator and the salesperson to notify the department when and where a salesperson is employed, his or her responsibilities and duties, and when the salesperson's employment or reported duties are changed or terminated. (9) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 858.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to read as follows: (1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant: (a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled; (b) Has been found guilty of a felony within the past five years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion; (c) Has made a false statement of a material fact in an application under this chapter or in data attached to it; (d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter; (e) Has failed to display the registration as provided in this chapter; (f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public; or (g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising. (2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion. (3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 859.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to read as follows: (1) In order to maintain or defend a lawsuit or do any business in this state, a commercial telephone solicitor must be registered with the department of licensing. Prior to doing business in this state, a commercial telephone solicitor shall register with the department of licensing. Doing business in this state includes both commercial telephone solicitation from a location in Washington and solicitation of purchasers located in Washington. (2) The department of licensing, in registering commercial telephone solicitors, shall have the authority to require the submission of information necessary to assist in identifying and locating a commercial telephone solicitor, including past business history, prior judgments, and such other information as may be useful to purchasers. (3) The department of licensing shall issue a registration number to the commercial telephone solicitor. (4) It is a violation of this chapter for a commercial telephone solicitor to: (a) Fail to maintain a valid registration; (b) Advertise that one is registered as a commercial telephone solicitor or to represent that such registration constitutes approval or endorsement by any government or governmental office or agency; (c) Provide inaccurate or incomplete information to the department of licensing when making a registration application; or (d) Represent that a person is registered or that such person has a valid registration number when such person does not. (5) An annual registration fee shall be assessed by the department of licensing, the amount of which shall be determined at the discretion of the director of the department of licensing, and which shall be reasonably related to the cost of administering the provisions of this chapter. (6) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 860.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to read as follows: (1) An application for registration as an international student exchange visitor placement organization shall be submitted in the form prescribed by the secretary of state. The application shall include: (a) Evidence that the organization meets the standards established by the secretary of state under RCW 19.166.050; (b) The name, address, and telephone number of the organization, its chief executive officer, and the person within the organization who has primary responsibility for supervising placements within the state; (c) The organization's unified business identification number, if any; (d) The organization's United States Information Agency number, if any; (e) Evidence of council on standards for international educational travel listing, if any; (f) Whether the organization is exempt from federal income tax; and (g) A list of the organization's placements in Washington for the previous academic year including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements. (2) The application shall be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within Washington. If the secretary of state determines that the application is complete, the secretary of state shall file the application and the applicant is registered. (3) International student exchange visitor placement organizations that have registered shall inform the secretary of state of any changes in the information required under subsection (1) of this section within thirty days of the change. (4) Registration shall be renewed annually as established by rule

by the office of the secretary of state. (5) The office of the secretary of state shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the office of the secretary of state's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 861.** A new section is added to chapter 20.01 RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 862.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to read as follows: The director may by order deny, suspend, or revoke registration of any broker-dealer, salesperson, investment adviser representative, or investment adviser; censure or fine the registrant or an officer, director, partner, or person occupying similar functions for a registrant; or restrict or limit a registrant's function or activity of business for which registration is required in this state; if the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director: (1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact; (2) Has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder; (3) Has been convicted, within the past five years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities or investment commodities business, or any felony involving moral turpitude; (4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities or investment commodities business; (5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative; (6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or a commodity broker-dealer or sales representative, or the substantial equivalent of those terms as defined in this chapter or by the commodity futures trading commission denying or revoking registration as a commodity merchant as defined in RCW 21.30.010, or is the subject of an order of suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the federal commodity exchange act, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) the director may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section; (7) Has engaged in dishonest or unethical practices in the securities or investment commodities business; (8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; (9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or (10)(a) Has failed to supervise reasonably a salesperson or an investment adviser representative. For the purposes of this subsection, no person fails to supervise reasonably another person, if: (i) There are established procedures, and a system for applying those procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation by another person of this chapter, or a rule or order under this chapter; and (ii) The supervising person has reasonably discharged the duties and obligations required by these procedures and system without reasonable cause to believe that another person was violating this chapter or rules or orders under this chapter. (b) The director may issue a summary order pending final determination of a proceeding under this section upon a finding that it is in the public interest and necessary or appropriate for the protection of investors. The director may not impose a fine under this section except after notice and opportunity for hearing. The fine imposed under this section may not exceed five thousand dollars for each act or omission that constitutes the basis for issuing the order. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 863.** A new section is added to chapter 48.17 RCW to read as follows: The commissioner shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the commissioner's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 864** A new section is added to chapter 74.15 RCW to read as follows: The secretary shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the secretary's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 865.** A new section is added to chapter 47.68 RCW to read as follows: The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW**

**SECTION. Sec. 866.** A new section is added to chapter 71.12 RCW to read as follows: The department of health shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department of health's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 867.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to read as follows: (1) The board shall regulate a required alcohol server education program that includes: (a) Development of the curriculum and materials for the education program; (b) Examination and examination procedures; (c) Certification procedures, enforcement policies, and penalties for education program instructors and providers; (d) The curriculum for an approved class 12 alcohol permit training program that includes but is not limited to the following subjects: (i) The physiological effects of alcohol including the effects of alcohol in combination with drugs; (ii) Liability and legal information; (iii) Driving while intoxicated; (iv) Intervention with the problem customer, including ways to stop service, ways to deal with the belligerent customer, and alternative means of transportation to get the customer safely home; (v) Methods for checking proper identification of customers; (vi) Nationally recognized programs, such as TAM (Techniques in Alcohol Management) and TIPS (Training for Intervention Programs) modified to include Washington laws and regulations. (2) The board shall provide the program through liquor licensee associations, independent contractors, private persons, private or public schools certified by the board, or any combination of such providers. (3) Except as provided in section 869 of this act, each training entity shall provide a class 12 permit to the manager or bartender who has successfully completed a course the board has certified. A list of the individuals receiving the class 12 permit shall be forwarded to the board on the completion of each course given by the training entity. (4) After January 1, 1997, the board shall require all alcohol servers applying for a class 13 alcohol server permit to view a video training session. Retail liquor licensees shall fully compensate employees for the time spent participating in this training session. (5) When requested by a retail liquor licensee, the board shall provide copies of videotaped training programs that have been produced by private vendors and make them available for a nominal fee to cover the cost of purchasing and shipment, with the fees being deposited in the liquor revolving fund for distribution to the board as needed. (6) Each training entity may provide the board with a video program of not less than one hour that covers the subjects in subsection (1)(d)(i) through (v) of this section that will be made available to a licensee for the training of a class 13 alcohol server. (7) Except as provided in section 869 of this act, applicants shall be given a class 13 permit upon the successful completion of the program. (8) A list of the individuals receiving the class 13 permit shall be forwarded to the board on the completion of each video training program. (9) The board shall develop a model permit for the class 12 and 13 permits. The board may provide such permits to training entities or licensees for a nominal cost to cover production. (10)(a) Persons who have completed a nationally recognized alcohol management or intervention program since July 1, 1993, may be issued a class 12 or 13 permit upon providing proof of completion of such training to the board. (b) Persons who completed the board's alcohol server training program after July 1, 1993, but before July 1, 1995, may be issued a class 13 permit upon providing proof of completion of such training to the board. **NEW SECTION. Sec. 868.** A new section is added to chapter 66.20 RCW to read as follows: The board shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 869.** A new section is added to chapter 66.24 RCW to read as follows: The board shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 870.** A new section is added to chapter 88.02 RCW to read as follows: The department shall immediately suspend the vessel registration or vessel dealer's registration of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the registration shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 871.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to read as follows: Except as provided in RCW 67.08.100, upon the approval by the department of any application for a license, as hereinabove provided, and the filing of the bond the department shall forthwith issue such license. **Sec. 872.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to read as follows: (1) The department may grant annual licenses upon application in compliance with the rules and regulations prescribed by the director, and the payment of the fees, the amount of which is to be set by the director in accordance with RCW 43.24.086, prescribed to promoters, managers, referees, boxers, wrestlers, and seconds: **PROVIDED,** That the provisions of this section shall not apply to contestants or participants in strictly amateur contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the defense department or any bona fide athletic club which is a member of the Pacific northwest association of the amateur athletic union of the United States, holding and promoting athletic contests and where all funds are used primarily for the benefit of their members. (2) Any such license may be revoked by the department for any cause which it shall deem sufficient. (3) No person shall participate or serve in any of the above capacities unless licensed as provided in this chapter. (4) The referee for any boxing contest shall be designated by the department from among such licensed referees. (5) The referee for any wrestling exhibition or show shall be provided by the promoter and licensed by the department. (6) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 873** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read as follows: (1) The department shall not issue or renew a master license to any person if: (a) The person does not have a valid tax registration, if required; (b) The person is a corporation delinquent in fees or penalties owing to the secretary of state or is not validly registered under Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other



statute now or hereafter adopted which gives corporate or business licensing responsibilities to the secretary of state; or (c) The person has not submitted the sum of all fees and deposits required for the requested individual license endorsements, any outstanding master license delinquency fee, or other fees and penalties to be collected through the system. (2) Nothing in this section shall prevent registration by the state of an employer for the purpose of paying an employee of that employer industrial insurance or unemployment insurance benefits. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 874.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to read as follows: Except as provided in section 877 of this act, at the close of each examination the department of licensing shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of licensing and notify all applicants who have failed to pass the examination of that fact. **Sec. 875.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to read as follows: Except as provided in section 877 of this act, whenever there is filed in a matter under the jurisdiction of the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. In addition, the governor shall appoint a consumer member of the committee. The decision of any three members of such committee shall be the decision of the committee. The appointed members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060. **Sec. 876.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to read as follows: Except as provided in section 877 of this act, any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal to superior court from the decision of the director of licensing, which shall be taken, prosecuted, heard, and determined in the manner provided in chapter 34.05 RCW. The decision of the superior court may be reviewed by the supreme court or the court of appeals in the same manner as other civil cases. **NEW SECTION. Sec. 877.** A new section is added to chapter 43.24 RCW to read as follows: The department shall immediately suspend any license issued by the department of licensing of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 878.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to read as follows: All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on ~~((the date when this 1969 amendatory act takes effect))~~ August 11, 1969, shall within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after ~~((this act takes effect))~~ August 11, 1969, shall, before so engaging, make an application in writing, subscribed to by such person or his agent, to the department of labor and industries, the application stating: (1) Location of place of manufacture or processing; (2) Kind of explosives manufactured, processed or used; (3) The distance that such explosives manufacturing building is located or intended to be located from the other factory buildings, magazines, inhabited buildings, railroads and highways and public utility transmission systems; (4) The name and address of the applicant; (5) The reason for desiring to manufacture explosives; (6) The applicant's citizenship, if the applicant is an individual; (7) If the applicant is a partnership, the names and addresses of the partners, and their citizenship; (8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship; and (9) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter. There shall be kept in the main office on the premises of each explosives manufacturing plant a plan of said plant showing the location of all explosives manufacturing buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the department of labor and industries. The superintendent of each plant shall upon demand of said inspector furnish the following information: (a) The maximum amount and kind of explosive material which is or will be present in each building at one time. (b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades. Except as provided in RCW 70.74.370, the department of labor and industries shall as soon as possible after receiving such application cause an inspection to be made of the explosives manufacturing plant, and if found to be in accordance with RCW 70.74.030 and 70.74.050 and 70.74.061, such department shall issue a license to the person applying therefor showing compliance with the provisions of this chapter if the applicant demonstrates that either the applicant or the officers, agents or employees of the applicant are sufficiently experienced in the manufacture of explosives and the applicant meets the qualifications for a license under RCW 70.74.360. Such license shall continue in full force and effect until expired, suspended, or revoked by the department pursuant to this chapter. **Sec. 879.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to read as follows: Every person desiring to engage in the business of dealing in explosives shall apply to the department of labor and industries for a license therefor. Said application shall state, among other things: (1) The name and address of applicant; (2) The reason for desiring to engage in the business of dealing in explosives; (3) Citizenship, if an individual applicant; (4) If a partnership, the names and addresses of the partners and their citizenship; (5) If an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and (6) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter. Except as provided in RCW 70.74.370, the department of labor and industries shall issue the license if the applicant demonstrates that either the applicant or the principal officers, agents, or employees of the applicant are experienced in the business of dealing in explosives, possess suitable facilities therefor, have not been convicted of any crime that would warrant revocation or nonrenewal of a license under this chapter, and have never

had an explosives-related license revoked under this chapter or under similar provisions of any other state. **Sec. 880.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to read as follows: (1) The department of labor and industries shall revoke and not renew the license of any person holding a manufacturer, dealer, purchaser, user, or storage license upon conviction of any of the following offenses, which conviction has become final: (a) A violent offense as defined in RCW 9.94A.030; (b) A crime involving perjury or false swearing, including the making of a false affidavit or statement under oath to the department of labor and industries in an application or report made pursuant to this title; (c) A crime involving bomb threats; (d) A crime involving a schedule I or II controlled substance, or any other drug or alcohol related offense, unless such other drug or alcohol related offense does not reflect a drug or alcohol dependency. However, the department of labor and industries may condition renewal of the license to any convicted person suffering a drug or alcohol dependency who is participating in an alcoholism or drug recovery program acceptable to the department of labor and industries and has established control of their alcohol or drug dependency. The department of labor and industries shall require the licensee to provide proof of such participation and control; (e) A crime relating to possession, use, transfer, or sale of explosives under this chapter or any other chapter of the Revised Code of Washington. (2) The department of labor and industries shall revoke the license of any person adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease. The director shall not renew the license until the person has been restored to competency. (3) The department of labor and industries is authorized to suspend, for a period of time not to exceed six months, the license of any person who has violated this chapter or the rules promulgated pursuant to this chapter. (4) The department of labor and industries may revoke the license of any person who has repeatedly violated this chapter or the rules promulgated pursuant to this chapter, or who has twice had his or her license suspended under this chapter. (5) The department of labor and industries shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department of labor and industries' receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. (6) Upon receipt of notification by the department of labor and industries of revocation or suspension, a licensee must surrender immediately to the department any or all such licenses revoked or suspended. **Sec. 881.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read as follows: (1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license. (2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority shall be adopted by rule. No retail license of any kind may be issued to: (a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft; (b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section; (c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee; or (d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington. (3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. (b) The board shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. (c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt. (d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence. (e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein. (4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee. (5)(a) At the time of the original issuance of a class H license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required. (b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect. (6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration

date. (7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises. (8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. (9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license. (10) The restrictions set forth in subsection (9) of this section shall not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation. (11) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or wholesaler license to an applicant assuming an existing retail or wholesaler license to continue the operation of the retail or wholesaler premises during the period the application for the license is pending and when the following conditions exist: (a) The licensed premises has been operated under a retail or wholesaler license within ninety days of the date of filing the application for a temporary license; (b) The retail or wholesaler license for the premises has been surrendered pursuant to issuance of a temporary operating license; (c) The applicant for the temporary license has filed with the board an application to assume the retail or wholesaler license at such premises to himself or herself; and (d) The application for a temporary license is accompanied by a temporary license fee established by the board by rule. A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for an additional sixty-day period upon payment of an additional fee and upon compliance with all conditions required in this section. Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses. Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full. **Sec. 882.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to read as follows: (1) The department shall issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and in all other respects ~~((meet{s}))~~ meets the qualifications. The certificate shall bear the date of issuance, a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the department. A renewal fee shall be assessed for each certificate. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee. (2) The certificate of manufactured home installation provided for in this chapter grants the holder the right to engage in manufactured home installation throughout the state, without any other installer certification. (3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 883.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to read as follows: (1) The department shall establish a process to certify incinerator and landfill operators. To the greatest extent possible, the department shall rely on the certification standards and procedures developed by national organizations and the federal government. (2) Operators shall be certified if they: (a) Attend the required training sessions; (b) Successfully complete required examinations; and (c) Pay the prescribed fee. (3) By January 1, 1991, the department shall adopt rules to require incinerator and appropriate landfill operators to: (a) Attend a training session concerning the operation of the relevant type of landfill or incinerator; (b) Demonstrate sufficient skill and competency for proper operation of the incinerator or landfill by successfully completing an examination prepared by the department; and (c) Renew the certificate of competency at reasonable intervals established by the department. (4) The department shall provide for the collection of fees

for the issuance and renewal of certificates. These fees shall be sufficient to recover the costs of the certification program. (5) The department shall establish an appeals process for the denial or revocation of a certificate. (6) The department shall establish a process to automatically certify operators who have received comparable certification from another state, the federal government, a local government, or a professional association. (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or operator of an incinerator or landfill may apply to the department for interim certification. Operators shall receive interim certification if they: (a) Have received training provided by a recognized national organization, educational institution, or the federal government that is acceptable to the department; or (b) Have received individualized training in a manner approved by the department; and (c) Have successfully completed any required examinations. (8) No interim certification shall be valid after January 1, 1992, and interim certification shall not automatically qualify operators for certification pursuant to subsections (2) through (4) of this section. (9) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 884.** A new section is added to chapter 70.95B RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 885.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to read as follows: Any license, permit, or certification provided for in this chapter may be revoked or suspended, and any license, permit, or certification application may be denied by the director for cause. If the director suspends a license under this chapter with respect to activity of a continuing nature under chapter 34.05 RCW, the director may elect to suspend the license for a subsequent license year during a period that coincides with the period commencing thirty days before and ending thirty days after the date of the incident or incidents giving rise to the violation. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 886.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to read as follows: (1) After January 1, 1991, a contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified. (2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee. (3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification. (4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds: (a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel; (b) Failing to file a work plan; (c) Failing to perform work pursuant to the work plan; (d) Failing to perform work that meets the requirements of the department; ~~((e))~~ (e) The certificate was obtained by error, misrepresentation, or fraud; or (f) If the person has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. (5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation. (6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses. (7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter. **Sec. 887.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to read as follows: (1) The director shall enforce all laws and rules relating to the licensing of mortgage brokers, grant or deny licenses to mortgage brokers, and hold hearings. (2) The director may impose the following sanctions: (a) Deny applications for licenses for: (i) Violations of orders, including cease and desist orders issued under this chapter; or (ii) any violation of RCW 19.146.050 or 19.146.0201 (1) through (9); (b) Suspend or revoke licenses for: (i) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license; (ii) Failure to pay a fee required by the director or maintain the required bond; (iii) Failure to comply with any directive or order of the director; or (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9) or (13), 19.146.205(3), or 19.146.265; (c) Impose fines on the licensee, employee or loan originator of the licensee, or other person subject to this chapter for: (i) Any violations of RCW 19.146.0201 (1) through (9) or (13), 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or 19.146.265; or (ii) Failure to comply with any directive or order of the director; (d) Issue orders directing a licensee, its employee or loan originator, or other person subject to this chapter to: (i) Cease and desist from conducting business in a manner that is injurious to the public or violates any provision of this chapter; or (ii) Pay restitution to an injured borrower; or (e) Issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker

or any person subject to licensing under this chapter for: (i) Any violation of 19.146.0201 (1) through (9) or (13), 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or 19.146.265; or (ii) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license; (iii) Conviction of a gross misdemeanor involving dishonesty or financial misconduct or a felony after obtaining a license; or (iv) Failure to comply with any directive or order of the director. (3) Each day's continuance of a violation or failure to comply with any directive or order of the director is a separate and distinct violation or failure. (4) The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions. Every licensed mortgage broker that does not maintain a physical office within the state must maintain a registered agent within the state to receive service of any lawful process in any judicial or administrative noncriminal suit, action, or proceeding, against the licensed mortgage broker which arises under this chapter or any rule or order under this chapter, with the same force and validity as if served personally on the licensed mortgage broker. Service upon the registered agent shall be effective if the plaintiff, who may be the director in a suit, action, or proceeding instituted by him or her, sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address of the respondent or defendant on file with the director. In any judicial action, suit, or proceeding arising under this chapter or any rule or order adopted under this chapter between the department or director and a licensed mortgage broker who does not maintain a physical office in this state, venue shall be exclusively in the superior court of Thurston county. (5) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 888.** A new section is added to chapter 75.25 RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 889.** A new section is added to chapter 77.32 RCW to read as follows: The director shall immediately suspend the license or certificate of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **Sec. 890.** RCW 75.25.150 and 1994 c 255 s 7 are each amended to read as follows: It is unlawful to dig for, fish for, harvest, or possess shellfish, food fish, or seaweed without the licenses required by this chapter or with a suspended license pursuant to section 802 of this act. **NEW SECTION. Sec. 891.** A new section is added to chapter 75.25 RCW to read as follows: Licenses issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services as a person in noncompliance with a support order. Fisheries patrol officers, ex officio fisheries patrol officers, and authorized fisheries employees shall enforce this section through checks of the department of licensing's computer data base. Presentation of a release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order. **NEW SECTION. Sec. 892.** A new section is added to chapter 77.32 RCW to read as follows: Licenses issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services as a person in noncompliance with a support order. Wildlife agents and ex officio wildlife agents shall enforce this section through checks of the department of licensing's computer data base. Presentation of a release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order. **Sec. 893.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to read as follows: (1) Except as otherwise provided by this title, it is unlawful to engage in any of the following activities without a license or permit issued by the director: (a) Commercially fish for or take food fish or shellfish; (b) Deliver food fish or shellfish taken in offshore waters; (c) Operate a charter boat or commercial fishing vessel engaged in a fishery; (d) Engage in processing or wholesaling food fish or shellfish; or (e) Act as a guide for salmon for personal use in freshwater rivers and streams, other than that part of the Columbia river below the bridge at Longview. (2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, ~~((and))~~ the person is the named license holder or an alternate operator designated on the license, and the person's license is not suspended pursuant to section 894 of this act. (3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent. (4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules. **NEW SECTION. Sec. 894.** A new section is added to chapter 75.28 RCW to read as follows: The department shall immediately suspend the license of a person who has been certified pursuant to section 802 of this act by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. **NEW SECTION. Sec. 895.** (1) The director of the department of fish and wildlife and the director of the department of information services shall jointly develop a comprehensive, state-wide implementation plan for the automated issuance, revocation, and general administration of hunting, fishing, and recreational licenses administered under the authority of the department of fish and wildlife to ensure compliance with the license suspension requirements for failure to pay child support in section 802 of this act. (2) The plan shall detail the implementation steps necessary to effectuate the automated administration of hunting, fishing, and recreational licenses and shall include recommendations regarding all costs and equipment associated with the plan. (3) The plan shall be submitted to the legislature for review by September 1, 1997." Renumber the remaining sections consecutively and correct any internal references

accordingly. On page 213, after line 23 of the amendment, insert the following: "NEW SECTION. Sec. 1013. Section 813 of this act expires July 29, 2001. NEW SECTION. Sec. 1014. Section 814 of this act takes effect July 29, 2001." Renumber the remaining sections consecutively and correct any internal references accordingly. Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Wojahn and Kline on page 48, line 9, and page 213, after line 23, to the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Absent: Senator Hargrove - 1. Excused: Senators Benton and Haugen - 2. The President declared the question before the Senate to be the adoption of the striking amendment by Senator Deccio to Engrossed House Bill No. 3901.

Debate ensued.

The motion by Senator Deccio carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Deccio, the following title amendment was adopted:

On page 1, line 2 of the title, after "1996;" strike the remainder of the title and insert "amending RCW 74.08.025, 74.08.340, 74.09.510, 74.09.800, 74.08.331, 28A.630.876, 74.04.050, 41.06.380, 74.12A.020, 74.13.0903, 74.25.040, 74.12.255, 74.04.0052, 13.34.160, 74.12.250, 74.12.410, 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.130.150, 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130, 19.158.050, 19.166.040, 21.20.110, 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060, 19.146.220, 75.28.010, 26.09.160, 26.23.050, 26.18.100, 26.23.060, 74.20.040, 26.23.090, 74.20A.100, 26.23.045, 26.23.030, 74.20A.080, 26.23.120, 26.04.160, 26.09.170, 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580, 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330, 70.58.080, 26.26.040, 74.20A.055, 26.23.040, 26.23.040, 26.26.130, 70.58.055, 50.13.060, and 74.04.062; reenacting and amending RCW 74.04.005, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056, 26.09.020, and 26.26.100; adding new sections to chapter 74.12 RCW; adding new sections to chapter 74.04 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 44.28 RCW; adding new sections to chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 75.25 RCW; adding a new section to chapter 77.32 RCW; adding a new section to chapter 75.28 RCW; adding a new section to chapter 75.30 RCW; adding a new section to chapter 26.09 RCW; adding new sections to chapter 74.20 RCW; adding new sections to chapter 26.23 RCW; adding new sections to chapter 26.21 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.18 RCW; adding a new section to chapter 43.20A RCW; adding a new chapter to Title 74 RCW; creating new sections; repealing RCW 74.12.420, 74.12.425, 74.04.660, 74.25.010, 74.25.020, 74.25.030, 74.25.900, 74.25.901, 74.08.120, and 74.08.125; providing effective dates; providing an expiration date; and declaring an emergency." On motion of Senator Deccio, the rules were suspended, Engrossed House Bill No. 3901, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 3901, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3901, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Excused: Senators Benton and Haugen - 2. ENGROSSED HOUSE BILL NO. 3901, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MOTION

On motion of Senator Johnson, and pursuant to Rule 48, the Committee on Law and Justice was relieved of further consideration of Engrossed Third Substitute House Bill No. 3900 and Engrossed Third Substitute House Bill No. 3900 was placed on the second reading calendar.

EDITOR'S NOTE: Rule 48 states, 'Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.'

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1067, by Representatives Sterk, Thompson, Costa, Sheahan, Sherstad, Smith, Mielke and O'Brien

Extending the time limits for commencing a prosecution for certain traffic crimes where a death results.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1067.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1067 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 5; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 41. Voting nay: Senator Thibaudeau - 1. Absent: Senators Deccio, McDonald, Prince, Schow and Sellar - 5. Excused: Senators Benton and Haugen - 2. HOUSE BILL NO. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5009,  
SUBSTITUTE SENATE BILL NO. 5049,  
SENATE BILL NO. 5113,  
SENATE BILL NO. 5132,

SENATE BILL NO. 5211,  
SENATE BILL NO. 5287,  
SUBSTITUTE SENATE BILL NO. 5308,  
SENATE BILL NO. 5330,  
SENATE BILL NO. 5338,  
SENATE BILL NO. 5364,  
SENATE BILL NO. 5426,  
SENATE BILL NO. 5520,  
SENATE BILL NO. 5672,  
SUBSTITUTE SENATE BILL NO. 5684,  
SENATE BILL NO. 5713,  
SENATE BILL NO. 5809,  
SENATE BILL NO. 5925, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk  
April 8, 1997

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5085,  
SUBSTITUTE SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5107,  
SENATE BILL NO. 5108,  
SENATE BILL NO. 5109,  
ENGROSSED SENATE BILL NO. 5163,  
SUBSTITUTE SENATE BILL NO. 5183, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5009,  
SUBSTITUTE SENATE BILL NO. 5049,  
SENATE BILL NO. 5113,  
SENATE BILL NO. 5132,  
SENATE BILL NO. 5211,  
SENATE BILL NO. 5287,  
SUBSTITUTE SENATE BILL NO. 5308,  
SENATE BILL NO. 5330,  
SENATE BILL NO. 5338,  
SENATE BILL NO. 5364,  
SENATE BILL NO. 5426,  
SENATE BILL NO. 5520,  
SENATE BILL NO. 5672,  
SUBSTITUTE SENATE BILL NO. 5684,  
SENATE BILL NO. 5713,  
SENATE BILL NO. 5809,  
SENATE BILL NO. 5925.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5085,  
SUBSTITUTE SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5107,  
SENATE BILL NO. 5108,  
SENATE BILL NO. 5109,  
ENGROSSED SENATE BILL NO. 5163,  
SUBSTITUTE SENATE BILL NO. 5183.

MOTION

At 5:53 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Thursday, April 10, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**



**EIGHTY-SEVENTH DAY, APRIL 9, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTY-EIGHTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Thursday, April 10, 1997

The Senate was called to order at 9:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Brown, Finkbeiner, Patterson, Rasmussen and Strannigan. On motion of Senator Hale, Senators Benton, Finkbeiner and Strannigan were excused. On motion of Senator Franklin, Senators Brown, Patterson and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tanya Wilcox and Amber Smith, presented the Colors. Jim Cammack of the Baha'i Community of Olympia, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

April 8, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2258, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

**INTRODUCTION AND FIRST READING**

SB 6096 by Senator West

AN ACT Relating to state government.  
Referred to Committee on Ways and Means.

SB 6097 by Senator West

AN ACT Relating to state government.  
Referred to Committee on Ways and Means.

SB 6098 by Senator West

AN ACT Relating to human services.  
Referred to Committee on Ways and Means.

SB 6099 by Senator West

AN ACT Relating to human services.  
Referred to Committee on Ways and Means.

SB 6100 by Senator West

AN ACT Relating to natural resources.  
Referred to Committee on Ways and Means.

SB 6101 by Senator West

AN ACT Relating to natural resources.  
Referred to Committee on Ways and Means.

SB 6102 by Senator West

AN ACT Relating to education.  
Referred to Committee on Ways and Means.

SB 6103 by Senator West

AN ACT Relating to education.  
Referred to Committee on Ways and Means.

SB 6104 by Senator West

AN ACT Relating to higher education.  
Referred to Committee on Ways and Means.

SB 6105 by Senator West

AN ACT Relating to higher education.  
Referred to Committee on Ways and Means.

SB 6106 by Senator West

AN ACT Relating to revenue.  
Referred to Committee on Ways and Means.

SB 6107 by Senator West

AN ACT Relating to revenue.  
Referred to Committee on Ways and Means.

SB 6108 by Senator West

AN ACT Relating to fiscal matters.  
Referred to Committee on Ways and Means.

SB 6109 by Senator West

AN ACT Relating to fiscal matters.  
Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2258 by House Committee on Appropriations (originally sponsored by Representatives Huff and H. Sommers) (by request of Governor Locke)

Making appropriations for the fiscal biennium ending June 30, 1997.

Referred to Committee on Ways and Means.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9166, Ronald W. Johnson, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

#### APPOINTMENT OF RONALD W. JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Brown, Finkbeiner, Patterson, Rasmussen and Strannigan - 6.

#### MOTION

On motion of Senator Sheldon, Gubernatorial Appointment No. 9192, Naomi K. Pursel, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

#### APPOINTMENT OF NAOMI K. PURSEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Benton, Finkbeiner, Patterson, Rasmussen and Strannigan - 5.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9141, Paul D. Burton, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

#### APPOINTMENT OF PAUL D. BURTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Benton, Finkbeiner, Patterson and Rasmussen - 4.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9151, John M. Emerson, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

#### APPOINTMENT OF JOHN M. EMERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Benton, Finkbeiner, Patterson and Rasmussen - 4.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

#### SECOND READING

HOUSE BILL NO. 1119, by Representatives Schoesler, Sheldon, Buck, Hatfield, Johnson, Kessler and Boldt

Extending the expiration date of an act requiring the purchaser of privately owned timber to report to the department of revenue.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1119.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1119 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Benton, Finkbeiner, Loveland, Patterson and Rasmussen - 5. HOUSE BILL NO. 1119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Morton assumed the Chair.

#### MOTION

On motion of Senator Franklin, Senator Haugen was excused.

#### SECOND READING

HOUSE BILL NO. 1198, by Representatives Mitchell, Fisher, Robertson, Johnson, Costa and L. Thomas

Regulating motor vehicle dealer practices.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1198.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1198 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Haugen and Rasmussen - 3. HOUSE BILL NO. 1198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1069, by House Committee on Law and Justice (originally sponsored by Representatives Sterk and Honeyford)

Prohibiting the malicious use of explosives.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1069.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1069 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Finkbeiner - 1. Excused: Senators Benton and Haugen - 2. SUBSTITUTE HOUSE BILL NO. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1096, by Representatives Sheahan, Costa, Lambert, Scott and Hatfield

Concerning the payment and recovery of fees.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Engrossed House Bill No. 1096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1096.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1096 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Kline - 1. Excused: Senators Benton and Haugen - 2. ENGROSSED HOUSE BILL NO. 1096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1099, by Representatives Cooke, Ogden, Sehlin, Carlson, Wolfe, H. Sommers, Dyer, Cairnes, Murray and Mason (by request of Joint Committee on Pension Policy)

Transferring law enforcement officers' and fire fighters' retirement system plan I service.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1099.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1099 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Snyder - 1. Excused: Senator Benton - 1. HOUSE BILL NO. 1099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1196, by Representatives McDonald, Costa, Sheahan, Sterk and Skinner (by request of Secretary of State Munro)

Regulating registration of charitable trusts.

The bill was read the second time.

MOTION

On motion of Senator Strannigan, further consideration of House Bill No. 1196 was deferred.

MOTION

On motion of Senator Hale, Senator Johnson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1219, by House Committee on Finance (originally sponsored by Representatives Pennington, Appelwick, B. Thomas, H. Sommers, Mulliken, Carrell, Morris, Mielke, Backlund, O'Brien, Zellinsky, Thompson, Kastama and Mason)

Extending a tax exemption for prepayments for health care services provided under Title XVIII (medicare) of the social security act.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1219 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Johnson - 2. SUBSTITUTE HOUSE BILL NO. 1219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1196, deferred earlier today after the bill had been read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1196.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1196 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Johnson - 2. HOUSE BILL NO. 1196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1232, by Representatives Sump, Sheldon, Wood, Morris, Quall, K. Schmidt, Honeyford, Talcott, Hickel, Delvin, McMorris, Wensman and Doumit

Changing the SR 2 spur to SR 41.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1232.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1232 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. HOUSE BILL NO. 1232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1314, by House Committee on Law and Justice (originally sponsored by Representatives Bush, Cooper, Carrell, Wood, Smith, Lambert, McDonald, Benson, Mielke, Cole, Talcott, Romer o, Mastin, Scott, Sheahan, Lantz, L. Thomas, D. Schmidt, Cooke, Sherstad, Wensman and Dunn)

Computing the time within which an act is to be done.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1314 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1314.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1314 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1323, by House Committee on Government Reform and Land Use (originally sponsored by Representatives D. Schmidt, Scott, Wensman, Morris, Costa and Dunn) (by request of Department of Revenue)

Allowing electronic distribution of notices relating to rule making or policy or interpretive statements.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1323 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1323.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1323 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1341, by Representatives Thompson, Dunshee, B. Thomas and Wensman (by request of Department of Revenue)

Making technical corrections for tax provisions.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1341.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1341 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. HOUSE BILL NO. 1341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1342, by House Committee on Finance (originally sponsored by Representatives B. Thomas, Dunshee and Wensman) (by request of Department of Revenue)

Revising interest and penalty administration of the department of revenue.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1342.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1342 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald,



Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Hochstatter and Sellar - 2. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1358, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Sump, Schoesler, Johnson, Linville, Sheldon, Wensman and Kessler) (by request of Department of Revenue)

Excluding materials purchased by farmers to improve wildlife habitat or forage from the definition of "sale at retail" or "retail sale" for tax purposes.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1358.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1358 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1364, by House Committee on Commerce and Labor (originally sponsored by Representatives K. Schmidt, Delvin, Mitchell and Wensman) (by request of Gambling Commission)

Updating provisions about the seizure and forfeiture of gambling-related property.

The bill was read the second time.

MOTION

On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1364.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1364 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Hargrove - 1. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 9, 1997

MR. .PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5060,  
SUBSTITUTE SENATE BILL NO. 5112,  
SUBSTITUTE SENATE BILL NO. 5118,  
SENATE BILL NO. 5140,  
SENATE BILL NO. 5155,  
SUBSTITUTE SENATE BILL NO. 5191,  
SENATE JOINT MEMORIAL NO. 8009, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 9, 1997

MR. .PRESIDENT:

The House has passed:  
ENGROSSED SENATE BILL NO. 5220,  
SENATE BILL NO. 5221,  
SENATE BILL NO. 5243,  
SUBSTITUTE SENATE BILL NO. 5360,  
SENATE BILL NO. 5380,  
SENATE BILL NO. 5422, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5060,  
SUBSTITUTE SENATE BILL NO. 5112,  
SUBSTITUTE SENATE BILL NO. 5118,  
SENATE BILL NO. 5140,  
SENATE BILL NO. 5155,  
SUBSTITUTE SENATE BILL NO. 5191,  
ENGROSSED SENATE BILL NO. 5220,  
SENATE BILL NO. 5221,  
SENATE BILL NO. 5243,  
SUBSTITUTE SENATE BILL NO. 5360,  
SENATE BILL NO. 5380,  
SENATE BILL NO. 5422,  
SENATE JOINT MEMORIAL NO. 8009.

#### MOTION

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

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8014, by Senators Patterson, Oke, Swecker, Roach, Heavey, McDonald, Swanson and Brown

Requesting that the cause of Gulf War syndrome be fully and expeditiously investigated.

The joint memorial was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Joint Memorial No. 8014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8014.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8014 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Deccio, Finkbeiner and

Hargrove - 3. Excused: Senator Benton - 1. SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority, was declared passed.

## SECOND READING

HOUSE BILL NO. 1367, by Representatives Johnson, Cole, Smith, Schoesler, Poulsen, O'Brien, Linville, Costa, Blalock, Cooper, Dickerson, Dunshee, Mason, Keiser, Wensman, Wood, Kessler and Gombosky (by request of Superintendent of Public Instruction Berguson)

Allowing surplus educational property to be given or loaned to entities for educational use.

The bill was read the second time.

## MOTIONS

On motion of Senator Hochstatter, the following Committee on Education amendment was adopted: Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28A.335.180 and 1991 c 116 s 1 are each amended to read as follows: (1) Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing in a newspaper of general circulation in the school district and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or approved private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to such texts. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least thirty days following publication of notice in a newspaper of general circulation in the school district. (2) In lieu of complying with subsection (1) of this section, school districts and educational service districts may elect to grant surplus personal property to a federal, state, or local governmental entity, or to indigent persons, at no cost on the condition the property be used for preschool through twelfth grade educational purposes, or elect to loan surplus personal property to a nonreligious, nonsectarian private entity on the condition the property be used for the preschool through twelfth grade education of members of the public on a nondiscriminatory basis. **Sec. 2.** RCW 43.19.1919 and 1991 c 216 s 2 are each amended to read as follows: Except as provided in section 1 of this act and RCW 43.19.1920, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts. This section does not apply to property under RCW 27.53.045." On motion of Senator Hochstatter, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and amending RCW 28A.335.180 and 43.19.1919."

## MOTION

On motion of Senator Hochstatter, the rules were suspended, House Bill No. 1367, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1367, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1367, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator McDonald - 1. Excused: Senator Benton - 1. HOUSE BILL NO. 1367, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1424, by Representatives Skinner and Murray

Revising provisions for kidney dialysis centers.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1424.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1424 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 46. Absent: Senators Patterson and Winsley - 2. Excused: Senator Benton - 1. HOUSE BILL NO. 1424 having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1392, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner, Johnson, Linville, Scott, Keiser, Cooper, Gombosky, Ogden and Anderson)

Enhancing crime victims' compensation.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 7.68.140 and 1975 1st ex. s. c 176 s 6 are each amended to read as follows: Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection: PROVIDED, That, except as limited by state or federal statutes or regulations, such information may be provided to public employees in the performance of their official duties: PROVIDED FURTHER, That except as otherwise limited by state or federal statutes or regulations a claimant or a representative of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant: PROVIDED FURTHER, That physicians treating or examining victims claiming benefits under this chapter or physicians giving medical advice to the department regarding any claim may, at the discretion of the department and as not otherwise limited by state or federal statutes or regulations, inspect the claim files and records of such victims, and other persons may, when rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter, inspect the claim files and records of such victims at the discretion of the department and as not otherwise limited by state or federal statutes or regulations. **Sec. 2.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows: (1) The following are exempt from public inspection and copying: (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients. (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer. (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath. (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination. (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is

abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss. (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action. (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user. (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070. (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter. (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035. (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW. (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095. (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency. (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department. (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant. (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers. (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9). (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090. (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420. (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW. (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information. (bb) Financial and valuable trade information under RCW 51.36.120. (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030. (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. (ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. (ff) Business related information protected from public inspection and copying under RCW 15.86.110. (gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW. (hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents. (ii) Personal information in files maintained in a data base created under RCW 43.07.360. (jj) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110. (2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function. (4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld." On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 7.68.140; and reenacting and amending RCW 42.17.310."

MOTION

On motion of Senator West, the rules were suspended, Second Substitute House Bill No. 1392, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Franklin, Senator Goings was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1392, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1392, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator McDonald - 1. Excused: Senators Benton and Goings - 2. SECOND SUBSTITUTE HOUSE BILL NO. 1392, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hale, Senator West was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1402, by House Committee on Transportation Policy and budget (originally sponsored by Representatives Ogden, Carlson, Fisher, Blalock, O'Brien and Doumit)

Allowing a county, city, or town to create an assessment reimbursement area on its own initiative to finance the cost of road and street improvements.

The bill was read the second time.

MOTION

On motion of Senator Prince, the rules were suspended, Substitute House Bill No. 1402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1402 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and West - 2. SUBSTITUTE HOUSE BILL NO. 1402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1425, by House Committee on Capital Budget (originally sponsored by Representatives Romero, D. Schmidt, Scott and Chopp)

Adopting the recommendations of the alternative public works methods oversight committee.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 39.10.020 and 1994 c 132 s 2 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.050 and 39.10.060, respectively. (2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; every city authorized to use the design-build procedure for a water system demonstration project under section 5(3) of this act; every county with a population greater than four hundred fifty thousand; and every port district with a population greater than five hundred thousand. (3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010. **Sec. 2.** RCW 39.10.030 and 1994 c 132 s 3 are each amended to read as follows: (1) An alternative public works contracting procedure authorized under this chapter may be used for a specific public works project only after a public body determines that use of the alternative procedure will serve the public interest by providing a substantial fiscal benefit, or that use of the traditional method of awarding contracts in lump sum to the low responsive bidder is not practical for meeting desired quality standards or delivery schedules. (2) Whenever a public body determines to use one of the alternative public works contracting procedures authorized under this chapter for a public works project, it shall first ensure adequate public notification and opportunity for public review and comment ~~((as follows:))~~ by implementing the public hearing procedure under (a) of this subsection or the written public comment procedure under (b) of this subsection. (a) Public hearing procedure: (i) The public body shall conduct a public hearing to receive public comment on its preliminary determination to use the alternative public works contracting procedure. At least twenty days before the public hearing, the public body shall cause notice of such hearing to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done. The notice shall clearly describe the proposed project and the preliminary determination to use the alternative public works contracting procedure. The notice shall also indicate when, where, and how persons may present their comments on the preliminary determination, and where persons may obtain additional written information describing the project. ~~((b))~~ (ii) The public body shall summarize in a written statement its reasons for using the alternative public works contracting procedure. This statement, along with other relevant information describing the project, shall be made available upon request to interested parties at least twenty days before the public hearing. ~~((e))~~ (iii) The public body shall receive and record both written and oral comments concerning the preliminary determination at the public hearing. (b) Written public comment procedure: (i) The public body shall establish a thirty-day public comment period to receive public comment on its preliminary determination to use the alternative public works contracting procedure. At least seven days before the beginning of the public comment period, the public body shall cause notice of the public comment period to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done. The notice shall clearly describe the proposed project and the preliminary determination to use the alternative public works contracting procedure. The notice shall also indicate when, where, and how persons may submit their written comments on the preliminary determination, where persons may obtain additional written information describing the project, and the date, time, and location of the public hearing that shall be conducted under (b)(iv) of this subsection if significant adverse written comments are received by the public body. (ii) The public body shall summarize in a written statement its reasons for using the alternative public works contracting procedure. This statement, along with other relevant information describing the project, shall be made available upon request to interested parties at least seven days before the beginning of the public comment period. (iii) The public body shall receive written comments concerning the preliminary determination during the public comment period. (iv) If the public body finds that it has received significant adverse comments relating to the use of the alternative public works contracting procedure, the public body shall conduct a public hearing to receive additional oral and written public comments on its preliminary determination to use the alternative public works contracting procedure. The public hearing shall be held on the date and at the time and location specified in the public notice published under (b)(i) of this subsection. At least seven days before the public hearing, the public body shall provide notice of the hearing to each person who has submitted written comments, and cause a notice of the hearing to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done. (v) The public body shall receive and record written and oral comments concerning the preliminary determination at the public hearing. (3) Final determinations to use an alternative public works contracting procedure may be made only by the legislative or governing authority of the public body, or, in the case of state agencies, by the agency director or chief administrative officer. Final determinations shall be accompanied by a concise statement of the principal reasons for overruling any considerations urged against the determination. Final determinations are subject to appeal to superior court within thirty days of the determination, provided that notice of such appeal shall be provided to the public body within seven days of the determination. The court may award reasonable attorneys' fees to the prevailing party. (4) Following completion of a public works project using one of the alternative public works contracting procedures under this chapter, a report shall be submitted to the legislative or governing authority of the public body reviewing the utilization and performance of the alternative public works contracting procedure. Such report shall be made available to the public. **Sec. 3.** RCW 39.10.050 and 1994 c 132 s 5 are each amended to read as follows: (1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; ~~((and))~~ every county with a population greater than four hundred fifty thousand; and every port district with a population greater than five hundred thousand. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the ~~((structure;))~~ facility, portion of the facility, or other item

specified in the contract. (2) Public bodies authorized under this section may utilize the design-build procedure for public works projects valued over ten million dollars where: (a) The construction activities or technologies to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; (b) The project design is repetitive in nature and is an incidental part of the installation or construction; or (c) ~~((The program elements of the project design are simple and do not involve complex functional interrelationships))~~ Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design. (3) ~~((The state department of general administration may use the design-build procedure authorized in subsection (2)(e) of this section for one project))~~ Public bodies authorized under this section may also use the design-build procedure for the following projects that meet the criteria in subsection (2)(b) and (c) of this section: (a) The construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost; or (b) The construction of new student housing projects valued over five million dollars. (4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include: (a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, ~~((and))~~ minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings; (b) The reasons for using the design-build procedure; (c) A description of the qualifications ~~((if any))~~ to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program; (d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal; (e) The form of the contract to be awarded; (f) The maximum allowable construction cost and minority and women enterprise total project goals; (g) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and (h) Other information relevant to the project. (5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection. (a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. ~~((6))~~ The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with ~~((that))~~ the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated. ~~((The public body may, in its sole discretion, reject all proposals.))~~ (b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price. (6) The ~~((finalist))~~ firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects. **Sec. 4.** RCW 39.10.060 and 1996 c 18 s 6 are each amended to read as follows: (1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; every county with a population greater than four hundred fifty thousand; and every port district with a population greater than five hundred thousand. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase. (2) Public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where: (a) Implementation of the project involves complex scheduling requirements; (b) The project involves construction at an existing facility which must continue to operate during construction; or (c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project. (3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design. (4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. ~~((Minority and women business enterprise total project goals shall be specified in))~~ The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; minority and women business enterprise total project goals, where applicable; and the bid instructions to be used by the general contractor/ construction manager finalists. ~~((A public body is authorized to include an incentive clause in any contract awarded under this section for savings of either time or cost~~



or both from that originally negotiated. ~~No incentives granted shall exceed five percent of the maximum allowable construction cost.~~) Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals (~~considering such factors as: Ability of professional personnel; past performance in negotiated and complex projects; ability to meet time and budget requirements; location; recent, current, and projected work loads of the firm; and the concept of their proposal~~). After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals. (5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/ construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next (~~low bidder~~) highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated. (6) All subcontract work shall be competitively bid with public bid openings. (~~Specific contract requirements for women and minority enterprise participation shall be specified in each subcontract bid package that exceeds ten percent of the public body's estimated project cost.~~) Subcontract work shall not be issued for bid until the public body has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the general contractor/construction manager for attaining applicable minority and women business enterprise total project goals that equitably spreads women and minority enterprise opportunities to as many firms in as many bid packages as is practicable. When critical to the successful completion of a subcontractor bid package the owner and general contractor/construction manager may evaluate for bidding eligibility a subcontractor's ability, time, budget, and specification requirements based on the subcontractor's performance of those items on previous projects. Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over (~~two~~) three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over (~~two~~) three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. (~~All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager.~~) Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid. (~~(4)~~) (7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work on projects valued over twenty million dollars if: (a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager; (b) The bid opening is managed by the public body; and (c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package. In no event may the value of subcontract work performed by the general contractor/construction manager exceed twenty percent of the negotiated maximum allowable construction cost. (8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager. **NEW SECTION. Sec. 5.** A new section is added to chapter 39.10 RCW to read as follows: (1) In addition to the projects authorized in RCW 39.10.050 and 39.10.060, public bodies may use the general contractor/construction manager or design-build procedure for demonstration projects valued between three million dollars and ten million dollars as follows: (a) Three demonstration projects by the department of general administration; and (b) One demonstration project by each of the public bodies authorized in RCW 39.10.020(2) other than the department of general administration. (2) Public bodies shall give weight to proposers' experience working on projects valued between three million dollars and ten million dollars in the evaluation process for the selection of a general contractor/construction manager or design-build firm for demonstration projects authorized in subsection (1) of this section. (3) Cities which supply water to over three hundred fifty thousand people may use the design-build procedure for one water system demonstration project valued over ten million dollars. Use of the design-build procedure shall be deemed to effect compliance with the requirement for competitive bids under RCW 43.155.060. (4) All contracts authorized under this section must be entered into before July 1, 1999. (5) In the event that a public body determines not to perform a demonstration project using its authority under this section, it may transfer its authority to another public body. **Sec. 6.** RCW 39.10.110 and 1994 c 132 s 11 are each amended to read as follows: (1) There is established a temporary independent oversight committee to review the utilization of the alternative public works contracting procedures authorized under this chapter (~~and~~)<sub>2</sub> to evaluate potential future utilization of other alternative contracting procedures, including, but not limited to, contractor prequalification, and, if desired by the committee, to review traditional public works contracting procedures used by state agencies and municipalities. The committee shall also pursue the development of a mentoring program for expansion of the authorities in this chapter to other public bodies. The membership of the committee shall include: Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives; two members of the

senate, one from each major caucus, appointed by the president of the senate; representatives from the appropriate segments of the construction, contracting, subcontracting, and design industries, appointed by the governor; representatives from appropriate labor organizations, appointed by the governor; representatives from public bodies authorized to use the alternative public works contracting procedures under this chapter, appointed by the governor; a representative from the office of minority and women's business enterprises, appointed by the governor; and a representative from the office of financial management, appointed by the governor. The governor shall maintain a balance between representatives from public agencies and the private sector when appointing members to the committee, and shall consider the recommendations of the established organizations representing the construction, contracting, subcontracting, and design industries and organized labor in making the industry and labor appointments (~~to the committee~~). (2) The committee shall meet (~~quarterly~~) beginning after July 1, 1994. (~~At the first meeting of the committee;~~) A chair or cochairs shall be selected from among the committee's membership. Staff support for the committee shall be provided by the agencies and organizations represented on the committee. (3) Public bodies utilizing the alternative contracting procedures authorized under this chapter shall provide any requested information concerning implementation of projects under this chapter to the committee in a timely manner, excepting any trade secrets or proprietary information. (4) The committee shall report to the appropriate standing committees of the legislature by December 10, (~~1996~~) 2000, concerning its findings and recommendations. **Sec. 7.** RCW 39.10.120 and 1995 3rd sp.s. c 1 s 305 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, (~~1997~~) 2001. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 shall remain in full force and effect until completion of contracts signed before July 1, (~~1997~~) 2001. (2) For the purposes of a baseball stadium as defined in RCW 82.14.0485, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997. **Sec. 8.** RCW 39.10.902 and 1995 3rd sp.s. c 1 s 306 are each amended to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, (~~1997~~) 2001: (1) RCW 39.10.010 and 1994 c 132 s 1; (2) RCW 39.10.020 and 1994 c 132 s 2; (3) RCW 39.10.030 and 1994 c 132 s 3; (4) RCW 39.10.040 and 1994 c 132 s 4; (5) RCW 39.10.050 and 1994 c 132 s 5; (6) RCW 39.10.060 and 1994 c 132 s 6; (7) ~~RCW 39.10.---~~ and 1997 c . . . s 5 (section 5 of this act); (8) RCW 39.10.070 and 1994 c 132 s 7; (~~((8))~~) (9) RCW 39.10.080 and 1994 c 132 s 8; (~~((9))~~) (10) RCW 39.10.090 and 1994 c 132 s 9; (~~((10))~~) (11) RCW 39.10.100 and 1994 c 132 s 10; (~~((11))~~) (12) RCW 39.10.110 and 1994 c 132 s 11; (~~((12))~~) (13) RCW 39.10.900 and 1994 c 132 s 13; (~~((13))~~) (14) RCW 39.10.901 and 1994 c 132 s 14; and (~~((14))~~) (15) RCW 39.10.902 and 1994 c 132 s 15. **NEW SECTION. Sec. 9.** 1996 c 18 s 17 (uncodified) is repealed. **NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 39.10.020, 39.10.030, 39.10.050, 39.10.060, 39.10.110, 39.10.120, and 39.10.902; adding a new section to chapter 39.10 RCW; repealing 1996 c 18 s 17 (uncodified); providing an effective date; and declaring an emergency."

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1425, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1425, as amended by the Senate, was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1426, by House Committee on Commerce and Labor (originally sponsored by Representatives Bush, McMorris and Dickerson) (by request of Department of Social and Health Services)

Revising provisions for liens filed by the department of social and health services.

The bill was read the second time.

MOTION

On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1426.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1426 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and West - 2. SUBSTITUTION HOUSE BILL NO. 1426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTION HOUSE BILL NO. 1429, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Sump, O'Brien, Sullivan, Mielke, Mulliken and Sherstad)

Penalizing cigarette discard.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitution House Bill No. 1429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitution House Bill No. 1429.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitution House Bill No. 1429 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Loveland and Thibaudeau - 2. Excused: Senators Benton and West - 2. SUBSTITUTION HOUSE BILL NO. 1429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTION HOUSE BILL NO. 1432, by House Committee on Appropriations (originally sponsored by Representatives Cooke, Tokuda, Kastama and Dickerson) (by request of Department of Social and Health Services)

Modifying the adoption support reconsideration program.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Second Substitution House Bill No. 1432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator Schow was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitution House Bill No. 1432.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitution House Bill No. 1432 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senators Loveland and Thibaudeau - 2. Excused: Senators Benton, Schow and West - 3. SECOND SUBSTITUTION HOUSE BILL NO. 1432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1457, by Representatives Chandler, Fisher and Zellinsky (by request of Department of Licensing)

Regulating the issuance and cost of permits and certificates issued by the department of licensing.

The bill was read the second time.

#### MOTIONS

On motion of Senator Prince, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 46.09.070 and 1986 c 206 s 4 are each amended to read as follows: (1) Application for annual or temporary ORV use permits shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe and shall state the name and address of each owner of the off-road vehicle. (2) An application for an annual permit shall be signed by at least one owner, and shall be accompanied by a fee of five dollars. Upon receipt of the annual permit application and the application fee, the off-road vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the off-road vehicle in a manner prescribed by the department. The annual permit is valid for a period of one year and is renewable each year in such manner as the department may prescribe for an additional period of one year upon payment of a renewal fee of five dollars. Any person acquiring an off-road vehicle for which an annual permit has been issued who desires to continue to use the permit must, within fifteen days of the acquisition of the off-road vehicle, make application to the department or its authorized agent for transfer of the permit, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents. (3) A temporary use permit is valid for sixty days. Application for a temporary permit shall be accompanied by a fee of two dollars. The permit shall be carried on the vehicle at all times during its operation in the state. (4) Except as provided in RCW 46.09.050, any out-of-state operator of an off-road vehicle shall, when operating in this state, comply with this chapter, and if an ORV use permit is required under this chapter, the operator shall obtain an annual or temporary permit and tag. **Sec. 2.** RCW 46.10.040 and 1996 c 164 s 1 are each amended to read as follows: Application for registration shall be made to the department in the manner and upon forms the department prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee to be established by the commission, after consultation with the committee and any state-wide snowmobile user groups. The fee shall be fifteen dollars pending action by the commission to increase the fee. The commission shall increase the fee by two dollars and fifty cents effective September 30, 1996, and the commission shall increase the fee by another two dollars and fifty cents effective September 30, 1997. After the fee increase effective September 30, 1997, the commission shall not increase the fee. Upon receipt of the application and the application fee, the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070. The registration provided in this section shall be valid for a period of one year. At the end of the period of registration, every owner of a snowmobile in this state shall renew his or her registration in the manner the department prescribes, for an additional period of one year, upon payment of the annual registration fee as determined by the commission. Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of the snowmobile, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents. A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by at least one owner and shall be accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state. The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state. The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided in this section the department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. **Sec. 3.** RCW 46.12.010 and 1979 c 158 s 132 are each amended to read as follows: It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle (~~other than a travel trailer or camper~~) without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of licensing, it is proper to do so. **Sec. 4.** RCW 46.12.080 and 1979 ex.s. c 113 s 1 are each amended to read as follows: Any person holding the certificate of (~~license registration~~) ownership for a motorcycle or any vehicle registered by its motor number in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the department, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar and twenty-five cents, and a statement of the disposition of the former motor. The possession by any person of any such certificates for such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of

a violation of the provisions of this chapter and shall constitute a misdemeanor. **Sec. 5.** RCW 46.12.170 and 1994 c 262 s 6 are each amended to read as follows: If, after a certificate of ownership is issued, a security interest is granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form (~~provided~~) approved by the department and shall be accompanied by a fee of one dollar and twenty-five cents in addition to all other fees. The department, if satisfied that there should be a reissue of the certificate, shall note such change upon the vehicle records and issue to the secured party a new certificate of ownership. Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar and twenty-five cents in addition to all other fees. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the department within ten days after proper demand, that secured party shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure. **NEW SECTION. Sec. 6.** A new section is added to chapter 46.16 RCW to read as follows: If a certificate of license registration is lost, stolen, mutilated, or destroyed or becomes illegible, the registered owner or owners, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and twenty-five cents in addition to all other fees and upon furnishing information satisfactory to the department. The duplicate of the license registration shall contain the legend, "duplicate." A person recovering an original certificate of license registration for which a duplicate has been issued shall promptly surrender the original certificate to the department. **Sec. 7.** RCW 46.12.181 and 1994 c 262 s 7 are each amended to read as follows: If a certificate of ownership (~~or a certificate of license registration~~) is lost, stolen, mutilated, or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and twenty-five cents in addition to all other fees and upon furnishing information satisfactory to the department. The duplicate certificate of ownership (~~or license registration~~) shall contain the legend, "~~(This is a)~~ duplicate (~~certificate~~)." It shall be (~~mailed~~) provided to the first priority secured party named in it or, if none, to the owner. A person recovering an original certificate of ownership (~~or title registration~~) for which a duplicate has been issued shall promptly surrender the original certificate to the department. **Sec. 8.** RCW 46.16.210 and 1994 c 262 s 9 are each amended to read as follows: (1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director. (2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned. (3) Persons expecting to be out of the state during the normal (~~forty-five day~~) renewal period of a vehicle license may secure renewal of such vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, and excise tax as may be required by law. (4) Application for the annual renewal of a vehicle license number plate to the director or (~~his~~) the director's agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington or a governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior. **Sec. 9.** RCW 46.16.220 and 1991 c 339 s 20 are each amended to read as follows: Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year (~~on and after the forty-fifth day prior to the end of~~) up to eighteen months before the current (~~registration year~~) expiration date and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later. **Sec. 10.** RCW 46.16.305 and 1990 c 250 s 2 are each amended to read as follows: The department shall continue to issue, under RCW 46.16.301 and the department's rules implementing RCW 46.16.301 through 46.16.332, the categories of special plates issued by the department under the sections repealed under section (~~(13)~~) 12 (1) through (7), chapter 250, Laws of 1990. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991: (1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle. (2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued (~~for a term of five years~~) by the federal communications commission. (3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of any fees. (4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria: (a) Is a resident of this state; (b) Was a member of the United States Armed Forces on December 7, 1941; (c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles; (d) Received an honorable discharge from the United States Armed Forces; and (e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection. The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the

special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state. The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates under RCW 46.16.313. (5) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of RCW 46.16.316(1). **Sec. 11.** RCW 46.16.630 and 1979 ex.s. c 213 s 5 are each amended to read as follows: Application for registration of a moped shall be made to the department of licensing in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the moped to be registered, the vehicle identification number, and such other information as the department may require, and shall be accompanied by a registration fee of three dollars. Upon receipt of the application and the application fee, the moped shall be registered and a registration number assigned, which shall be affixed to the moped in the manner as provided by rules adopted by the department. The registration provided in this section shall be valid for a period of twelve months. Every owner of a moped in this state shall renew the registration, in such manner as the department shall prescribe, for an additional period of twelve months, upon payment of a renewal fee of three dollars. Any person acquiring a moped already validly registered must, within fifteen days of the acquisition or purchase of the moped, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents. The registration fees provided in this section shall be in lieu of any personal property tax or the vehicle excise tax imposed by chapter 82.44 RCW. The department shall, at the time the registration number is assigned, make available a decal or other identifying device to be displayed on the moped. A fee of one dollar and fifty cents shall be charged for the decal or other identifying device. The provisions of RCW 46.01.130 and 46.01.140 shall apply to applications for the issuance of registration numbers or renewals or transfers thereof for mopeds as they do to the issuance of vehicle licenses, the appointment of agents, and the collection of application fees. Except for the fee collected pursuant to RCW 46.01.140, all fees collected under this section shall be deposited in the motor vehicle fund. **Sec. 12.** RCW 88.02.075 and 1986 c 71 s 1 are each amended to read as follows: (1) If a certificate of ~~((title))~~ ownership, a certificate of registration, or a pair of decals is lost, stolen, mutilated, or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly apply for and may obtain a duplicate certificate or replacement decals upon payment of one dollar and twenty-five cents and furnishing information satisfactory to the department. (a) An application for a duplicate certificate of title shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the first secured party or, if none, the owner or legal representative of the owner. (b) An application for a duplicate certificate of registration or replacement decals shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the registered owner or legal representative of the owner. (2) The duplicate certificate of ~~((title))~~ ownership or registration shall contain the legend, "~~((This is a))~~ duplicate ~~((certificate))~~." It shall be mailed to the first priority secured party named in it or, if none, to the owner. (3) A person recovering an original certificate of ~~((title))~~ ownership, certificate of registration, or decal for which a duplicate or replacement has been issued shall promptly surrender the original to the department. **Sec. 13.** RCW 46.16.010 and 1996 c 184 s 1 are each amended to read as follows: (1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction. (2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows: (a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred; (b) For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred; (c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed shall be deposited in the vehicle licensing fraud account created in the state treasury; (d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion. (3) These provisions shall not apply to farm vehicles as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: PROVIDED FURTHER, That these provisions shall not apply to fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks: PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows: "Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be

moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface. Exclusions: "Special highway construction equipment" does not include any of the following: Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter: (a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle. (b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar. **Sec. 14.** RCW 46.37.010 and 1989 c 178 s 22 are each amended to read as follows: (1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations. (2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations. (3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. (4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway. (5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol. (6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable. (7) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks. (8) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW. ~~((8))~~ (9) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver. ~~((9))~~ (10) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee." On motion of Senator Prince, the following title amendment was adopted:

On page 1, line 2 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 46.09.070, 46.10.040, 46.12.010, 46.12.080, 46.12.170, 46.12.181, 46.16.210, 46.16.220, 46.16.305, 46.16.630, 88.02.075, 46.16.010, and 46.37.010; and adding a new section to chapter 46.16 RCW."

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1457, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1457, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1457, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Schow and West - 3. HOUSE BILL NO. 1457, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1459, by Representatives Cairnes, Fisher and Chandler (by request of Department of Licensing)

Regulating licensees of the department of licensing.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1459.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1459 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Anderson - 1. Excused: Senators Benton, Schow and West - 3. HOUSE BILL NO. 1459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1496, by Representatives Benson, Cooke, Mulliken, Dunshee, Linville, Sheahan, Gombosky, Carrell, Sterk, McMorris and Kastama

Clarifying the definition of "negligent treatment or maltreatment" of a child.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, Engrossed House Bill No. 1496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1496.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1496 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 45. Absent: Senator Wood - 1. Excused: Senators Benton, Schow and West - 3. ENGROSSED HOUSE BILL NO. 1496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1525, by Representatives K. Schmidt, Hatfield and Skinner (by request of County Road Administration Board)

Revising the submittal date for county six-year transportation programs.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1525.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1525 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel,



Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Schow and West - 3. HOUSE BILL NO. 1525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1533, by Representatives Sehlin, Quall, K. Schmidt, D. Schmidt, Scott and Hankins

Using county road funds.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Engrossed House Bill No. 1533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1533.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1533 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Haugen - 1. Excused: Senators Benton, Schow and West - 3. ENGROSSED HOUSE BILL NO. 1533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:00 noon, on motion of Senator Johnson, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:33 p.m. by President Owen.

#### MOTIONS

On motion of Senator Hale, Senators Deccio, Finkbeiner, Long, Newhouse, Prince and Winsley were excused. On motion of Senator Franklin, Senators Bauer and McAuliffe were excused.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Johnson, Gubernatorial Appointment No. 9231, Robert E. Quoidbach, as a member of the Forest Practices Appeals Board, was confirmed.

Senators Johnson and Snyder spoke to the confirmation of Robert E. Quoidbach as a member of the Forest Practices Appeals Board.

#### APPOINTMENT OF ROBERT E. QUOIDBACH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Wojahn, Wood and Zarelli - 39. Excused: Senators Bauer, Benton, Deccio, Finkbeiner, Long, McAuliffe, Newhouse, Prince, West and Winsley - 10.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9163, J. C. Jackson, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed

#### APPOINTMENT OF J. C. JACKSON

The Secretary called the roll. The appointment was confirmed by the following vote Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senator McDonald - 1. Excused: Senators Benton, Deccio, McAuliffe, Prince and West - 5.:

#### SECOND READING

HOUSE BILL NO. 1539, by Representatives Honeyford, Fisher, Schoesler and Sheldon

Regulating fire district associations.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1539.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1539 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Deccio and West - 3. HOUSE BILL NO. 1539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1545, by Representatives Sheahan, Costa, Tokuda, Cooper, Blalock, Keiser, Kenney, Conway, Lantz, Cole, Wolfe, O'Brien, Mason, Wood and Scott

Regulating funding for domestic violence shelters.

The bill was read the second time.

#### MOTION

On motion of Senator Long, the rules were suspended, House Bill No. 1545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1545.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1545 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Finkbeiner - 1. Excused: Senator Benton - 1. HOUSE BILL NO. 1545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5448,  
SUBSTITUTE SENATE BILL NO. 5470,  
SENATE BILL NO. 5486,  
SENATE BILL NO. 5507,  
SUBSTITUTE SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5529,  
SUBSTITUTE SENATE BILL NO. 5560,  
SUBSTITUTE SENATE BILL NO. 5562, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5029,  
SUBSTITUTE SENATE BILL NO. 5125,  
SUBSTITUTE SENATE BILL NO. 5142,  
SUBSTITUTE SENATE BILL NO. 5254,  
SUBSTITUTE SENATE BILL NO. 5322,  
SUBSTITUTE SENATE BILL NO. 5375,  
SUBSTITUTE SENATE BILL NO. 5401,  
SENATE BILL NO. 5647,  
SENATE BILL NO. 5732,  
SUBSTITUTE SENATE BILL NO. 5755,  
ENGROSSED SENATE BILL NO. 5774,  
SENATE BILL NO. 6007,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8001,  
SENATE JOINT MEMORIAL NO. 8008, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5085,  
SUBSTITUTE SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5107,  
SENATE BILL NO. 5108,  
SENATE BILL NO. 5109,  
ENGROSSED SENATE BILL NO. 5163,  
SUBSTITUTE SENATE BILL NO. 5183, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5009,  
SUBSTITUTE SENATE BILL NO. 5049,  
SENATE BILL NO. 5113,  
SENATE BILL NO. 5132,  
SENATE BILL NO. 5211,  
SENATE BILL NO. 5287,  
SUBSTITUTE SENATE BILL NO. 5308,  
SENATE BILL NO. 5330,  
SENATE BILL NO. 5338,  
SENATE BILL NO. 5364,  
SENATE BILL NO. 5426,  
SENATE BILL NO. 5520,  
SENATE BILL NO. 5672,  
SUBSTITUTE SENATE BILL NO. 5684,  
SENATE BILL NO. 5713,  
SENATE BILL NO. 5809,  
SENATE BILL NO. 5925, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1060,  
HOUSE BILL NO. 1081,  
HOUSE BILL NO. 1098,  
SUBSTITUTE HOUSE BILL NO. 1120,  
HOUSE BILL NO. 1187,  
HOUSE BILL NO. 1241,  
SUBSTITUTE HOUSE BILL NO. 1383,  
HOUSE BILL NO. 1452,  
HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1651,  
SUBSTITUTE HOUSE BILL NO. 1813,  
ENGROSSED HOUSE BILL NO. 2093, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1007,  
SUBSTITUTE HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1089,  
SUBSTITUTE HOUSE BILL NO. 1124,  
SUBSTITUTE HOUSE BILL NO. 1171,  
HOUSE BILL NO. 1188,  
SUBSTITUTE HOUSE BILL NO. 1249,  
SUBSTITUTE HOUSE BILL NO. 1251,  
HOUSE BILL NO. 1288,  
HOUSE BILL NO. 1400,  
HOUSE BILL NO. 1590,  
SUBSTITUTE HOUSE BILL NO. 1658,  
SUBSTITUTE HOUSE BILL NO. 1799, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5448,  
SUBSTITUTE SENATE BILL NO. 5470,  
SENATE BILL NO. 5486,  
SENATE BILL NO. 5507,  
SUBSTITUTE SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5529,  
SUBSTITUTE SENATE BILL NO. 5560,  
SUBSTITUTE SENATE BILL NO. 5562.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1060,  
HOUSE BILL NO. 1081,  
HOUSE BILL NO. 1098,  
SUBSTITUTE HOUSE BILL NO. 1120,  
HOUSE BILL NO. 1187,  
HOUSE BILL NO. 1241,  
SUBSTITUTE HOUSE BILL NO. 1383,  
HOUSE BILL NO. 1452,  
HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1651,  
SUBSTITUTE HOUSE BILL NO. 1813,  
ENGROSSED HOUSE BILL NO. 2093.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1007,  
SUBSTITUTE HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1089,  
SUBSTITUTE HOUSE BILL NO. 1124,  
SUBSTITUTE HOUSE BILL NO. 1171,  
HOUSE BILL NO. 1188,

SUBSTITUTE HOUSE BILL NO. 1249,  
SUBSTITUTE HOUSE BILL NO. 1251,  
HOUSE BILL NO. 1288,  
HOUSE BILL NO. 1400,  
HOUSE BILL NO. 1590,  
SUBSTITUTE HOUSE BILL NO. 1658,  
SUBSTITUTE HOUSE BILL NO. 1799.

MOTION

At 2:00 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:02 p.m. by President Owen.

MOTION

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

SECOND READING

HOUSE BILL NO. 1551, by Representatives Mason, Carlson, Radcliff, Kenney, Cooper, Conway, Costa, Sullivan, Wolfe, Scott, O'Brien and Wood

Increasing fiscal flexibility for institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Wood, the rules were suspended, House Bill No. 1551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1551.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1551 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. HOUSE BILL NO. 1551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1535, by House Committee on Health Care (originally sponsored by Representatives Sherstad, Cody, Dyer, Murray, Cooke, O'Brien, Cooper, Wolfe, Cole, Veloria, Butler, Ogden, Anderson, Mason and Van Luven)

Declaring a naturopath a health care practitioner for certain purposes.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1535.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1535 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1610, by Representatives DeBolt, Poulsen, Mastin, Hankins and Kessler (by request of Utilities and Transportation Commission)

Exempting regulated utilities from seeking commission preapproval of some short-term notes having a maturity of twelve or fewer months.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, House Bill No. 1610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1610.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1610 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. HOUSE BILL NO. 1610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Brown was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1105, by House Committee on Appropriations (originally sponsored by Representatives Ogden, Sehlin, H. Sommers, Lambert, Carlson, Wolfe, Anderson and Scott) (by request of Joint Committee on Pension Policy)

Providing retirement credit for leave for legislative service.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1105.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1105 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Hargrove - 1. Excused: Senators Benton and Brown - 2. SUBSTITUTE HOUSE BILL NO. 1105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1928, by Representatives Skinner, Mason, Van Luven, Radcliff and D. Schmidt (by request of Housing Finance Commission)

Allowing the housing finance commission to impose covenants running with the land.

The bill was read the second time.

### MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 1928 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1928.

### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1928 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. HOUSE BILL NO. 1928, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MOTION

On motion of Senator Hale, Senators Schow and Sellar were excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361, by House Committee on Commerce and labor (originally sponsored by Representatives Clements, Skinner and Honeyford)

Regulating electricians and electrical installations.

The bill was read the second time.

### MOTION

Senator Horn moved that the following Committee on Commerce and Labor amendment not be adopted:

On page 5, after line 21, insert the following: "**Sec. 1.** RCW 19.28.070 and 1986 c 156 s 4 are each amended to read as follows: The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall ~~((have power to))~~ appoint ~~((an))~~ a chief electrical inspector ~~((and such assistant inspectors as he shall deem necessary to assist him in the performance of his duties))~~ and may appoint such assistant inspectors as the director deems necessary to assist the director in the performance of the director's duties. The chief electrical inspector shall be responsible for providing the final interpretation of adopted state electrical standards, rules, and policies for the department and its inspectors, assistant inspectors, electrical plan examiners, and other individuals supervising electrical program personnel. If a dispute arises within the department regarding the interpretation of adopted state electrical standards, rules, or policies, the chief electrical inspector shall provide the final interpretation of the disputed standard, rule, or policy. All electrical inspectors appointed by the director of labor and industries shall have not less than four years experience as journeyman electricians in installing and maintaining electrical equipment, or two years electrical training in a college of electrical engineering of recognized standing and four years continuous practical electrical experience in installation work, or four years of electrical training in a college of electrical engineering of recognized standing and two years continuous practical electrical experience in electrical installation work. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries." The President declared the question before the Senate to be the motion by Senator Horn that the Committee on Commerce and Labor amendment on page 5, after line 21, to Engrossed Substitute House Bill No. 1361 not be adopted.

The motion by Senator Horn carried and the Committee on Commerce and Labor amendment was not adopted.

### MOTION

Senator Horn moved that the following amendment by Senators Horn and Heavey be adopted:

On page 5, after line 21, insert the following: "**Sec. 4.** RCW 19.28.070 and 1986 c 156 s 4 are each amended to read as follows: The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall ~~((have power to))~~ appoint ~~((aa))~~ a chief electrical inspector ~~((, and such assistant inspectors as he shall deem necessary to assist him in the performance of his duties))~~ and may appoint other electrical inspectors as the director deems necessary to assist the director in the performance of the director's duties. The chief electrical inspector, subject to the review of the director, shall be responsible for providing the final interpretation of adopted state electrical standards, rules, and policies for the department and its inspectors, assistant inspectors, electrical plan examiners, and other individuals supervising electrical program personnel. If a dispute arises within the department regarding the interpretation of adopted state electrical standards, rules, or policies, the chief electrical inspector, subject to the review of the director, shall provide the final interpretation of the disputed standard, rule, or policy. All electrical inspectors appointed by the director of labor and industries shall have not less than: Four years experience as journeyman electricians in the electrical construction trade installing and maintaining electrical wiring and equipment, or two years electrical training in a college of electrical engineering of recognized standing and four years continuous practical electrical experience in installation work, or four years of electrical training in a college of electrical engineering of recognized standing and two years continuous practical electrical experience in electrical installation work; or four years experience as a journeyman electrician performing the duties of an electrical inspector employed by the department or a city or town with an approved inspection program under RCW 19.28.360, except that for work performed in accordance with the national electrical safety code and covered by this chapter, such inspections may be performed by a person certified as an outside journeyman lineman, under RCW 19.28.610(2), with four years experience or a person with four years experience as a certified outside journeyman lineman performing the duties of an electrical inspector employed by an electrical utility. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. As a condition of employment, inspectors hired exclusively to perform inspections in accordance with the national electrical safety code must possess and maintain certification as an outside journeyman lineman. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Heavey on page 5, after line 21, to Engrossed Substitute House Bill No. 1361.

The motion by Senator Horn carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 2 of the title, after "19.28.520," strike "and 19.28.530" and insert "19.28.530, and 19.28.070" On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 1361, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1361, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1361, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Schow and Sellar - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6045, by Senators West, Spanel, Strannigan and Oke (by request of Governor Locke)

Creating the savings incentive account.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6045 was substituted for Senate Bill No. 6045 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6045.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 47. Voting nay: Senator Zarelli - 1. Excused: Senator Benton - 1. SUBSTITUTE SENATE BILL NO. 6045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6070, by Senators West and Spanel (by request of Office of Financial Management)

Creating the disaster response account.

The bill was read the second time.

## MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 6070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6070.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6070 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Benton - 1. SENATE BILL NO. 6070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6076, by Senators West, Wood, Bauer, Anderson, Kohl, Long, Spanel, Swecker, Finkbeiner, Winsley, Hale, Horn and Hochstatter

Changing the adjustment of state appropriations for needy student financial aid.

The bill was read the second time.

## MOTION

Senator Jacobsen moved that the following amendment be adopted:  
On page 1, line 13, strike "thirty" and insert "forty" Debate ensued.  
Senator Sheldon demanded a roll call and the demand was sustained.

## MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 6076 was deferred.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1261, by House Committee on Finance (originally sponsored by Representatives Mulliken, Pennington, Boldt and Wensman) (by request of Department of Revenue)

Requiring a ranged table in standard increments for the business and occupation tax small business credit.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that many businesses have difficulty applying the small business credit under RCW 82.04.4451. Further, the legislature appreciates the valuable time and resources small businesses expend on calculating the amount of credit based upon a statutory formula. For the purpose of tax simplification, it is the intent of this act to direct the department of revenue to create a schedule, in standard increments, to replace required calculations for the small business credit. Each taxpayer can make reference to the taxpayer's tax range on the schedule and find the amount of the taxpayer's small business credit. Further, no taxpayer will owe a greater amount of tax nor will any taxpayer be responsible for a greater amount of taxes otherwise due. Sec. 2. RCW 82.04.4451 and 1994 sp.s. c 2 s 1 are each amended to read as follows: (1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. The maximum credit for a taxpayer for a reporting period is thirty-five dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. (2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter. (3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero. (4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table shall be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection shall be used by all taxpayers in taking the credit provided in this section." On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "credit;" strike the remainder of the title and insert "amending RCW 82.04.4451; and creating a new section."

## MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1261, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1261, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1261, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Hargrove - 1. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1261, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6068, by Senators West, Spanel and Oke (by request of Secretary of State Munro)

Enhancing legal advertising of state measures.

## MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6068 was substituted for Senate Bill No. 6068 and the substitute bill was placed on second reading and read the second time.

Senator Spanel moved that the following amendment by Senators Spanel, Fraser, Haugen and McCaslin be adopted:

Beginning on page 1, line 15, after "advertisements." strike all material through "repealed." on page 2, line 2 and insert the following: "Sec. 2. RCW 29.27.074 and 1967 c 96 s 2 are each amended to read as follows: The newspaper and broadcast notice (provided for in) required by Article XXIII, section 1, of the state Constitution and RCW 29.27.072 ~~((shall))~~ may set forth all or some of the following information: (1) A legal identification of the state measure to be voted upon. (2) The official ballot title of such state measure. (3) A brief statement explaining the constitutional provision or state law as it presently exists. (4) A brief statement explaining the effect of the state measure should it be approved. (5) The total number of votes cast for and against the measure in both the state senate and house of representatives. No individual candidate or incumbent public official may be referred to or identified in these notices or advertisements." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Fraser, Haugen and McCaslin beginning on page 1, line 15, to Substitute Senate Bill No. 6068.

The motion by Senator Spanel carried and the amendment was adopted.

## MOTIONS

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On line 1 of the title, after "measures;" insert "and" On line 2 of the title, after "29.27.072" strike "; and repealing RCW" and insert "and" On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 6068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6068.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6068 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Sellar - 1. Absent: Senator Hargrove - 1. Excused: Senator Benton - 1. ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senator Hargrove was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1791, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, Linville, Grant, Clements, Mulliken, Koster, Boldt and Schoesler)

Exempting activities conducted for an agricultural commodity commission or board from business and occupation tax.

The bill was read the second time.

## MOTIONS

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows: (1) This chapter does not apply to any nonprofit organization in respect to amounts received from an agricultural commodity commission or agricultural commodity board created by state statute or a commission or board created under chapter 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.88, or 16.67 RCW. (2) As used in this section, "nonprofit organization" means an organization that: Is exempt from federal income tax under 26 U.S.C. Section 501(c)(3), 501(c)(5), 501(c)(6), or 521; and has the same objectives for which the agricultural commodity commission or agricultural commodity board was formed." On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and adding a new section to chapter 82.04 RCW."

## MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1791, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1791, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1791, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Fairley - 1. Excused: Senators Benton and Hargrove - 2. SUBSTITUTION HOUSE BILL NO. 1791, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Franklin, Senator Fairley was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2193, by House Committee on Higher Education (originally sponsored by Representatives Carlson, D. Sommers, Gombosky, Benson and Mielke) (by request of Joint Center for Higher Education)

Allowing the joint center for higher education transportation fees and excluding higher education and the joint center for higher education from the state agency parking account.

The bill was read the second time.

## MOTIONS

On motion of Senator Wood, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 28B.25 RCW to read as follows: (1) The joint center board may: (a) Adopt rules governing pedestrian traffic and vehicular traffic and parking upon lands and facilities of the center; (b) Establish, collect, and retain parking fees for faculty, staff, students, and visitors using the Riverpoint higher education parking facility; (c) Adjudicate matters involving parking infractions internally; and (d) Collect and retain any penalties for parking infractions. (2) If the rules adopted under subsection (1) of this section provide for internal adjudication of parking infractions, a person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal adjudication may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the joint center board. Documents relating to the appeal shall immediately be forwarded to the district court in the county in which the offense was committed, which court shall have jurisdiction over such offense and such appeal shall be heard de novo. (3) Any funds collected under this section shall be used for the joint center's parking program. Sec. 2. RCW 28B.130.020 and 1993 c 447 s 3 are each amended to read as follows: (1) The governing board of an institution of higher education as defined in RCW 28B.10.016 may impose either a voluntary or a mandatory transportation fee on employees and on students at the institution. The board of the joint center for higher education under chapter 28B.25 RCW may impose either a voluntary or a mandatory transportation fee on faculty and staff working at the Riverpoint higher education park and on students attending classes there. The transportation fee shall be used solely to fund transportation demand management programs that reduce the demand for campus and neighborhood parking, and promote alternatives to single-occupant vehicle driving. If the board charges a mandatory transportation fee to students, it shall charge a mandatory transportation fee to employees. The transportation fee for employees may exceed, but shall not be lower than the transportation fee charged to students. The transportation fee for employees may be deducted from the employees' paychecks. The transportation fee for students may be imposed annually, or each academic term. For students attending community colleges and technical colleges, the mandatory transportation fee shall not exceed sixty percent of the maximum rate permitted for services and activities fees at community colleges, unless, through a vote, a majority of students consent to increase the transportation fee. For students attending four-year institutions of higher education or classes at the Riverpoint higher education park, the mandatory transportation fee shall not exceed thirty-five percent of the maximum rate permitted for services and activities fees at the institution where the student is enrolled unless, through a vote, a majority of students consents to increase the transportation fee. The board may make a limited number of exceptions to the fee based on a policy adopted by the board. (2) The board of the joint center for higher education under chapter 28B.25 RCW shall not impose a transportation fee on any student who is already paying a transportation fee to the institution of higher education in which the student is enrolled. Sec. 3. RCW 43.01.236 and 1995 c 215 s 5 are each amended to read as follows: All institutions of higher education as defined under RCW 28B.10.016 and the joint center for higher education under chapter 28B.25 RCW are exempt from the requirements under RCW ((43.01.225)) 43.01.240." On motion of Senator Wood, the following title amendment was adopted:

On page 1, line 2 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.130.020 and 43.01.236; and adding a new section to chapter 28B.25 RCW." MOTION

On motion of Senator Wood, the rules were suspended, Engrossed Substitute House Bill No. 2193, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2193, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2193, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Fairley and Hargrove - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2193, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1607, by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Thompson, Dyer, Sheldon, Boldt, Honeyford, Lisk, Clements, Mulliken and Mielke)

Providing for industrial insurance self-insurers to determine benefits for permanent disability.

The bill was read the second time.

#### MOTION

Senator Heavey moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 38, after "before" strike "July 1, 1997" and insert "August 1, 1997" On page 3, line 38, after "before" strike "July 1, 1997" and insert "August 1, 1997" On page 4, beginning on line 20, after "after" strike "June 30, 1997" and insert "July 31, 1997" On page 6, after line 9, strike all of section 3 Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Heavey on page 2, line 38; page 3, line 38; page 4, beginning on line 20; and page 6, after line 9; to Substitute House Bill No. 1607.

The motion by Senator Heavey carried and the amendments were adopted.

#### MOTION

Senator Fraser moved that the following amendments by Senators Fraser, Heavey, Franklin and Swanson be considered simultaneously and be adopted:

On page 4, line 33, after "subject to" insert "(b) of this subsection and to" On page 4, line 36, after "(b)" insert "If an independent medical examiner or panel selected by the self-insurer determines that a worker's condition is fixed and stable and the worker's attending or treating physician disagrees in writing with that determination within thirty days of the physician's receipt of the report by the examiner or panel, the self-insurer may not close the worker's claim but must forward the claim to the department within ten days after receipt of the attending or treating physician's written response. The department must review the claim and enter a determinative order as provided for in RCW 51.52.050. (c)" On page 5, line 12, strike "(c)" and insert "(d)" Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Fraser, Heavey, Franklin and Swanson on page 4, lines 33 and 36, and page 5, line 12, to Substitute House Bill No. 1607.

#### MOTION

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Deccio, Finkbeiner, Hale, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Benton - 1.

#### MOTION

Senator Heavey moved that the following amendments by Senators Heavey, Schow, Prentice and Anderson be considered simultaneously and be adopted:

On page 4, line 36, after "(b)" insert "If a physician submits a report to the self-insurer that concludes that the worker's condition is fixed and stable and supports payment of a permanent partial disability award, and if within fourteen days from the date the self-insurer mailed the report to the attending or treating physician, the worker's attending or treating physician disagrees in writing that the worker's condition is fixed and stable, the self-insurer must get a supplemental medical opinion from a provider on the department's approved examiner's list before closing the claim. In the alternative, the self-insurer may forward the claim to the department, which must review the claim and enter a final order as provided for in RCW 51.52.050. (c)" On page 5, line 12, strike "(c)" and insert "(d)" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Heavey, Schow, Prentice and Anderson on page 4, line 36, and page 5, line 12, to Substitute House Bill No. 1607.

The motion by Senator Heavey carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 2 of the title, after "self-insurers;" strike the remainder of the title and insert "amending RCW 51.32.055; and creating a new section." On motion of Senator Anderson, the rules were suspended, Substitute House Bill No. 1607, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1607, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1607, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 21. Excused: Senator Benton - 1. SUBSTITUTE HOUSE BILL NO. 1607, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 5:40 p.m., on motion of Senator Johnson, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:30 p.m. by President Owen.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2189, by House Committee on Trade and Economic Development (originally sponsored by Representatives McDonald, Van Luven, Veloria and Cooke)

Creating a task force to study alternative financing techniques for the development and renovation of low-income senior housing developments.

The bill was read the second time.

## MOTIONS

On motion of Senator Winsley, the following Committee on Financial Institutions, Insurance and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The legislature finds that the availability of safe and affordable housing is vital to low-income senior citizens and persons with disabilities. The legislature further finds that the availability of low-cost financing is necessary for the development or preservation of housing for seniors and persons with disabilities. The legislature further finds that many existing housing developments for seniors and persons with disabilities are in need of renovation. The legislature further finds that there is a need to explore alternative financing techniques to cover the cost of development or renovation of housing for seniors and persons with disabilities. It is the intent of the legislature to create the task force on financing housing for seniors and persons with disabilities to explore alternative financing techniques for the development and renovation of housing developments in Washington for low-income seniors and persons with disabilities. **NEW SECTION. Sec. 2.** (1) There is created the task force on financing senior housing and housing for persons with disabilities to consist of thirteen members. The task force consists of the following members: (a) The director of the department of community, trade, and economic development or the director's designee, who serves as an ex officio member and as chair; (b) The executive director of the Washington state investment board or the director's designee, who serves as an ex officio member; (c) The executive director of the Washington state housing finance commission or the director's designee, who serves as an ex officio member; (d) Four representatives from organizations involved in the management of senior housing developments, one of which must be from an organization involved in the ownership of senior housing developments; (e) Three representatives from financial institutions involved in financing senior housing developments, one of which must be from an investment and banking firm involved in financing federally insured senior housing developments; (f) One representative from a mobile home owners association that represents seniors; (g) One representative from a mobile home park owners association; and (h) One representative from a public housing authority. (2) The director of the department of community, trade, and economic development shall appoint all nonex officio members to the task force on financing senior housing and housing for persons with disabilities. The vice-chair of the task force is selected by majority vote of the task force members. The members of the task force on financing senior housing and housing for persons with disabilities serve without compensation. (3) The department of community, trade, and economic development, the Washington state investment board, and the Washington state housing finance commission shall supply such information and assistance as is necessary for the task force on financing senior housing and housing for persons with disabilities to carry out its duties under section 3 of this act. (4) The department of community, trade, and economic development, the Washington state investment board, and the Washington state housing finance commission shall provide administrative and clerical assistance to the task force on financing senior housing and housing for persons with disabilities. **NEW SECTION. Sec. 3.** The task force on financing senior housing and housing for persons with disabilities shall: (1) Review financing needs for housing for low-income seniors and persons with disabilities in the state of Washington; (2) Review existing federal and state programs and incentives designed to assist in the construction of new facilities or renovation of existing housing facilities for seniors and persons with disabilities; (3) Review programs and techniques designed to assist in the construction of new facilities or renovation of existing housing facilities for seniors and persons with disabilities in other states and countries; (4) Make recommendations on possible financing techniques that could be developed at the state level to assist in meeting financing needs for construction of new facilities or renovation of existing housing facilities for seniors and persons with

disabilities; (5) By December 15, 1997, prepare and submit to the house of representatives committee on trade and economic development, and the senate committee on financial institutions, insurance and housing, a report detailing its findings and recommendations regarding financing techniques designed to assist in the construction of new facilities or renovation of existing housing facilities for seniors and persons with disabilities. NEW SECTION. Sec. 4. This act expires February 1, 1998." On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 1 of the title, after "housing;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 2189, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### MOTIONS

On motion of Senator Goings, Senators Loveland and McAuliffe were excused.

On motion of Senator Hale, Senator Schow was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2189, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senators Horn, McDonald and Prince - 3. Excused: Senators Benton, Loveland, McAuliffe and Schow - 4. SUBSTITUTE HOUSE BILL NO. 2189, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1110, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, McMorris, Koster, Delvin, Mulliken, Schoesler and Honeyford)

Altering a moratorium on new appropriations of Columbia river waters.

The bill was read the second time.

#### MOTION

Senator Morton moved that the following Committee on Agriculture and Environment amendment not be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 90.03 RCW to read as follows: (1) Nothing in this title authorizes the department of ecology to withdraw Columbia river waters from further appropriation based upon uncertainty as to whether sufficient waters would be available, following new appropriations, to satisfy the needs of any unquantified or speculative future instream uses of the waters of this river. (2) WAC 173-563-015 as it existed prior to the effective date of this section is in conflict with subsection (1) of this section and is void. NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows: (1) The department of ecology shall not withdraw Columbia river waters from further appropriation based upon uncertainty as to whether sufficient waters would be available, following new appropriations, to satisfy the needs of any unquantified or speculative future instream uses of the waters of this river. (2) WAC 173-563-015 as it existed prior to the effective date of this section is in conflict with subsection (1) of this section and is void. NEW SECTION. Sec. 3. A new section is added to chapter 43.27A RCW to read as follows: (1) The department of ecology shall not withdraw Columbia river waters from further appropriation based upon uncertainty as to whether sufficient waters would be available, following new appropriations, to satisfy the needs of any unquantified or speculative future instream uses of the waters of this river. (2) WAC 173-563-015 as it existed prior to the effective date of this section is in conflict with subsection (1) of this section and is void." Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton to not adopt the Committee on Agriculture and Environment striking amendment to Engrossed Substitute House Bill No. 1110.

The motion by Senator Morton carried and the committee striking amendment was not adopted.

#### MOTIONS

On motion of Senator Morton, the following amendment by Senators Morton and Fraser was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. WAC 173-563-015 as it existed prior to the effective date of this section is void. Sec. 2. RCW 90.54.050 and 1988 c 47 s 7 are each amended to

read as follows: In conjunction with the programs provided for in RCW 90.54.040(1), whenever it appears necessary to the director in carrying out the policy of this chapter, the department may by rule adopted pursuant to chapter 34.05 RCW: (1) Reserve and set aside waters for beneficial utilization in the future, and (2) When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available. Before proposing the adoption of rules to withdraw waters of the state from additional appropriation, the department shall consult with the standing committees of the house of representatives and the senate having jurisdiction over water resource management issues. Prior to the adoption of a rule under this section, the department shall conduct a public hearing in each county in which waters relating to the rule are located. The public hearing shall be preceded by a notice placed in a newspaper of general circulation published within each of said counties. Rules adopted hereunder shall be subject to review in accordance with the provisions of RCW ~~((34.05.538 or))~~ 34.05.240. ~~((No new rules or changes to existing rules to reserve or set aside water may be adopted pursuant to this section, as provided in RCW 90.54.022(5)-))~~" On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 90.54.050; and creating a new section."

#### MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 1110, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1110, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1110, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1110, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1388, by Representatives Conway, Ballasiotes, Sullivan, Dickerson, Cairnes, Quall, Robertson, Wood, Blalock, O'Brien, Scott, Wensman, Cooper, Costa and Ogden

Requiring that private organizations that contract with the department to operate work release facilities go through the siting process.

The bill was read the second time.

#### MOTIONS

On motion of Senator Long, the following Committee on Human Services and Corrections amendment was adopted: Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 72.65.220 and 1994 c 271 s 1001 are each amended to read as follows: (1) The department may establish, relocate, or contract for the operation of a work release or other community-based facility only after public notifications and local public meetings have been completed consistent with this section. (2) The department and other state agencies ~~((that have responsibility))~~ responsible for siting ~~((the department's))~~ department-owned or operated facilities shall establish a process for early and continuous public participation in establishing or relocating work release or other community-based facilities. This process shall include public meetings in the local communities affected, opportunities for written and oral comments, and wide dissemination of proposals and alternatives~~((-~~(2) The department may establish or relocate a work release or other community based facility only after holding local public meetings and providing public notification to local communities consistent with this chapter. ~~((3)))~~, including at least the following: (a) When the department has selected three or fewer sites for final consideration ~~((for site selection))~~ of a department-owned or operated work release or other community-based facility, the department shall make public notification ~~((shall be given))~~ and conduct public hearings ~~((shall be held))~~ in the ~~((final three or fewer))~~ local communities ~~((where the siting is proposed))~~ of the final three or fewer proposed sites. ~~((Additional notification and a))~~ An additional public hearing after public notification shall also be conducted in the local community selected as the final proposed site~~((, prior to completion of the siting process. All hearings and notifications shall be consistent with this chapter)).~~ ~~((4))~~ Throughout this process the department shall provide notification to)) (b) Notifications required under this section shall be provided to the following: (i) All newspapers of general circulation in the local area and all local radio stations, television stations, and cable networks~~((-))~~; ~~((5))~~ Notice shall also be provided to)) (ii) Appropriate school districts, private schools, kindergartens, city and county libraries, and all other local government offices within a one-half mile radius of the proposed ~~((facility-))~~ site or sites; ~~((6))~~ In addition, the department shall also provide notice to)) (iii) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department~~((-))~~; and ~~((7))~~ Notification in writing shall be provided to)) (iv) In writing to all residents and/or property owners



within a one-half mile radius of the proposed site or sites. (3) When the department contracts for the operation of a work release or other community-based facility that is not owned by the department, the department shall require as part of its contract that the contracting entity comply with the same public notification and public hearing requirements as provided in this section." On motion of Senator Long, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 72.65.220."

#### MOTION

On motion of Senator Long, the rules were suspended, House Bill No. 1388, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1388, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1388, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. HOUSE BILL NO. 1388, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1903, by House Committee on Commerce and Labor (originally sponsored by Representatives Cairnes, Linville, Conway, Honeyford, Hatfield, Clements, Kenney, Blalock, Cody, Cole, Gardner, Cooke and Tokuda)

Regulating the registration of contractors.

The bill was read the second time.

#### MOTIONS

On motion of Senator Horn, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 18.27 RCW to read as follows: This chapter shall be strictly enforced. Therefore, the doctrine of substantial compliance shall not be used by the department in the application and construction of this chapter. Anyone engaged in the activities of a contractor is presumed to know the requirements of this chapter. Sec. 2. RCW 18.27.010 and 1993 c 454 s 2 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. "Contractor" includes any person, firm, or corporation covered by this subsection, whether or not registered as required under this chapter. (2) "General contractor" means a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part. "General contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined ~~((herein))~~ in this section. The terms "general contractor" and "builder" are synonymous. (3) "Specialty contractor" means a contractor whose operations ~~((as such))~~ do not fall within the foregoing definition of "general contractor". (4) "Unregistered contractor" means a person, firm, or corporation doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired for more than thirty days beyond the renewal date or has been suspended. (5) "Department" means the department of labor and industries. ~~((5))~~ (6) "Director" means the director of the department of labor and industries. ~~((6))~~ (7) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face, checking the department's contractor registration data base, or calling the department to confirm that the contractor is registered. Sec. 3. RCW 18.27.020 and 1993 c 454 s 6 are each amended to read as follows: (1) Every contractor shall register with the department. (2) It is a misdemeanor for any contractor to: (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter; (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked; (c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; or (d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor. (3) It is not unlawful for a general contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the

general contractor, unless the general contractor or his or her representative has been notified in writing by the department of labor and industries that the contractor has become unregistered. (4) All misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs. (5) A person is guilty of a separate misdemeanor for each day worked if, after the person receives a citation from the department, the person works while unregistered, or while his or her registration is suspended or revoked, or works under a registration issued to another contractor. A person is guilty of a separate misdemeanor for each worksite on which he or she violates subsection (2) of this section. Nothing in this subsection applies to a registered contractor. (6) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the departments of revenue and employment security of the infractions or convictions and shall cooperate with these departments to determine whether any taxes or registration, license, or other fees or penalties are owed the state. Sec. 4. RCW 18.27.030 and 1996 c 147 s 1 are each amended to read as follows: (1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant: (a) Employer social security number. (b) As applicable: (i) The industrial insurance account number covering employees domiciled in Washington; and (ii) evidence of workers' compensation coverage in the applicant's state of domicile for the applicant's employees working in Washington who are not domiciled in Washington. (c) Employment security department number. (d) State excise tax registration number. (e) Unified business identifier (UBI) account number may be substituted for the information required by (b), (c), and (d) of this subsection. (f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty. (g) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection. (2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(b) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington. (3) The department shall deny an application for registration ((shall be denied)) if the applicant has been previously registered as a sole proprietor, partnership, or corporation((, and was a principal or officer of the corporation,)) and ((if)) the applicant has an unsatisfied final judgment against him or her in an action based on this chapter that was incurred during a previous registration under this chapter. Sec. 5. RCW 18.27.040 and 1988 c 139 s 1 are each amended to read as follows: (1) Each applicant shall((, at the time of applying for or renewing a certificate of registration,)) file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in ((a form acceptable to the department running to the state of Washington if a general contractor, in the sum of six thousand dollars; if a specialty contractor, in the sum of four thousand dollars,)) the sum of six thousand dollars if the applicant is a general contractor and four thousand dollars if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. A cancellation or revocation of the bond or withdrawal of the surety from the bond suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of ((negligent or improper work or)) breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond. (2) Any contractor registered as of ((the effective date of this 1983 act)) July 1, 1997, who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration. (3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon ((such)) the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon ((such)) the bond or deposit shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed or abandoned. Service of process in an action against the contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the summons and complaint. ((Such)) The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in ((his)) the registrant's application and to the surety within forty-eight hours after it shall have been received. (4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order: (a) Employee labor and

claims of laborers, including employee benefits; (b) Claims for breach of contract by a party to the construction contract; (c) Subcontractors, material, and equipment; (d) Taxes and contributions due the state of Washington; (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover. The surety is not liable for any amount in excess of the penal limit of its bond. A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety. (5) ~~((In the event that any))~~ If a final judgment ((shall)) impairs the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of ((such)) the contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims ((shall have been)) is furnished. If ((such)) the bond becomes fully impaired, a new bond must be furnished at the ((increased)) rates prescribed by this section ((as now or hereafter amended)). (6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department. (7) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit. (8) The director may ~~((promulgate))~~ adopt rules necessary for the proper administration of the security. **Sec. 6.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each amended to read as follows: (1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter. (2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for: (a) One year; (b) Until the bond expires; or (c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate. (3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year. (4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall ~~((give))~~ mail notice of the suspension to the ~~((contractor))~~ contractor's address on the certificate of registration by certified and by first class mail within forty-eight hours after suspension. (5) Renewal of registration is valid on the date the department receives the required fee and proof of bond and liability insurance, if sent by certified mail or other means requiring proof of delivery. The receipt or proof of delivery shall serve as the contractor's proof of renewed registration until he or she receives verification from the department. **Sec. 7.** RCW 18.27.070 and 1983 c 74 s 1 are each amended to read as follows: The department shall charge fees for issuance, renewal, and reinstatement of certificates of registration; and changes of name, address, or business structure. The department shall set the fees by rule. ~~The ((fees shall))~~ entire amount of the fees are to be used solely to cover the full cost of issuing certificates, filing papers and notices, and administering and enforcing this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs. **Sec. 8.** RCW 18.27.090 and 1987 c 313 s 1 are each amended to read as follows: This chapter ~~((shall))~~ does not apply to: (1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state; (2) Officers of a court when they are acting within the scope of their office; (3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business; (4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee; (5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure; (6) Any construction, alteration, improvement, or repair of personal property, except this chapter shall apply to all mobile/manufactured housing. A mobile/manufactured home may be installed, set up, or repaired by the registered or legal owner, by a contractor ~~((licensed))~~ registered under this chapter, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW; (7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government; (8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor; (9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor; (10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor; (11) An owner who contracts for a project with a registered contractor; (12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property; (13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties; (14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption

provided in this subsection is applicable only when the licensee is operating within the scope of his or her license; (15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation; (16) Contractors on highway projects who have been prequalified as required by (~~chapter 13 of the Laws of 1961,~~) RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work. **Sec. 9.** RCW 18.27.100 and 1996 c 147 s 2 are each amended to read as follows: (1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter. (2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter. (3)(a) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (~~(if the person selling the advertisement obtains the contractor's current registration number from the contractor)~~) (3)(a). (b) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued before forty-eight hours after the expiration of the issue or publication containing the advertising or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b). (4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter. (5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto. (6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or corporation is not registered pursuant to this chapter is a violation of this chapter. (7)(a) The finding of a violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, shall subject the person committing the violation to a penalty of not more than five thousand dollars as determined by the director. (b) Penalties under this section shall not apply to a violation determined to be an inadvertent error. **Sec. 10.** RCW 18.27.104 and 1989 c 175 s 61 are each amended to read as follows: (1) If, upon investigation, the director or the director's designee has probable cause to believe that a person holding a registration, an applicant for registration, or (~~(an unregistered)~~) a person acting in the capacity of a contractor who is not otherwise exempted from this chapter, has violated RCW 18.27.100 by unlawfully advertising for work covered by this chapter (~~(in an alphabetical or classified directory)~~), the department may issue a citation containing an order of correction. Such order shall require the violator to cease the unlawful advertising. (2) If the person to whom a citation is issued under subsection (1) of this section notifies the department in writing that he or she contests the citation, the department shall afford an opportunity for an adjudicative proceeding under chapter 34.05 RCW(~~(, the Administrative Procedure Act,)~~) within thirty days after receiving the notification. **Sec. 11.** RCW 18.27.110 and 1993 c 454 s 5 are each amended to read as follows: (1) No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under this chapter without verification that such contractor is currently registered as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town or county, or its officers, employees or agents. However, failure to verify the contractor registration number results in liability to the city, town, or county to a penalty to be imposed according to RCW 18.27.100(~~((6))~~) (7)(a). (2) At the time of issuing the building permit, all cities, towns, or counties are responsible for: (a) Printing the contractor registration number on the building permit; and (b) Providing a written notice to the building permit applicant informing them of contractor registration laws and the potential risk and monetary liability to the homeowner for using an unregistered contractor. (3) If a building permit is obtained by an applicant or contractor who falsifies information to obtain an exemption provided under RCW 18.27.090, the building permit shall be forfeited. **Sec. 12.** RCW 18.27.114 and 1988 c 182 s 1 are each amended to read as follows: (1) (~~(Until July 1, 1989, any contractor agreeing to perform any~~ contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:

**"NOTICE TO CUSTOMER**

This contractor is registered with the state of Washington, registration no. . . . , as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

~~(2) On and after July 1, 1989,)~~ Any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:

"NOTICE TO CUSTOMER

This contractor is registered with the state of Washington, registration no. . . . ., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. The expiration date of this contractor's registration is . . . . . This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

~~((3) On and after July 1, 1989,)~~ (2) A contractor subject to this section shall notify any consumer to whom notice is required under subsection ~~((2))~~ (1) of this section if the contractor's registration has expired or is revoked or suspended by the department prior to completion or other termination of the contract with the consumer. ~~((4))~~ (3) No contractor subject to this section may bring or maintain any lien claim under chapter 60.04 RCW based on any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection ~~(1)~~ (1) of this section. ~~((5))~~ (4) This section does not apply to contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors. ~~((6))~~ (5) Failure to comply with this section shall constitute an infraction under the provisions of this chapter. ~~((7))~~ (6) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials. **Sec. 13.** RCW 18.27.117 and 1987 c 313 s 2 are each amended to read as follows: The legislature finds that setting up and siting mobile/manufactured homes must be done properly for the health, safety, and enjoyment of the occupants. Therefore, when any of the following cause a health and safety risk to the occupants of a mobile/manufactured home, or severely hinder the use and enjoyment of the mobile/manufactured home, a violation of RCW 19.86.020 shall have occurred: (1) The mobile/manufactured home has been improperly installed by a contractor ~~((licensed))~~ registered under chapter 18.27 RCW, or a mobile/manufactured dealer or manufacturer licensed under chapter 46.70 RCW; (2) A warranty given under chapter 18.27 RCW or chapter 46.70 RCW has not been fulfilled by the person or business giving the warranty; and (3) A bonding company that issues a bond under chapter 18.27 RCW or chapter 46.70 RCW does not reasonably and professionally investigate and resolve claims made by injured parties. **Sec. 14.** RCW 18.27.200 and 1993 c 454 s 7 are each amended to read as follows: (1) It is a violation of this chapter and an infraction for any contractor to: (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter; (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked; or (c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor. (2) Each day that a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction. Each worksite at which a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction. **Sec. 15.** RCW 18.27.230 and 1993 c 454 s 9 are each amended to read as follows: The department may issue a notice of infraction if the department reasonably believes that the contractor ~~((required to be registered by this chapter has failed to do so or))~~ has ~~((otherwise))~~ committed ~~((a violation under RCW 18.27.200))~~ an infraction under this chapter. A notice of infraction issued under this section shall be personally served on the contractor named in the notice by the department's compliance inspectors or service can be made by certified mail directed to the contractor named in the notice of infraction. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address. **Sec. 16.** RCW 18.27.270 and 1986 c 197 s 6 are each amended to read as follows: (1) A contractor who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction. (2) If the contractor named in the notice of infraction does not elect to contest the notice of infraction, then the contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records. (3) If the contractor named in the notice of infraction elects to contest the notice of infraction, the contractor shall respond by filing an answer of protest with the department specifying the grounds of protest. (4) If any contractor issued a notice of infraction fails to respond within the prescribed response period, the contractor shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred. (5) After final determination by an administrative law judge that an infraction has been committed, a contractor who fails to pay a monetary penalty within thirty days, that is not waived, reduced, or suspended pursuant to RCW 18.27.340(2), and who fails to file an appeal pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred. (6) A contractor who fails to pay a monetary penalty within thirty days after exhausting appellate remedies pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred. (7) If a contractor who is issued a notice of infraction is a contractor who has failed to register as a contractor under this chapter, the contractor is subject to a monetary penalty per infraction as provided in the schedule of penalties established by the department, and each day the person works without becoming registered is a separate infraction. **Sec. 17.** RCW 18.27.340 and 1986 c 197 s 10 are each amended to read as follows: (1) Except as otherwise provided in subsection (3) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be

assessed a monetary penalty of not less than two hundred dollars and not more than ~~((three))~~ five thousand dollars. (2) ~~((The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome to the contractor.))~~ The director may waive collection in favor of payment of restitution to a consumer complainant. (3) A contractor found to have committed an infraction under RCW 18.27.200 for failure to register shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. The director may reduce the penalty for failure to register, but in no case below five hundred dollars, if the person becomes registered within ten days of receiving a notice of infraction and the notice of infraction is for a first offense. (4) Monetary penalties collected under this chapter shall be deposited in the general fund. **Sec. 18.** RCW 51.12.020 and 1991 c 324 s 18 and 1991 c 246 s 4 are each reenacted and amended to read as follows: The following are the only employments which shall not be included within the mandatory coverage of this title: (1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment. (2) Any person employed to do gardening, maintenance, or repair, ~~((remodeling, or similar work))~~ in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence. (3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer. (4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization. (5) Sole proprietors or partners. (6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm. (7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW. (8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection. (b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400~~((19))~~ (20) may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt. (c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers. (d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110. (9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers. (10) Services performed by a newspaper carrier selling or distributing newspapers on the street or from house to house. (11) Services performed by an insurance agent, insurance broker, or insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and 48.17.030, respectively. (12) Services performed by a booth renter as defined in RCW 18.16.020. However, a person exempted under this subsection may elect coverage under RCW 51.32.030. **NEW SECTION. Sec. 19.** A new section is added to chapter 18.27 RCW to read as follows: Beginning December 1, 1997, the department shall report by December 1st each year to the commerce and labor committees of the senate and house of representatives and the ways and means committee of the senate and the appropriations committee of the house of representatives, or successor committees, the following information for the previous three fiscal years: (1) The number of contractors found to have committed an infraction for failure to register; (2) The number of contractors identified in subsection (1) of this section who were assessed a monetary penalty and the amount of the penalties assessed; (3) The amount of the penalties reported in subsection (2) of this section that was collected; and (4) The amount of the penalties reported in subsection (2) of this section that was waived." On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.070, 18.27.090, 18.27.100, 18.27.104, 18.27.110, 18.27.114, 18.27.117, 18.27.200, 18.27.230, 18.27.270, and 18.27.340; reenacting and amending RCW 51.12.020; adding new sections to chapter 18.27 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 1903, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1903, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1903, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin,

McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Thibaudeau - 1. Excused: Senators Benton and Schow - 2.. SUBSTITUTED HOUSE BILL NO. 1903, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTED HOUSE BILL NO. 1536, by House Committee on Health Care (originally sponsored by Representatives Backlund, Cody and Dyer)

Modifying regulation of respiratory care practitioners.

The bill was read the second time.

## MOTIONS

On motion of Senator Deccio, the following Committee on Health and Long-Term Care amendment was adopted: Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 18.89.010 and 1987 c 415 s 1 are each amended to read as follows: The legislature finds that ~~((it is necessary to regulate the practice of respiratory care at the level of certification))~~ in order to ~~((protect the public health and safety))~~ safeguard life, health, and to promote public welfare, a person practicing or offering to practice respiratory care as a respiratory care practitioner in this state shall be required to submit evidence that he or she is qualified to practice, and shall be licensed as provided. The settings for these services may include, health facilities licensed in this state, clinics, home care, home health agencies, physicians' offices, and public or community health services. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter. **NEW SECTION. Sec. 2.** A new section is added to chapter 18.89 RCW to read as follows: After the effective date of this act, it shall be unlawful for a person to practice or to offer to practice as a respiratory care practitioner in this state or to use a title, sign, or device to indicate that such a person is practicing as a respiratory care practitioner unless the person has been duly licensed and registered under the provisions of this chapter. **Sec. 3.** RCW 18.89.020 and 1994 sp.s. c 9 s 511 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Department" means the department of health. (2) "Secretary" means the secretary of health or the secretary's designee. (3) "Respiratory care practitioner" means an individual ~~((certified))~~ licensed under this chapter. (4) "Physician" means an individual licensed under chapter 18.57 or 18.71 RCW. ~~((5)) "Rural hospital" means a hospital located anywhere in the state except the following areas: (a) The entire counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark, and Spokane; (b) Areas within a twenty-mile radius of an urban area with a population exceeding thirty thousand persons; and (c) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Paseo, and Walla Walla.)~~ **Sec. 4.** RCW 18.89.040 and 1994 sp.s. c 9 s 716 are each amended to read as follows: (1) A respiratory care practitioner ~~((certified))~~ licensed under this chapter is employed in the treatment, management, diagnostic testing, rehabilitation, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other systems, and is under the direct order and under the qualified medical direction of a physician. The practice of respiratory care includes~~((, but is not limited to))~~: ~~((1))~~ (a) The use and administration of prescribed medical gases, exclusive of general anesthesia; ~~((2))~~ (b) The use of air and oxygen administering apparatus; ~~((3))~~ (c) The use of humidification and aerosols; ~~((4))~~ (d) The administration, to the extent of training, as determined by the secretary, of prescribed pharmacologic agents related to respiratory care; ~~((5))~~ (e) The use of mechanical ~~((or))~~ ventilatory, hyperbaric, and physiological ~~((ventilatory))~~ support; ~~((6))~~ (f) Postural drainage, chest percussion, and vibration; ~~((7))~~ (g) Bronchopulmonary hygiene; ~~((8))~~ (h) Cardiopulmonary resuscitation as it pertains to ~~((establishing airways and external cardiac compression))~~ advanced cardiac life support or pediatric advanced life support guidelines; ~~((9))~~ (i) The maintenance of natural and artificial airways and insertion, without cutting tissues, of artificial airways, as ~~((ordered))~~ prescribed by ~~((the attending))~~ a physician; ~~((10))~~ (j) Diagnostic and monitoring techniques such as the collection and measurement of cardiorespiratory specimens, volumes, pressures, and flows; ~~((and (11) The drawing and analyzing of))~~ (k) The insertion of devices to draw, analyze, infuse, or monitor pressure in arterial, capillary, ~~((and mixed))~~ or venous blood ~~((specimens))~~ as ~~((ordered))~~ prescribed by ~~((the attending))~~ a physician or an advanced registered nurse practitioner as authorized by the nursing care quality assurance commission under chapter 18.79 RCW; and (l) Diagnostic monitoring of and therapeutic interventions for desaturation, ventilatory patterns, and related sleep abnormalities to aid the physician in diagnosis. (2) Nothing in this chapter prohibits or restricts: (a) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice, that may overlap the services provided by respiratory care practitioners; (b) The practice of respiratory care by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and rules of the United States; (c) The practice of respiratory care by a person pursuing a supervised course of study leading to a degree or certificate in respiratory care as a part of an accredited and approved educational program, if the person is designated by a title that clearly indicates his or her status as a student or trainee and limited to the extent of demonstrated proficiency of completed curriculum, and under direct supervision; (d) The use of the title "respiratory care practitioner" by registered nurses authorized under chapter 18.79 RCW; or (e) The practice without compensation of respiratory care of a family member. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and

supplies provided by a person licensed under this chapter. **Sec. 5.** RCW 18.89.050 and 1994 sp.s. c 9 s 512 are each amended to read as follows: (1) In addition to any other authority provided by law, the secretary may: (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter; (b) Set all ~~((certification))~~ license, examination, and renewal fees in accordance with RCW 43.70.250; (c) Establish forms and procedures necessary to administer this chapter; (d) Issue a ~~((certificate))~~ license to any applicant who has met the education, training, and examination requirements for ~~((certification))~~ licensure; (e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals ~~((certified))~~ licensed under this chapter to serve as examiners for any practical examinations; (f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the ~~((certification))~~ licensure examination, specifically requiring that applicants must have completed programs with two-year curriculum; (g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for ~~((certification))~~ licensure; (h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination; (i) Determine which states have legal credentialing requirements equivalent to those of this state and issue ~~((certificates))~~ licenses to individuals legally credentialed in those states without examination; (j) Define and approve any experience requirement for ~~((certification))~~ licensure; and (k) Appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members shall serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060. (2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of ~~((certificates, uncertified))~~ licenses, unlicensed practice, and the disciplining of persons ((certified)) licensed under this chapter. The secretary shall be the disciplining authority under this chapter. **Sec. 6.** RCW 18.89.060 and 1991 c 3 s 229 are each amended to read as follows: The secretary shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for ~~((certification))~~ licensure under this chapter, with the result of each application. **Sec. 7.** RCW 18.89.080 and 1994 sp.s. c 9 s 513 are each amended to read as follows: The secretary, ad hoc committee members, or individuals acting on their behalf are immune from suit in any civil action based on any ~~((certification))~~ licensure or disciplinary proceedings, or other official acts performed in the course of their duties. **Sec. 8.** RCW 18.89.090 and 1991 c 3 s 232 are each amended to read as follows: (1) The secretary shall issue a ~~((certificate))~~ license to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met: ~~((1))~~ (a) Graduation from a school approved by the secretary or successful completion of alternate training which meets the criteria established by the secretary; ~~((2))~~ (b) Successful completion of an examination administered or approved by the secretary; ~~((3))~~ (c) Successful completion of any experience requirement established by the secretary; ~~((4))~~ (d) Good moral character. In addition, applicants shall be subject to the grounds for denial or issuance of a conditional ~~((certificate))~~ license under chapter 18.130 RCW. (2) A person who meets the qualifications to be admitted to the examination for ~~((certification))~~ licensure as a respiratory care practitioner may practice as a respiratory care practitioner under the supervision of a respiratory care practitioner ~~((certified))~~ licensed under this chapter between the date of filing an application for ~~((certification))~~ licensure and the announcement of the results of the next succeeding examination for ~~((certification))~~ licensure if that person applies for and takes the first examination for which he or she is eligible. (3) A person certified as a respiratory care practitioner in good standing on the effective date of this act, who applies within one year of the effective date of this act, may be licensed without having completed the two-year curriculum set forth in RCW 18.89.050(1)(f), and without having to retake an examination under subsection (1)(b) of this section. (4) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria. **Sec. 9.** RCW 18.89.110 and 1996 c 191 s 76 are each amended to read as follows: (1) The date and location of the examination shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for ~~((certification))~~ licensure shall be scheduled for the next examination following the filing of the application. However, the applicant shall not be scheduled for any examination taking place sooner than sixty days after the application is filed. (2) The secretary shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently, and shall meet generally accepted standards of fairness and validity for ~~((certification))~~ licensure examinations. (3) All examinations shall be conducted by the secretary, and all grading of the examinations shall be under fair and wholly impartial methods. (4) Any applicant who fails to make the required grade in the first examination is entitled to take up to three subsequent examinations, upon compliance with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280 and such remedial education as is deemed necessary. (5) The secretary may approve an examination prepared and administered by a private testing agency or association of credentialing boards for use by an applicant in meeting the ~~((certification))~~ licensure requirement. **Sec. 10.** RCW 18.89.120 and 1996 c 191 s 77 are each amended to read as follows: Applications for ~~((certification))~~ licensure shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for ~~((certification))~~ licensure provided in this chapter and chapter 18.130 RCW. All applicants shall comply with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280. **Sec. 11.** RCW 18.89.140 and 1996 c 191 s 78 are each amended to read as follows: ~~((Certificates))~~ Licenses shall be renewed according to administrative procedures, administrative requirements, continuing education requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280. **NEW SECTION. Sec. 12.** A new section is added to chapter 18.89 RCW to read as follows: An applicant holding a license in another state may be licensed to practice in this state without examination if the secretary determines that the other state's licensing standards are substantially equivalent to the standards in this state. **Sec. 13.** RCW 18.120.020 and 1996 c 178 s 9 are each amended to read as follows: The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise. (1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession. (2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks. (3) "Grandfather clause" means a



provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks. (4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing (~~(aids)~~) instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners (~~(certified)~~) licensed under chapter 18.89 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW. (5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare. (6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated. (7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title. (8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations. (9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession. (10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated. (11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided. (12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state. (13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency. **Sec. 14.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are each reenacted and amended to read as follows: (1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section. (2)(a) The secretary has authority under this chapter in relation to the following professions: (i) Dispensing opticians licensed under chapter 18.34 RCW; (ii) Naturopaths licensed under chapter 18.36A RCW; (iii) Midwives licensed under chapter 18.50 RCW; (iv) Ocularists licensed under chapter 18.55 RCW; (v) Massage operators and businesses licensed under chapter 18.108 RCW; (vi) Dental hygienists licensed under chapter 18.29 RCW; (vii) Acupuncturists licensed under chapter 18.06 RCW; (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW; (ix) Respiratory care practitioners (~~(certified)~~) licensed under chapter 18.89 RCW; (x) Persons registered or certified under chapter 18.19 RCW; (xi) Persons registered as nursing pool operators under chapter 18.52C RCW; (xii) Nursing assistants registered or certified under chapter 18.79 RCW; (xiii) Health care assistants certified under chapter 18.135 RCW; (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW; (xv) Sex offender treatment providers certified under chapter 18.155 RCW; (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205; (xvii) Persons registered as adult family home providers and resident managers under RCW 18.48.020; and (xviii) Denturists licensed under chapter 18.30 RCW. (b) The boards and commissions having authority under this chapter are as follows: (i) The podiatric medical board as established in chapter 18.22 RCW; (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW; (iii) The dental quality assurance commission as established in chapter 18.32 RCW; (iv) The board of hearing and speech as established in chapter 18.35 RCW; (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW; (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW; (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW; (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW; (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW; (x) The board of physical therapy as established in chapter 18.74 RCW; (xi) The board of occupational therapy practice as established in chapter 18.59 RCW; (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter; (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and (xiv) The veterinary board of governors as established in chapter 18.92 RCW. (3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority. (4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section. **NEW SECTION. Sec. 15.** The following acts or parts of acts are each repealed: (1)

RCW 18.89.130 and 1991 c 3 s 236 & 1987 c 415 s 14; and (2) RCW 18.89.900 and 1987 c 415 s 20. NEW SECTION.  
**Sec. 16.** (1) Sections 5, 9, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997. (2) Sections 1 through 4, 6 through 8, and 11 through 15 of this act take effect July 1, 1998." On motion of Senator Deccio, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 18.89.010, 18.89.020, 18.89.040, 18.89.050, 18.89.060, 18.89.080, 18.89.090, 18.89.110, 18.89.120, 18.89.140, and 18.120.020; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.89 RCW; repealing RCW 18.89.130 and 18.89.900; providing effective dates; and declaring an emergency."

#### MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1536, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1536, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1536, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1536, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1585, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Huff, L. Thomas, Clements, H. Sommers, Wolfe and Carlson) (by request of State Investment Board)

Authorizing the state investment board to delegate certain powers and duties.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1585.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1585 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Benton and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

#### . SECOND READING

HOUSE BILL NO. 1589, by Representatives Robertson, Costa, Radcliff, Cody, Scott, Cole, Skinner, Lantz, Constantine, Delvin, K. Schmidt, Murray, Hankins, Blalock, Hatfield, Wensman, O'Brien, Linville, Cooke, Ogden, Sheldon, Kessler and Kenney

Allowing a crime victim to have an advocate present at any judicial proceeding.

The bill was read the second time.

#### MOTIONS

On motion of Senator Roach, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 7.69.030 and 1993 c 350 s 6 are each amended to read as follows: There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights: (1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county; (2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved; (3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court; (4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available; (5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled; (6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants; (7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken; (8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance; (9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance; (10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim; (11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified; (12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor; (13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution; (14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; and (15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment." On motion of Senator Roach, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "and amending RCW 7.69.030."

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1589, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Hale, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1589, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1589, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Deccio and Schow - 3. HOUSE BILL NO. 1589, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2074, by Representatives Alexander, Wolfe and Gardner

Making changes to the internal operations of counties.

The bill was read the second time.

## MOTION

Senator McCaslin moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 2.08.100 and 1939 c 189 s 1 are each amended to read as follows: The county auditor of each county shall ~~((draw his warrant on the treasurer of such county on the first Monday of each month for the amount of salary due for the previous month from such county to the judge of the superior court thereof, and said warrant shall be paid by said treasurer out of the salary fund of said county: PROVIDED, That no such warrant shall be issued until the judge who is to receive the same shall have made an affidavit, in the manner provided by law, that no cause in his court remains pending and undecided contrary to the provisions of RCW 2.08.240 and of section 20, Article 4, Constitution of the state of Washington))~~ pay superior court judges in the same means and manner provided for all other elected officials. **Sec. 2.** RCW 36.40.200 and 1963 c 4 s 36.40.200 are each amended to read as follows: All appropriations shall lapse at the end of the fiscal year: PROVIDED, That the appropriation accounts ~~((shall))~~ may remain open for a period of thirty days, and may, at the auditor's discretion, remain open for a period not to exceed sixty days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year. After such period has expired all appropriations shall become null and void and any claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget: PROVIDED, That this shall not prevent payments upon uncompleted improvements in progress at the close of the fiscal year. **Sec. 3.** RCW 36.40.250 and 1995 c 193 s 1 are each amended to read as follows: In lieu of adopting an annual budget, the county legislative authority of any county may adopt an ordinance or a resolution providing for biennial budgets with a mid-biennium review and modification for the second year of the biennium. The county legislative authority may repeal such an ordinance or resolution and revert to adopting annual budgets for a period commencing after the end of a biennial budget cycle. The county legislative authority of a county with a biennial budget cycle may adopt supplemental and emergency budgets in the same manner and subject to the same conditions as the county legislative authority in a county with an annual budget cycle. The procedure and steps for adopting a biennial budget shall conform with the procedure and steps for adopting an annual budget and with requirements established by the state auditor. The state auditor shall establish requirements for preparing and adopting the mid-biennium review and modification for the second year of the biennium. Expenditures included in the biennial budget, mid-term modification budget, supplemental budget, or emergency budget shall constitute the appropriations for the county during the applicable period of the budget and every county official shall be limited in making expenditures or incurring liabilities to the amount of the detailed appropriation item or classes in the budget. In lieu of adopting an annual budget or a biennial budget with a mid-biennium review for all funds, the legislative authority of any county may adopt an ordinance or a resolution providing for a biennial budget or budgets for any one or more funds of the county, with a mid-biennium review and modification for the second year of the biennium, with the other funds remaining on an annual budget. The county legislative authority may repeal such an ordinance or resolution and revert to adopting annual budgets for a period commencing after the end of the biennial budget or biennial budgets for the specific agency fund or funds. The county legislative authority of a county with a biennial budget cycle may adopt supplemental and emergency budgets in the same manner and subject to the same conditions as the county legislative authority in a county with an annual budget cycle. The county legislative authority shall hold a public hearing on the proposed county property taxes and proposed road district property taxes prior to imposing the property tax levies. **NEW SECTION. Sec. 4.** A new section is added to chapter 36.40 RCW to read as follows: In addition to the supplemental appropriations provided in RCW 36.40.100 and 36.40.140, the county legislative authority may provide by ordinance or resolution a policy for supplemental appropriations as a result of unanticipated funds from local, state, or federal revenue sources. **NEW SECTION. Sec. 5.** RCW 36.40.110 and 1963 c 4 s 36.40.110 are each repealed."

## MOTION

Senator West moved that the following amendment by Senators West, McCaslin and Bauer to the Committee on Government Operations amendment be adopted:

On page 3, after line 7 of the amendment, insert the following: "**Sec. 5.** RCW 13.04.035 and 1996 c 284 s 1 are each amended to read as follows: Juvenile court shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county this service may be administered by the legislative authority of the county. Juvenile probation counselor and detention services shall be administered by the superior court, except that (1) by local court rule and agreement with the county legislative authority, these services may be administered by the county legislative authority; (2) if a consortium of three or more counties, located east of the Cascade mountains and whose combined population exceeds five hundred thirty thousand, jointly operates a juvenile correctional facility, the county legislative authorities may prescribe for alternative administration of the juvenile correctional facility by ordinance; ~~((and))~~ (3) in any county with a population of one million or more, probation and detention services shall be administered in accordance with chapter 13.20 RCW; and (4) in any county with a population of at least three hundred fifty thousand but less than five hundred thousand, the county legislative authority may prescribe for alternative administration of these services by ordinance. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court." Renumber the remaining section consecutively. POINT OF ORDER

Senator Fairley: "A point of order, Mr. President. I raise the point of order that this amendment changes the scope and object of House Bill No. 2074. The underlying house bill addresses county financial practices in general--how to issue pay checks, appropriations, county budgets and so on. This amendment does not address the county financial practices, but rather changes provisions relating to the administration of the county's juvenile court and probation and detention services. It expands across the counties in which the legislative authority may provide for alternative administration of those services. Accordingly, I believe this amendment to the committee amendment changes the scope and object of the underlying bill."

Further debate ensued.

## RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fairley, the President finds that House Bill No. 2074 is a measure which relates to several procedural matters concerning the internal operation of county government including the following: (1) Providing that superior court judges be paid in the same manner as other elected officials; (2) providing that a county's appropriation account may remain open to pay claims incurred prior to the close of the fiscal year; and (3) providing that a county may adopt a resolution instead of an ordinance to deal with budget concerns.

"The amendment by Senators West, McCaslin and Bauer on page 3, after line 7 to the Committee on Government Operations striking amendment would make a substantive change to county operations, namely, the amendment would provide that a county between 350,000 and 500,000 population may prescribe that juvenile probation and detention services may be administered by other than the county's superior court.

"The President, therefore, finds that the proposed amendment to the committee striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators West, McCaslin and Bauer on page 3, after line 7, to the Committee on Government Operations striking amendment to House Bill No. 2074 was ruled out of order.

## MOTION

On motion of Senator Johnson, further consideration of House Bill No. 2074 was deferred.

## MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

## MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2272, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2240,  
SUBSTITUTE HOUSE BILL NO. 2248, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5603,  
SUBSTITUTE SENATE BILL NO. 5621,  
SENATE BILL NO. 5626,  
SENATE BILL NO. 5642,  
SUBSTITUTE SENATE BILL NO. 5653,  
ENGROSSED SENATE BILL NO. 5657, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1942,  
HOUSE BILL NO. 2143, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

## SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5603,  
SUBSTITUTE SENATE BILL NO. 5621,  
SENATE BILL NO. 5626,  
SENATE BILL NO. 5642,  
SUBSTITUTE SENATE BILL NO. 5653,

ENGROSSED SENATE BILL NO. 5657.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1942,  
HOUSE BILL NO. 2143.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2240 by House Committee on Appropriations (originally sponsored by Representatives Huff, Linville, Wolfe and Poulsen) (by request of Governor Locke)

Creating the savings incentive account.

Referred to Committee on Ways and Means.

SHB 2248 by House Committee on Appropriations (originally sponsored by Representatives Huff and Cody) (by request of Health Care Authority)

Eliminating basic health plan agents' and brokers' commissions.

Referred to Committee on Ways and Means.

ESHB 2272 by House Committee on Appropriations (originally sponsored by Representatives Huff, Clements, Alexander, Wensman, Sehlín and Mitchell)

Transferring enforcement of cigarette and tobacco taxes to the liquor control board.

HOLD.

MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 2272 was advanced to second reading and placed on the second reading calendar.

MOTION

At 7:34 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Friday, April 11, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**EIGHTY-EIGHTH DAY, APRIL 10, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**EIGHTY-NINTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, April 11, 1997  
The Senate was called to order at 9:00 a.m. by President Pro Tempore Newhouse. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Brown, Finkbeiner, Fraser, Hargrove, McCaslin, Patterson, Rasmussen, Schow and Swanson. On motion of Senator Hale, Senators Benton, Finkbeiner,

McCaslin and Schow were excused. On motion of Senator Franklin, Senators Brown, Fraser, Patterson, Rasmussen and Swanson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Anna Williams and Aaron Green, presented the Colors. Jim Cammack of the Baha'i Community of Olympia, offered the prayer.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 3901 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

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

#### SENATE RESOLUTION 1997-8651

By Senators Swecker and Snyder

WHEREAS, The geoducks growing in the waters of the state of Washington, recognized for their outstanding quality, are a valuable natural resource that should be administered to maximize their benefit to the public and to international commerce; and

WHEREAS, The geoduck divers, license holders, and their families are dependent upon this resource for their livelihood; and

WHEREAS, Geoduck harvesting contributes to the economy of the state of Washington; and

WHEREAS, The laws governing the harvesting of geoducks involve multiple state agencies with a wide variety of priorities and that there is debate over whether the laws are evenly enforced in a coordinated and comprehensive manner;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Senate Committee on Natural Resources and Parks review the statutes governing the management and administration of the geoduck fishery and the manner in which the Department of Natural Resources and the Department of Fish and Wildlife interpret and administer these laws in the fulfillment of their public responsibilities, with the charge of considering whether to propose legislation that will provide for the sound management of the resource. The committee shall report its findings and recommendations to the full Senate not later than the commencement of the January 1998 session of the Legislature.

Senators Swecker, Oke and Snyder spoke to Senate Resolution 1997-8651.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9189, Kathleen M. Philbrick, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

#### APPOINTMENT OF KATHLEEN M. PHILBRICK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Franklin, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 39. Absent: Senator Hargrove - 1. Excused: Senators Benton, Brown, Finkbeiner, Fraser, McCaslin, Patterson, Rasmussen, Schow and Swanson - 9.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9190, Joseph J. Pinzone, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

#### APPOINTMENT OF JOSEPH J. PINZONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 39. Absent: Senators Kohl and Strannigan - 2. Excused: Senators Benton, Brown, Finkbeiner, McCaslin, Patterson, Rasmussen, Schow and Swanson - 8.

#### MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9197, Frank Russell, as a member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

Senators Winsley and Franklin spoke to the confirmation of Frank Russell as a member of the Board of Trustees for Bates Technical College District No. 28.

#### APPOINTMENT OF FRANK RUSSELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Absent: Senator Kohl - 1. Excused: Senators Benton, Brown, McCaslin, Patterson, Rasmussen, Schow and Swanson - 7.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1975, by House Committee on Energy and Utilities (originally sponsored by Representatives DeBolt, Morris, Benson and Sullivan)

Regulating public ownership of coal-fired thermal electric generating facilities.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Substitute House Bill No. 1975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1975.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1975 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Brown, McCaslin, Patterson, Schow and Swanson - 6. SUBSTITUTE HOUSE BILL NO. 1975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1353, by Representatives Buck, Fisher, K. Schmidt, Mitchell and Wensman (by request of Department of Transportation)

Facilitating sale of materials from department of transportation lands.

The bill was read the second time.

#### MOTIONS

On motion of Senator Prince, the following Committee on Transportation amendment was adopted:



Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 47.12.140 and 1981 c 260 s 12 are each amended to read as follows: ~~((1) Except as otherwise provided in subsection (2) of this section,)~~ Whenever the department ~~((shall have))~~ has acquired any lands for ~~((highway))~~ transportation purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land ~~((, which))~~ that the department ~~((shall))~~ deems it best to sever from the land and sell as personal property, the same may be ~~((sold))~~ disposed of by one of the following means: (1) The department may sell the personal property at public auction after due notice ~~((thereof shall have))~~ has been given in accordance with general ~~((regulations))~~ rules adopted by the secretary. The department may set minimum prices that will be accepted for any item offered for sale at public auction as ~~((herein))~~ provided in this section and may prescribe terms or conditions of sale ~~((and, in the event that any))~~. If an item ~~((shall be))~~ is offered for sale at ~~((such))~~ the auction and ~~((for which))~~ no satisfactory bids ~~((shall be))~~ are received or ~~((for which))~~ the amount bid ~~((shall be))~~ is less than the minimum set by the department, ~~((it shall be lawful for))~~ the department ~~((to))~~ may sell ~~((such))~~ the item at private sale for the best price ~~((which))~~ that it deems obtainable, but ~~((at))~~ not less than the highest price bid at the public auction. The proceeds of all sales under this section ~~((shall))~~ must be placed in the motor vehicle fund. (2) The department may issue permits to residents of this state to remove specified quantities of standing or downed trees and shrubs, rock, sand, gravel, or soils ~~((which))~~ that have no market value in place and ~~((which))~~ that the department desires to be removed from state-owned lands ~~((which))~~ that are under the jurisdiction of the department. An applicant for ~~((such))~~ a permit must certify that the materials so removed are to be used by ~~((himself))~~ the applicant and that they will not be disposed of to any other person. Removal of materials ~~((pursuant to))~~ under the permit ~~((shall))~~ must be in accordance with ~~((such regulations as))~~ rules adopted by the department ~~((shall prescribe))~~. The fee for a permit ~~((shall be))~~ is two dollars and fifty cents, which ~~((shall))~~ fee must be deposited in the motor vehicle fund. The department may adopt ~~((regulations))~~ rules providing for special access to limited access facilities for the purpose of removal of materials ~~((pursuant to))~~ under permits authorized in this section. (3) The department may sell timber or logs to an abutting landowner for cash at full appraised value, but only after each other abutting owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting owner requests in writing the right to purchase the timber within fifteen days after receiving notice of the proposed sale, the timber must be sold in accordance with subsection (1) of this section. (4) The department may sell timber or logs having an appraised value of one thousand dollars or less directly to interested parties for cash at the full appraised value without notice or advertising. If the timber is attached to state-owned land, the department shall issue a permit to the purchaser of the timber to allow for the removal of the materials from state land. The permit fee is two dollars and fifty cents." On motion of Senator Prince, the following title amendment was adopted:

On line 2 of the title, after "lands;" strike the remainder of the title and insert "and amending RCW 47.12.140."  
MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1353, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1353, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1353, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Brown, McCaslin, Patterson, Schow and Swanson - 6. HOUSE BILL NO. 1353, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1473, by Representatives Sheldon, Buck, Voloria, Morris, Kessler, Scott and Dickerson

Providing supplemental appropriation authority for the development loan fund.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1473.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1473 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Benton, Brown, McCaslin, Patterson and Schow - 5. HOUSE BILL NO. 1473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1557, by House Committee on Finance (originally sponsored by Representatives Buck, Linville, Crouse, Kastama, Hankins, Grant, Lisk, Doumit, Hatfield, Johnson and Regala)

Exempting from taxation and valuation of property improvements used for fish and habitat restoration and protection and water quantity and quality improvement programs.

The bill was read the second time.

## MOTIONS

On motion of Senator Oke, the following Committee on Natural Resources and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The purpose of this act is to improve fish and wildlife habitat, water quality, and water quantity for the benefit of the public at large. Private property owners should be encouraged to make voluntary improvements to their property as recommended by governmental agencies without the penalty of paying higher property taxes as a result of those improvements. NEW SECTION. Sec. 2. A new section is added to chapter 84.36 RCW to read as follows: (1) All improvements to real and personal property that benefit fish and wildlife habitat, water quality, or water quantity are exempt from taxation if the improvements are included under a written conservation plan approved by a conservation district. The conservation districts shall cooperate with the federal natural resource conservation service, other conservation districts, the department of ecology, the department of fish and wildlife, and nonprofit organizations to assist landowners by working with them to obtain approved conservation plans so as to qualify for the exemption provided for in this section. As provided in subsection (3) of this section and section 3(2) of this act, a conservation district shall certify that the best management practice benefits fish and wildlife habitat, water quality, or water quantity. A habitat conservation plan under the terms of the federal endangered species act shall not be considered a conservation plan for purposes of this exemption. (2) The exemption shall remain in effect only if improvements identified in the written best management practices agreement are maintained as originally approved or amended. Improvements made as a requirement to mitigate for impacts to fish and wildlife habitat, water quality, or water quantity are not eligible for exemption under this section. (3) A claim for exemption under this section may be filed annually with the county assessor at any time during the year for exemption from taxes levied for collection in the following year when submitted on forms prescribed by the department of revenue developed in consultation with the conservation district. The landowner shall certify each year that the improvements for which exemption is sought are maintained as originally approved or amended in the written conservation plan. The claim must contain the certification by the conservation district that the improvements for which exemption is sought were included under a written conservation plan approved by the conservation district including best management practices that benefit fish and wildlife habitat, water quality, or water quantity. NEW SECTION. Sec. 3. A new section is added to chapter 89.08 RCW to read as follows: (1) For the purpose of identifying property that may qualify for the exemption provided under section 2 of this act, each conservation district shall develop and maintain a list of best management practices that qualify for the exemption. (2) Each conservation district shall ensure that the appropriate forms approved by the department of revenue are made available to property owners who may qualify for the exemption under section 2 of this act and shall certify claims for exemption as provided in section 2(3) of this act. NEW SECTION. Sec. 4. Section 2 of this act applies to taxes levied for collection in 1998 and thereafter." On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 3 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 84.36 RCW; adding a new section to chapter 89.08 RCW; and creating new sections."

## MOTION

On motion of Senator Oke, the rules were suspended, Second Substitute House Bill No. 1557, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Franklin, Senator Goings was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1557, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1557, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Brown, Goings, McCaslin, Patterson and Schow - 6. SECOND SUBSTITUTE HOUSE BILL NO. 1557, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5402, by Senators Roach, Johnson, Sheldon, Bauer, Patterson and Haugen

Providing tax exemptions for nonprofit camps and conferences.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5402.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Absent: Senators McDonald and Sellar - 2. Excused: Senators Benton, Brown, Goings, McCaslin, Patterson and Schow - 6. SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5935, by Senators Wojahn, Fairley and Franklin (by request of Department of Social and Health Services)

Providing for the recovery of the costs of long-term medical care paid by the department of social and health services.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5935 was substituted for Senate Bill No. 5935 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 5935 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hale, Senators McDonald and Sellar were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5935.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5935 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bauer, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Excused: Senators Benton, Brown, McCaslin, McDonald, Patterson, Schow and Sellar - 7. SUBSTITUTE SENATE BILL NO. 5935, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1593, by Representatives Scott, Zellinsky and Sheldon

Collecting solid waste or recyclables.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1593.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1593 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, McCaslin, McDonald, Patterson, Schow and Sellar - 6. HOUSE BILL NO. 1593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1594, by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Zellinsky, Scott and Sheldon)

Relaxing front end length limits on garbage trucks.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, Substitute House Bill No. 1594 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1594.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1594 and the bill passed the Senate by the following vote:

Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senator West - 1. Excused: Senators Benton, McCaslin, McDonald, Patterson, Schow and Sellar - 6. The Secretary called the roll on the final passage of Substitute House Bill No. 1594 and the bill passed the Senate by the following vote:

SUBSTITUTE HOUSE BILL NO. 1594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator West was excused.

#### SECOND READING

HOUSE BILL NO. 1604, by Representatives Cairnes, O'Brien, Radcliff, Hankins, Mielke, K. Schmidt, Fisher, Mitchell, Skinner, Johnson, Hatfield, Buck and Clements

Clarifying advertising requirements for limousines.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1604.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1604 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 42. Excused: Senators Benton, McCaslin, McDonald, Patterson, Schow, Sellar and West - 7. HOUSE BILL NO. 1604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1997-8655

By Senator Oke, Hochstatter, Rossi, Swecker, Fairley, Winsley, Swanson, Roach, Goings and Rasmussen

WHEREAS, The 448th Civil Affairs Battalion is an Army Reserve unit located on Ft. Lewis and made up of citizen-soldiers from the state of Washington; and

WHEREAS, The mission of the 448th Civil Affairs Battalion is of long-term importance which does not end with victory on the battle field but continues through the restructuring of civilian and governmental institutions, rebuilding of societies, resettlement of displaced civilians, and restoration of essential services such as medical, infrastructure, and governmental in areas devastated by war, insurrection and natural disaster; and

WHEREAS, The 448th Civil Affairs Battalion was activated by President Clinton and sent to the Republic of Haiti to assist in Operation Uphold Democracy in January 1995, returning to a tumultuous welcome on July 1, 1995, at McChord Air Force Base; and

WHEREAS, The 448th Civil Affairs Battalion brought great credit upon itself and the state of Washington by its outstanding work in helping to restore services and democracy in the Republic of Haiti through the numerous awards and recognition received from commanders in Haiti including one of the Army's highest unit awards, the Joint Meritorious Unit Award; and

WHEREAS, The 448th Civil Affairs Battalion continues their peace-keeping work throughout the Pacific Rim in countries as diverse as Thailand, Japan, South Korea, Cambodia and Australia, as well as the Persian Gulf, Central America, Haiti, and the former Yugoslavia as part of the U.S. Army Special Operations Forces and always remains on-call and ready to go anywhere, anytime they are needed;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate of this Fifty-fifth Legislature honors the soldiers and families of the 448th Civil Affairs Battalion for its work on behalf of peace and democracy in the Republic of Haiti and throughout the world, and recognizes them for their outstanding service as citizen-soldiers of the great State of Washington.

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Secretary of the Senate to the Commander of the 448th Civil Affairs Battalion at Ft. Lewis, Washington.

Senators Oke, Swecker, Rasmussen, Franklin and Swanson spoke to Senate Resolution 1997-8655.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced the members of the 448<sup>th</sup> Civil Affairs Battalion, who were seated in the gallery.

Vice President Pro Tempore Morton assumed the Chair.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas, Smith, Wolfe, Sullivan and Zellinsky)

Regulating mortgage brokers.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute House Bill No. 1678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1678.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1678 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Deccio - 1. Excused: Senators Benton, McCaslin and Patterson - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1693, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives L. Thomas and Wolfe)

Allowing credit for reinsured ceded risks.

The bill was read the second time.

#### MOTIONS

On motion of Senator Winsley, the following Committee on Financial Institutions, Insurance and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The purpose of this act is to protect the interest of insureds, claimants, ceding insurers, assuming insurers, and the public generally.

(2) It is the intent of the legislature to ensure adequate regulation of insurers and reinsurers and adequate protection for those to whom they owe obligations. (3) It is also the intent of the legislature to declare that the matters contained in this act are fundamental to the business of insurance and to exercise its powers and privileges under 15 U.S.C. Secs. 1011 and 1012.

**NEW SECTION. Sec. 2.** For purposes of this act, a "qualified United States financial institution" means an institution that complies with all of the following:

(1) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof; (2) Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks and trust companies; (3) Has been determined by the commissioner, or, in the discretion of the commissioner, the securities valuation office of the national association of insurance commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner; and (4) Is not affiliated with the assuming company.

**NEW SECTION. Sec. 3.** Upon insolvency of a non-United States insurer or reinsurer that provides security to fund its United States obligations in accordance with this act, the assets representing the security must be maintained in the United States and claims must be filed with and valued by the state insurance commissioner with regulatory oversight, and the assets distributed, in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic United States insurance companies.

**NEW SECTION. Sec. 4.** (1) Credit for reinsurance in a reinsurance contract entered into after December 31, 1996, is allowed a domestic ceding insurer as either an asset or a deduction from liability in accordance with RCW 48.12.160 only if the reinsurance contract contains provisions that provide, in substance, as follows:

(a) The reinsurer shall indemnify the ceding insurer against all or a portion of the risk it assumed according to the terms and conditions contained in the reinsurance contract. (b) In the event of insolvency and the appointment of a conservator, liquidator, or statutory successor of the ceding company, the portion of risk or obligation assumed by the reinsurer is payable to the conservator, liquidator, or statutory successor on the basis of claims allowed against the insolvent company by a court of competent jurisdiction or by a conservator, liquidator, or statutory successor of the company having authority to allow such claims, without diminution because of that insolvency, or because the conservator, liquidator, or statutory successor failed to pay all or a portion of any claims. Payments by the reinsurer as provided in this subsection are

made directly to the ceding insurer or to its conservator, liquidator, or statutory successor, except where the contract of insurance, reinsurance, or other written agreement specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer. (2) Payment under a reinsurance contract must be made within a reasonable time with reasonable provision for verification in accordance with the terms of the reinsurance agreement. However, in no event shall the payments be beyond the period required by the national association of insurance commissioners accounting practices and procedures manual. (3) The original insured or policyholder may not have any rights against the reinsurer that are not specifically set forth in the contract of reinsurance, or in a specific agreement between the reinsurer and the original insured or policyholder.

**NEW SECTION. Sec. 5.** Credit for reinsurance, as either an asset or a deduction, is prohibited in an accounting or financial statement of the ceding insurer in respect to the reinsurance contract unless, in such contract, the reinsurer undertakes to indemnify the ceding insurer against all or a part of the loss or liability arising out of the original insurance. This section only applies to those reinsurance contracts entered into after December 31, 1996.

**Sec. 6.** RCW 48.12.160 and 1996 c 297 s 1 are each amended to read as follows:

(1) Any insurance company organized under the laws of this state may take credit as an asset or as a deduction from loss or claim, unearned premium, or life policy or contract reserves on risks ceded to a reinsurer to the extent reinsured by an insurer or insurers holding a certificate of authority to transact that kind of business in this state, unless the assuming insurer is the subject of a regulatory order or regulatory oversight by a state in which it is licensed based upon a commissioner's determination that the assuming insurer is in a hazardous financial condition. The credit on ceded risks reinsured by any insurer which is not authorized to transact business in this state may be taken: (a) Where the reinsurer is a group including incorporated and unincorporated underwriters, and the group maintains a trust fund in a ~~((United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance.))~~ qualified United States financial institution which trust fund must be in an amount equal to ~~((the group's liabilities attributable to business written in the United States, and))~~: (i) For reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after August 1, 1995, funds in trust in an amount not less than the group's several liabilities attributable to business ceded by United States domiciled insurers to any member of the group; or (ii) For reinsurance ceded under reinsurance agreements with an inception date on or before July 31, 1995, and not amended or renewed after that date, notwithstanding the other provisions of this act, funds in trust in an amount not less than the group's several insurance and reinsurance liabilities attributable to business written in the United States. In addition, the group shall maintain a trustee surplus of which one hundred million dollars shall be held jointly and exclusively for the benefit of United States ceding insurers of any member of the group~~((;))~~. The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and the group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants; (b) Where the reinsurer does not meet the definition of (a) of this subsection, the single assuming alien reinsurer that, as of the date of the ceding insurer's statutory financial statement, maintains a trust fund in a ~~((United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance.))~~ qualified United States financial institution, which trust fund must be in an amount ~~((equal to))~~ not less than the assuming alien reinsurer's liabilities attributable to reinsurance ceded by United States domiciled insurers, and in addition, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars, and the assuming alien reinsurer maintaining the trust fund must have received a registration from the commissioner under section 7 of this act. The assuming alien reinsurer shall report on or before February 28th to the commissioner substantially the same information as that required to be reported on the national association of insurance commissioners annual statement form by licensed insurers, to enable the commissioner to determine the sufficiency of the trust fund; ~~((;))~~ (c) In an amount not exceeding: (i) The amount of deposits by and funds withheld from the assuming insurer pursuant to express provision therefor in the reinsurance contract, as security for the payment of the obligations thereunder, if the deposits or funds are assets of the types and amounts that are authorized under chapter 48.13 RCW and are held subject to withdrawal by and under the control of the ceding insurer or if the deposits or funds are placed in trust for these purposes in a bank which is a member of the federal reserve system and withdrawals from the trust cannot be made without the consent of the ceding company; or (ii) The amount of a clean, irrevocable, and unconditional letter of credit issued by a United States bank that is determined by the national association of insurance commissioners to meet credit standards for issuing letters of credit in connection with reinsurance, and issued for a term of at least one year with provisions that it must be renewed unless the bank gives notice of nonrenewal at least thirty days before the expiration issued under arrangements satisfactory to the commissioner of insurance as constituting security to the ceding insurer substantially equal to that of a deposit under (c)(i) of this subsection. (2) Credit for reinsurance may not be granted under subsection (1)(a), (b), and (c)(i) of this section unless: (a) The form of the trust and amendments to the trust have been approved by the insurance commissioner of the state where the trust is located, or the insurance commissioner of another state who, pursuant to the terms of the trust agreement, has accepted principal regulatory oversight of the trust; (b) The trust and trust amendments are filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled; (c) The trust instrument provides that contested claims are valid, enforceable, and payable out of funds in trust to the extent remaining unsatisfied thirty days after entry of the final order of a court of competent jurisdiction in the United States; (d) The trust vests legal title to its assets in the trustees of the trust for the benefit of the grantor's United States ceding insurers, their assigns, and successors in interest; (e) The trust and the assuming insurer are subject to examination as determined by the commissioner; (f) The trust shall remain in effect for as long as the assuming insurer, member, or former member of a group of insurers has outstanding obligations due under the reinsurance agreements subject to the trust; and (g) No later than February 28th of each year, the trustees of the trust report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end. In addition, the trustees of the trust shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire within the next twelve months. (3) Any reinsurance ceded by a company organized under the laws of this state or ceded by any company not organized under the laws of this state and transacting business in this state must be payable by the assuming insurer on the basis of liability of the ceding company under the contract or contracts reinsured without diminution because of the insolvency of the ceding company, and any such reinsurance agreement which may be canceled on less than ninety days notice must provide for a run-off of the reinsurance in force at the date of cancellation. ~~((3) A reinsurance agreement may provide that the))~~ (4) The domiciliary conservator, liquidator ~~((;))~~, receiver, or statutory successor of an

insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against the insolvent ceding insurer on the policy or bond reinsured within a reasonable time after such claim is filed in the insolvency proceeding and that during the pendency of such claim any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which it may deem available to the ceding insurer or its liquidator or receiver or statutory successor. The expense thus incurred by the assuming insurer shall be chargeable subject to court approval against the insolvent ceding insurer as a part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. ((4)) (5) Where two or more assuming insurers are involved in the same claim and a majority in interest elect to interpose to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer. (6) The credit permitted by subsection (1)(b) of this section is prohibited unless the assuming alien insurer agrees in the trust agreement, notwithstanding other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by subsection (1)(b) of this section or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile: (a) To comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust fund; (b) That assets be distributed by, and insurance claims of United States trust beneficiaries be filed with and valued by, the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies; (c) That if the commissioner with regulatory oversight determines that the assets of the trust fund or a part thereof are not necessary to satisfy the claims of the United States ceding insurers, which are United States trust beneficiaries, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and (d) That the grantor waives any right otherwise available to it under United States law that is inconsistent with this provision. **NEW SECTION. Sec. 7.** (1) The assuming alien reinsurer must register with the commissioner and must: (a) File with the commissioner evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records under chapter 48.03 RCW; (b) Designate the commissioner as its lawful attorney upon whom service of all papers may be made for an action, suit, or proceeding instituted by or on behalf of the ceding insurer; (c) File with the commissioner a certified copy of a letter or a certificate of authority or a certificate of compliance issued by the assuming alien insurer's domiciliary jurisdiction and the domiciliary jurisdiction of its United States reinsurance trust; (d) Submit a statement, signed and verified by an officer of the assuming alien insurer to be true and correct, that discloses whether the assuming alien insurer or an affiliated person who owns or has a controlling interest in the assuming alien insurer is currently known to be the subject of one or more of the following: (i) An order or proceeding regarding conservation, liquidation, or receivership; (ii) An order or proceeding regarding the revocation or suspension of a license or accreditation to transact insurance or reinsurance in any jurisdiction; or (iii) An order or proceeding brought by an insurance regulator in any jurisdiction seeking to restrict or stop the assuming alien insurer from transacting insurance or reinsurance based upon a hazardous financial condition. The assuming alien insurer shall provide the commissioner with copies of all orders or other documents initiating proceedings subject to disclosure under this subsection. The statement must affirm that no actions, proceedings, or orders subject to this subsection are outstanding against the assuming alien insurer or an affiliated person who owns or has a controlling interest in the assuming alien insurer, except as disclosed in the statement; (e) File other information, financial or otherwise, which the commissioner reasonably requests. (2) A registration continues in force until suspended, revoked, or not renewed. A registration is subject to renewal annually on the first day of July upon application of the assuming alien insurer and payment of the fee in the same amount as an insurer pays for renewal of a certificate of authority. (3) The commissioner shall give an assuming alien insurer notice of his or her intention to revoke or refuse to renew its registration at least ten days before the order of revocation or refusal is to become effective. (4) The commissioner shall, consistent with chapters 48.04 and 34.05 RCW, deny or revoke an assuming alien insurer's registration if the assuming alien insurer no longer qualifies or meets the requirements for registration. (5) The commissioner may, consistent with chapters 48.04 and 34.05 RCW, deny or revoke an assuming alien insurer's registration if the assuming alien insurer: (a) Fails to comply with a provision of this chapter or fails to comply with an order or regulation of the commissioner; (b) Is found by the commissioner to be in such a condition that its further transaction of reinsurance would be hazardous to ceding insurers, policyholders, or the people in this state; (c) Refuses to remove or discharge a trustee, director, or officer who has been convicted of a crime involving fraud, dishonesty, or moral turpitude; (d) Usually compels policy-holding claimants either to accept less than the amount due them or to bring suit against the assuming alien insurer to secure full payment of the amount due; (e) Refuses to be examined, or its trustees, directors, officers, employees, or representatives refuse to submit to examination or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform a legal obligation relative to the examination; (f) Refuses to submit to the jurisdiction of the United States courts; (g) Fails to pay a final judgment rendered against it: (i) Within thirty days after the judgment became final; (ii) Within thirty days after time for taking an appeal has expired; or (iii) Within thirty days after dismissal of an appeal before final determination; whichever date is later. (h) Is found by the commissioner, after investigation or upon receipt of reliable information: (i) To be managed by persons, whether by its trustees, directors, officers, or by other means, who are incompetent or untrustworthy or so lacking in insurance company management experience as to make proposed operation hazardous to the insurance-buying public; or (ii) That there is good reason to believe it is affiliated directly or indirectly through ownership, control, or business relations, with a person or persons whose business operations are, or have been found to be, in violation of any law or rule, to the detriment of policyholders, stockholders, investors, creditors, or of the public, by bad faith or by manipulation of the assets, accounts, or reinsurance; (i) Does business through reinsurance intermediaries or other representatives in this state or in any other state, who are not properly licensed under applicable laws and rules; or (j) Fails to pay, by the date due, any amounts required by this code. (6) A domestic ceding insurer is not allowed credit with respect to reinsurance ceded, if the assuming alien insurer's registration has been revoked by the commissioner. (7) The actual costs and expenses incurred by the commissioner for an examination of a registered alien insurer must be charged to and collected from the alien reinsurer. (8) A registered alien reinsurer is included as a "class one" organization for the purposes of RCW 48.02.190. **NEW SECTION. Sec. 8.** (1) Unless credit for reinsurance or deduction from liability is prohibited under section 5 of this act, a foreign ceding insurer is allowed credit for reinsurance or deduction from liability to the extent



credit has been allowed by the ceding insurer's state of domicile if: (a) The state of domicile is accredited by the national association of insurance commissioners; or (b) Credit or deduction from liability would be allowed under this act if the foreign ceding insurer were domiciled in this state. (2) Notwithstanding subsection (1) of this section, credit for reinsurance or deduction from liability may be disallowed upon a finding by the commissioner that either the condition of the reinsurer, or the collateral or other security provided by the reinsurer, does not satisfy the credit for reinsurance requirements applicable to ceding insurers domiciled in this state. **NEW SECTION. Sec. 9.** The commissioner may adopt rules to implement and administer this act. **NEW SECTION. Sec. 10.** RCW 48.05.300 and 1993 c 91 s 1, 1977 ex.s. c 180 s 1, & 1947 c 79 s .05.30 are each repealed. **NEW SECTION. Sec. 11.** Sections 2 through 5 and 7 through 9 of this act are each added to chapter 48.12 RCW." On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 1 of the title, after "risks;" strike the remainder of the title and insert "amending RCW 48.12.160; adding new sections to chapter 48.12 RCW; creating a new section; and repealing RCW 48.05.300."

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1693, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1693, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1693, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, McCaslin and Patterson - 3. **SUBSTITUTE HOUSE BILL NO. 1693**, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:32 a.m., on motion of Senator Johnson, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:39 p.m. by Vice President Pro Tempore Morton.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9139, Nancylynn Bridges, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

#### MOTIONS

On motion of Senator Hale, Senators Deccio, Finkbeiner, Oke, Prince, Schow and West were excused.  
On motion of Senator Franklin, Senators Hargrove, Swanson and Wojahn were excused.

#### APPOINTMENT OF NANCYLYNN BRIDGES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 39. Excused: Senators Benton, Deccio, Finkbeiner, Hargrove, Oke, Prince, Schow, Swanson, West and Wojahn - 10.

#### MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9148, Ricky Dockter, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

#### APPOINTMENT OF RICKY DOCKTER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 43. Excused: Senators Benton, Hargrove, Oke, Schow, Swanson and Wojahn - 6.

#### MOTION

On motion of Senator Swecker, Gubernatorial Appointment No. 9117, Thomas C. Fitzsimmons, as Director of the Department of Ecology, was confirmed.

Senators Swecker, Fraser, Heavey and Deccio spoke to the appointment of Thomas C. Fitzsimmons as Director of the Department of Ecology.

#### APPOINTMENT OF THOMAS C. FITZSIMMONS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Benton, Hargrove, Oke and Schow - 4.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I just want to point out to the body that he hasn't looked me in the eye since I met him."

#### SECOND READING

HOUSE BILL NO. 1646, by Representatives Quall, Ballasiotes, Dickerson and Sullivan

Extending the existence of the indeterminate sentence review board.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

On page 2, line 21, after "board" insert "indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and 42.52.120" On motion of Senator West, the rules were suspended, House Bill No. 1646, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1646, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1646, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Benton, Hargrove and Oke - 3. HOUSE BILL NO. 1646, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore offered condolences to the family of Senator Ray Schow, who were seated in the gallery. Senator Schow's wife, Lynn, passed away Tuesday, April 8, 1997.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1776, by House Committee on Appropriations (originally sponsored by Representatives Huff, H. Sommers, Alexander, Benson, Clements, Wensman, O'Brien and Boldt) (by request of Office of Financial Management)

Regarding school audits.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1776.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1776 and the bill passed the Senate by the following vote:

Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Goings - 1. Excused: Senators Benton, Hargrove and Oke - 3. SUBSTITUTE HOUSE BILL NO. 1776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Wood was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1632, by House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Scott, Reams, Kenney, Blalock, Dickerson, Wood, Ogden, Costa, Dunn, Tokuda, Butler and Cole) (by request of Attorney General Gregoire)

Establishing a study group to determine whether further training for state investigators is needed.

The bill was read the second time.

#### MOTIONS

On motion of Senator Fraser, the following amendment by Senators Fraser and Morton was adopted:

On page 1, line 14, after "health;" insert "department of ecology; department of fish and wildlife;" On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1632, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1632, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1632, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 45. Excused: Senators Benton, Hargrove, Oke and Wood - 4. SUBSTITUTE HOUSE BILL NO. 1632, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Winsley was excused.

#### SECOND READING

HOUSE BILL NO. 1761, by Representatives D. Schmidt, Scott, Talcott and Lambert

Revising provisions for mutual aid and interlocal agreements.

The bill was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1761.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1761 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn and Zarelli - 42. Absent: Senators Bauer and Kohl - 2. Excused: Senators Benton, Hargrove, Oke, Winsley and Wood - 5. HOUSE BILL NO. 1761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators Bauer and Kohl were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1829, by House Committee on Commerce and Labor (originally sponsored by Representative Van Luven)

Requiring a record of transaction for trade-in or exchange of computer hardware.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1829.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1829 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 11; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, McCaslin, McDonald, Morton, Newhouse, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Strannigan, Swecker, West and Zarelli - 31. Voting nay: Senators Fairley, Fraser, Haugen, Loveland, McAuliffe, Patterson, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 11. Excused: Senators Bauer, Benton, Hargrove, Kohl, Oke, Winsley and Wood - 7. SUBSTITUTE HOUSE BILL NO. 1829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would move to reconsider the vote by which Substitute House Bill No. 1829 passed the Senate.

#### SECOND READING

HOUSE BILL NO. 1847, by Representatives Honeyford, McMorris and Dunn

Allowing wine manufacturers that manufacture other liquors to sell the manufacturer's liquor products on its licensed premises.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, House Bill No. 1847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1847.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1847 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn and Zarelli - 42. Excused: Senators Bauer, Benton, Hargrove, Kohl, Oke, Winsley and Wood - 7. HOUSE BILL NO. 1847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1865, by House Committee on Education (originally sponsored by Representatives B. Thomas, Johnson, Talcott, Thompson, Radcliff, Mulliken, Hickel, Backlund, Zellinsky and McDonald)

Allowing school districts to contract with other public and private entities.

The bill was read the second time.

#### MOTIONS

On motion of Senator Schow, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 17 after "(2)", strike all material through "schools" on line 18, and insert "A contract under subsection (1) of this section may not be made with a religious or sectarian organization or school where the contract would violate the state or federal constitution" On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1865, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1865, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 40. Voting nay: Senators Haugen and Spanel - 2. Absent: Senator West - 1. Excused: Senators Bauer, Benton, Hargrove, Kohl, Oke and Wood - 6. SUBSTITUTE HOUSE BILL NO. 1865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1908, by Representatives B. Thompson and McMorris

Establishing a fire fighting technical review committee.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, House Bill No. 1908 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTIONS

On motion of Senator Sellar, Senator Strannigan was excused.

On motion of Senator Swecker, Senator Hale was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1908.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1908 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wajahn and Zarelli - 40. Absent: Senator Sheldon - 1. Excused: Senators Bauer, Benton, Hale, Hargrove, Kohl, Oke, Strannigan and Wood - 8. HOUSE BILL NO. 1908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1875, by House Committee on Health Care (originally sponsored by Representatives Skinner, Carlson, Radcliff, Cody, Murray, Hatfield and O'Brien)

Updating terminology in chapter 18.108 RCW.

The bill was read the second time.

## MOTIONS

On motion of Senator Deccio, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 18.108.005 and 1987 c 443 s 1 are each amended to read as follows: The legislature finds it necessary to license the practice of massage and massage therapy in order to protect the public health and safety. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public. This chapter shall not be construed to require or prohibit individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization from providing benefits or coverage for services and supplies provided by a person (~~registered or certified~~) licensed under this chapter. **Sec. 2.** RCW 18.108.010 and 1991 c 3 s 252 are each amended to read as follows: In this chapter, unless the context otherwise requires, the following meanings shall apply: (1) "Board" means the Washington state board of massage. (2) "Massage" and "massage therapy" mean a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes (~~massage~~) techniques such as (~~methods of effleurage, petrissage, tapotement,~~) tapping, compressions, (~~vibration,~~) friction, (~~nerve strokes, and~~) Swedish gymnastics or movements (~~either by manual means, as they relate to massage~~), gliding, kneading, shaking, and facial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation. (3) "Massage practitioner" means an individual licensed under this chapter. (4) "Secretary" means the secretary of health or the secretary's designee. (5) Massage business means the operation of a business where massages are given. **Sec. 3.** RCW 18.108.050 and 1995 c 198 s 16 are each amended to read as follows: This chapter does not apply to: (1) An individual giving massage to members of his or her immediate family; (2) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice; (3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions; (4) Massage practiced at the athletic department of any school or college approved by the department by rule using recognized national professional standards; (5) Students enrolled in an approved massage school, approved program, or approved apprenticeship program, practicing massage techniques, incidental to the massage school or program and supervised by the approved school or program. Students must identify themselves as a student when performing massage services on members of the public. Students may not be compensated for the massage services they provide; (6) Individuals who have completed a somatic education training program approved by the secretary. **NEW SECTION. Sec. 4.** The department of health shall monitor the effects, if any, on the public health and safety of the exemption provided in RCW 18.108.050(6). The department shall report to the appropriate committees of the legislature by December 1, 1999, any instances of somatic educators violating RCW 18.108.085(3) with recommendations, if any, for regulatory or statutory changes." On motion of Senator Deccio, the following title amendment was adopted:

On page 1, line 1 of the title, after "RCW;" strike the remainder of the title and insert "amending RCW 18.108.005, 18.108.010, and 18.108.050; and creating a new section."

## MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1875, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Loveland, Senator Swanson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1875, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1875, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 42. Excused: Senators Benton, Hale, Hargrove, Oke, Strannigan, Swanson and Wood - 7. SUBSTITUTE HOUSE BILL NO. 1875, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Schow: "Thank you, Mr. President. I rise to a point of personal privilege. You know it has been a tough year, particularly a tough week. I want to be leaving. I want to be with my family, but I wouldn't want to leave here without telling you how much your support, your prayers, your flowers, everything that you have done for me and my family, has meant. I am really proud to serve with such a great group of people and what you have done over the last several months will never be forgotten. You will always have a special spot in my heart--for your kindness. I just want to say 'thank you' to each and everyone of you. Thank you."

## SECOND READING

ENGROSSED HOUSE BILL NO. 1940, by Representatives Robertson, Appelwick, Sheahan, Regala, Scott, O'Brien, Ogden, Cooper, Blalock, Costa, Cole, Conway, Cody, Wolfe and Cooke

Integrating ignition interlocks into administrative revocation of drivers' licenses.

The bill was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, Engrossed House Bill No. 1940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Senator Swecker, Senator Schow was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1940.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1940 and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Benton, Hargrove, Oke, Schow and Swanson - 5. ENGROSSED HOUSE BILL NO. 1940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## POINT OF INQUIRY

Senator Snyder: "Senator McDonald, today in rules, several members were talking about, 'we'll move the bill along and we will take care of it and iron the differences out in the conference committee.' We haven't passed joint rules yet and I was wondering if we are going to be passing joint rules or if we are going to be going to Reed's and operating under the provisions that rules provide for having conference committees and, under any circumstances, are the conference committees going to be open so the public can view what is happening? Do you have any plans along those lines?"

Senator McDonald: "Well, Senator Snyder, we will follow your very able lead over the last two years. As I remember it, there were not rules adopted to deal with conference committees, other than Reed's Rules. Yes, I anticipate that if there is a conflict that there will be conference committees. As you know, Speaker Ballard has been quite insistent upon them being open conference committees, so if that is so, if and when there are conference committees, I anticipate that they will be open."

Senator Snyder: "And the procedures will be different than what we have been seeing on the operating of the welfare bill, the budget and so forth?"

Senator McDonald: "Well, actually, I think that the notion of what we were attempting to do--working with the Governor's office and with a number of people in trying to come to a resolution that we can all deal with, was in keeping with a Legislature trying to drive to conclusion, Senator."

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1899, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, L. Thomas, Carrell, Wolfe, Grant and Sullivan)

Providing standards for life insurance policy illustrations.

The bill was read the second time.

## MOTIONS

On motion of Senator Winsley, the following Committee on Financial Institutions, Insurance and Housing amendment was adopted:

On page 11, line 35, after "(3)" insert "(a) Where a computer screen illustration is used that cannot be printed out during use, the producer shall certify in writing on a form provided by the insurer that a computer screen illustration was displayed. Such form shall require the producer to provide, as applicable, the generic name of the policy and any riders illustrated, the guaranteed and non-guaranteed interest rates illustrated, the number of policy years illustrated, the initial death benefit, the premium amount illustrated and the assumed number of years of premiums. On the same form the applicant shall acknowledge that an illustration matching that which was displayed on the computer screen will be provided no later than the time of policy delivery. A copy of this signed form shall be provided to the applicant at the time it is signed. (b) If the policy is issued, a basic illustration conforming to the policy as issued shall be sent with the policy and signed by the policy owner no later than the time the policy is delivered. A copy shall be provided to the policy owner and retained by the insurer. (c) If a computer screen illustration is used that can be printed during use, a copy of that illustration, signed in accordance with this chapter, shall be submitted to the insurer at the time of policy application. A copy shall also be provided to the applicant. (d)" On motion of Senator Winsley, the rules were suspended, Engrossed Substitute House Bill No. 1899, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1899, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1899, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Benton, Hargrove, Oke, Schow and Swanson - 5. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1899, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

## MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5056,  
SENATE BILL NO. 5111,  
SUBSTITUTE SENATE BILL NO. 5121,  
SENATE BILL NO. 5139,  
SENATE BILL NO. 5181,  
SECOND SUBSTITUTE SENATE BILL NO. 5313,

April 10, 1997



SENATE BILL NO. 5383,  
SENATE BILL NO. 5395,  
SENATE BILL NO. 5439,  
SENATE BILL NO. 5452,  
SENATE BILL NO. 5519,  
SENATE BILL NO. 5551,  
SUBSTITUTE SENATE BILL NO. 5578,  
SENATE BILL NO. 5637,  
SUBSTITUTE SENATE BILL NO. 5664,  
SUBSTITUTE SENATE BILL NO. 5670,  
SENATE BILL NO. 5681,  
SUBSTITUTE SENATE BILL NO. 5714,  
SUBSTITUTE SENATE BILL NO. 5724,  
SENATE BILL NO. 5804,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,  
SUBSTITUTE SENATE BILL NO. 5976,  
SENATE BILL NO. 5997,  
SENATE BILL NO. 5998, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2276, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 10, 1997

MR. PRESIDENT:

The House has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4407,

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408,

ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4409, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 11, 1997

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 3901, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE SENATE BILL NO. 5056,

SENATE BILL NO. 5111,

SUBSTITUTE SENATE BILL NO. 5121,

SENATE BILL NO. 5139,

SENATE BILL NO. 5181,

SECOND SUBSTITUTE SENATE BILL NO. 5313,

SENATE BILL NO. 5383,

SENATE BILL NO. 5395,

SENATE BILL NO. 5439,

SENATE BILL NO. 5452,

SENATE BILL NO. 5519,

SENATE BILL NO. 5551,

SUBSTITUTE SENATE BILL NO. 5578,

SENATE BILL NO. 5637,

SUBSTITUTE SENATE BILL NO. 5664,

SUBSTITUTE SENATE BILL NO. 5670,

SENATE BILL NO. 5681,

SUBSTITUTE SENATE BILL NO. 5714,

SUBSTITUTE SENATE BILL NO. 5724,

SENATE BILL NO. 5804,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,

SUBSTITUTE SENATE BILL NO. 5976,

SENATE BILL NO. 5997,

SENATE BILL NO. 5998.

SIGNED BY THE PRESIDENT

The President has signed:

ENGROSSED HOUSE BILL NO. 3901.

## MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2276 by House Committee on Law and Justice (originally sponsored by Representatives Lisk, Huff and Sheahan)

Promoting civil legal services for indigent persons.

HOLD.

EHCR 4407 by Representatives Clements, Chandler and Honeyford

Creating a joint select committee on Yakima Valley water storage.

Referred to Committee on Agriculture and Environment.

SHCR 4408 by House Committee on Natural Resources (originally sponsored by Representatives Thompson, Buck, Sheldon, Sump, Alexander and DeBolt)

Creating the joint select committee on management of state forest lands.

Referred to Committee on Natural Resources and Parks.

ESHCR 4409 by House Committee on Government Reform and Land Use (originally sponsored by Representatives Thompson, Reams, Bush, Mielke, Sherstad, Pennington, Sheldon, Grant, Kastama, McMorris and Mastin)

Establishing a joint select subcommittee on wetlands.

Referred to Committee on Agriculture and Environment.

## MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute House Bill No. 2276 was advanced to second reading and placed on the second reading calendar.

## MOTION

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

### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1257, by House Committee on Finance (originally sponsored by Representatives DeBolt, Alexander, Pennington, Sheldon, Kessler, Poulsen, McMorris, Mielke, Van Luven, Grant, Crouse, Mastin, Doumit and Hatfield)

Providing tax exemptions and credits for coal-fired thermal electric generating facilities placed in operation before July 1, 1975.

The bill was read the second time.

## MOTIONS

On motion of Senator Swecker, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. (1) The legislature finds that: (a) Thermal electric generation facilities play an important role in providing jobs for residents of the communities where such plants are located; and (b) Taxes paid by thermal electric generation facilities help to support schools and local and state government operations. (2) It is the intent of the legislature to assist thermal electric generation facilities placed in operation after December 31, 1969, and before July 1, 1975, to update their air pollution control equipment and abate pollution by extending certain tax exemptions and credits so that such plants may continue to play a long-term vital economic role in the communities where they are located. NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to

read as follows: (1) For the purposes of this section, "air pollution control facilities" mean any treatment works, control devices and disposal systems, machinery, equipment, structures, property, property improvements, and accessories, that are installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation. (2) The tax levied by RCW 82.08.020 does not apply to: (a) Sales of tangible personal property to a light and power business, as defined in RCW 82.16.010, for construction or installation of air pollution control facilities at a thermal electric generation facility; or (b) Sales of, cost of, or charges made for labor and services performed in respect to the construction or installation of air pollution control facilities. (3) The exemption provided under this section applies only to sales, costs, or charges: (a) Incurred for air pollution control facilities constructed or installed after the effective date of this act and used in a thermal electric generation facility placed in operation after December 31, 1969, and before July 1, 1975; (b) If the air pollution control facilities are constructed or installed to meet applicable regulatory requirements established under state or federal law, including the Washington clean air act, chapter 70.94 RCW; and (c) For which the purchaser provides the seller with an exemption certificate, signed by the purchaser or purchaser's agent, that includes a description of items or services for which payment is made, the amount of the payment, and such additional information as the department reasonably may require. (4) This section does not apply to sales of tangible personal property purchased or to sales of, costs of, or charges made for labor and services used for maintenance or repairs of pollution control equipment. (5) If production of electricity at a thermal electric generation facility for any calendar year after 2002 and before 2023 falls below a twenty percent annual capacity factor for the generation facility, all or a portion of the tax previously exempted under this section in respect to construction or installation of air pollution control facilities at the generation facility shall be due as follows:

Year event occurs	exempted tax	Portion of previously
		d u e
		2 0 0 3
		1 0 0 %
		2 0 0 4
		9 5 %
		2 0 0 5
		9 0 %
		2 0 0 6
		8 5 %

2  
0  
0  
7

8  
0  
%

2  
0  
0  
8

7  
5  
%

2  
0  
0  
9

7  
0  
%

2  
0  
1  
0

6  
5  
%

2  
0  
1  
1

6  
0  
%

2  
0  
1  
2

5  
5  
%

2  
0  
1  
3

5  
0  
%

2  
0  
1  
4

4  
5  
%

2  
0  
1  
5

4  
0  
%

2  
0  
1  
6

3  
5  
%

2  
0  
1  
7

3  
0  
%

2  
0  
1  
8

2  
5  
%

2  
0  
1  
9

2  
0  
%

2  
0  
2  
0

1  
5  
%

2  
0  
2  
1  
  
1  
0  
%  
  
2  
0  
2  
2

5  
%

2  
0  
2  
3

0  
%

(6) Section 12 of this act applies to this section. NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows: (1) For the purposes of this section, "air pollution control facilities" mean any treatment works, control devices and disposal systems, machinery, equipment, structures, property, property improvements, and accessories, that are installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation. (2) The provisions of this chapter do not apply in respect to the use of air pollution control facilities installed and used by a light and power business, as defined in RCW 82.16.010, in generating electric power. (3) The exemption provided under this section applies only to air pollution control facilities that are: (a) Constructed or installed after the effective date of this act and used in a thermal electric generation facility placed in operation after December 31, 1969, and before July 1, 1975; and (b) Constructed or installed to meet applicable regulatory requirements established under state or federal law, including the Washington clean air act, chapter 70.94 RCW. (4) This section does not apply to the use of tangible personal property for maintenance or repairs of the pollution control equipment. (5) If production of electricity at a thermal electric generation facility for any calendar year after 2002 and before 2023 falls below a twenty percent annual capacity factor for the generation facility, all or a portion of the tax previously exempted under this section in respect to construction or installation of air pollution control facilities at the generation facility shall be due according to the schedule provided in section 2(5) of this act. (6) Section 12 of this act applies to this section. NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows: (1) For the purposes of this section: (a) "Air pollution control facilities" means any treatment works, control devices and disposal systems, machinery, equipment, structure, property, property improvements, and accessories, that are installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation; and (b) "Generation facility" means a coal-fired thermal electric generation facility placed in operation after December 3, 1969, and before July 1, 1975. (2) Beginning January 1, 1999, the tax levied by RCW 82.08.020 does not apply to sales of coal used to generate electric power at a generation facility operated by a business if the following conditions are met: (a) The owners must make an application to the department of revenue for a tax exemption; (b) The owners must make a demonstration to the department of ecology that the owners have made reasonable initial progress to install air pollution control facilities to meet applicable regulatory requirements established under state or federal law, including the Washington clean air act, chapter 70.94 RCW; (c) Continued progress must be made on the development of air pollution control facilities to meet the requirements of the permit; and (d) The generation facility must emit no more than ten thousand tons of sulfur dioxide during a previous consecutive twelve-month period. (3) During a consecutive twelve-month period, if the generation facility is found to be in violation of excessive sulfur dioxide emissions from a regional air pollution control authority or the department of ecology, the department of ecology shall notify the department of revenue and the owners of the generation facility shall lose their tax exemption under

this section. The owners of a generation facility may reapply for the tax exemption when they have once again met the conditions of subsection (2)(d) of this section. (4) Section 12 of this act applies to this section. **NEW SECTION. Sec. 5.** A new section is added to chapter 82.08 RCW to read as follows: Any business that has received a tax exemption under section 4 of this act forfeits the exemption if, except for reasons or factors beyond the control of the owners or operator of the thermal electric generation facility, less than seventy percent of the coal consumed at the thermal electric generation facility during the previous calendar year was produced by a mine located in the same county as the facility or in a county contiguous to the county. The department of revenue may reinstate the exemption under section 4 of this act when the owners provide documentation that the seventy-percent requirement has been met during a subsequent calendar year. The definitions in section 4 of this act apply to this section. **NEW SECTION. Sec. 6.** A new section is added to chapter 82.12 RCW to read as follows: (1) For the purposes of this section: (a) "Air pollution control facilities" means any treatment works, control devices and disposal systems, machinery, equipment, structure, property, property improvements, and accessories, that are installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation; and (b) "Generation facility" means a coal-fired thermal electric generation facility placed in operation after December 3, 1969, and before July 1, 1975. (2) Beginning January 1, 1999, the provisions of this chapter do not apply in respect to the use of coal to generate electric power at a generation facility operated by a business if the following conditions are met: (a) The owners must make an application to the department of revenue for a tax exemption; (b) The owners must make a demonstration to the department of ecology that the owners have made reasonable initial progress to install air pollution control facilities to meet applicable regulatory requirements established under state or federal law, including the Washington clean air act, chapter 70.94 RCW; (c) Continued progress must be made on the development of air pollution control facilities to meet the requirements of the permit; and (d) The generation facility must emit no more than ten thousand tons of sulfur dioxide during a previous consecutive twelve-month period. (3) During a consecutive twelve-month period, if the generation facility is found to be in violation of excessive sulfur dioxide emissions from a regional air pollution control authority or the department of ecology, the department of ecology shall notify the department of revenue and the owners of the generation facility shall lose their tax exemption under this section. The owners of a generation facility may reapply for the tax exemption when they have once again met the conditions of subsection (2)(d) of this section. (4) Section 12 of this act applies to this section. **NEW SECTION. Sec. 7.** A new section is added to chapter 82.12 RCW to read as follows: Any business that has received a tax exemption under section 6 of this act forfeits the exemption if, except for reasons or factors beyond the control of the owners or operator of the thermal electric generation facility, less than seventy percent of the coal consumed at the thermal electric generation facility during the previous calendar year was produced by a mine located in the same county as the facility or in a county contiguous to the county. The department of revenue may reinstate the exemption under section 6 of this act when the owners provide documentation that the seventy-percent requirement has been met during a subsequent calendar year. The definitions in section 6 of this act apply to this section. **Sec. 8.** RCW 43.79A.040 and 1996 c 253 s 409 are each amended to read as follows: (1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury. (2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. (3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section. (4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection. (b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, ~~and~~ the self-insurance revolving fund, and the sulfur dioxide abatement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190. (c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account. (5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section. **NEW SECTION. Sec. 9.** A new section is added to chapter 82.32 RCW to read as follows: An amount equal to all sales and use taxes paid under chapters 82.08, 82.12, and 82.14 RCW, that were obtained from the sales of coal to, or use of coal by, a business for use at a generation facility, and that meet the requirements of section 10 of this act, shall be deposited in the sulfur dioxide abatement account under section 10 of this act. **NEW SECTION. Sec. 10.** A new section is added to chapter 70.94 RCW to read as follows: (1) The sulfur dioxide abatement account is created. All receipts from subsection (2) of this section must be deposited in the account. Expenditures in the account may be used only for the purposes of subsection (3) of this section. Only the director of revenue or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. (2) Upon application by the owners of a generation facility, the department of ecology shall make a determination of whether the owners are making initial progress in the construction of air pollution control facilities. Evidence of initial progress may include, but is not limited to, engineering work, agreements to proceed with construction, contracts to purchase, or contracts for construction of air pollution control facilities. However, if the owners' progress is impeded due to actions caused by regulatory delays or by defensive litigation, certification of initial progress may not be withheld. Upon certification of initial progress by the department of ecology and after January 1, 1999, an amount equal to all sales and use taxes paid under chapters 82.08, 82.12, and 82.14 RCW, that were obtained from the sales of coal to, or use of coal by, a business for use at a generation facility shall be deposited in the account under section 9 of this act. By June 1st of each year during construction of the air pollution control facilities and during the verification period required in sections 4(2)(d) and 6(2)(d) of this act, the department of ecology shall make an assessment regarding the continued progress of the

pollution control facilities. Evidence of continued progress may include, but is not limited to, acquisition of construction material, visible progress on construction, or other actions that have occurred that would verify progress under general construction time tables. The treasurer shall continue to deposit an amount equal to the tax revenues to the sulfur dioxide abatement account unless the department of ecology fails to certify that reasonable progress has been made during the previous year. The operator of a generation facility shall file documentation accompanying its combined monthly excise tax return that identifies all sales and use tax payments made by the owners for coal used at the generation facility during the reporting period. (3) When a generation facility emits no more than ten thousand tons of sulfur dioxide during a consecutive twelve-month period, the department of ecology shall certify this to the department of revenue and the state treasurer by the end of the following month. Within thirty days of receipt of certification under this subsection, the department of revenue shall approve the tax exemption application and the director or the director's designee shall authorize the release of any moneys in the sulfur dioxide abatement account to the operator of the generation facility. The operator shall disburse the payment among the owners of record according to the terms of their contractual agreement. (4)(a) If the department of revenue has not approved a tax exemption under sections 4 and 6 of this act by March 1, 2005, any moneys in the sulfur dioxide abatement account shall be transferred to the general fund and the appropriate local governments in accordance with chapter 82.14 RCW, and the sulfur dioxide abatement account shall cease to exist after March 1, 2005. (b) The dates in (a) of this subsection must be extended if the owners of a generation facility have experienced difficulties in complying with this section, or sections 4 through 7 and 9 of this act, due to actions caused by regulatory delays or by defensive litigation. (5) For the purposes of this section: (a) "Air pollution control facilities" means any treatment works, control devices and disposal systems, machinery, equipment, structure, property, property improvements and accessories, that are installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation; and (b) "Generation facility" means a coal-fired thermal electric generation facility placed in operation after December 3, 1969, and before July 1, 1975. **NEW SECTION. Sec. 11.** A new section is added to chapter 84.36 RCW to read as follows: (1) Air pollution control equipment constructed or installed after the effective date of this act, by businesses engaged in the generation of electric energy at thermal electric generation facilities first placed in operation after December 31, 1969, and before July 1, 1975, shall be exempt from property taxation. The owners shall maintain the records in such a manner that the annual beginning and ending asset balance of the pollution control facilities and depreciation method can be identified. (2) For the purposes of this section, "air pollution control equipment" means any treatment works, control devices and disposal systems, machinery, equipment, structures, property, property improvements, and accessories, that are installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation. (3) Section 12 of this act applies to this section. **NEW SECTION. Sec. 12.** A new section is added to chapter 82.32 RCW to read as follows: If a business is allowed an exemption under section 2, 3, 4, 6, or 11 of this act, and the business ceases operation of the facility for which the exemption is allowed, the business shall deposit into the displaced workers account established in section 13 of this act an amount equal to the fair market value of one-quarter of the total sulfur dioxide allowances authorized by federal law available to the facility at the time of cessation of operation of the generation facility as if the allowances were sold for a period of ten years following the time of cessation of operation of the generation facility. This section expires December 31, 2015. **NEW SECTION. Sec. 13.** A new section is added to chapter 50.12 RCW to read as follows: The displaced workers account is established. All moneys from section 12 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to provide for compensation and retraining of displaced workers of the thermal electric generation facility and of the coal mine that supplied coal to the facility. The benefits from the account are in addition to all other compensation and retraining benefits to which the displaced workers are entitled under existing state law. The employment security department shall administer the distribution of moneys from the account. **Sec. 14.** RCW 80.04.130 and 1993 c 311 s 1 are each amended to read as follows: (1) Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective. The commission shall not suspend a tariff that makes a decrease in a rate, charge, rental, or toll filed by a telecommunications company pending investigation of the fairness, justness, and reasonableness of the decrease when the filing does not contain any offsetting increase to another rate, charge, rental, or toll and the filing company agrees to not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year. The filing company shall file with any decrease sufficient information as the commission by rule may require to demonstrate the decreased rate, charge, rental, or toll is above the long run incremental cost of the service. A tariff decrease that results in a rate that is below long run incremental cost, or is contrary to commission rule or order, or the requirements of this chapter, shall be rejected for filing and returned to the company. The commission may prescribe a different rate to be effective on the prospective date stated in its final order after its investigation, if it concludes based on the record that the originally filed and effective rate is unjust, unfair, or unreasonable. For the purposes of this section, tariffs for the following telecommunications services, that temporarily waive or reduce charges for existing or new subscribers for a period not to exceed sixty days in order to promote the use of the services shall be considered tariffs that decrease rates, charges, rentals, or tolls: (a) Custom calling service; (b) Second access lines; or (c) Other services the commission specifies by rule. The commission may suspend any promotional tariff other than those listed in (a) through (c) of this subsection. The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates. (2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged,



the burden of proof to show that such increase is just and reasonable shall be upon the public service company. (3) The implementation of mandatory local measured telecommunications service is a major policy change in available telecommunications service. The commission shall not accept for filing or approve, prior to June 1, 1998, a tariff filed by a telecommunications company which imposes mandatory local measured service on any customer or class of customers, except that, upon finding that it is in the public interest, the commission may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications company's extended area service or foreign exchange service. This subsection does not apply to land, air, or marine mobile service, or to pay telephone service, or to any service which has been traditionally offered on a measured service basis. (4) The implementation of Washington telephone assistance program service is a major policy change in available telecommunications service. The implementation of Washington telephone assistance program service will aid in achieving the stated goal of universal telephone service. (5) If a utility claims a sales or use tax exemption on the pollution control equipment for an electrical generation facility and abandons the generation facility before the pollution control equipment is fully depreciated, any tariff filing for a rate increase to recover abandonment costs for the pollution control equipment shall be considered unjust and unreasonable for the purposes of this section. NEW SECTION. **Sec. 15.** The department of revenue and the department of ecology may adopt rules to implement this act. NEW SECTION. **Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. **Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 2 of the title, after "1975;" strike the remainder of the title and insert "amending RCW 43.79A.040 and 80.04.130; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 50.12 RCW; creating new sections; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1257, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1257, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1257, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Benton, Hargrove, Oke, Schow and Swanson - 5. SUBSTITUTE HOUSE BILL NO. 1257, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:34 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Monday, April 14, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**EIGHTY-NINTH DAY, APRIL 11, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETY-SECOND DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, April 14, 1997

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Goings, Hargrove, Horn, Long, McDonald, Patterson, Rasmussen, Schow, West and Wojahn. On motion of Senator Hale, Senators Horn, Long and Schow were excused. On motion of Senator Franklin, Senators Goings, Patterson, Rasmussen and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Matthew Ahe and Corinne Anderson, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

**MOTION**

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

**REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT**

April 11, 1997

GA 9168 CAPTAIN IOANNIS (JOHN) A. KARAKOULAKIS, reappointed January 28, 1997, for a term ending December 26, 1999, as a member of the Board of Pilotage Commissioners.  
Reported by Committee on Transportation

**MAJORITY Recommendation:** That said appointment be confirmed. Signed by Senators Prince, Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Patterson, Prentice, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE HOUSE**

April 11, 1997

**MR. PRESIDENT:**

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5060,  
SUBSTITUTE SENATE BILL NO. 5112,  
SUBSTITUTE SENATE BILL NO. 5118,  
SENATE BILL NO. 5140,  
SENATE BILL NO. 5155,  
SUBSTITUTE SENATE BILL NO. 5191,  
ENGROSSED SENATE BILL NO. 5220,  
SENATE BILL NO. 5221,  
SENATE BILL NO. 5243,  
SUBSTITUTE SENATE BILL NO. 5290,  
SUBSTITUTE SENATE BILL NO. 5360,  
SENATE BILL NO. 5380,  
SENATE BILL NO. 5422,  
SENATE BILL NO. 5448,  
SUBSTITUTE SENATE BILL NO. 5470,  
SENATE BILL NO. 5486,  
SENATE BILL NO. 5507,  
SUBSTITUTE SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5529,  
SUBSTITUTE SENATE BILL NO. 5560,  
SUBSTITUTE SENATE BILL NO. 5562,  
SENATE BILL NO. 5603,  
SUBSTITUTE SENATE BILL NO. 5621,  
SENATE BILL NO. 5626,  
SENATE BILL NO. 5642,  
SUBSTITUTE SENATE BILL NO. 5653,  
ENGROSSED SENATE BILL NO. 5657,  
SENATE JOINT MEMORIAL NO. 8009, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 11, 1997

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1002,  
SUBSTITUTE HOUSE BILL NO. 1003,  
SUBSTITUTE HOUSE BILL NO. 1010,  
HOUSE BILL NO. 1023,  
HOUSE BILL NO. 1066,  
HOUSE BILL NO. 1067,  
SUBSTITUTE HOUSE BILL NO. 1200,  
SUBSTITUTE HOUSE BILL NO. 1271,  
HOUSE BILL NO. 1278,  
HOUSE BILL NO. 1300,  
SUBSTITUTE HOUSE BILL NO. 1393,  
SUBSTITUTE HOUSE BILL NO. 1550,  
HOUSE BILL NO. 1573,  
HOUSE BILL NO. 1636,  
SUBSTITUTE HOUSE BILL NO. 1887,  
SUBSTITUTE HOUSE BILL NO. 1930,  
HOUSE BILL NO. 2040,  
HOUSE BILL NO. 2098,  
ENGROSSED HOUSE BILL NO. 2142, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1002,  
SUBSTITUTE HOUSE BILL NO. 1003,  
SUBSTITUTE HOUSE BILL NO. 1010,  
HOUSE BILL NO. 1023,  
HOUSE BILL NO. 1066,  
HOUSE BILL NO. 1067,  
SUBSTITUTE HOUSE BILL NO. 1200,  
SUBSTITUTE HOUSE BILL NO. 1271,  
HOUSE BILL NO. 1278,  
HOUSE BILL NO. 1300,  
SUBSTITUTE HOUSE BILL NO. 1393,  
SUBSTITUTE HOUSE BILL NO. 1550,  
HOUSE BILL NO. 1573,  
HOUSE BILL NO. 1636,  
SUBSTITUTE HOUSE BILL NO. 1887,  
SUBSTITUTE HOUSE BILL NO. 1930,  
HOUSE BILL NO. 2040,  
HOUSE BILL NO. 2098,  
ENGROSSED HOUSE BILL NO. 2142.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9230, Edith L. Nelson, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF EDITH L. NELSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 39. Absent: Senators Hargrove, McDonald and West - 3. Excused: Senators Goings, Horn, Long, Patterson, Rasmussen, Schow and Wojahn - 7.

MOTION

On motion of Senator Hale, Senators McDonald and West were excused.

MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9200, Carin S. Schienberg, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

#### APPOINTMENT OF CARIN S. SCHIENBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 40. Absent: Senator Sellar - 1. Excused: Senators Goings, Horn, McDonald, Patterson, Rasmussen, Schow, West and Wojahn - 8.

#### MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9181, Robert D. McVicars, as a member of the Housing Finance Commission, was confirmed.

#### MOTION

On motion of Senator Hale, Senator Sellar was excused.

#### APPOINTMENT OF ROBERT D. McVICARS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 42. Excused: Senators Horn, McDonald, Patterson, Schow, Sellar, West and Wojahn - 7.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1770, by House Committee on Natural Resources (originally sponsored by Representatives Alexander, Linville, Hatfield, Anderson, Doumit, Buck, Chandler and Kessler)

Setting the fee for the transfer of Dungeness crab--coastal fishery licenses.

The bill was read the second time.

#### MOTIONS

On motion of Senator Oke, the following Committee on Natural Resources and Parks amendment was adopted:

On page 4, line 9, after "fishery" insert "license" On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1770, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1770, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1770, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 42. Absent: Senator Deccio - 1. Excused: Senators Horn, Patterson, Schow, Sellar, West and Wojahn - 6. SUBSTITUTE HOUSE BILL NO. 1770, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1806, by House Committee on Natural Resources (originally sponsored by Representatives Alexander, Grant, Mastin, Buck, Johnson, Butler, Hatfield, Kessler, Sheldon, Chandler, Thompson, Regala, Anderson, Pennington, Clements, Kenney, Sullivan, Blalock, Conway, Mulliken, Tokuda, Constantine, Mason and Schoesler)

Increasing penalties for the illegal killing and possession of wildlife.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Johnson, Senators Anderson, Hale, Newhouse, Strannigan and Swecker were excused. The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1806.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1806 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, Winsley, Wood and Zarelli - 37. Excused: Senators Anderson, Hale, Horn, McDonald, Newhouse, Patterson, Schow, Sellar, Strannigan, Swecker, West and Wojahn - 12. SUBSTITUTE HOUSE BILL NO. 1806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1985, by House Committee on Appropriations (originally sponsored by Representatives Buck, Regala, Sump, Pennington, Sheldon, Hatfield, Anderson, Butler and Dyer)

Allowing for pilot project landscape management plans.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1985 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1985.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1985 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 0; Absent, 2; Excused, 12.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, McCaslin, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, Winsley, Wood and Zarelli - 35. Absent: Senators Long and Morton - 2. Excused: Senators Anderson, Hale, Horn, McDonald, Newhouse, Patterson, Schow, Sellar, Strannigan, Swecker, West and Wojahn - 12. SUBSTITUTE HOUSE BILL NO. 1985, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1647, by Representatives Radcliff, Van Luven, Mason, Carlson, Veloria, Morris, Ogden, Kenney and Costa

Establishing a home tuition program.

The bill was read the second time.

#### MOTIONS

On motion of Senator Wood, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** It is the intent of the legislature to provide for diverse educational opportunities at the state's institutions of higher education and to facilitate student participation in educational exchanges with institutions outside the state of Washington. To accomplish this, this act establishes a home tuition program allowing students at Washington state institutions of higher education to take advantage of out-of-state and international educational opportunities while paying an amount equal to their regularly charged tuition and required fees. **Sec. 2.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read as follows: Whenever used in chapter 28B.15 RCW: (1) The term "institution" shall mean a public university, college, or community college within the state of Washington. (2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) ~~A~~ dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) ~~A~~ student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; (d) ~~Any~~ student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; (e) ~~A~~ student who is the spouse or a dependent of a person who is on active military duty stationed in the state; ~~((or))~~ (f) ~~A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or~~ (g) ~~A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.~~ (3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)(f) of this section, a nonresident student shall include: (a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. (b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013. (4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student. (5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require. **Sec. 3.** RCW 28B.15.014 and 1993 sp.s. c 18 s 5 are each amended to read as follows: Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt the following nonresidents from paying all or a portion of the nonresident tuition fees differential: (1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment. (2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons. (3) Active-duty military personnel stationed in the state of Washington. (4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship. (5) ~~((Domestic exchange students participating in the program created under RCW 28B.15.725. (6)))~~ Any dependent of a member of the United States congress representing the state of Washington. **Sec. 4.** RCW 28B.15.725 and 1994 c 234 s 1 are each amended to read as follows: ~~((Subject to the limitations of RCW 28B.15.910.)) (1) The governing boards of the state universities, the regional universities, and The Evergreen State College may ((enter into undergraduate student exchange)) establish home tuition programs by negotiating home tuition agreements with an out-of-state institution or consortium of institutions of higher education ((of other states and agree to exempt participating undergraduate students from payment of all or a portion of the nonresident tuition fees differential subject to the following restrictions: (1) In any given academic year, the number of students receiving a waiver at a state institution shall not exceed the number of that institution's students receiving nonresident tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be off set in the year immediately following)) if no loss of tuition and fee revenue occurs as a result of the agreements. (2) ((Undergraduate)) Home tuition agreements allow students at Washington state institutions of higher education to attend an out-of-state institution of higher education as part of a student exchange. Students participating in a home tuition program shall pay an amount equal to their regular, full-time tuition and required fees to either the Washington institution of higher education or the out-of-state institution of higher education depending upon the provisions of the particular agreement. Payment of course fees in excess of generally applicable tuition and required fees must be addressed in each home tuition agreement to ensure that the instructional programs of the Washington institution of higher education do not incur additional uncompensated costs as a result of the exchange. (3) Student participation in ((an exchange program)) a home tuition~~

agreement authorized by this section is limited to one academic year. (4) Students enrolled under a home tuition agreement shall reside in Washington state for the duration of the program, may not use the year of enrollment under this program to establish Washington state residency, and are not eligible for state financial aid. **Sec. 5.** RCW 28B.15.910 and 1993 sp.s. c 18 s 31 are each amended to read as follows: (1) Except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue set forth below. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992. (a) University of Washington 21 percent(b) Washington State University20 percent(c) Eastern Washington University11 percent(d) Central Washington University8 percent(e) Western Washington University 10 percent(f) The Evergreen State College6 percent(g) Community colleges as a whole35 percent(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following: (a) RCW 28B.10.265; (b) RCW 28B.15.014; (c) RCW 28B.15.100; (d) RCW 28B.15.225; (e) RCW 28B.15.380; (f) Ungraded courses under RCW 28B.15.502(4); (g) RCW 28B.15.520; (h) RCW 28B.15.526; (i) RCW 28B.15.527; (j) RCW 28B.15.543; (k) RCW 28B.15.545; (l) RCW 28B.15.555; (m) RCW 28B.15.556; (n) RCW 28B.15.615; (o) RCW 28B.15.620; (p) RCW 28B.15.628; (q) ~~((RCW 28B.15.725; (r)))~~ RCW 28B.15.730; ~~((s))~~ (r) RCW 28B.15.740; ~~((t))~~ (s) RCW 28B.15.750; ~~((u))~~ (t) RCW 28B.15.756; ~~((v))~~ (u) RCW 28B.50.259; ~~((w))~~ (v) RCW 28B.70.050; and ~~((x))~~ (w) RCW 28B.80.580. (3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following: (a) RCW 28B.15.522; (b) RCW 28B.15.535; (c) RCW 28B.15.540; and (d) RCW 28B.15.558. **NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." On motion of Senator Wood, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.012, 28B.15.014, 28B.15.725, and 28B.15.910; and creating a new section."

#### MOTION

On motion of Senator Wood, the rules were suspended, Engrossed House Bill No. 1647, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

On motion of Senator Hochstatter, Senators Long and Morton were excused.

On motion of Senator Franklin, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1647, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1647, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, McAuliffe, McCaslin, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, Winsley, Wood and Zarelli - 36. Excused: Senators Anderson, Hale, Long, Loveland, McDonald, Morton, Newhouse, Schow, Sellar, Strannigan, Swecker, West and Wojahn - 13. ENGROSSED HOUSE BILL NO. 1647, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2090, by House Committee on Higher Education (originally sponsored by Representatives Schoesler, Dyer, D. Sommers, Carrell, Linville, Sterk, Parlette and Doumit)

Establishing a community and technical college employees attendance incentive program.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Substitute House Bill No. 2090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2090.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2090 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, McAuliffe, McCaslin, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, Winsley, Wood and Zarelli - 36. Excused: Senators Anderson, Hale, Long, Loveland, McDonald, Morton, Newhouse, Schow, Sellar, Strannigan, Swecker, West and Wojahn - 13. SUBSTITUTE HOUSE BILL NO. 2090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4000, by Representatives Sterk, O'Brien, Delvin, Robertson, Mulliken, Dickerson, Thompson, Hatfield, Conway, D. Sommers, Cooper, Boldt, Alexander, Cody, Murray, Costa, Sheahan, Buck, Schoesler, Sherstad, Ogden, Linville, Kessler, L. Thomas, Smith, Dyer, Chandler, Chopp and D. Schmidt

Honoring law enforcement officers.

The joint memorial was read the second time.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Joint Memorial No. 4000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4000.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4000 and the joint memorial passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, McCaslin, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, Winsley, Wood and Zarelli - 37. Excused: Senators Anderson, Hale, Long, McDonald, Morton, Newhouse, Schow, Sellar, Strannigan, Swecker, West and Wojahn - 12. HOUSE JOINT MEMORIAL NO. 4000, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE BILL NO. 2197, by Representatives Huff, H. Sommers, Carlson, Wensman, Talcott, Clements, O'Brien, Hatfield, Cooke, Dickerson and Kessler

Creating the K-20 education technology revolving fund.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, House Bill No. 2197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2197.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2197 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Excused: Senators Long, McDonald, Schow and Wojahn - 4. HOUSE BILL NO. 2197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.



## SECOND READING

HOUSE BILL NO. 2163, by Representatives Sheldon, Conway, Sehlín, Zellinsky, K. Schmidt, D. Sommers, Veloria, Huff, D. Schmidt, Johnson, Lantz, Sullivan, Koster, Pennington, Smith, Costa, Cairnes, Reams, Robertson and Hatfield

Clarifying the requirements for a veterans or military personnel remembrance emblem.

The bill was read the second time.

## MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 2163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2163.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2163 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47. Excused: Senators Schow and Wojahn - 2. HOUSE BILL NO. 2163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1743, by Representatives Dyer, Cody, Kenney, Cooke and Blalock

Allowing the department of community, trade, and economic development to adopt rules to carry out the long-term care ombudsman program.

The bill was read the second time.

## MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1743.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1743 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Horn - 1. Excused: Senator Schow - 1. HOUSE BILL NO. 1743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

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

## SENATE RESOLUTION 1997-8644

By Senators McDonald, Snyder, Newhouse, Sellar, Strannigan, Wojahn, Schow, Prince, Zarelli, Stevens, Swecker, Kohl, Franklin, Wood, Hale, Bauer, Loveland, Rasmussen, Goings, Spanel and McAuliffe

WHEREAS, It is the policy of the Washington State Legislature to honor the achievements of youth in Washington; and

WHEREAS, Athletics play an important role in the growth and development of today's youth; and

WHEREAS, School athletes excel in the classroom as well as on the playing field; and

WHEREAS, Athletics and extracurricular activities instill in students a sense of confidence and achievement which often leads to better school attendance and higher graduation rates; and

WHEREAS, Athletics and extracurricular activities contribute to the development of social, academic, and physical skills; and

and WHEREAS, Student athletes who achieve in high school sports and academics grow to become successful adults;

and WHEREAS, The Washington Interscholastic Activities Association recognizes the academic achievements of high school athletic teams; and

WHEREAS, For the past nine years, The Washington Interscholastic Activities Association has awarded academic state championship teams in various sports;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the following schools, athletes, athletic administrators, and coaches for their academic achievement, and for the outstanding example of inspiration and dedication they have set for others:

#### **1996-97 FALL WIAA STATE ACADEMIC CHAMPIONS**

##### **BOYS CROSS COUNTRY ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

AAA Kelso HS, Kelso 3.814 Joe Stewart Gary Kinch  
AA Othello HS, Othello 3.650 John Oord Mark Kondo  
A Zillah HS, Zillah 3.880 Earl Holden Doug Burge  
B Pomeroy HS, Pomeroy 3.706 Fred Knebel Bob Kirk

##### **GIRLS CROSS COUNTRY ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

AAA Marysville Pilchuck HS, Marysville 3.880 Julie Coburn Greg Erickson  
AA Arlington HS, Arlington 3.920 John Scheffer Allen Jefferson  
A Cascade HS, Leavenworth 3.910 Rob Rosenau Dan Roche  
B Naselle HS, Naselle 3.729 Dominic Urban Linda Nelson

##### **FOOTBALL ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

AAA Lake Washington HS, Kirkland 3.379 Ron Sidenquist Roger Hanson  
AA Colville HS, Colville 3.450 Ken Emmil Randy Russell  
A Omak HS, Omak 3.611 Galen Kaemingk Jim Brucker  
B Liberty HS, Spangle 3.308 Rod Fletcher Nancy Hobbs

##### **BOYS SOCCER ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

A Meridian HS, Bellingham 3.447 Gil Huntley Steve Miller  
B Evergreen Lutheran HS, Kent 3.380 Jeff Kurbis David Habeck

##### **GIRLS SOCCER ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

AAA Joel Ferris HS, Spokane 3.653 Robin Crain Ray Hare  
AA Port Townsend HS, Port Townsend 3.700 Colin Foden Joey Johnson  
A The Northwest School, Seattle 3.650 Mike Mullen Mike Mullen  
B Evergreen Lutheran HS, Kent 3.680 Jeff Stellick David Habeck

##### **GIRLS SWIMMING ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

AAA Mercer Island HS, Mercer Island 3.686 Frank Ceteznik Craig Olson  
AA Bellingham HS, Bellingham 3.805 Sam Anderson Les Galley

##### **VOLLEYBALL ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

AAA Inglemoor HS, Kirkland 3.894 Kelly Haupt Frank Naish  
AA Lynden HS, Lynden 3.950 Ron Barker Terry DeValois  
A Cascade HS, Leavenworth 3.900 Paula West Dan Roche  
B Moses Lake Christian HS, Moses Lake 3.861 Dennis Treat Dan O'Bannan

#### **1996-97 WINTER WIAA STATE ACADEMIC CHAMPIONS**

##### **BOYS BASKETBALL ATHLETIC**

###### **CLASS SCHOOL GPA COACH DIRECTOR**

AAA Gonzaga Prep, Spokane 3.584 Mike Haugen Mike Arte  
AA Sunnyside HS, Sunnyside 3.780 Jeff Thompson Mike Davis  
A Dayton HS, Dayton 3.803 Tony Callero Tony Henderson  
B Liberty HS, Spangle 3.675 David Baird Nancy Hobbs

**GIRLS BASKETBALL ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Everett HS, Everett 3.790 Jo Metzger-Levin Pat Sullivan  
AA Elma HS, Elma 3.810 Greg Hardie Steve Bridge  
A Montesano HS, Montesano 3.887 Joel Tyndell Tim Trimble  
B Wilbur-Creston HS, Wilbur 3.900 Steve Jantz Glenn Arland

**CHEER ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Newport HS, Bellevue 3.801 Sharon Collins Chuck Crickmore

AA Capital HS, Olympia 3.577 Connie Brandau Mike Mulligan  
A Omak HS, Omak 3.795 Rachel Erickson Jim Brucker  
B Sprague-Harrington HS, Sprague 3.930 Elizabeth Frank Randy Behrens

**DANCE & DRILL ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Bellevue HS, Bellevue 3.663 Sharon Hatcher Al Strand  
AA Capital HS, Olympia 3.624 Betty Gill Mike Mulligan  
A Castle Rock HS, Castle Rock 3.174 Tanya Sweet Henry Karnofski

**DEBATE ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Federal Way HS, Federal Way 3.925 Lois Gorne Bill Harris  
AA Othello HS, Othello 3.345 Don Godfrey Mark Kondo  
A Cascade HS, Leavenworth 3.705 James Dillhoff Bill Wadlington

**DRAMA ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Shorewood HS, Shoreline 3.563 Loren Reynolds Sue Walker

**GYMNASTICS ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Joel Ferris HS, Spokane 3.720 Bill Christianson Ray Hare  
AA Hanford HS, Richland 3.467 Brett Garland Tom Hegarty

**MUSIC ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Shorewood HS, Shoreline 3.713 Dan Wing Sue Walker  
A Quincy HS, Quincy 3.840 Dave Rowley Bill Alexander  
B Liberty HS, Spangle 3.430 Mike Jedsrup Nancy Hobbs

**BOYS SWIMMING ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Bellevue HS, Bellevue 3.590 Paul Von Destinon Al Strand  
AA Capital HS, Olympia 3.547 Mike Westphal Mike Mulligan

**WRESTLING ATHLETIC**

**CLASS SCHOOL GPA COACH DIRECTOR**

AAA Edmonds-Woodway HS, Edmonds 3.647 Mike Hess Jerry Crabb  
AA Elma HS, Elma 3.420 Rick Rakevich Steve Bridge  
A Colfax HS, Colfax 3.330 Jack McBride Duane Gottschalk  
B Pomeroy HS, Pomeroy 3.242 Randy Mulrony Fred Knebel

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to these schools in recognition of this event.

Senators Snyder and McDonald spoke to Senate Resolution 1997-8644.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced the members of the 1996-97 Fall Washington Interscholastic Activities Association Academic Champions who were seated in the gallery.

**MOTION**

At 10:14 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 3:22 p.m. by President Owen.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5903, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 11, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5370, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 11, 1997

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5283,  
ENGROSSED SENATE BILL NO. 5744,  
ENGROSSED SENATE BILL NO. 5959,  
SENATE BILL NO. 6004, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 14, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE SENATE BILL NO. 5394,  
SUBSTITUTE SENATE BILL NO. 5472,  
SUBSTITUTE SENATE BILL NO. 5509,  
SUBSTITUTE SENATE BILL NO. 5612,  
SENATE BILL NO. 5669, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5283,  
SENATE BILL NO. 5370,  
ENGROSSED SENATE BILL NO. 5744,  
SUBSTITUTE SENATE BILL NO. 5903,  
ENGROSSED SENATE BILL NO. 5959,  
SENATE BILL NO. 6004.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5394,  
SUBSTITUTE SENATE BILL NO. 5472,  
SUBSTITUTE SENATE BILL NO. 5509,  
SUBSTITUTE SENATE BILL NO. 5612,  
SENATE BILL NO. 5669.

MESSAGE FROM THE HOUSE

March 31, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6062 with the following amendments:

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other

specified purposes for the fiscal biennium beginning July 1, 1997, and ending June 30, 1999, except as otherwise provided, out of the several funds of the state hereinafter named. (2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act. (a) "Fiscal year 1998" or "FY 1998" means the fiscal year ending June 30, 1998. (b) "Fiscal year 1999" or "FY 1999" means the fiscal year ending June 30, 1999. (c) "FTE" means full time equivalent. (d) "Lapse" or "revert" means the amount shall return to an unappropriated status. (e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

**PART I GENERAL GOVERNMENT NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES** General Fund Appropriation (FY 1998) \$ 24,216,000 General Fund Appropriation (FY 1999) \$25,637,000 TOTAL APPROPRIATIONS \$49,853,000 The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund fiscal year 1998 appropriation and \$75,000 of the general fund fiscal year 1999 appropriation are provided solely for the independent operations of the legislative ethics board. Expenditure decisions of the board, including employment of staff, shall be independent of the senate and house of representatives. **NEW SECTION. Sec. 102. FOR THE SENATE** General Fund Appropriation (FY 1998) \$ 19,232,000 General Fund Appropriation (FY 1999) \$20,663,000 TOTAL APPROPRIATIONS \$39,895,000 The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund fiscal year 1998 appropriation and \$75,000 of the general fund fiscal year 1999 appropriation are provided solely for the independent operations of the legislative ethics board. Expenditure decisions of the board, including employment of staff, shall be independent of the senate and house of representatives. **NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE** General Fund Appropriation (FY 1998) \$ 1,501,000 General Fund Appropriation (FY 1999) \$1,445,000 TOTAL APPROPRIATIONS \$2,946,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$80,000 of the general fund appropriation for fiscal year 1998 and \$20,000 of the general fund appropriation for fiscal year 1999 are provided solely for a coordinated study of and recommendations for student financial aid and tuition policy. The study shall consider how tuition and financial aid policies might be formulated to maximize access to higher education services, promote equity in educational opportunity among households of varying income levels, and preserve a range of educational choices for students. The study shall include an evaluation of resources and benefits available to students to maximize state financial aid program funds. The committee shall complete the study and issue a report to the legislature by November 1, 1998. (2) \$50,000 of the general fund appropriation for fiscal year 1998 is provided solely to implement Substitute Senate Bill No. 5071 (school district territory). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. **NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE** General Fund Appropriation (FY 1998) \$ 1,163,000 General Fund Appropriation (FY 1999) \$1,232,000 TOTAL APPROPRIATIONS \$2,395,000 **NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY** Department of Retirement Systems Expense Account Appropriation \$ 1,681,000 **NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE** General Fund Appropriation (FY 1998) \$ 5,430,000 General Fund Appropriation (FY 1999) \$5,430,000 TOTAL APPROPRIATIONS \$10,860,000 **NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE** General Fund Appropriation (FY 1998) \$ 3,212,000 General Fund Appropriation (FY 1999) \$3,552,000 TOTAL APPROPRIATIONS \$6,764,000 **NEW SECTION. Sec. 108. FOR THE SUPREME COURT** General Fund Appropriation (FY 1998) \$ 4,642,000 General Fund Appropriation (FY 1999) \$4,815,000 TOTAL APPROPRIATIONS \$9,457,000 **NEW SECTION. Sec. 109. FOR THE LAW LIBRARY** General Fund Appropriation (FY 1998) \$ 1,769,000 General Fund Appropriation (FY 1999) \$1,783,000 TOTAL APPROPRIATIONS \$3,552,000 **NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS** General Fund Appropriation (FY 1998) \$ 10,300,000 General Fund Appropriation (FY 1999) \$10,207,000 TOTAL APPROPRIATIONS \$20,507,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$271,000 of the general fund fiscal year 1999 appropriation is provided solely for an additional judge position and related support staff in division I, effective July 1, 1998. (2) \$490,000 of the general fund fiscal year 1998 appropriation is provided solely for remodeling existing space in division I court facilities to house additional staff. **NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT** General Fund Appropriation (FY 1998) \$ 652,000 General Fund Appropriation (FY 1999) \$652,000 TOTAL APPROPRIATIONS \$1,304,000 **NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS** General Fund Appropriation (FY 1998) \$ 12,488,000 General Fund Appropriation (FY 1999) \$12,495,000 Public Safety and Education Account Appropriation \$31,384,000 Judicial Information Systems Account Appropriation \$ 16,159,000 TOTAL APPROPRIATIONS \$72,526,000 The appropriations in this section are subject to the following conditions and limitations: (1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the office of the administrator for the courts. \$400,000 of the judicial information systems account appropriation is provided solely for the year 2000 date conversion. (2) \$6,610,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crime (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. (3) \$125,000 of the public safety and education account appropriation is provided solely for the workload associated with the increase in state cases filed in Thurston county superior court. (4) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission. (5) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission. (6) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. **NEW SECTION. Sec. 113. FOR THE OFFICE OF PUBLIC DEFENSE** Public Safety and Education Account Appropriation \$ 12,196,000 The appropriations in this section are subject to the following conditions and limitations: (1) The cost of defending indigent offenders in death penalty cases has escalated significantly over the last four years. The office of public defense advisory committee shall analyze the current methods for reimbursing private attorneys and shall develop appropriate standards and

criteria designed to control costs and still provide indigent defendants their constitutional right to representation at public expense. The office of public defense advisory committee shall report its findings and recommendations to the supreme court and the appropriate legislative committees by September 30, 1998. (2) \$688,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases. **NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR** General Fund--State Appropriation (FY 1998) \$ 5,052,000 General Fund--State Appropriation (FY 1999) \$4,968,000 General Fund--Federal Appropriation \$188,000 Water Quality Account Appropriation \$ 700,000 TOTAL APPROPRIATIONS \$10,908,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$1,618,000 of the general fund--state appropriation for fiscal year 1998, \$1,520,000 of the general fund--state appropriation for fiscal year 1999, \$700,000 of the water quality account appropriation, and \$188,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-06. (2) \$12,000 of the general fund--state appropriation for fiscal year 1998 and \$13,000 of the general fund--state appropriation for fiscal year 1999 are provided for the state law enforcement medal of honor committee for the purposes of recognizing qualified law enforcement officers as provided by chapter 41.72 RCW. **NEW SECTION. Sec. 115. FOR THE LIEUTENANT GOVERNOR** General Fund Appropriation (FY 1998) \$ 254,000 General Fund Appropriation (FY 1999) \$255,000 TOTAL APPROPRIATIONS \$509,000 **NEW SECTION. Sec. 116. FOR THE PUBLIC DISCLOSURE COMMISSION** General Fund Appropriation (FY 1998) \$ 1,434,000 General Fund Appropriation (FY 1999) \$1,183,000 TOTAL APPROPRIATIONS \$2,617,000 The appropriations in this section are subject to the following conditions and limitations: \$306,000 of the general fund fiscal year 1998 appropriation and \$72,000 of the general fund fiscal year 1999 appropriation are provided solely for technology for customer service improvements. **NEW SECTION. Sec. 117. FOR THE SECRETARY OF STATE** General Fund Appropriation (FY 1998) \$ 7,847,000 General Fund Appropriation (FY 1999) \$5,740,000 Archives & Records Management Account--State Appropriation \$ 4,330,000 Archives & Records Management Account--Private/Local Appropriation \$ 2,261,000 Department of Personnel Service Account Appropriation \$663,000 TOTAL APPROPRIATIONS \$20,841,000 The appropriations in this section are subject to the following condition and limitation: (1) \$99,000 of the general fund fiscal year 1998 appropriation is provided for the state's participation in the United States census voting district project. (2) \$25,000 of the general fund appropriation for fiscal year 1998 and \$25,000 of the general fund appropriation for fiscal year 1999 are provided solely to establish a data base on international education and foreign trade contacts. **NEW SECTION. Sec. 118. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS** General Fund Appropriation (FY 1998) \$ 185,000 General Fund Appropriation (FY 1999) \$188,000 TOTAL APPROPRIATIONS \$373,000 **NEW SECTION. Sec. 119. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS** General Fund Appropriation (FY 1998) \$ 200,000 General Fund Appropriation (FY 1999) \$201,000 TOTAL APPROPRIATIONS \$401,000 **NEW SECTION. Sec. 120. FOR THE STATE TREASURER** State Treasurer's Service Account Appropriation \$ 11,585,000 **NEW SECTION. Sec. 121. FOR THE STATE AUDITOR** General Fund Appropriation (FY 1998) \$428,000 General Fund Appropriation (FY 1999) \$ 428,000 State Auditing Services Revolving Account Appropriation \$11,957,000 TOTAL APPROPRIATIONS \$12,813,000 The appropriations in this section are subject to the following conditions and limitations: (1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding. (2) \$398,000 of the general fund appropriation for fiscal year 1998 and \$399,000 of the general fund appropriation for fiscal year 1999 are provided solely for staff and related costs to audit special education programs that exhibit unusual rates of growth, extraordinarily high costs, or other characteristics requiring attention of the state safety net committee. The auditor shall consult with the superintendent of public instruction regarding training and other staffing assistance needed to provide expertise to the audit staff. **NEW SECTION. Sec. 122. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS** General Fund Appropriation (FY 1998) \$ 4,000 General Fund Appropriation (FY 1999) \$62,000 TOTAL APPROPRIATIONS \$66,000 **NEW SECTION. Sec. 123. FOR THE ATTORNEY GENERAL** General Fund--State Appropriation (FY 1998) \$ 4,798,000 General Fund--State Appropriation (FY 1999) \$ General Fund--Federal Appropriation \$2,248,000 Public Safety and Education Account Appropriation \$ 1,300,000 New Motor Vehicle Arbitration Account Appropriation \$1,094,000 Legal Services Revolving Account Appropriation \$124,301,000 Attorney General Salary Increase Revolving Account Appropriation \$ 998,000 TOTAL APPROPRIATIONS \$138,474,000 The appropriations in this section are subject to the following conditions and limitations: (1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. (2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies. (3) \$998,000 of the attorney general salary increase revolving account appropriation is provided solely for salary increases for assistant attorneys general with legal experience of ten years or less. (4) \$1,360,000 from the general fund fiscal year 1998 appropriation and \$298,000 from the general fund fiscal year 1999 appropriation is provided solely to implement Substitute House Bill No. 1781 (supervised offender monitoring). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (5) \$250,000 from the legal services revolving account appropriation is provided solely for legal services from the attorney general if the need results from the implementation of Second Substitute House Bill No. 1938 (at-risk youth). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. **NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS** Securities Regulation Account--State Appropriation \$ 5,458,000 **NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT** General Fund--State Appropriation (FY 1998) \$ 57,338,000 General Fund--State Appropriation (FY 1999) \$56,316,000 General Fund--Federal Appropriation \$147,864,000 General Fund--Private/Local Appropriation \$ 6,903,000 Public Safety and Education

Account Appropriation \$8,781,000 Drinking Water Assistance Account--Federal Appropriation \$852,000 Public Works Assistance Account Appropriation \$ 2,223,000 Building Code Council Account Appropriation \$1,318,000 Administrative Contingency Account Appropriation \$1,776,000 Low-Income Weatherization Assistance Account Appropriation \$ Violence Reduction and Drug Enforcement Account Appropriation \$ 2,639,000 Manufactured Home Installation Training Account Appropriation \$250,000 Washington Housing Trust Account Appropriation \$ 7,999,000 Public Facility Construction Loan Revolving Account Appropriation \$TOTAL APPROPRIATION \$295,697,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$3,282,500 of the general fund--state appropriation for fiscal year 1998 and \$3,282,500 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium. (2) \$155,000 of the general fund--state appropriation for fiscal year 1998 and \$155,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the Washington manufacturing extension partnership. (3) \$1,750,000 of the general fund fiscal year 1998 appropriation and \$1,750,000 of the general fund fiscal year 1999 appropriation are provided solely to implement sections 21 and 23 of Engrossed Second Substitute House Bill No. 2244 (land use study commission recommendations). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (4) \$4,800,000 of the public safety and education account appropriation is provided solely for indigent civil legal representation services contracts and contracts administration. The amount provided in this subsection is contingent upon enactment of section 2 of House Bill No. 2276 (civil legal services for indigent persons). If section 2 of the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (5) \$50,000 of the general fund--state fiscal year 1998 appropriation and \$50,000 of the general fund--state fiscal year 1999 appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1752 (developmental disabilities ombudsman). If the bill is not enacted by June 30, 1997, this subsection shall be null and void. (6) \$117,000 of the general fund--state fiscal year 1998 appropriation and \$105,000 of the general fund--state fiscal year 1999 appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (7) \$643,000 of the general fund--state fiscal year 1998 appropriation and \$643,000 of the general fund--state fiscal year 1999 appropriation are provided solely to increase payment rates for contracted early childhood education assistance program providers. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. (8) \$9,964,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1998 as follows: (a) \$3,603,250 to local units of governments to continue the multijurisdictional narcotics task forces; (b) \$500,000 to the department to continue the state-wide drug prosecution assistance program in support of multijurisdictional narcotics task forces; (c) \$1,306,075 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response; (d) \$240,000 to the department for grants to support tribal law enforcement needs; (e) \$900,000 to drug courts in eastern and western Washington; (f) \$300,000 to the department for grants to provide sentencing alternatives training programs to defenders; (g) \$200,000 for grants to support substance-abuse treatment in county jails; (h) \$517,075 to the department for legal advocacy for victims of domestic violence and for training of local law enforcement officers and prosecutors on domestic violence laws and procedures; (i) \$903,000 to the department to continue youth violence prevention and intervention projects; (j) \$91,000 for the governor's council on substance abuse; (k) \$99,000 for program evaluation and monitoring; (l) \$100,000 to the division of juvenile rehabilitation administration for early intervention and prevention programs; (m) \$498,200 for development of a state-wide system to track criminal history records; and (n) Up to \$706,400 to the department for grant administration and reporting. These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this section. If any moneys other than those appropriated in this section become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without a specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. (9) \$18,000 of the general fund--state fiscal year 1998 appropriation and \$17,000 of the general fund--state fiscal year 1999 appropriation are provided solely to continue studying the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources. (10) \$75,000 of the general fund--state fiscal year 1998 appropriation and \$75,000 of the general fund--state fiscal year 1999 appropriation are provided solely as a grant for the community connections program in Walla Walla county. (11) \$300,000 of the general fund--state fiscal year 1998 appropriation and \$300,000 of the general fund--state fiscal year 1999 appropriation are provided solely to contract with the Washington state association of court-appointed special advocates/guardians ad litem (CASA/GAL) to establish pilot programs in three counties to recruit additional community volunteers to represent the interests of children in dependency proceedings. Of this amount, a maximum of \$30,000 shall be used by the department to contract for an evaluation of the effectiveness of CASA/GAL in improving outcomes for dependent children. The evaluation shall address the cost-effectiveness of CASA/GAL and to the extent possible, identify savings in other programs of the state budget where the savings resulted from the efforts of the CASA/GAL volunteers. The department shall report to the governor and legislature by October 15, 1998. (12) \$75,000 of the general fund--state appropriation for fiscal year 1999 is provided solely for state sponsorship of the "BIO 99" international biotechnology conference and exhibition in the Seattle area in 1999. (13) \$821,000 of the general fund--state appropriation for fiscal year 1998, \$821,000 of the general fund--state appropriation for fiscal year 1999, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations. (14) \$60,000 of the general fund--state appropriation for fiscal year 1998 and \$60,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of the Puget Sound work plan action item DCTED-01.

**NEW SECTION. Sec. 126. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL** General Fund Appropriation (FY 1998) \$ 452,000 General Fund Appropriation (FY 1999) \$453,000 **TOTAL APPROPRIATION** \$905,000

**NEW SECTION. Sec. 127. FOR THE OFFICE OF FINANCIAL MANAGEMENT** General Fund--State Appropriation (FY 1998) \$ 10,333,000 General Fund--State Appropriation (FY 1999) \$10,054,000 General Fund--

-Federal Appropriation\$23,331,000TOTAL APPROPRIATION\$43,718,000The appropriations in this section are subject to the following conditions and limitations: (1) \$125,000 of the general fund--state fiscal year 1998 appropriation and \$125,000 of the general fund--state fiscal year 1999 appropriation are provided solely to implement Substitute House Bill No. 1698 (K-20 telecommunications network). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (2) \$230,000 of the general fund--state fiscal year 1998 appropriation and \$213,000 of the general fund--state fiscal year 1999 appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. **NEW SECTION. Sec. 128. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**Administrative Hearings Revolving Account Appropriation \$ 19,615,000**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF PERSONNEL**Department of Personnel Service Account Appropriation\$16,498,000Higher Education Personnel Services Account Appropriation \$ 1,632,000TOTAL APPROPRIATION\$18,130,000The appropriations in this section are subject to the following conditions and limitations:(1) The department shall reduce its charge for personnel services to the lowest rate possible. (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees. (3) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan. (4) \$500,000 of the department of personnel service account appropriation is provided solely for the career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force. Services shall include employee retraining and career counseling. (5) \$800,000 of the department of personnel service account appropriation is provided solely for the human resource data warehouse to: Expand the type and amount of information available on the state-wide work force; and to provide the office of financial management, legislature, and state agencies with direct access to the data for policy and planning purposes. The department of personnel shall establish uniform reporting procedures by June 30, 1998, applicable to all state agencies and higher education institutions, for reporting data to the data warehouse. The department of personnel will report quarterly to the legislative fiscal committees, the information services board, and the office of information technology oversight of the department of information services on the following items: (a) The number of state agencies that have received access to the data warehouse; (b) the change in requests for downloads from the mainframe computer by agencies with access to the data warehouse; and (c) a summary of customer feedback from agencies with access to the data warehouse. Authority to expend this amount is conditioned on compliance with section 902 of this act. (6) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan. (7) The department of personnel shall charge all administrative services costs incurred by the department of retirement systems for the deferred compensation program. The billings to the department of retirement systems shall be for actual costs only. **NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY**Industrial Insurance Premium Refund Appropriation \$ 9,000Lottery Administrative Account Appropriation\$19,970,000TOTAL APPROPRIATION\$19,979,000**NEW SECTION. Sec. 131. FOR THE COMMISSION ON HISPANIC AFFAIRS**General Fund Appropriation (FY 1998) \$ 199,000General Fund Appropriation (FY 1999) \$208,000TOTAL APPROPRIATION \$407,000**NEW SECTION. Sec. 132. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**General Fund Appropriation (FY 1998) \$ 170,000General Fund Appropriation (FY 1999) \$168,000TOTAL APPROPRIATION \$338,000**NEW SECTION. Sec. 133. FOR THE PERSONNEL APPEALS BOARD**Department of Personnel Service Account Appropriation \$ 1,539,000**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**Dependent Care Administrative Account Appropriation \$ 357,000Department of Retirement Systems Expense Account Appropriation \$ 31,418,000TOTAL APPROPRIATION \$31,775,000The appropriations in this section are subject to the following conditions and limitations: (1) \$1,373,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act. (2) \$1,259,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the receivables management system. Authority to expend this amount is conditioned on compliance with section 902 of this act. (3) The department of retirement systems shall complete a study examining whether it would be cost-effective to contract out the administration functions for the dependent care assistance program and shall report to the fiscal committees of the legislature by December 15, 1997. **NEW SECTION. Sec. 135. FOR THE STATE INVESTMENT BOARD**State Investment Board Expense Account Appropriation \$ 10,324,000**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF REVENUE**General Fund Appropriation (FY 1998)\$66,050,000General Fund Appropriation (FY 1999) \$ 65,874,000Timber Tax Distribution Account Appropriation\$4,780,000Waste Reduction/Recycling/Litter Control Appropriation\$100,000State Toxics Control Account Appropriation \$ 67,000Solid Waste Management Account Appropriation\$92,000Oil Spill Administration Account Appropriation\$TOTAL APPROPRIATION\$136,977,000The appropriations in this section are subject to the following conditions and limitations: (1) \$1,540,000 of the general fund appropriation for fiscal year 1998 and \$1,710,000 of the general fund appropriation for fiscal year 1999 are provided solely for senior citizen property tax deferral distribution. (2) \$225,000 of the general fund appropriation for fiscal year 1998 and \$225,000 of the general fund appropriation for fiscal year 1999 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (3) \$71,000 of the general fund appropriation for fiscal year 1998 is provided solely for implementation of Engrossed Substitute House Bill No. 1283 (economic development programs). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (4) \$200,000 of the general fund appropriation for fiscal year 1998 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1327 (sales tax collection reimbursement). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (5) \$53,000 of the general fund appropriation for fiscal year 1998 and \$53,000 of the general fund appropriation for fiscal year 1999 are provided solely for implementation of Substitute House Bill No. 1346 (electricity use tax). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (6) \$44,000 of the general fund appropriation for fiscal year 1998 is provided solely for implementation of House Bill No. 1689 (small business tax relief). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (7) \$70,000 of the general fund appropriation for fiscal year 1998 is provided solely for implementation of Second Substitute



House Bill No. 2080 (agriculture land classification). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (8) \$304,000 of the general fund appropriation for fiscal year 1998 and \$226,000 of the general fund appropriation for fiscal year 1999 are provided solely for implementation of Senate Bill No. 5835 (property tax limitation). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (9) Within the amounts appropriated in this section the department shall conduct a study identifying the impacts of exempting all shellfish species from the tax imposed on enhanced food fish under chapter 82.27 RCW. The study shall include an estimate of the fiscal impacts to state revenues as well as an examination of how such an exemption would impact shellfish-based industries and communities where shellfish-based industries are located. The department shall complete this study and report its findings to the legislature by December 1, 1997.

**NEW SECTION. Sec. 137. FOR THE BOARD OF TAX APPEALS**General Fund Appropriation (FY 1998) \$ 885,000General Fund Appropriation (FY 1999)\$889,000TOTAL APPROPRIATION\$1,774,000**NEW SECTION. Sec. 138. FOR THE MUNICIPAL RESEARCH COUNCIL**General Fund Appropriation (FY 1998) \$ 1,651,000General Fund Appropriation (FY 1999)\$1,743,000TOTAL APPROPRIATION\$3,394,000**NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**SOMWBE Enterprises Account Appropriation \$ 2,369,000**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**General Fund--State Appropriation (FY 1998) \$ 1,277,000General Fund--State Appropriation (FY 1999) \$1,278,000General Fund--Federal Appropriation \$2,403,000General Fund--Private/Local Appropriation \$ 400,000Motor Transport Account Appropriation \$14,122,000Air Pollution Control Account Appropriation \$391,000General Administration Facilities and Services Revolving Account Appropriation \$ 22,326,000Central Stores Revolving Account Appropriation \$3,316,000Energy Efficiency Services Account Appropriation \$180,000Risk Management Account Appropriation \$ 2,328,000TOTAL APPROPRIATION \$48,021,000The appropriations in this section are subject to the following conditions and limitations:(1) \$1,000,000 of the general fund--state appropriation for fiscal year 1998 and \$1,000,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the purchase of food for distribution to the state's food bank network. (2) The World War II memorial shall be sited at the location selected by the World War II advisory committee: Immediately south of Columbia Street and 11th Avenue axial on the West Capital Campus. (3) The department shall adjust its agency billing rates for purposes of the liability account to reflect savings expected to occur from House Bill No. 1001 (interest on tort judgments). If the bill is not enacted by June 30, 1997, this subsection is null and void. (4) The department shall not purchase any travel product for any state employee or state official from a vendor who is not a Washington-based seller of travel licensed under chapter 19.138 RCW. (5) The department shall study the state motor pool vehicle fleet to develop a plan for meeting and exceeding the minimum vehicle mileage standards established by the federal government. The department shall report its findings and conclusions to the appropriate legislative committees by December 1, 1997. (6) The department shall sell all surplus motor pool fleet vehicles and shall contract out for the reconditioning, transport, and delivery of the vehicles prior to their sale at auction. **NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES**Data Processing Revolving Account Appropriation \$ 3,577,000K-20 Technology Account Appropriation \$37,728,000State Building Construction Account Appropriation \$6,300,000TOTAL APPROPRIATION \$ 47,605,000The appropriations in this section are subject to the following conditions and limitations:(1) The department shall expend up to \$600,000 from the nonappropriated data processing revolving account to provide equipment and software enhancements to make the Washington information network kiosks accessible to people with visual and hearing disabilities. (2) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis. (3) \$35,728,000 of the K-20 technology account appropriation shall be expended in accordance with the expenditures authorized by the K-20 telecommunications oversight and policy committee as modified by the provisions of Substitute House Bill No. 1698 (K-20 telecommunications network). If the bill is not enacted by June 30, 1997, the amount in this subsection shall lapse. **NEW SECTION. Sec. 142. FOR THE INSURANCE COMMISSIONER**General Fund--Federal Appropriation \$ 106,000Insurance Commissioners Regulatory Account Appropriation \$22,857,000TOTAL APPROPRIATION \$22,963,000The appropriations in this section are subject to the following conditions and limitations: (1) \$532,000 of the insurance commissioner's regulatory account appropriation is provided solely for the expenditure of funds received under the consent order with the Prudential insurance company. These funds are provided solely for implementing the Prudential remediation and for examinations of the Prudential company. (2) \$375,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (3) \$164,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute House Bill No. 1387 (basic health plan benefits). If the bill is not enacted by June 30, 1997, the amount in this subsection shall lapse. (4) \$298,000 of the insurance commissioner's regulatory account appropriation is provided solely for technology improvements that will support the electronic filing of insurance rates and contracts and enable regulators and the industry to share information about licensed agents to protect the public from fraudulent sales practices. **NEW SECTION. Sec. 143. FOR THE BOARD OF ACCOUNTANCY**Certified Public Accountants' Account Appropriation \$ 981,000**NEW SECTION. Sec. 144. FOR THE FORENSIC INVESTIGATION COUNCIL**Death Investigations Account Appropriation\$12,000**NEW SECTION. Sec. 145. FOR THE HORSE RACING COMMISSION**Horse Racing Commission Account Appropriation \$ 4,835,000**NEW SECTION. Sec. 146. FOR THE LIQUOR CONTROL BOARD**General Fund Appropriation (FY 1998) \$1,728,000General Fund Appropriation (FY 1999) \$ 1,367,000Liquor Control Board Construction and Maintenance Account Appropriation \$9,787,000Liquor Revolving Account Appropriation \$ 120,992,000TOTAL APPROPRIATION \$133,874,000The appropriations in this section are subject to the following conditions and limitations:(1) \$1,250,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This item is conditioned on satisfying the requirements of section 902 of this act, including the development of a project management plan, a project schedule, a project budget, a project agreement, and incremental funding based on completion of key milestones. (2) \$1,728,000 of the general fund fiscal year 1998 appropriation and

\$1,367,000 of the general fund fiscal year 1999 appropriation are provided solely for implementation of House Bill No. 2272 (cigarette and tobacco enforcement). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. **NEW SECTION. Sec. 147. FOR THE UTILITIES AND TRANSPORTATION COMMISSION** Public Service Revolving Account--State Appropriation \$ 24,441,000 Public Service Revolving Account--Federal Appropriation \$292,000 **TOTAL APPROPRIATION \$24,733,000** **NEW SECTION. Sec. 148. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS** Volunteer Firefighters' Relief & Pension Administrative Account Appropriation \$ 529,000 **NEW SECTION. Sec. 149. FOR THE MILITARY DEPARTMENT** General Fund--State Appropriation (FY 1998) \$9,251,000 General Fund--State Appropriation (FY 1999) \$ 9,169,000 General Fund--Federal Appropriation \$28,117,000 General Fund--Private/Local Appropriation \$238,000 Enhanced 911 Account Appropriation \$ 26,782,000 Disaster Response Account--State Appropriation \$23,708,000 Disaster Response Account--Federal Appropriation \$93,829,000 **TOTAL APPROPRIATION \$ 191,094,000** The appropriations in this section are subject to the following conditions and limitations: (1) \$1,100,000 of the general fund--state appropriation for fiscal year 1998 and \$1,015,000 of the general fund--state appropriation for fiscal year 1999 are appropriated to the disaster response account to pay for costs associated with FEMA approved natural disasters. (2) \$23,708,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) Disaster Number 1079 (November/December 1995 storms), FEMA Disaster 1100, (February 1996 floods), FEMA Disaster 1152 (November 1996 Ice Storm), FEMA Disaster 1159 (December 1996 Holiday Storm), and to assist local governmental entities with the match necessary to earn FEMA funds for the February 1996 floods. **NEW SECTION. Sec. 150. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION** General Fund Appropriation (FY 1998) \$ 1,773,000 General Fund Appropriation (FY 1999) \$1,768,000 **TOTAL APPROPRIATION \$3,541,000** **NEW SECTION. Sec. 151. FOR THE GROWTH PLANNING HEARINGS BOARD** General Fund Appropriation (FY 1998) \$ 1,384,000 **NEW SECTION. Sec. 152. FOR THE STATE CONVENTION AND TRADE CENTER** State Convention and Trade Center Operating Account Appropriation \$ 27,175,000 **PART II HUMAN SERVICES** **NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. (2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds. (3) The appropriations in sections 202 through 213 of this act shall be expended for the programs and in the amounts listed in those sections. **NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- CHILDREN AND FAMILY SERVICES PROGRAM** General Fund--State Appropriation (FY 1998) \$ 184,043,000 General Fund--State Appropriation (FY 1999) \$189,960,000 General Fund--Federal Appropriation \$240,120,000 General Fund--Private/Local Appropriation \$ 400,000 Violence Reduction and Drug Enforcement Account Appropriation \$7,086,000 **TOTAL APPROPRIATION \$21,609,000** The appropriations in this section are subject to the following conditions and limitations: (1) \$18,242,000 of the general fund--state appropriation for fiscal year 1998 and \$20,444,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for purposes consistent with the maintenance of effort requirements under the federal temporary assistance for needy families program established under P.L. 104-193. (2) \$580,000 of the general fund--state appropriation for fiscal year 1998 and \$580,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for development and expansion of child care training requirements and optional training programs. The department shall adopt rules to require annual training in early childhood development of all directors, supervisors, and lead staff at child care facilities. Directors, supervisors, and lead staff at child care facilities include persons licensed as family child care providers, and persons employed at child care centers or school age child care centers. The department shall establish a program to fund scholarships and grants to assist persons in meeting these training requirements. The department shall also develop criteria for approving training programs and establish a system for tracking who has received the required level of training. In adopting rules, developing curricula, setting up systems and administering scholarship programs, the department shall consult with the child care coordinating committee and other community stakeholders. (3) The department shall provide a report to the legislature by November 1997 on the growth in additional rates paid to foster parents beyond the basic monthly rate. This report shall explain why exceptional, personal, and special rates are being paid for an increasing number of children and why the amount paid for these rates per child has risen in recent years. This report must also recommend methods by which the legislature may improve the current foster parent compensation system, allow for some method of controlling the growth in costs per case, and improve the department's and the legislature's ability to forecast the program's needs in future years. (4) \$208,000 of the general fund--state appropriation for fiscal year 1998 and \$174,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1938 (at-risk youth). The amounts in this subsection are provided for attorney general billings associated with the defense of vendors of secure facility services and for the implementation of rules regarding income, resources, and exemptions to determine a parent's ability to pay for a child's treatment at a secure facility. If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (5) \$3,000,000 of the violence reduction and drug enforcement account appropriation and \$9,275,000 of the general fund--federal appropriation are provided solely to fund the provisions of Second Substitute House Bill No. 1864 (drug and alcohol-positive infants). Amounts in this subsection shall be used to intervene in those cases where the child is at-risk of an out-of-home placement due to the mother's use of illegal drugs or alcohol. The department shall contract for: (a) Additional drug treatment for mothers giving birth to drug addicted babies; (b) medically supervised drug withdrawal for drug addicted babies; and (c) additional out-of-home placements required for

drug addicted babies. If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (6) \$2,200,000 of the general fund--state appropriation for fiscal year 1998 and \$2,200,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to fund continuum of care programs, street youth programs, and the provisions of Second Substitute House Bill No. 1862 (community-based alternative response system). Amounts provided in this subsection to implement Second Substitute House Bill No. 1862 must be used to serve families who are screened from the child protective services risk assessment process. Services shall be provided through contracts with community-based organizations. The department is encouraged to seek additional federal Title-IV A funding to implement the provisions of Second Substitute House Bill No. 1862. If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (7) \$594,000 of the general fund--state appropriation for fiscal year 1998, \$556,000 of the general fund--state appropriation for fiscal year 1999, and \$290,000 of the general fund--federal appropriation are provided solely to fund the provisions of Engrossed Second Substitute House Bill No. 2046 (foster parent liaison). The department shall establish a foster parent liaison in each department of social and health services region of the state and contract with a private provider to implement a recruitment and retention program for foster parents and adoptive families. The department shall provide a minimum of two hundred additional adoptive and foster home placements by June 30, 1998. If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (8) \$150,000 of the general fund--state appropriation for fiscal year 1998, \$150,000 of the general fund--state appropriation for fiscal year 1999, and \$854,000 of the general fund--federal appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. (9) \$2,745,000 of the general fund--state appropriation for fiscal year 1998, \$2,745,000 of the general fund--state appropriation for fiscal year 1999, and \$1,944,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--**  
**JUVENILE REHABILITATION PROGRAM** (1) COMMUNITY SERVICES General Fund--State Appropriation (FY 1998) \$ 34,058,000 General Fund--State Appropriation (FY 1999) \$33,361,000 General Fund--Federal Appropriation \$15,870,000 General Fund--Private/Local Appropriation \$ 378,000 Violence Reduction and Drug Enforcement Account Appropriation \$8,633,000 TOTAL APPROPRIATION \$92,300,000 The appropriations in this subsection are subject to the following conditions and limitations: (a) \$2,250,000 of the general fund--state appropriation for fiscal year 1998 and \$2,350,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for an early intervention program to be administered at the county level. Moneys shall be awarded on a competitive basis to counties that have submitted a plan for implementation of an early intervention program consistent with proven methodologies currently in place in the state. The juvenile rehabilitation administration shall develop a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation. (b) \$2,442,000 of the violence reduction and drug enforcement appropriation is provided solely to implement alcohol and substance abuse treatment for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that have submitted a plan for the provision of treatment services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation. If Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions) is not enacted by June 30, 1997, the amounts provided in this subsection (1)(b) shall lapse. (c) \$4,488,000 of the general fund--state appropriation for fiscal year 1998 and \$4,923,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to reimburse counties for the impact of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). The juvenile rehabilitation administration shall distribute these funds to counties as prescribed in the current consolidated juvenile services (CJS) formula. If the bill is not enacted by June 30, 1997, the amounts provided in this subsection (1)(c) shall lapse. (d) \$1,235,000 of the general fund--state fiscal year 1998 appropriation and \$1,618,000 of the general fund--state fiscal year 1999 appropriation are appropriated to the county criminal justice assistance account solely for the implementation of section 6 of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If section 6 of the bill is not enacted by June 30, 1997, the amount provided in this subsection (1)(d) shall lapse. The amount provided in this subsection is intended to provide funding for county adult court and jail costs associated with the implementation of Engrossed Third Substitute House Bill No. 3900, and shall be distributed in accordance with RCW 82.14.310. (e) \$25,000 of the general fund--state appropriation for fiscal year 1998 and \$25,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to reimburse counties for the cost of juvenile detention time imposed for contempt of court for truancy. The department shall provide reimbursement to the juvenile courts on a quarterly basis. Reimbursement shall be made to juvenile courts at the rate of \$94 per day and in total shall not exceed the amounts provided in this section. (2) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 46,899,000 General Fund--State Appropriation (FY 1999) \$44,747,000 General Fund--Private/Local Appropriation \$727,000 Violence Reduction and Drug Enforcement Account Appropriation \$ 11,601,000 TOTAL APPROPRIATION \$103,974,000 The appropriations in this subsection are subject to the following conditions and limitations: \$24,000 of the general fund--state appropriation for fiscal year 1998, \$640,000 of the general fund--state appropriation for fiscal year 1999, and \$8,000 of the general fund--local appropriation are provided solely to implement the provisions of Substitute House Bill No. 1522 (criminal street gang activity). If the bill is not enacted by June 30, 1997, these amounts shall lapse. (3) PROGRAM SUPPORT General Fund--State Appropriation (FY 1998) \$ 1,619,000 General Fund--State Appropriation (FY 1999) \$1,526,000 General Fund--Federal Appropriation \$153,000 Violence Reduction and Drug Enforcement Account Appropriation \$ 421,000 TOTAL APPROPRIATION \$3,719,000 The appropriations in this subsection are subject to the following conditions and limitations: Within the amounts provided in this subsection, the juvenile rehabilitation administration (JRA) shall develop by January 1, 1998, a staffing model for noncustody functions at JRA institutions and work camps. The models should, whenever possible, reflect the most efficient practices currently being used within the system. **NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM** (1) COMMUNITY

SERVICES/REGIONAL SUPPORT NETWORKS General Fund--State Appropriation (FY 1998) \$ 167,854,000 General Fund--State Appropriation (FY 1999) \$171,358,000 General Fund--Federal Appropriation \$296,006,000 General Fund--Private/Local Appropriation \$ 4,000,000 TOTAL APPROPRIATION \$639,218,000 The appropriations in this subsection are subject to the following conditions and limitations: (a) Regional support networks shall implement working agreements with the vocational rehabilitation program that will maximize the use of federal funding for vocational programs. (b) \$277,000 of the general fund--state appropriation for fiscal year 1998 and \$555,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for performance incentives to the western Washington regional support networks in recognition of their successful efforts to reduce use of Western State Hospital. The regional support networks shall decide among themselves, in consultation with the department, how to most equitably and effectively distribute these amounts, either for additional community services, or to maintain capacity at the state hospital. (c) Within the general fund--state appropriations in this subsection, the secretary of social and health services shall ensure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability. (d) \$2,413,000 of the general fund--state appropriation for fiscal year 1998, \$2,393,000 of the general fund--state appropriation for fiscal year 1999, and \$5,194,000 of the general fund--federal appropriation are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare. To be reimbursed, the service must be covered by and provided in accordance with the state medicaid plan. (e) At least thirty days prior to entering contracts that would capitate payments for voluntary psychiatric hospitalizations, the mental health division shall report the proposed capitation rates, and the assumptions and calculations by which they were established, to the budget and forecasting divisions of the office of financial management, the appropriations committee of the house of representatives, and the ways and means committee of the senate. (2) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 59,858,000 General Fund--State Appropriation (FY 1999) \$59,391,000 General Fund--Federal Appropriation \$124,811,000 General Fund--Private/Local Appropriation \$ 30,722,000 TOTAL APPROPRIATION \$274,782,000 The appropriations in this subsection are subject to the following conditions and limitations: (a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so. (b) The mental health program at Western State Hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections. (3) CIVIL COMMITMENT General Fund Appropriation (FY 1998) \$ 5,423,000 General Fund Appropriation (FY 1999) \$6,082,000 TOTAL APPROPRIATION \$11,505,000 (4) SPECIAL PROJECTS General Fund--Federal Appropriation \$ 3,826,000 (5) PROGRAM SUPPORT General Fund--State Appropriation (FY 1998) \$2,560,000 General Fund--State Appropriation (FY 1999) \$2,395,000 General Fund--Federal Appropriation \$ 3,111,000 TOTAL APPROPRIATION \$8,066,000 The appropriations in this subsection are subject to the following conditions and limitations: \$60,000 of the general fund--state appropriation for fiscal year 1998 is provided solely to increase the department's capacity to carry out legislative intent set forth in RCW 71.24.400 through 71.24.415. To facilitate this activity, the secretary will appoint an oversight committee of project stakeholders including representatives from: Service providers, mental health regional support networks, department's mental health division, department's division of alcohol and substance abuse, department's division of children and family services, and the department's medical assistance administration. The oversight group shall continue to seek ways to streamline service delivery as set forth in RCW 71.24.405 until at least July 1, 1998. **NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM** (1) COMMUNITY SERVICES General Fund--State Appropriation (FY 1998) \$ 144,916,000 General Fund--State Appropriation (FY 1999) \$147,599,000 General Fund--Federal Appropriation \$199,227,000 Health Services Account Appropriation \$ 1,695,000 TOTAL APPROPRIATION \$493,437,000 The appropriations in this section are subject to the following conditions and limitations: (a) \$1,695,000 of the health services account appropriation and the associated general fund--federal match are provided solely for the enrollment in the basic health plan of home care workers below 200 percent of the federal poverty level who are employed through state contracts. Enrollment in the basic health plan for home care workers with family incomes at or above 200 percent of poverty shall be covered with general fund--state and matching general fund--federal revenues that were identified by the department to have been previously appropriated for health benefits coverage, to the extent that these funds had not been contractually obligated for worker wage increases prior to March 1, 1996. (b) \$365,000 of the general fund--state appropriation for fiscal year 1998 and \$1,543,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1997 or 1998. (c) \$23,663,000 of the general fund--state appropriation for fiscal year 1998 and \$25,865,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to deliver personal care services to an average of 6,650 children and adults in fiscal year 1998 and an average of 7,500 children and adults in fiscal year 1999. If the secretary of social and health services determines that either total expenditures or the average expenditure per recipient are likely to exceed these appropriated amounts, the secretary shall take action as required by RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to maintain expenditures within appropriated levels. Such action may include the adoption of emergency rules and shall not be taken to the extent that projected over expenditures are offset by under expenditures elsewhere within the program's general fund--state appropriation. (d) \$197,000 of the general fund--state appropriation for fiscal year 1998 and \$197,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to contract with Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with disabilities. (2) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 63,670,000 General Fund--State Appropriation (FY 1999) \$62,893,000 General Fund--Federal Appropriation \$142,480,000 General Fund--Private/Local Appropriation \$ 9,729,000 TOTAL APPROPRIATION \$278,772,000 (3) PROGRAM SUPPORT General Fund--State Appropriation (FY 1998) \$2,543,000 General Fund--State Appropriation (FY 1999) \$ 2,517,000 General Fund--Federal Appropriation \$1,645,000 TOTAL APPROPRIATION \$6,705,000 (4) SPECIAL PROJECTS General Fund--Federal Appropriation \$ 12,030,000 **NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM** General Fund--State Appropriation (FY 1998) \$ 394,384,000 General Fund--State Appropriation (FY 1999) \$421,620,000 General Fund--Federal Appropriation \$886,256,000 Health Services Account Appropriation \$ 6,087,000 TOTAL APPROPRIATION \$1,708,347,000 The appropriations in this section are subject to the

following conditions and limitations: (1) The entire health services account appropriation and the associated general fund--federal match are provided solely for the enrollment in the basic health plan of home care workers below 200 percent of the federal poverty level who are employed through state contracts. Enrollment in the basic health plan for home care workers with family incomes at or above 200 percent of poverty shall be covered with general fund--state and matching general fund--federal revenues that were identified by the department to have been previously appropriated for health benefits coverage, to the extent that these funds had not been contractually obligated for worker wage increases prior to March 1, 1996. (2)(a) The department shall establish a shadow case mix payment system to educate facilities about payment system alternatives. The department shall provide shadow rates beginning July 1, 1997, based on the following: (i) The direct care portion of the rate, usually called "nursing services," shall be set under a case mix methodology that classifies residents under the Resource Utilization Group III (RUG-III) Version 5.10 (or subsequent revision) 44 group index maximizing model based on the Minimum Data Set (MDS) Version 2.0. (ii) Payment to a facility shall be based on facility weighted average case mix data which provides one rate to a facility reflecting its mix of residents. For purposes of determining the facility's cost per case mix unit, the facility average case mix score will be based on the case mix of all residents. For purposes of determining the facility's payment rate, the facility average case mix score shall be based on the case mix of medicaid residents. (iii) The direct care rates shall be adjusted prospectively each quarter based on the facility's MDS 2.0 data from the quarter commencing six months preceding the rate effective date. For example, the MDSs for 1/1/97 - 3/31/97 shall be used to establish shadow rates for 7/1/97 - 9/30/97. (iv) Those costs which currently comprise nursing services as defined by chapter 74.46 RCW, excluding therapies, shall be included in the direct care component for case mix. (v) Data from 1994 cost reports (allowable and audited costs) shall be used to establish the shadow rates. The costs shall be inflated comparable to fiscal year 1998 payment rates, according to RCW 74.46.420. (vi) Separate prices, ceilings, and corridors shall be established for the peer groups of metropolitan statistical area and nonmetropolitan statistical area. (b) The following methods shall be used to establish the shadow case mix rates: (i) A pricing system in which payment to a facility shall be based on a price multiplied by each facility's medicaid case mix. The price, per peer group, shall be established at the median direct care cost per case mix unit. (ii) A cost-based system in which payment to a facility shall be the facility's allowable cost per case mix unit adjusted for case mix up to a ceiling. The ceiling, per peer group, shall be established at the median direct care cost per case mix unit. (iii) A pricing system in which payment to a facility shall be based on a price multiplied by each facility's medicaid case mix. The price, per peer group, shall be established at 115 percent of the median direct care cost per case mix unit. (iv) A cost-based system in which payment to a facility shall be the facility's allowable cost per case mix unit, adjusted for case mix up to a ceiling. The ceiling, per peer group, shall be established at 115 percent of the median direct care cost per case mix unit. (v) A corridor-based system in which payment to a facility shall be the facility's allowable cost per case mix unit adjusted for case mix up to the ceiling and no less than a floor. The floor, per peer group, shall be established at 90 percent of the median direct care cost per case mix unit. The ceiling, per peer group, shall be established at 115 percent of the median direct care cost per case mix unit. (c) The revised reimbursement system shall consider flat rates for the reimbursement of administrative, operational, and food costs. The rates shall either be based on actual allowable expenditures, limited by a median plus percentage lid, or a price based on a percentage of the median industry-wide indirect care costs. Payments based on at least two percentages shall be modeled for both peer groups; metropolitan statistical area and nonmetropolitan statistical area. (d) For the purpose of forecasting the total costs of the case mix shadow rates and the indirect care rates, as described in parts (b) and (c) of this subsection, for the next two fiscal years the department shall assume: The base costs for both direct and indirect costs shall be recalculated on a biennial basis, with the initial July 1, 1998, rates based on calendar year 1997 desk reviewed reported allowable facility costs; payments shall be prospective with no settlement; the current reimbursement system for payment of the capital component of the rate shall be used; and the health care financing administration nursing home input price index, excluding capital costs, taken from the previous calendar year shall be used to forecast and set initial rates and shall be used to forecast and set the second year rates of each two-year cycle. (e) The department shall provide all data, information, and specifications of the methods used in establishing the shadow case mix rates to the nursing home provider associations. (3) \$1,277,000 of the general fund--state appropriation for fiscal year 1998 and \$1,277,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for operation of the volunteer chore program. (4) \$111,261,000 of the general fund--state appropriation for fiscal year 1998 and \$124,539,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to deliver chore, COPEs, and medicaid personal care services to an average of 25,900 persons in fiscal year 1998 and an average of 29,200 persons in fiscal year 1999. If the secretary of social and health services determines that either total expenditures or the average expenditure per recipient are likely to exceed these appropriated amounts, the secretary shall take action as required by RCW 74.09.520, 74.39A.120, and 74.09.530 to adjust functional eligibility standards and/or service levels sufficiently to maintain expenditures within appropriated levels. Such action may include the adoption of emergency rules. (5) A maximum of \$2,259,000 of the general fund--state appropriation for fiscal year 1998 and \$2,422,000 of the general fund--federal appropriation for fiscal year 1998 is provided to fund the medicaid share of any new prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--**

**ECONOMIC SERVICES PROGRAM** General Fund--State Appropriation (FY 1998) \$ 533,525,000 General Fund--State Appropriation (FY 1999) \$514,907,000 General Fund--Federal Appropriation \$950,095,000 TOTAL

APPROPRIATION \$1,998,527,000 The appropriations in this section are subject to the following conditions and limitations: (1) General assistance-unemployable recipients who are assessed as needing alcohol or drug treatment shall be assigned a protective payee to prevent the diversion of cash assistance toward purchasing alcohol or other drugs. (2) The legislature finds that, with the passage of the federal personal responsibility and work opportunity act and Engrossed House Bill No. 3901, the temporary assistance for needy families is no longer an entitlement. The legislature declares that the currently appropriated level for the program is sufficient for the next few budget cycles. To the extent, however, that currently appropriated amounts exceed costs during the 1997-99 biennium, the legislature finds that these amounts may be of use in future biennia if the economy cannot absorb public assistance recipients into the workforce. \$24,000,000 of the general fund--federal appropriation is provided solely for the provision of grants and work preparation and support services to eligible families during a state-wide economic downturn. These funds shall be held in reserve by the office of financial management until such time as the economic and revenue forecast council certifies to the director of financial management that the state is experiencing an economic downturn. For the purposes of this section, the economic and revenue forecast council, at its four

times yearly meetings, shall determine whether the state is in an economic downturn and shall certify to the director of financial management whether the funds provided in this section may be approved for allotment. The economic and revenue forecast council shall only perform this function if the funds provided in this section have not lapsed or been expended. If section 323 of Engrossed House Bill No. 3901 is not enacted into law by June 30, 1997, the amount appropriated in this subsection shall lapse. (3) \$485,000 of the general fund--state fiscal year 1998 appropriation, \$3,186,000 of the general fund--state fiscal year 1999 appropriation, and \$3,168,000 of the general fund--federal appropriation are provided solely to continue to implement the previously competitively procured electronic benefits transfer system through the Western States EBT Alliance for distribution of cash grants and food stamps so as to meet the requirements of P.L. 104-193. **NEW SECTION.**

**Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM** General Fund--State Appropriation (FY 1998) \$ 14,317,000 General Fund--State Appropriation (FY 1999) \$14,179,000 General Fund--Federal Appropriation \$82,209,000 General Fund--Private/Local Appropriation \$ 630,000 Violence Reduction and Drug Enforcement Account Appropriation \$67,247,000 TOTAL

APPROPRIATION \$178,582,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$2,062,000 of the general fund--federal appropriation and \$7,482,000 of the violence reduction and drug enforcement account appropriation are provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction. (2) \$1,902,000 of the general fund--state fiscal year 1998 appropriation, \$1,902,000 of the general fund--state fiscal year 1999 appropriation, and \$1,592,000 of the general fund--federal appropriation are provided solely for alcohol and substance abuse assessment, treatment, including treatment for drug-affected infants and toddlers, and child care services for clients of the division of children and family services. Assessment shall be provided by approved chemical dependency treatment programs as requested by child protective services personnel in the division of children and family services. Child care shall be provided as deemed necessary by the division of children and family services while parents requiring alcohol and substance abuse treatment are attending treatment programs. (3) \$1,360,000 of the violence reduction and drug enforcement account appropriation and \$1,712,000 of the general fund--federal appropriation are provided solely for the birth to three program at the University of Washington to provide services in four sites. The program shall coordinate with the department of health to operate a pilot program at one site that uses the service delivery model described by Substitute House Bill No. 1616 (maternity care access) and that works with clients served by the first steps program. **NEW SECTION. Sec. 209. FOR**

**THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM** General Fund--State Appropriation (FY 1998) \$ 683,904,000 General Fund--State Appropriation (FY 1999) \$686,555,000 General Fund--Federal Appropriation \$2,035,273,000 General Fund--Private/Local Appropriation \$ 223,900,000 Health Services Account Appropriation \$253,004,000 TOTAL APPROPRIATION \$3,882,636,000 The appropriations in this section are subject to the following conditions and limitations: (1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. (2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. Funding is provided in this section to ensure continuation of Harborview's contributions in the state's health care system. (3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons. (4) \$1,622,000 of the general fund--state appropriation for fiscal year 1998 and \$1,622,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for treatment of low-income kidney dialysis patients. (5) The department shall employ the managed care contracting and negotiation strategies defined in House Bill No. 1161 (medical assistance managed) to assure that the average per-recipient cost of managed care services for the TANF, expansion, and supplemental security income populations increases by no more than two percent per year in calendar years 1998 and 1999. (6) The department shall seek federal approval to require adult medicaid recipients who are not elderly or disabled to contribute ten dollars per month toward the cost of their medical assistance coverage. The department shall report on the progress of this effort to the house of representatives and senate health care and fiscal committees by September 1 and November 15, 1997. (7) \$80,000 of the general fund--state appropriation for fiscal year 1998, \$80,000 of the general fund--state appropriation for fiscal year 1999, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality. (8) \$338,000 of the general fund--state appropriation for fiscal year 1998 and \$335,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to increase rates paid for air ambulance services. (9) \$5,350,000 of the general fund--state appropriation for fiscal year 1998 and \$5,350,000 of the general fund--state appropriation for fiscal year 1999 and \$4,138,000 of the general fund--federal appropriation are provided solely for trauma care services provided to medically indigent and general assistance clients who have an index of severity score of 16 or higher. Such compensation is to be provided at the medicaid rate or through a direct payment to government hospitals. To be eligible for this higher compensation, a trauma center must be designated a Level I through V trauma center. **NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH**

**SERVICES--VOCATIONAL REHABILITATION PROGRAM** General Fund--State Appropriation (FY 1998) \$ 8,649,000 General Fund--State Appropriation (FY 1999) \$8,585,000 General Fund--Federal Appropriation \$79,512,000 General Fund--Private/Local Appropriation \$ 2,904,000 TOTAL

APPROPRIATION \$99,650,000 The appropriations in this section are subject to the following conditions and limitations: (1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs, to improve and expand employment opportunities for people with severe disabilities served by those local agencies. (2) \$363,000 of the general fund--state appropriation for fiscal year 1998, \$506,000 of the general fund--state appropriation for fiscal year 1999, and \$3,208,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1997 or 1998. **NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--**

**ADMINISTRATION AND SUPPORTING SERVICES PROGRAM** General Fund--State Appropriation (FY 1998) \$ 25,148,000 General Fund--State Appropriation (FY 1999) \$24,874,000 General Fund--Federal Appropriation \$41,760,000 General Fund--Private/Local Appropriation \$ 270,000 TOTAL

APPROPRIATION \$92,052,000 The appropriations in this section are subject to the following conditions and limitations: (1)

The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1997, and every six months thereafter during the 1997-99 fiscal biennium, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies. (2) \$336,000 of the general fund--state appropriation for fiscal year 1998, \$289,000 of the general fund--state appropriation for fiscal year 1999, and \$337,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (3) The department shall not expend any funding for staffing or publication of the sexual minority initiative. (4) \$60,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a welfare fraud pilot program as described by House Bill No. 1822 (welfare fraud investigation). (5) The department shall transfer sufficient funds to the Washington state patrol to implement Substitute House Bill No. 1784 (public assistance fraud). **NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM** General Fund--State Appropriation (FY 1998) \$ 21,078,000 General Fund--State Appropriation (FY 1999) \$20,763,000 General Fund--Federal Appropriation \$145,434,000 General Fund--Private/Local Appropriation \$ 33,207,000 **TOTAL APPROPRIATION** \$220,482,000 The appropriations in this section are subject to the following conditions and limitations: (1) The department shall contract with private collection agencies to pursue collection of TANF child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations. (2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes. (3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices. **NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM** General Fund--State Appropriation (FY 1998) \$ 47,637,000 General Fund--State Appropriation (FY 1999) \$47,717,000 General Fund--Federal Appropriation \$54,506,000 Violence Reduction and Drug Enforcement Account Appropriation \$ 2,215,000 Health Services Account Appropriation \$1,669,000 **TOTAL APPROPRIATION** \$153,744,000 The appropriations in this section are subject to the following conditions and limitations: \$22,879,000 of the general fund--state appropriation for fiscal year 1998, \$22,820,000 of the general fund--state appropriation for fiscal year 1999, \$35,431,000 of the general fund--federal appropriation, \$2,215,000 of the violence reduction and drug enforcement account, and \$1,669,000 of the health services account are provided solely to increase the rates of contracted service providers. The department need not provide all vendors with the same percentage rate increase. Rather, the department is encouraged to use these funds to help assure an adequate supply of qualified vendors. Vendors providing services in markets where recruitment and retention of qualified providers is a problem may receive larger rate increases than other vendors. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. Any rate increases granted as a result of this section must be implemented so that the carry-forward costs into the 1999-01 biennium do not exceed the amounts provided in this subsection. Within thirty days of granting a vendor rate increase under this section, the department shall report the following information to the fiscal committees of the legislature: (1) The amounts and effective dates of any increases granted; (2) the process and criteria used to determine the increases; and (3) any data used in that process. **NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1998) \$ 3,409,000 General Fund--State Appropriation (FY 1999) \$3,410,000 State Health Care Authority Administration Account Appropriation \$14,727,000 Health Services Account Appropriation \$ 294,301,000 **TOTAL APPROPRIATION** \$315,847,000 The appropriations in this section are subject to the following conditions and limitations: (1) The general fund--state appropriations and \$5,814,000 of the health services account appropriation are provided solely for health care services provided through local community clinics. (2) The health care authority shall use competitive contracting strategies, increase copay requirements, adjust state subsidy levels, and take other actions it deems necessary to assure that the funds appropriated in this section are sufficient to subsidize basic health plan enrollment for a monthly average of 132,500 persons during fiscal years 1998 and 1999. (3) The health care authority shall ensure that all persons who are eligible for the medical assistance program, pursuant to chapter 74.09 RCW, are fully enrolled in that program prior to coverage by the basic health plan. (4) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded homecare programs. Under this enhanced subsidy option, foster parents and homecare workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month. (5) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services to contribute a minimum of fifty dollars per enrollee per month if the organization or individual chooses to sponsor an individual's enrollment in the subsidized basic health plan. (6) Funding provided in this section is sufficient to implement Second Substitute House Bill No. 1714 (basic health plan eligibility). If the bill is enacted by June 30, 1997, the health care authority shall include in its monthly reports the number of new enrollees made eligible by this legislation. (7) \$150,000 of the health services account appropriation is provided solely to implement the provisions of Substitute House Bill No. 1805 (health care savings accounts). If this bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (8) The health care authority shall report to the fiscal committees of the legislature by December 1, 1997, on the number of basic health plan enrollees who are illegal aliens, but are not resident citizens, legal aliens, legal refugees, or legal asylees. **NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION** General Fund--State Appropriation (FY 1998) \$ 2,023,000 General Fund--State Appropriation (FY 1999) \$2,039,000 General Fund--Federal Appropriation \$1,446,000 General Fund--Private/Local Appropriation \$ 260,000 **TOTAL APPROPRIATION** \$5,768,000 **NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS** Worker and Community Right-to-Know Account Appropriation \$ 20,000 Accident Account Appropriation \$10,787,000 Medical Aid Account Appropriation \$10,789,000 **TOTAL**

APPROPRIATIONS \$21,596,000 **NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION** General Fund--Federal Appropriation \$ 100,000 Death Investigations Account Appropriation \$38,000 Public Safety and Education Account Appropriation \$13,474,000 Violence Reduction and Drug Enforcement Account Appropriation \$ 346,000 **TOTAL APPROPRIATIONS** \$13,958,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$80,000 of the public safety and education account appropriation is provided solely to continue the study of law enforcement and corrections training begun in 1996. Specific elements to be addressed in the study include: (a) The feasibility and the rationale for increasing basic law enforcement training from 440 to 600 hours; (b) the feasibility and rationale for creating a certification process for law enforcement officers; (c) the feasibility and rationale for expanding the correctional officers academy; (d) the feasibility and rationale for expanding the juvenile service workers academy and/or the adult services academy; and (e) any other items considered relevant by the commission. Any recommendations made shall include a plan and timeline for how they would be implemented. The board on correctional training standards and education and the board on law enforcement training standards and education shall be actively involved in the study effort. Copies of the study shall be provided to the chairs of the appropriate policy and fiscal committees of the legislature and the director of the office of financial management by October 1, 1997. (2) \$50,000 of the public safety and education account appropriation is provided solely to prepare a cost and fee study of the current and proposed criminal justice course offerings. The analysis shall identify total costs and major cost components for: (a) Any current training classes that are considered mandatory; and (b) any proposed or modified training courses that are considered mandatory. Mandatory classes include, but are not limited to, the following: Basic law enforcement academy, correction officers academy, supervisory and management training of law enforcement officers, supervisory and management training of correctional officers, juvenile service workers academy, and the adult service academy. The study shall also recommend a methodology for estimating the future demand for these classes. The study shall also estimate the cost of implementing any recommendations made pursuant to subsection (1) of this section. The study shall be conducted by a private sector consultant selected by the office of financial management in consultation with the executive director of the criminal justice training commission. Copies of the study shall be provided to the chairs of the appropriate policy and fiscal committees of the legislature and the director of financial management by January 1, 1998. (3) \$92,000 of the public safety and education account appropriation is provided solely for the purpose of training law enforcement managers and supervisors. (4) \$80,000 of the public safety and education account appropriation is provided solely to implement the provisions of Substitute House Bill No. 1423 (criminal justice training commission). If this bill is not enacted by June 30, 1997, the amount in this subsection shall lapse. **NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES** General Fund Appropriation (FY 1998) \$ 6,883,000 General Fund Appropriation (FY 1999) \$6,910,000 Public Safety and Education Account-- State Appropriation \$16,246,000 Public Safety and Education Account-- Federal Appropriation \$ 6,002,000 Public Safety and Education Account-- Private/Local Appropriation \$ 2,014,000 Electrical License Account Appropriation \$22,665,000 Farm Labor Revolving Account Appropriation \$28,000 Worker and Community Right-to-Know Account Appropriation \$ 2,187,000 Public Works Administration Account Appropriation \$1,975,000 Accident Account--State Appropriation \$147,785,000 Accident Account--Federal Appropriation \$ 9,112,000 Medical Aid Account--State Appropriation \$156,873,000 Medical Aid Account--Federal Appropriation \$1,592,000 Plumbing Certificate Account Appropriation \$ 846,000 Pressure Systems Safety Account Appropriation \$2,106,000 **TOTAL APPROPRIATIONS** \$383,224,000 The appropriations in this section are subject to the following conditions and limitations: (1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims service delivery", "electrical permitting and inspection system", and "credentialing information system" are conditioned upon compliance with section 902 of this act. In addition, funds for the "claims service delivery" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services. (2) Pursuant to RCW 7.68.015, the department shall operate the crime victims' compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. (3) \$54,000 of the general fund--state appropriation for fiscal year 1998 and \$54,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims' appeals. (4) The secretary of social and health services and the director of labor and industries shall continue to work on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies. (5) The expenditures of the elevator, factory assembled structures, and contractors' registration and compliance programs may not exceed the revenues generated by these programs. (6) \$78,000 of the general fund fiscal year 1998 appropriation, \$62,000 of the general fund fiscal year 1999 appropriation, \$123,000 of the electrical license account appropriation, \$482,000 of the accident account appropriation, and \$520,000 of the medical aid account appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (7) \$300,000 of the accident account appropriation and \$300,000 of the medical aid account appropriation are provided solely to implement Second Substitute House Bill No. 2041 (workers' compensation failure to pay). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. **NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD** General Fund Appropriation (FY 1998) \$ 1,145,000 General Fund Appropriation (FY 1999) \$926,000 **TOTAL APPROPRIATIONS** \$2,071,000 The appropriations in this section are subject to the following conditions and limitations: \$936,000 of the general fund appropriation for fiscal year 1999 is provided solely to implement House Bill No. 1646 (indeterminate sentence review) or Senate Bill No. 5410 (indeterminate sentence review board). If neither of these bills is enacted by June 30, 1997, this amount shall lapse. **NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS** (1) **HEADQUARTERS** General Fund Appropriation (FY 1998) \$ 1,368,000 General Fund Appropriation (FY 1999) \$1,338,000 Industrial Insurance Premium Refund Appropriation \$80,000 **TOTAL APPROPRIATIONS** \$2,786,000 The appropriations in this subsection are subject to the following conditions and limitations: \$25,000 of the general fund appropriation for fiscal year 1998 is provided solely to accomplish tasks associated with the



construction of the World War II veterans memorial located on the state capitol campus. These funds shall be used only after consultation with the World War II memorial advisory committee. (2) FIELD SERVICES General Fund--State Appropriation (FY 1998) \$ 2,418,000 General Fund--State Appropriation (FY 1999) \$2,420,000 General Fund--Federal Appropriation \$26,000 General Fund--Private/Local Appropriation \$ 85,000 TOTAL APPROPRIATION \$4,949,000 (3) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$6,101,000 General Fund--State Appropriation (FY 1999) \$ 5,369,000 General Fund--Federal Appropriation \$19,556,000 General Fund--Private/Local Appropriation \$14,583,000 TOTAL APPROPRIATION \$45,609,000 **NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH** General Fund--State Appropriation (FY 1998) \$ 50,883,000 General Fund--State Appropriation (FY 1999) \$54,417,000 General Fund--Federal Appropriation \$259,758,000 General Fund--Private/Local Appropriation \$ 24,290,000 Hospital Commission Account Appropriation \$3,089,000 Medical Disciplinary Account Appropriation \$3,969,000 Health Professions Account Appropriation \$ 32,702,000 Safe Drinking Water Account Appropriation \$2,495,000 Waterworks Operator Certification Appropriation \$588,000 Drinking Water Assistance Account--Federal Appropriation \$ 4,533,000 Water Quality Account Appropriation \$3,066,000 Violence Reduction and Drug Enforcement Account Appropriation \$469,000 State Toxics Control Account Appropriation \$ 2,855,000 Medical Test Site Licensure Account Appropriation \$1,624,000 Youth Tobacco Prevention Account Appropriation \$1,812,000 Health Services Account Appropriation \$ 30,281,000 TOTAL APPROPRIATION \$476,831,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$2,134,000 of the medical disciplinary account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems. (2) Funding provided in this section for the drinking water program data management system shall not be expended without appropriate project approval by the department of information systems. Expenditures are conditioned upon compliance with section 902 of this act. (3) \$1,633,000 of the general fund--state appropriation for fiscal year 1998 and \$1,634,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan and agency action items DOH-01, DOH-02, DOH-03, DOH-04, DOH-05, DOH-06, DOH-07, DOH-08, DOH-09, DOH-10, DOH-11, and DOH-12. (4) Amounts provided in this section are sufficient to operate the AIDS prescription drug program. To operate the program within the appropriated amount, the department shall limit new enrollments, manage access to the most expensive drug regimens, establish waiting lists and priority rankings, assist clients in accessing drug assistance programs sponsored by drug manufacturers, or pursue other means of managing expenditures by the program. (5) \$512,000 of the general fund--state appropriation for fiscal year 1998, \$449,000 of the general fund--state appropriation for fiscal year 1999, \$136,000 of the general fund--local appropriation, and \$581,000 of the health professions account appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts provided in this section shall lapse. (6) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Second Substitute House Bill No. 1191 (mandated health benefit review). If the bill is not enacted by June 30, 1997, the amounts provided in this section shall lapse. (7) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the volunteer retired provider program. Funds shall be used to increase children's access to dental care services in rural and underserved communities by paying malpractice insurance and professional licensing fees for retired dentists participating in the program. (8) The department shall work with the birth to three program at the University of Washington to provide coordinated and enhanced services to first steps clients at a site of the birth to three program. (9) \$304,000 of the general fund--state appropriation for fiscal year 1998, \$304,000 of the general fund--state appropriation for fiscal year 1999, and \$188,000 of the general fund--local appropriation are provided solely for assuring the quality of trauma center care and a study of the impact of trauma system designation on quality of trauma care in Washington. (10) \$525,000 of the health services account appropriation and \$300,000 of the general fund--federal appropriation are provided solely for an abstinence education program which complies with P.L. 104-193. \$400,000 of the general fund--federal appropriation is provided solely for abstinence education projects at the office of the superintendent of public instruction and shall be transferred to the office of the superintendent of public instruction for the 1998-99 school year. The department shall apply for abstinence education funds made available by the federal personal responsibility and work opportunity act of 1996 and implement a program that complies with the requirements of that act. (11) \$4,150,000 of the health services account appropriation is provided solely for the Washington poison center. (12) \$242,000 of the general fund--state appropriation for fiscal year 1998, \$212,000 of the general fund--state appropriation for fiscal year 1999, and \$498,000 of the general fund--federal appropriation are provided solely for the implementation of the nursing home resident protection program according to guidelines established by the federal health care financing administration. **NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS** (1) ADMINISTRATION AND PROGRAM SUPPORT General Fund Appropriation (FY 1998) \$ 13,739,000 General Fund Appropriation (FY 1999) \$13,755,000 TOTAL APPROPRIATION \$27,494,000 The appropriations in this subsection are subject to the following conditions and limitations: The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs. (2) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 287,665,000 General Fund--State Appropriation (FY 1999) \$306,775,000 General Fund--Federal Appropriation \$18,097,000 Violence Reduction and Drug Enforcement Account Appropriation \$ 1,614,000 Industrial Insurance Premium Rebate Appropriation \$673,000 TOTAL APPROPRIATION \$614,824,000 The appropriations in this subsection are subject to the following conditions and limitations: (a) The department shall provide funding for the pet partnership program at the Washington Corrections Center for Women at a level at least equal to that provided in the 1995-97 biennium. (b) \$296,000 of the general fund--state appropriation for fiscal year 1998 and \$297,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education providers. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. (c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders. (d) \$827,000 of the general

fund--state appropriation for fiscal year 1998 and \$9,495,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If section 6 of the bill is not enacted by June 30, 1997, the amounts provided in this subsection (2)(d) shall lapse. (e) \$357,000 of the general fund--state appropriation for fiscal year 1998 and \$1,142,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement the provisions of Substitute House Bill No. 1522 (criminal street gang activity). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection (2)(e) shall lapse. (3) **COMMUNITY CORRECTIONS** General Fund Appropriation (FY 1998) \$ 88,938,000 General Fund Appropriation (FY 1999) \$90,654,000 **TOTAL APPROPRIATION** \$179,592,000 The appropriations in this subsection are subject to the following conditions and limitations: (a) \$467,000 of the general fund appropriation for fiscal year 1998 and \$505,000 of the general fund appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. (b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders. (c) \$27,000 of the general fund appropriation for fiscal year 1998 and \$345,000 of the general fund appropriation for fiscal year 1999 are provided solely to implement Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If section 6 of the bill is not enacted by June 30, 1997, the amounts provided in this subsection (3)(c) shall lapse. (4) **CORRECTIONAL INDUSTRIES** General Fund Appropriation (FY 1998) \$ 3,892,000 General Fund Appropriation (FY 1999) \$3,892,000 **TOTAL APPROPRIATION** \$7,784,000 The appropriations in this subsection are subject to the following conditions and limitations: (a) \$50,000 of the general fund appropriation for fiscal year 1998 and \$50,000 of the general fund appropriation for fiscal year 1999 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties. (b) \$100,000 of the general fund appropriation for fiscal year 1998 and \$100,000 of the general fund appropriation for fiscal year 1999 are provided solely for transfer to the jail industries board. The board shall use the amounts specified in this subsection only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs. (5) **INTERAGENCY PAYMENTS** General Fund Appropriation (FY 1998) \$ 6,945,000 General Fund Appropriation (FY 1999) \$6,444,000 **TOTAL APPROPRIATION** \$13,389,000 **NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND** General Fund--State Appropriation (FY 1998) \$ 1,358,000 General Fund--State Appropriation (FY 1999) \$1,401,000 General Fund--Federal Appropriation \$10,464,000 General Fund--Private/Local Appropriation \$ 80,000 **TOTAL APPROPRIATION** \$13,303,000 **NEW SECTION. Sec. 224. FOR THE SENTENCING GUIDELINES COMMISSION** General Fund Appropriation (FY 1998) \$ 714,000 General Fund Appropriation (FY 1999) \$713,000 **TOTAL APPROPRIATION** \$1,427,000 **NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT** General Fund--Federal Appropriation \$ 173,613,000 General Fund--Private/Local Appropriation \$24,861,000 Unemployment Compensation Administration Account-- Federal Appropriation \$ 182,628,000 Administrative Contingency Account Appropriation \$12,465,000 Employment Service Administrative Account Appropriation \$13,176,000 Employment and Training Trust Account Appropriation \$ 150,000 **TOTAL APPROPRIATION** \$406,893,000 The appropriations in this section are subject to the following conditions and limitations: (1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims and adjudication call centers", "data/wage quality initiative", and "one stop information connectivity" are conditioned upon compliance with section 902 of this act. (2) \$220,000 of the unemployment compensation administration account--federal appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (3) \$1,126,000 of the general fund--federal appropriation is provided solely for the continuation of job placement centers collocated on community and technical college campuses. (4) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project, except that the department may exceed this amount by up to \$2,600,000 to offset the cost associated with any vendor caused delay. The additional spending authority is contingent upon the department fully recovering these moneys from any project vendors failing to perform in full. Authority to spend this amount is conditioned on compliance with section 902 of this act. **PART II NATURAL RESOURCES NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION** General Fund--State Appropriation (FY 1998) \$ 213,000 General Fund--State Appropriation (FY 1999) \$222,000 General Fund--Private/Local Appropriation \$435,000 **TOTAL APPROPRIATION** \$870,000 The appropriations in this section are subject to the following condition and limitation: \$120,000 of the general fund--state appropriation for fiscal year 1998, \$120,000 of the general fund--state appropriation for fiscal year 1999, and \$240,000 of the general fund--local appropriation are provided solely for each Columbia river gorge county to receive an \$80,000 grant for the purposes of implementing the scenic area management plan. If a Columbia river gorge county has not adopted an ordinance to implement the scenic area management plan in accordance with the national scenic area act (P.L. 99-663) then the grant funds for that county may be used by the commission to implement the plan for that county. **NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY** General Fund--State Appropriation (FY 1998) \$ 27,540,000 General Fund--State Appropriation (FY 1999) \$27,542,000 General Fund--Federal Appropriation \$45,698,000 General Fund--Private/Local Appropriation \$ 623,000 Special Grass Seed Burning Research Account Appropriation \$42,000 Reclamation Revolving Account Appropriation \$2,441,000 Flood Control Assistance Account Appropriation \$ 4,000,000 State Emergency Water Projects Revolving Account Appropriation \$319,000 Waste Reduction/Recycling/Litter Control Appropriation \$5,166,000 State and Local Improvements Revolving Account (Waste Facilities) Appropriation \$ 101,000 State and Local Improvements Revolving Account (Water Supply Facilities) Appropriation \$1,366,000 Basic Data Account Appropriation \$182,000 Vehicle Tire Recycling Account Appropriation \$ 1,194,000 Water Quality Account Appropriation \$3,181,000 Wood Stove Education and Enforcement Account Appropriation \$1,055,000 Worker and Community Right-to-Know Account Appropriation \$ 469,000 State Toxics Control Account Appropriation \$52,765,000 Local Toxics Control Account Appropriation \$4,342,000 Water Quality Permit Account Appropriation \$ 20,538,000 Underground Storage Tank Account Appropriation \$2,443,000 Solid Waste

Management Account Appropriation \$1,021,000 Hazardous Waste Assistance Account Appropriation \$ 3,615,000 Air Pollution Control Account Appropriation \$16,278,000 Oil Spill Administration Account Appropriation \$6,976,000 Air Operating Permit Account Appropriation \$ 4,134,000 Freshwater Aquatic Weeds Account Appropriation \$1,829,000 Oil Spill Response Account Appropriation \$7,078,000 Metals Mining Account Appropriation \$ 42,000 Water Pollution Control Revolving Account--State Appropriation \$ 190,000 Water Pollution Control Revolving Account--Federal Appropriation \$ 1,726,000 Biosolids Permit Account Appropriation \$567,000 TOTAL APPROPRIATION \$244,463,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$3,211,000 of the general fund--state appropriation for fiscal year 1998, \$3,211,000 of the general fund--state appropriation for fiscal year 1999, \$394,000 of the general fund--federal appropriation, \$2,017,000 of the oil spill administration account, \$819,000 of the state toxics control account appropriation, and \$3,591,000 of the water quality permit fee account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09. Within the appropriations provided in this subsection the department shall implement Engrossed Substitute House Bill No. 2186 (critical functions within WRIA). (2) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes: (a) To conduct remedial actions for sites for which there are no potentially liable persons, for which potentially liable persons cannot be found, or for which potentially liable persons are unable to pay for remedial actions; and (b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and (c) To conduct remedial actions for sites for which potentially liable persons have refused to conduct remedial actions required by the department; and (d) To contract for services as necessary to support remedial actions. (3) \$1,500,000 of the general fund--state appropriation for fiscal year 1998 and \$1,900,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the processing of water right permit applications, continued implementation of water resources data management systems, and providing technical and data support to local watershed planning efforts in accordance with Engrossed Second Substitute House Bill No. 2054 (water resource management). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (4) \$3,000,000 of the general fund--state appropriation for fiscal year 1998 and \$3,000,000 of the general fund--state appropriation for fiscal year 1999 are appropriated for grants to local WRIA planning units established in accordance with Engrossed Second Substitute House Bill No. 2054 (water resource management). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. In providing the grants to local WRIA planning groups, the department may fund up to twenty-four water resource inventory areas assuming the initial grant level is fifty percent of the maximum authorized. (5) \$200,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the implementation of Engrossed Substitute House Bill No. 1111 (water rights). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (6) \$200,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the implementation of Engrossed Substitute House Bill No. 1118 (reopening a water rights claim filing period). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (7) \$3,600,000 of the general fund--state appropriation for fiscal year 1998 and \$3,600,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the auto emissions inspection and maintenance program. Expenditures of the amounts provided in this subsection are contingent upon a like amount being deposited in the general fund from the auto emission inspection fees in accordance with RCW 70.120.170(4). (8) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02, through a contract with the University of Washington's Sea Grant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. (9) The merger of the office of marine safety into the department of ecology shall be accomplished in a manner that will maintain a priority focus on oil spill prevention, as well as maintain a strong oil spill response capability. The merged program shall be established to provide a high level of visibility and ensure that there shall not be a diminution of the existing level of effort from the merged programs. (10) \$86,000 of the air operating permit account appropriation, \$86,000 of the water quality permit account appropriation, and \$86,000 of the state toxics control account appropriation are provided solely for the implementation of Second Substitute House Bill No. 1866 (environmental excellence). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. In implementing the bill the department shall organize the needed expertise to process environmental excellence applications after an application has been received. (11) \$121,000 of the general fund--state appropriation for fiscal year 1998, \$77,000 of the general fund--state appropriation for fiscal year 1999, \$138,000 of the general fund--federal appropriation, \$164,000 of the state toxics control account appropriation, \$64,000 of the water quality permit account appropriation, \$54,000 of the air pollution control account appropriation, \$33,000 of the flood control assistance account appropriation, \$18,000 of the waste reduction/recycling/litter control account appropriation, \$18,000 of the oil spill administration account appropriation, \$15,000 of the water quality account appropriation, and \$15,000 of the air operating permit account appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (12) \$200,000 of the freshwater aquatic weeds account appropriation is provided solely to address saltcedar weed problems. (13) \$352,000 of the waste reduction/recycling/litter control account appropriation is provided solely for an interagency reimbursement contract with the department of corrections to hire correctional work crews to remove litter in areas that are not accessible to youth crews. (14) The entire biosolids permit account appropriation is provided solely for implementation of Substitute House Bill No. 1613 (biosolids management). If the bill is not enacted by June 30, 1997, the entire appropriation is null and void. (15) Within the amounts provided in this section, the department shall implement Engrossed Second Substitute House Bill No. 1354 (air pollution control). (16) \$29,000 of the general fund--state appropriation for fiscal year 1998 and \$99,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (17) \$60,000 of the freshwater aquatic weeds account appropriation is provided solely for a grant to the department of fish and wildlife to control and eradicate purple loosestrife using the most cost-effective methods available, including chemical control where appropriate. (18) A maximum of \$250,000 of the flood control assistance account is provided to implement the Skokomish valley flood reduction plan. The amount provided in this subsection shall be reduced by the amount expended from this account for the Skokomish valley flood reduction plan during the biennium ending June 30, 1997. (19) The entire waste reduction/recycling/litter control account appropriation is provided for fiscal year 1998. (20) The number of special

purpose vehicles in the department's fleet on July 1, 1997, shall be reduced by fifty percent as of June 30, 1999. Special purpose vehicles may be replaced by fuel efficient economy vehicles or not replaced at all depending on the vehicle requirements of the agency. An exception to this reduction in the number of special purpose vehicles is provided for those special purpose vehicles used by the department's youth corp program. Special purpose vehicle is defined as a four-wheel drive off-road motor vehicle.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION** General Fund--State Appropriation (FY 1998) \$ 20,927,000 General Fund--State Appropriation (FY 1999) \$20,656,000 General Fund--Federal Appropriation \$2,428,000 General Fund--Private/Local Appropriation \$ 59,000 Winter Recreation Program Account Appropriation \$759,000 Off Road Vehicle Account Appropriation \$251,000 Snowmobile Account Appropriation \$ 2,290,000 Aquatic Lands Enhancement Account Appropriation \$321,000 Public Safety and Education Account Appropriation \$48,000 Industrial Insurance Premium Refund Appropriation \$ 10,000 Waste Reduction/Recycling/Litter Control Appropriation \$34,000 Water Trail Program Account Appropriation \$14,000 Parks Renewal and Stewardship Account Appropriation \$ 24,278,000 TOTAL APPROPRIATION \$72,075,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03. (2) \$264,000 of the general fund--federal appropriation is provided for boater programs state-wide and for implementation of the Puget Sound work plan. (3) \$45,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a feasibility study of a public/private effort to establish a reserve for recreation and environmental studies in southwest Kitsap county. (4) Within the funds provided in this section, the state parks and recreation commission shall provide to the legislature a status report on implementation of the recommendations contained in the 1994 study on the restructuring of Washington state parks. This status report shall include an evaluation of the campsite reservation system including the identification of any incremental changes in revenues associated with implementation of the system and a progress report on other enterprise activities being undertaken by the commission. The report may also include recommendations on other revenue generating options. In preparing the report the commission is encouraged to work with interested parties to develop a long-term strategy to support the park system. The commission shall provide this report by December 1, 1997.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** Firearms Range Account Appropriation \$ 46,000 Recreation Resources Account Appropriation \$2,356,000 NOVA Program Account Appropriation \$590,000 TOTAL APPROPRIATION \$2,992,000 The appropriations in this section are subject to the following conditions and limitations: Any proceeds from the sale of the PRISM software system shall be deposited into the recreation resources account.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE** General Fund Appropriation (FY 1998) \$ 780,000 General Fund Appropriation (FY 1999) \$774,000 TOTAL APPROPRIATION \$1,554,000 The appropriations in this section are subject to the following conditions and limitations: \$4,000 of the general fund appropriation for fiscal year 1998 and \$4,000 of the general fund appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5119 (forest practices appeals board). If this bill is not enacted by June 30, 1997, \$4,000 of the general fund appropriation for fiscal year 1998 and \$4,000 of the general fund appropriation for fiscal year 1999 shall lapse.

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION** General Fund Appropriation (FY 1998) \$ 838,000 General Fund Appropriation (FY 1999) \$840,000 Water Quality Account Appropriation \$440,000 TOTAL APPROPRIATION \$2,118,000 The appropriations in this section are subject to the following conditions and limitations: \$181,000 of the general fund appropriation for fiscal year 1998, \$181,000 of the general fund appropriation for fiscal year 1999, and \$130,000 of the water quality account appropriation are provided solely for the implementation of the Puget Sound work plan agency action item CC-01.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE** General Fund--State Appropriation (FY 1998) \$ 35,599,000 General Fund--State Appropriation (FY 1999) \$36,098,000 General Fund--Federal Appropriation \$73,015,000 General Fund--Private/Local Appropriation \$ 26,758,000 Off Road Vehicle Account Appropriation \$488,000 Aquatic Lands Enhancement Account Appropriation \$5,493,000 Public Safety and Education Account Appropriation \$ 590,000 Industrial Insurance Premium Refund Appropriation \$120,000 Recreational Fisheries Enhancement Appropriation \$2,231,000 Warm Water Game Fish Account Appropriation \$ 2,669,000 Wildlife Account Appropriation \$53,338,000 Game Special Wildlife Account--State Appropriation \$1,911,000 Game Special Wildlife Account--Federal Appropriation \$ 10,844,000 Game Special Wildlife Account--Private/Local Appropriation \$ 350,000 Oil Spill Administration Account Appropriation \$843,000 TOTAL APPROPRIATION \$250,347,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$1,181,000 of the general fund--state appropriation for fiscal year 1998 and \$1,181,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-03, DFW-04, and DFW-8 through DFW-15. (2) \$188,000 of the general fund--state appropriation for fiscal year 1998 and \$155,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a maintenance and inspection program for department-owned dams. The department shall submit a report to the governor and the appropriate legislative committees by October 1, 1998, on the status of department owned dams. This report shall provide a recommendation, including a cost estimate, on whether each facility should continue to be maintained or should be decommissioned. (3) \$832,000 of the general fund--state appropriation for fiscal year 1998 and \$832,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement salmon recovery activities and other actions required to respond to federal listings of salmon species under the endangered species act. (4) \$350,000 of the wildlife account appropriation, \$72,000 of the general fund--state appropriation for fiscal year 1998, and \$73,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for control and eradication of class B designate weeds on department owned and managed lands. The amounts from the general fund--state appropriations are provided solely for control of spartina. (5) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands. (6) In controlling weeds on state-owned lands the department shall use the most cost-effective methods available, including chemical control where appropriate, and it shall report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs, and acres treated during the previous year. (7) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to assist the department of ecology in processing water right applications, establishing in-stream flows, and providing technical assistance to local WRIA planning units established in accordance with Second Substitute House Bill No. 2054. If the bill is not enacted by June 30,

1997, the amounts provided in this subsection shall lapse. (8) A maximum of \$1,000,000 is appropriated from the wildlife fund to the department of fish and wildlife for the fiscal year ending June 30, 1998. The amount appropriated in this subsection is provided for the emergency feeding of deer and elk that may be starving and that are posing a risk to private property due to severe winter conditions during the winter of 1997-98. The amount expended pursuant to this appropriation must not exceed the amount raised pursuant to section 3 of Substitute House Bill No. 1478, and of the amount expended pursuant to this appropriation, not more than fifty percent may be from fee revenue generated pursuant to section 3 of Substitute House Bill No. 1478. If the bill is not enacted by June 30, 1997, the amount appropriated in this subsection shall lapse. (9) \$193,000 of the general fund--state appropriation for fiscal year 1998, \$194,000 of the general fund--state appropriation for fiscal year 1999, and \$300,000 of the wildlife account appropriation are provided solely for the design and development of an automated license system. (10) The department is directed to offer for sale its Cessna 421 aircraft by June 30, 1998. Proceeds from the sale shall be deposited in the wildlife account. (11) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to continue the department's habitat partnerships program during the 1997-99 biennium. (12) \$350,000 of the general fund--state appropriation for fiscal year 1998 and \$350,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for purchase of monitoring equipment necessary to fully implement mass marking of coho salmon. (13) \$408,000 of the general fund--state appropriation for fiscal year 1998 and \$388,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1032 (regulatory reform). (14) \$238,000 of the general fund--state appropriation for fiscal year 1998 and \$219,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (15) \$150,000 of the general fund--state appropriation for fiscal year 1998 and \$150,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the United States department of agriculture to carry out animal damage control projects throughout the state related to cougars, bears, and coyotes. **NEW SECTION. Sec. 308.**

**FOR THE DEPARTMENT OF NATURAL RESOURCES** General Fund--State Appropriation (FY 1998) \$ 25,727,000 General Fund--State Appropriation (FY 1999) \$24,186,000 General Fund--Federal Appropriation \$1,156,000 General Fund--Private/Local Appropriation \$ 422,000 Forest Development Account Appropriation \$43,355,000 Off Road Vehicle Account Appropriation \$3,628,000 Surveys and Maps Account Appropriation \$ 2,088,000 Aquatic Lands Enhancement Account Appropriation \$4,869,000 Resources Management Cost Account Appropriation \$90,544,000 Waste Reduction/Recycling/Litter Control Appropriation \$ 450,000 Surface Mining Reclamation Account Appropriation \$1,420,000 Aquatic Land Dredged Material Disposal Site Account Appropriation \$751,000 Natural Resources Conservation Areas Stewardship Account Appropriation \$ 77,000 Air Pollution Control Account Appropriation \$890,000 Metals Mining Account Appropriation \$62,000 **TOTAL APPROPRIATIONS** \$199,625,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$7,017,000 of the general fund--state appropriation for fiscal year 1998 and \$6,900,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for emergency fire suppression. (2) \$18,000 of the general fund--state appropriation for fiscal year 1998, \$18,000 of the general fund--state appropriation for fiscal year 1999, and \$957,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan agency action items DNR-01, DNR-02, and DNR-04. (3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs and acres treated during the previous year. (4) \$2,304,000 of the general fund--state appropriation for fiscal year 1998 and \$2,684,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for fire protection activities. In conjunction with funding from the forest fire protection assessment account, during the 1997-99 biennium the department shall prioritize within available funds in order to be able to maintain three-person crews on its fire engines. (5) \$541,000 of the general fund--state appropriation for fiscal year 1998 and \$549,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the stewardship of natural area preserves, natural resource conservation areas, and the operation of the natural heritage program. (6) \$2,300,000 of the aquatic lands enhancement account appropriation is provided for the department's portion of the Eagle Harbor settlement. (7) \$931,000 of the resource management cost account appropriation is provided solely for the implementation of House Bill No. 1128 (Loomis state forest timber). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (8) \$195,000 of the general fund--state appropriation for fiscal year 1998 and \$220,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (9) \$600,000 of the general fund--state appropriation for fiscal year 1998 and \$600,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement. **NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE** General Fund--State Appropriation (FY 1998) \$ 7,468,000 General Fund--State Appropriation (FY 1999) \$6,848,000 General Fund--Federal Appropriation \$4,732,000 General Fund--Private/Local Appropriation \$ 408,000 Aquatic Lands Enhancement Account Appropriation \$806,000 Industrial Insurance Premium Refund Appropriation \$184,000 State Toxics Control Account Appropriation \$ 1,338,000 **TOTAL APPROPRIATIONS** \$21,784,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$35,000 of the general fund--state appropriation for fiscal year 1998 and \$36,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for technical assistance on pesticide management including the implementation of the Puget Sound work plan agency action item DOA-01. (2) \$461,000 of the general fund--state appropriation for fiscal year 1998 and \$361,000 of the general fund--state appropriation are provided solely to monitor and eradicate the Asian gypsy moth. (3) \$200,000 of the general fund--state appropriations in this section shall be provided as a loan by the department to the Washington state livestock identification board established in Substitute House Bill No. 2089. The loan provided in this subsection is contingent upon the enactment of Substitute House Bill No. 2089 by June 30, 1997. The department may not enter into a loan agreement until the office of financial management certifies that the fee structure will be sufficient to fully repay the loan by June 30, 1999. (4) \$138,000 of the general fund--state appropriation for fiscal year 1998 and \$138,000 of the general fund--state appropriation

for fiscal year 1999 are provided solely for two additional staff positions in the plant protection program. **NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM** Pollution Liability Insurance Program Trust Account Appropriation \$ 914,000 **PART IV TRANSPORTATION NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING** General Fund Appropriation (FY 1998) \$ 4,385,000 General Fund Appropriation (FY 1999) \$4,338,000 Architects' License Account Appropriation \$903,000 Cemetery Account Appropriation \$219,000 Professional Engineers' Account Appropriation \$ 2,698,000 Real Estate Commission Account Appropriation \$6,779,000 Master License Account Appropriation \$7,057,000 Uniform Commercial Code Account Appropriation \$ 4,312,000 Real Estate Education Account Appropriation \$606,000 Funeral Directors And Embalmers Account Appropriation \$442,000 **TOTAL APPROPRIATION** \$ 31,739,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$21,000 of the general fund fiscal year 1998 appropriation and \$22,000 of the general fund fiscal year 1999 appropriation are provided solely to implement House Bill No. 1827 (boxing, martial arts, wrestling). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (2) \$199,000 of the general fund fiscal year 1998 appropriation, \$126,000 of the general fund fiscal year 1999 appropriation, \$46,000 of the architects' license account appropriation, \$31,000 of the cemetery account appropriation, \$41,000 of the professional engineers' account appropriation, \$71,000 of the real estate commission account appropriation, \$59,000 of the master license account appropriation, \$95,000 of the uniform commercial code account appropriation, and \$33,000 of the funeral directors and embalmers account appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1032 (regulatory reform). If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (3) \$40,000 of the master license account appropriation is provided solely to implement Substitute House Bill No. 1493 (whitewater river outfitters). If the bill is not enacted by June 30, 1997, the amount in this subsection shall lapse. **NEW SECTION. Sec. 402. FOR THE STATE PATROL** General Fund--State Appropriation (FY 1998) \$ 7,712,000 General Fund--State Appropriation (FY 1999) \$7,850,000 General Fund--Federal Appropriation \$3,990,000 General Fund--Private/Local Appropriation \$ 341,000 Public Safety and Education Account Appropriation \$4,652,000 County Criminal Justice Assistance Account Appropriation \$3,905,000 Municipal Criminal Justice Assistance Account Appropriation \$ 1,573,000 Fire Service Trust Account Appropriation \$92,000 Fire Service Training Account Appropriation \$1,762,000 State Toxics Control Account Appropriation \$ 439,000 Violence Reduction and Drug Enforcement Account Appropriation \$310,000 Fingerprint Identification Account Appropriation \$3,082,000 **TOTAL APPROPRIATION** \$ 35,708,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$254,000 of the fingerprint identification account--state appropriation is provided solely for an automated system that will facilitate the access of criminal history records remotely by computer or phone for preemployment background checks and other non-law enforcement purposes. The agency shall submit an implementation status report to the office of financial management and the legislature by September 1, 1997. (2) \$264,000 of the general fund--federal appropriation is provided solely for a feasibility study to develop a criminal investigation computer system. The study will report on the feasibility of developing a system that uses incident-based reporting as its foundation, consistent with FBI standards. The system will have the capability of connecting with local law enforcement jurisdictions as well as fire protection agencies conducting arson investigations. The study will report on the system requirements for incorporating case management, intelligence data, imaging, and geographic information. The system will also provide links to existing crime information databases such as WASIS and WACIC. The agency shall submit a copy of the proposed study workplan to the office of financial management and the department of information services for approval prior to expenditure. A final report shall be submitted to the appropriate committees of the legislature, the office of financial management, and the department of information services no later than June 30, 1998. **PART V EDUCATION NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION** General Fund--State Appropriation (FY 1998) \$ 40,866,000 General Fund--State Appropriation (FY 1999) \$25,125,000 General Fund--Federal Appropriation \$49,719,000 Public Safety and Education Account Appropriation \$ 3,148,000 Violence Reduction and Drug Enforcement Account Appropriation \$3,122,000 Education Savings Account Appropriation \$29,312,000 **TOTAL APPROPRIATION** \$ 151,292,000 The appropriations in this section are subject to the following conditions and limitations: (1) **AGENCY OPERATIONS** (a) \$394,000 of the general fund--state appropriation for fiscal year 1998 and \$394,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. (b) \$348,000 of the public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs. (c) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Substitute House Bill No. 1776 (school audit resolutions). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (2) **STATE-WIDE PROGRAMS** (a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. (b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center. (c) \$2,854,000 of the general fund--state appropriation is provided for educational centers, including state support activities. (d) \$3,040,000 of the violence reduction and drug enforcement account appropriation and \$2,800,000 of the public safety education account appropriation are provided solely for matching grants to enhance security in schools. For purposes of this program, the school for the deaf and the school for the blind shall be considered school districts. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year. (e) \$400,000 of the general fund--state appropriation for fiscal year 1998 and \$400,000 of the general fund--federal appropriation transferred from the department of health for the 1998-99 school year are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind

contribution of technical or other assistance from consultants or firms involved in public relations, advertising broadcasting, and graphics or video production or other related fields. (f) \$1,500,000 of the general fund--state appropriation for fiscal year 1998 and \$1,500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed. (g) \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180. (h)(i) \$9,500,000 of the general fund--state appropriation and \$14,656,000 of the education savings account appropriation for fiscal year 1998 and \$9,500,000 of the general fund--state appropriation and \$14,656,000 of the education savings account appropriation for fiscal year 1999 are provided solely for grants and related state activities to provide school district consortia with programs utilizing technology to improve learning. For purposes of this program, the school for the deaf and the school for the blind shall be considered school districts. A maximum of \$100,000 each fiscal year of this amount is provided for administrative support and oversight of the K-20 network by the superintendent of public instruction. The superintendent shall report to the telecommunications oversight and policy committee by September 30, 1998, on the status of state-wide connection of school districts to the network and the impact of the grants provided in this subsection toward achieving that goal. The superintendent of public instruction shall convene a technology grants committee representing private sector technology, school districts, and educational service districts to recommend to the superintendent grant proposals that have the best plans for improving student learning through innovative curriculum using technology as a learning tool and evaluating the effectiveness of the curriculum innovations. After considering the technology grants committee recommendations, the superintendent shall make grant awards, including granting at least fifteen percent of funds on the basis of criteria in (ii)(A) through (C) of this subsection (2)(h). (ii) Priority for award of funds will be to (A) school districts most in need of assistance due to financial limits, (B) school districts least prepared to take advantage of technology as a means of improving student learning, and (C) school districts in economically distressed areas. The superintendent of public instruction, in consultation with the technology grants committee, shall propose options to the committee for identifying and prioritizing districts according to criteria in (i) of this subsection (2)(h) as well as criteria under this subsection (2)(h)(ii). (iii) Options for review criteria to be considered by the superintendent of public instruction include, but are not limited to, free and reduced lunches, levy revenues, ending fund balances, equipment inventories, and surveys of technology preparedness. An "economically distressed area" is (A) a county with an unemployment rate that is at least twenty percent above the state-wide average for the previous three years; (B) a county that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base resulting in decline of its dominant industries; or (C) a district within a county which (I) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (II) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. (i) \$4,800,000 of the general fund--state appropriation is provided for state administrative costs and start-up grants for alternative programs and services that improve instruction and learning for at-risk students consistent with the objectives of Engrossed Substitute House Bill No. 1378 (educational opportunities). Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and/or services after the grant period, shall address the needs of students who cannot be accommodated within the framework of existing school programs or services and shall address how the applicant will serve any student within the proposed program's target age range regardless of the reason for truancy, suspension, expulsion, or other disciplinary action. Up to \$50,000 per year may be used by the superintendent of public instruction for grant administration. The superintendent shall submit an evaluation of the alternative program start-up grants provided under this section, and section 501(2)(q), chapter 283, Laws of 1996, to the fiscal and education committees of the legislature by November 15, 1998. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including: (i) Students who have been suspended, expelled, or are subject to other disciplinary actions; (ii) Students with unexcused absences who need intervention from community truancy boards or family support programs; (iii) Students who have left school; and (iv) Students involved with the court system. The office of the superintendent of public instruction shall prepare a report describing student recruitment, program offerings, staffing practices, and available indicators of program effectiveness of alternative education programs funded with state and, to the extent information is available, local funds. The report shall contain a plan for conducting an evaluation of the educational effectiveness of alternative education programs. (j) \$15,000 of the general fund--state appropriation is provided solely to assist local districts vocational education programs in applying for low frequency FM radio licenses with the federal communications commission. (k) \$35,000 of the general fund--state appropriation is provided solely to the state board of education to design a program to encourage high school students and other adults to pursue careers as vocational education teachers in the subject matter of agriculture. (l) \$987,000 of the general fund--state fiscal year 1998 appropriation and \$4,207,000 of the general fund--state fiscal year 1999 appropriation are provided solely to implement Second Substitute House Bill No. 2019 (charter schools). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (m) \$50,000 of the general fund--state appropriation is provided solely for a contract for a feasibility analysis and implementation plan to provide the resources of a skill center for students in the Port Angeles area. This allocation is to be provided when sufficient evidence is presented to the superintendent of public instruction that a dollar for dollar match will be provided from local sources. (n) \$3,000,000 of the general fund--state fiscal year 1998 appropriation and \$3,000,000 of the general fund--state fiscal year 1999 appropriation are provided for implementation of sections 4 and 7 of Engrossed Substitute House Bill No. 2042 (reading in primary grades), including selection of second grade reading tests and grants for training kindergarten through third grade teachers in reading education. (o) \$50,000 of the general fund--state appropriations is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices. The superintendent of public instruction shall establish criteria, make awards, and provide a report to the fiscal committees of the legislature by December 15, 1997, on the progress and details of analysis funded under this subsection (2)(o). (p) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300. (q) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for costs associated with maintaining support for state-wide coordination of vocational student leadership organizations within the office of the superintendent of public instruction. **NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR**

**GENERAL APPORTIONMENT (BASIC EDUCATION)** General Fund Appropriation (FY 1998) \$ 3,429,697,000 General Fund Appropriation (FY 1999) \$3,511,119,000 TOTAL APPROPRIATION \$6,940,816,000 The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) Allocations for certificated staff salaries for the 1997-98 and 1998-99 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows: (a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection: (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12; (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; (iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding; (A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater; (B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year; (C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and (iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; (b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month; (c) On the basis of full-time equivalent enrollment in: (i) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students. Beginning with the 1998-99 school year, districts documenting staffing ratios of less than 1 certificated staff per 18.3 students shall be allocated the greater of the ratio in subsection (2)(a)(i) and (iv) of this section or the actual documented ratio; (ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; (iii) Indirect cost charges as defined by the superintendent of public instruction to vocational-secondary programs shall not exceed 10 percent; and (iv) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support. (d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8: (i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and (ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled; (e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education: (i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and (ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units; (f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools: (i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit; (ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students. Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students. (g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and (h) For each nonhigh school district having an enrollment of



more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit. (3) Allocations for classified salaries for the 1997-98 and 1998-99 school years shall be calculated using formula-generated classified staff units determined as follows: (a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections; (b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and (c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit. (4) Fringe benefit allocations shall be calculated at a rate of 20.22 percent in the 1997-98 and 1998-99 school years for certificated salary allocations provided under subsection (2) of this section, and a rate of 18.65 percent in the 1997-98 and 1998-99 school years for classified salary allocations provided under subsection (3) of this section. (5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows: (a) The number of certificated staff units determined in subsection (2) of this section; and (b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent. (6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,950 per certificated staff unit in the 1997-98 school year and a maximum of \$8,165 per certificated staff unit in the 1998-99 school year. (b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$15,147 per certificated staff unit in the 1997-98 school year and a maximum of \$15,556 per certificated staff unit in the 1998-99 school year. (7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$354.64 per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1996-97 school year. (8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW. (9) The superintendent may distribute a maximum of \$6,124,000 outside the basic education formula during fiscal years 1998 and 1999 as follows: (a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$447,000 may be expended in fiscal year 1998 and a maximum of \$459,000 may be expended in fiscal year 1999; (b) For summer vocational programs at skills centers, a maximum of \$1,948,000 may be expended each fiscal year; (c) A maximum of \$321,000 may be expended for school district emergencies; and (d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs. (10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 1996-97 school year to the 1997-98 school year, and 1.1 percent from the 1997-98 school year to the 1998-99 school year. (11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply: (a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and (b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year. (12) Amounts appropriated within this section are sufficient to fund Substitute House Bill No. 1034 (parents' rights). **NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION** (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act: (a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12D, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1A; and (b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12D. (2) For the purposes of this section: (a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate; (b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and (c) "LEAP Document 12D" means the computerized tabulation of 1997-98 and 1998-99 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 21, 1997 at 16:37 hours. (3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 19.58 percent for certificated staff and 15.15 percent for classified staff for both years of the biennium. (4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

STATE-WIDE SALARY ALLOCATION SCHEDULE FOR THE 1997-98 AND 1998-99 SCHOOL YEARS  
of Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0 22,950 23,570 24,212 24,855 26,920 1 23,702 24,342 25,005 25,690 27,816 2 24,469 25,129 25,812 26,563 28,725  
3 25,275 25,955 26,657 27,450 29,650 4 26,095 26,818 27,540 28,375 30,632 5 26,953 27,695 28,437 29,336 31,629  
6 27,847 28,586 29,370 30,333 32,661 7 28,756 29,513 30,316 31,341 33,727 8 29,678 30,477 31,299 32,408 34,827  
9 31,475 32,337 33,487 35,962 10 33,388 34,621 37,129 11 35,788 38,351 12 36,918 39,605 13 40,890  
14 42,182 15 or more 43,279

Years of MA+ 90 Service BA+ 135 MA MA+ 45 or PHD

0 28,251 27,516 29,581 30,912 1 29,165 28,351 30,477 31,825 2 30,115 29,224 31,386 32,774  
3 31,100 30,111 32,311 33,761 4 32,123 31,036 33,293 34,783 5 33,180 31,996 34,290 35,840  
6 34,250 32,994 35,322 36,911 7 35,377 34,002 36,388 38,038 8 36,537 35,069 37,488 39,198  
9 37,730 36,147 38,623 40,391 10 38,956 37,282 39,790 41,617 11 40,214 38,449 41,012 42,875  
12 41,525 39,662 42,266 44,186 13 42,867 40,917 43,551 45,528 14 44,260 42,210 44,927 46,921 15 or  
more 45,411 43,307 46,095 48,141

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree. (c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of: (i) Credits earned since receiving the masters degree; and (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree. (5) For the purposes of this section: (a) "BA" means a baccalaureate degree. (b) "MA" means a masters degree. (c) "PHD" means a doctorate degree. (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction. (e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020. (6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless: (a) The employee has a masters degree; or (b) The credits were used in generating state salary allocations before January 1, 1992. (7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning as required by the annual school performance report, under RCW 28A.320.205, for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff. (b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts. (8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2). **NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS** General Fund Appropriation (FY 1998) \$ 79,979,000 General Fund Appropriation (FY 1999) \$116,309,000 TOTAL

APPROPRIATIONS \$196,288,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$176,537,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1997, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates 19.58 percent for certificated staff and 15.15 percent for classified staff. (a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act. (b) The appropriations in this section provide salary increase and incremental fringe benefit allocations based on formula adjustments as follows: (i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1997-98 school year and maintained for the 1998-99 school year; (ii) For education of highly capable students, an increase of \$6.81 per formula student for the 1997-98 school year and maintained for the 1998-99 school year; and (iii) For transitional bilingual education, an increase of \$17.69 per eligible bilingual student for the 1997-98 school year and maintained for the 1998-99 school year; and (iv) For learning assistance, an increase of \$8.74 per entitlement unit for the 1997-98 school year and maintained for the 1998-99 school year. (c) The appropriations in this section include \$912,000 for salary increase adjustments for substitute teachers at a rate of \$10.64 per unit in the 1997-98 school year and maintained in the 1998-99 school year. (2) \$19,751,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$314.51 per month for the 1997-98 and 1998-99 school years. The appropriations in this section provide increases of \$2.83 per month for the 1997-98 school year and \$18.41 per month for the 1998-99 school year at the following rates: (a) For pupil transportation, an increase of \$0.03 per weighted pupil-mile for the 1997-98 school year and \$0.19 for the 1998-99 school year; (b) For education of highly capable students, an increase of \$0.20 per formula student for the 1997-98 school year and \$1.35 for the 1998-99 school year; (c) For transitional bilingual education, an increase of \$0.46 per eligible bilingual student for the 1997-98 school year and \$3.44 for the 1998-99 school year; and (d) For learning assistance, an increase of \$0.36 per funded unit for the 1997-98 school year and \$2.70 for the 1998-99 school year. (3) The rates specified in this section are subject to revision each year by the legislature. (4)(a) For the 1997-98 school year, the superintendent shall prepare a report showing the allowable derived base salary for certificated instructional staff in accordance with RCW 28A.400.200 and LEAP Document 12D, and the actual derived base salary paid by each school district as shown on the S-275 report and shall make the report available to the fiscal committees of the legislature no later than February 15, 1998. (b) For the 1998-99 school year, the superintendent shall reduce the percent of salary increase funds provided in section 504 of this act by the percentage by which a district exceeds the allowable derived base salary for certificated instructional staff as shown on LEAP Document

**12D. NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund Appropriation (FY 1998) \$ 174,344,000 General Fund Appropriation (FY 1999) \$ 179,560,000 TOTAL APPROPRIATION \$ 353,904,000 The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) A maximum of \$1,451,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. (3) \$35,000 of the fiscal year 1998 appropriation and \$35,000 of the fiscal year 1999 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. (4) Allocations for transportation of students shall be based on reimbursement rates of \$34.47 per weighted mile in the 1997-98 school year and \$34.76 per weighted mile in the 1998-99 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction times the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school times the per mile reimbursement rate for the school year times 1.29.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 1998) \$ 3,075,000 General Fund--State Appropriation (FY 1999) \$ 3,075,000 General Fund--Federal Appropriation \$ 194,483,000 TOTAL APPROPRIATION \$ 200,633,000 The appropriations in this section are subject to the following conditions and limitations: (1) The general fund--state appropriations are provided for state matching money for federal child nutrition programs. (2) \$75,000 of the general fund--state appropriation for fiscal year 1998 and \$75,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to replace lost federal funding for summer food programs for children in low-income areas.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1998) \$ 370,486,000 General Fund--State Appropriation (FY 1999) \$ 374,327,000 General Fund--Federal Appropriation \$ 135,106,000 TOTAL APPROPRIATION \$ 879,919,000 The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program. (3) For the 1997-98 and 1998-99 school years, the superintendent shall distribute state funds to each district based on the sum of: (a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and (b) A district's annual average full-time equivalent basic education enrollment times the funded enrollment percent determined pursuant to subsection (4)(c) of this section, times the district's average basic education allocation per full-time equivalent student times 0.9309. (4) The definitions in this subsection apply throughout this section. (a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12) and shall not include enhancements for K-3, secondary vocational education, or small schools. (b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250). (c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1997-98 and the 1998-99 school years, each district's funded enrollment percent shall be: (i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent. (ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of: (A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or (B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined if greater than 12.7 percent; or (C) For 1997-98, the 1994-95 enrollment percent reduced by 75 percent of the difference between the district's 1994-95 enrollment percent and 12.7 percent and for 1998-99, 12.7 percent. (5) \$12,000,000 of the general fund--state appropriation for fiscal year 1998 and \$12,000,000 of the general fund--state appropriation for fiscal year 1999 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (3) of this section. Safety net funding shall be awarded by the state safety net oversight committee. (a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis. (b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards. (6) Prior to June 1st of each year, the superintendent shall make available to each school district from available data: (a) The district's 1994-95 enrollment percent; and (b) The district's maximum funded enrollment percent for the coming school year. (7) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules in place for the 1996-97 school year, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. (8) The safety net oversight committee appointed by the superintendent of public instruction shall consist of: (a) Staff of the office of superintendent of public instruction; (b)

Staff of the office of the state auditor; (c) Staff from the office of the financial management; and (d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding. (9) A maximum of \$4,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. (10) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program. (11) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants. (12) A school district may carry over up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program. (13) Beginning in the 1997-98 school year, the superintendent shall increase the percentage of federal flow-through to school districts to at least 84 percent. In addition to other purposes, school districts may use increased federal funds for high cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues. (14) Up to one percent of the general fund--federal appropriation shall be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities. (15) Amounts appropriated within this section are sufficient to fund section 5 of Second Substitute House Bill No. 1709 (mandate on school districts). **NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS** Public Safety and Education Account Appropriation \$ 17,179,000 The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators. (3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1997-98 and 1998-99 school years. (4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1997-98 and 1998-99 school years. **NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS** General Fund Appropriation (FY 1998) \$ 4,373,000 General Fund Appropriation (FY 1999) \$4,373,000 TOTAL APPROPRIATION \$8,746,000 The appropriations in this section are subject to the following conditions and limitations: (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4). (2) \$112,000 of the general fund appropriation for fiscal year 1998 and \$113,000 of the general fund appropriation for fiscal year 1999 are provided solely for student teaching centers as provided in RCW 28A.415.100. (3) A maximum of \$500,000 is provided for centers for the improvement of teaching pursuant to RCW 28A.415.010. **NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE** General Fund Appropriation (FY 1998) \$ 84,598,000 General Fund Appropriation (FY 1999) \$89,354,000 TOTAL APPROPRIATION \$173,952,000 **NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT** General Fund--Federal Appropriation \$ 255,987,000 **NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS** General Fund--State Appropriation (FY 1998) \$ 18,327,000 General Fund--State Appropriation (FY 1999) \$19,131,000 General Fund--Federal Appropriation \$8,548,000 TOTAL APPROPRIATION \$46,006,000 The appropriations in this section are subject to the following conditions and limitations: (1) The general fund--state appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program. (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium. **NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS** General Fund Appropriation (FY 1998) \$ 5,747,000 General Fund Appropriation (FY 1999) \$6,179,000 TOTAL APPROPRIATION \$11,926,000 The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$311.35 per funded student for the 1997-98 school year and \$311.78 per funded student for the 1998-99 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment. (3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park. Centrum shall report financial and program performance data as requested by the designee of the speaker of the house of representatives for the highly capable program. (4) \$186,000 of the appropriation is for the odyssey of the mind and future problem-solving programs. These programs shall report financial and program performance data as requested by the designee of the speaker of the house of representatives for the highly capable program. **NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS** General Fund--State Appropriation (FY 1998) \$ 18,906,000 General Fund--State Appropriation (FY 1999) \$21,870,000 General Fund--Federal Appropriation \$15,474,000 TOTAL APPROPRIATION \$56,250,000 The appropriations in this section are subject to the following conditions and limitations: (1) \$18,106,000 is provided for the operation of the commission on student learning and the development and implementation of student assessments. The commission shall cooperate with the superintendent of public instruction in defining measures of student achievement to be included in the student record system developed by the superintendent pursuant to section 501(1)(b) of this act. (2) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310. (3)

\$2,970,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers. (4) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. (5) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155. (6) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning). (7) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040. **NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS** General Fund Appropriation (FY 1998) \$ 31,275,000 General Fund Appropriation (FY 1999) \$33,356,000 TOTAL APPROPRIATION \$64,631,000 The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 provides such funds as are necessary for the remaining months of the 1996-97 school year. (2) A student shall be eligible for funding under this section if the student is enrolled in grades K-12 pursuant to WAC 392-121-106 and is receiving specialized instruction pursuant to chapter 28A.180 RCW. (3) The superintendent shall distribute a maximum of \$643.78 per eligible weighted bilingual student in the 1997-98 and 1998-99 school years exclusive of salary and benefit adjustments provided in section 504 of this act. (4) The following factors shall be used to calculate weightings for the 1997-98 school year and 1998-99 school year. (a) Grades Level (i) K-5 .35 (ii) 6-8 .50 (iii) 9-12 .72 (b) Time in Program (i) Up to 1 year .82 (ii) 1 to 2 years .62 (iii) 2 to 3 years .41 (iv) more than 3 years .21 (c) The grade level weight and time in program weight shall be summed for each eligible student and the result shall be multiplied by the rate per weighted student specified in subsection (3) of this section. (d) Time in program under (b) of this subsection shall be calculated in accordance with WAC 392-160-035. **NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM** General Fund Appropriation (FY 1998) \$ 60,309,000 General Fund Appropriation (FY 1999) \$60,862,000 TOTAL APPROPRIATION \$121,171,000 The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 provides such funds as are necessary for the remaining months of the 1996-97 school year. (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86. (3) Funding for school district learning assistance programs shall be allocated at maximum rates of \$378.33 per funded unit for the 1997-98 school year and \$379.47 per funded unit for the 1998-99 school year exclusive of salary and benefit adjustments provided in section 504 of this act. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program. (a) A school district's funded units for the 1997-98 and 1998-99 school years shall be the sum of the following: (i) The district's full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and (ii) The district's full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and (iii) If in the prior school year the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year times 22.30 percent. **NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS** General Fund Appropriation (FY 1998) \$ 43,508,000 General Fund Appropriation (FY 1999) \$50,150,000 TOTAL APPROPRIATION \$93,658,000 The appropriations in this section are subject to the following conditions and limitations: (1) A maximum of \$40,841,000 is provided for learning improvement allocations to school districts to enhance the ability of instructional staff to teach and assess the essential academic learning requirements for reading, writing, communication, and math in accordance with the timelines and requirements established under RCW 28A.630.885. For purposes of this program, the school for the deaf and the school for the blind shall be considered school districts. However, special emphasis shall be given to the successful teaching of reading. Allocations under this section shall be subject to the following conditions and limitations: (a) In accordance with the timetable for the implementation of the assessment system by the commission on student learning, the allocations for the 1997-98 and 1998-99 school years shall be at a maximum annual rate per full-time equivalent student of \$30 for students enrolled in grades K-4, \$24 for students enrolled in grades 5-7, and \$18 for students enrolled in grades 8-12. Allocations shall be made on the monthly apportionment schedule provided in RCW 28A.510.250. (b) A district receiving learning improvement allocations shall: (i) Develop and keep on file at each building a student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed; (ii) Maintain a policy regarding the involvement of school staff, parents, and community members in instructional decisions; (iii) File a report by October 1, 1998, and October 1, 1999, with the office of the superintendent of public instruction, in a format developed by the superintendent that: Enumerates the activities funded by these allocations; the amount expended for each activity; describes how the activity improved understanding, teaching, and assessment of the essential academic learning requirements by instructional staff; and identifies any amounts expended from this allocation for supplemental contracts; and (iv) Provide parents and the local community with information on the use of this allocation by including in the annual performance report required in RCW 28A.320.205, information on how funds allocated under this subsection were spent and the results achieved. (c) The superintendent of public instruction shall compile and analyze the school district reports and present the results to the office of financial management and the appropriate committees of the legislature no later than November 15, 1998, and November 15, 1999. (2) \$52,817,000 is provided for local education program enhancements to meet educational needs as identified by the school district. This amount includes such amounts as are necessary for the remainder of the 1996-97 school year. Allocations for the 1997-98 and 1998-99 school year shall be at a maximum annual rate of

\$28.04 per full-time equivalent student as determined pursuant to subsection (3) of this section. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250. (3) Allocations provided under this section shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows: (a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students; (b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and (c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students. (4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder. (5) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that: (1) The district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); and (2) The district is filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030. **PART VI HIGHER EDUCATION NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations: (1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act. (2)(a) The salary increases provided or referenced in this subsection shall be the allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015. (b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 3.0 percent on July 1, 1997. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.0 percent on July 1, 1997. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated. To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel. (c) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, an additional average salary increase of 1.0 percent on July 1, 1997, and an average salary increase of 2.0 percent on July 1, 1998. Any salary increases authorized under this subsection (2)(c) shall not be included in an institution's salary base. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c). (d) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection. (3) Each institution receiving appropriations under sections 604 through 609 of this act, at the direction of the higher education coordinating board, shall submit to the board strategies for achieving measurable and specific improvements in academic years 1997-98 and 1998-99 for the following four performance and accountability measures and the state-wide performance goal for each: Goal(a) Undergraduate degrees granted per full-time equivalent(FTE) instructional faculty:Research universities4Comprehensive universities9(b) Undergraduate student retention, defined as the numberof undergraduate students who return for the next year at thesame institution measured from fall to fall: Research universities 95% Comprehensive universities90%(c) Graduation rates, defined as the percent of an enteringfreshman class at each institution that graduates within fouryears 50%(d) Undergraduate graduation efficiency index95

(4) The state board for community and technical colleges shall develop an implementation plan for measurable and specific improvements in productivity, efficiency, and student retention in academic years 1997-98 and 1998-99 consistent with the performance management system developed by the work force training and education coordinating board and for the following long-term performance goals: Goal(a) Hourly wages for vocational graduates\$12/hour(b) Academic students transferring to Washington highereducation institutions67%(c) Core course completion rates 85%(d) Graduation efficiency index95

**NEW SECTION. Sec. 602.** (1) The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

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(2) There is appropriated for contributions to the judicial retirement system:  
General Fund Appropriation (FY 1998) \$ 8,500,000 General Fund Appropriation (FY 1999)\$8,500,000(3) There is appropriated for contributions to the judges retirement system:General Fund Appropriation (FY 1998) \$ 750,000General Fund Appropriation (FY 1999)\$750,000TOTAL APPROPRIATIONS\$159,600,000NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENTGeneral Fund--State Appropriation (FY 1998) \$ 31,031,000General Fund--State Appropriation (FY 1999)\$31,421,000General Fund--Federal Appropriation\$17,578,000Salary and Insurance Increase Revolving Account Appropriation \$ 48,678,000TOTAL APPROPRIATION\$128,708,000The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section: (1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.0 percent salary increase effective July 1, 1997, for all classified employees, including those



employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board. (2) The appropriations in this section are sufficient to fund a 3.0 percent salary increase effective July 1, 1997, for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials. (3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.0 percent salary increase effective July 1, 1997, for ferry workers consistent with the 1997-99 transportation appropriations act. (4) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board. **NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS** General Fund Appropriation (FY 1998) \$ 250,000 General Fund Appropriation (FY 1999) \$250,000 Attorney General Salary Increase Revolving Account Appropriation \$499,000 **TOTAL APPROPRIATION** \$ 999,000 The appropriations in this section are subject to the following conditions and limitations: (1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general levels 1 and 2. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and performance (including billable hours) shall be the factors in determining the distribution of these funds. (2) To facilitate the transfer of moneys from dedicated funds and accounts, state agencies are directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management. **NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD** General Fund Appropriation (FY 1998) \$ 5,289,000 General Fund Appropriation (FY 1999) \$10,642,000 Salary and Insurance Increase Revolving Account Appropriation \$8,862,000 **TOTAL APPROPRIATION** \$ 24,793,000 The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section. (1) Funding is provided to fully implement the recommendations of the Washington personnel resources board consistent with the provisions of chapter 319, Laws of 1996. (2) Implementation of the salary adjustments for the various clerical classes, physicians, dental classifications, pharmacists, maintenance custodians, medical records technicians, fish/wildlife biologists, fish/wildlife enforcement, habitat technicians, and fiscal technician classifications will be effective July 1, 1997. Implementation of the salary adjustments for safety classifications, park rangers, park aides, correctional officers/sergeants, community corrections specialists, tax information specialists, industrial relations specialists, electrical classifications at the department of labor and industries, fingerprint technicians, some labor relations classifications, health benefits specialists, foresters/land managers, and liquor enforcement officers will be effective July 1, 1998. **NEW SECTION. Sec. 717.** The sum of seventy-five million dollars or so much thereof as may be available on June 30, 1998, from the total amount of unspent fiscal year 1998 state general fund appropriations is appropriated for the purposes of House Bill No. 2240 in the manner provided in this section. (1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings. (2) The remainder of the total amount, not to exceed seventy million dollars, is appropriated to the education savings account for the purpose of common school construction projects and education technology. (3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110. **NEW SECTION. Sec. 718.** The sum of seventy-five million dollars or so much thereof as may be available on June 30, 1999, from the total amount of unspent fiscal year 1999 state general fund appropriations is appropriated for the purposes of House Bill No. 2240 in the manner provided in this section. (1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings. (2) The remainder of the total amount, not to exceed seventy million dollars, is appropriated to the education savings account for the purpose of common school construction projects and education technology. (3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110. **PART VIII OTHER TRANSFERS AND APPROPRIATIONS NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION** General Fund Appropriation for fire insurance premiums distribution \$ 6,617,250 General Fund Appropriation for public utility district excise tax distribution \$35,183,803 General Fund Appropriation for prosecuting attorneys salaries \$ 2,960,000 General Fund Appropriation for motor vehicle excise tax distribution \$84,721,573 General Fund Appropriation for local mass transit assistance \$383,208,166 General Fund Appropriation for camper and travel trailer excise tax distribution \$ 3,904,937 General Fund Appropriation for boating safety/education and law enforcement distribution \$3,616,000 Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 142,000 Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$22,287,746 Liquor Revolving Fund Appropriation for liquor profits distribution \$ 36,989,000 Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$107,146,000 Municipal Sales and Use Tax Equalization Account Appropriation \$ 66,860,014 County Sales and Use Tax Equalization Account Appropriation for distribution to counties for publicly funded autopsies \$ 1,266,000 County Criminal Justice Account Appropriation \$80,107,471 Municipal Criminal Justice Account Appropriation \$32,042,450 County Public Health Account Appropriation \$ 58,023,588 **TOTAL APPROPRIATION** \$940,169,222 The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes. **NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION** Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$ 58,801,910 General Fund Appropriation for federal flood control funds distribution \$4,000 General Fund Appropriation for federal grazing fees distribution \$ 52,000 General Fund Appropriation for distribution of federal funds to counties in conformance with P.L. 97-99 Federal Aid to Counties \$885,916 **TOTAL APPROPRIATION** \$ 59,743,826 The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes. **NEW SECTION. Sec. 803. FOR THE STATE TREASURER--TRANSFERS** General Fund: For transfer to the Water Quality Account \$ 23,705,100 General Fund: For transfer to the Flood Control Assistance Account \$3,999,000 State

Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ 4,368,000  
Public Works Assistance Account: For transfer to the Growth Management Planning and Environmental Review Account \$1,000,000  
Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$ 21,688,000  
State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1999 an amount up to \$3,600,000 in excess of the cash requirements of the State Treasurer's Service Account \$ 3,600,000  
Health Services Account: For transfer to the County Public Health Account \$2,250,000  
Public Works Assistance Account: For transfer to the Drinking Water Assistance Account \$ 9,949,000  
County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account \$1,686,000  
General Fund: For transfer to the Emergency Reserve Fund on or after July 1, 1998 \$ 100,000,000

**NEW SECTION. Sec. 804. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- TRANSFERS** General Fund Appropriation: For transfer to the department of retirement systems expense \$ 16,000  
**PART IX MISCELLANEOUS NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1997-99 biennium.  
**NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act. (1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected. (2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints. (3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management. (4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project. Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management. (5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency. (6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.  
**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunication for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings  
**NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency

that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment. **NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law. **NEW SECTION. Sec. 906. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds. **NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1997. **NEW SECTION. Sec. 908. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies. **NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1997 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, 1993, and 1995 legislatures to conform state funds and accounts with generally accepted accounting principles. **Sec. 910.** RCW 43.08.250 and 1996 c 283 s 901 are each amended to read as follows: The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ~~((1997))~~ 1999, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of the administrator for the courts, security in the common schools, ~~((programs for alternative dispute resolution of farmworker employment claims,))~~ criminal justice data collection, and Washington state patrol criminal justice activities. **Sec. 911.** RCW 69.50.520 and 1995 2nd sp.s. c 18 s 919 are each amended to read as follows: The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. After July 1, ~~((1997))~~ 1999, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council. **NEW SECTION. Sec. 912.** Within amounts appropriated in this act, the following state agencies or institutions shall implement the provisions of sections 3, 4, and 5 of Engrossed Second Substitute House Bill No. 1127 (integrated pest management). (1) The department of agriculture; (2) The state noxious weed control board; (3) The department of ecology; (4) The department of fish and wildlife; (5) The parks and recreation commission; (6) The department of natural resources; (7) The department of corrections; (8) The department of general administration; and (9) Each state institution of higher education, for the institution's own building and grounds maintenance. **Sec. 913.** RCW 70.146.030 and 1996 c 37 s 2 are each amended to read as follows: (1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. (2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter. (3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both. (4) During the fiscal biennium ending June 30, ~~((1997))~~ 1999, moneys in the account may be ~~((transferred by the legislature to the water right permit processing account))~~ used for the purposes of supporting the Yakima adjudication proceeding. **NEW SECTION. Sec. 914.** No funding appropriated in this act shall be expended to support the governor's council on environmental education. **NEW SECTION. Sec. 915.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act

or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 916. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1997.”, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6062 and requests of the House a conference thereon.

#### PARLIAMENTARY INQUIRY

Senator Snyder: “A parliamentary inquiry, Mr. President. Shouldn't the proper motion be to not concur and ask the House to recede? Shouldn't we give them an opportunity to recede from their amendment and an opportunity to concur in what the Senate originally sent over to them before we head to a conference committee?”

#### REMARKS BY SENATOR WEST

Senator West: “Thank you, Mr. President. I would simply call your attention and the attention of the body to Reed's Rule 245, which outlines this procedure exactly.”

#### REPLY BY THE PRESIDENT

President Owen: “Thank you, Senator West. Senator Snyder, it is at the discretion of the maker of the motion to determine which direction they wish to go, but it has been the practice of the body to try to bring the two houses together as quickly as possible.”

#### PARLIAMENTARY INQUIRY

Senator West: “Mr. President, just to be clear, if this motion were to fail, would that mean then that we did concur with the House budget and accepted it as the amendment to this bill?”

#### REPLY BY THE PRESIDENT

President Owen: “Senator West, yes that would carry with it the affirmative that we did concur if, in fact, this motion did fail.”

The President declared the question before the Senate to be the motion by Senator West that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6062 and requests of the House a conference thereon.

The motion by Senator West carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6062 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6062 and the House amendment thereto: Senators West, Spanel and Strannigan.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### MOTION

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

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017, by House Committee on Natural Resources (originally sponsored by Representatives Sehlin, Anderson, Koster, Quall, Huff, L. Thomas and Dunn)

Exchanging state-owned aquatic lands with privately owned lands.

The bill was read the second time.

## MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute House Bill No. 1017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1017.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1017 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 42. Voting nay: Senators Fairley, Fraser, Kohl, Swanson and Wojahn - 5. Absent: Senator Thibaudeau - 1. Excused: Senator Schow - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056, by House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Pennington, Doumit, Mielke, Johnson, Buck, Kessler, Sheldon, Mastin, Grant, Thompson, DeBolt, Quall, Boldt and Linville)

Transferring the status of the Elk River Preserve from a natural area preserve to a natural resources conservation area.

The bill was read the second time.

## MOTIONS

On motion of Senator Oke, the following Committee on Natural Resources and Parks amendment was adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 79.71 RCW to read as follows: The property currently designated as the Elk river natural area preserve is transferred from management under chapter 79.70 RCW as a natural area preserve to management under chapter 79.71 RCW as a natural resources conservation area. The legislature finds that hunting is a suitable low-impact public use within the Elk river natural resources conservation area. The department of natural resources shall incorporate this legislative direction into the management plan developed for the Elk river natural resources conservation area. The department shall work with the department of fish and wildlife to identify hunting opportunities compatible with the area's conservation purposes." On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 1 of the title, after "preserves;" strike the remainder of the title and insert "and adding a new section to chapter 79.71 RCW."

## MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute House Bill No. 1056, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1056, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1056, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senators Fairley, Heavey, Kohl, Swanson and Thibaudeau - 5. Excused: Senator Schow - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1729, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Schoesler, Grant and Linville)

Changing irrigation district administration provisions.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Morton be adopted:

On page 2, line 37, after "discharged" insert "directly" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Morton on page 2, line 37, to Substitute House Bill No. 1729.

The motion by Senator Fraser carried and the amendment was adopted.

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1729, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1729, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1729, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Fairley - 1. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1729, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MOTION

Pursuant to Senate Rule 48, Senator Johnson moved that the Committee on Law and Justice be relieved of the following list of bills and that those bills be referred to the Committee on Rules:

SUBSTITUTE HOUSE BILL NO. 1043,  
SUBSTITUTE HOUSE BILL NO. 1072,  
HOUSE BILL NO. 1082,  
SUBSTITUTE HOUSE BILL NO. 1083,  
HOUSE BILL NO. 1091,  
HOUSE BILL NO. 1117,  
HOUSE BILL NO. 1129,  
HOUSE BILL NO. 1165,  
HOUSE BILL NO. 1181,  
ENGROSSED HOUSE BILL NO. 1186,  
SUBSTITUTE HOUSE BILL NO. 1245,  
ENGROSSED HOUSE BILL NO. 1254,  
HOUSE BILL NO. 1308,  
HOUSE BILL NO. 1309,  
HOUSE BILL NO. 1312,  
SUBSTITUTE HOUSE BILL NO. 1313,  
SUBSTITUTE HOUSE BILL NO. 1380,  
ENGROSSED HOUSE BILL NO. 1391,  
HOUSE BILL NO. 1398,  
ENGROSSED HOUSE BILL NO. 1408,  
HOUSE BILL NO. 1534,  
SUBSTITUTE HOUSE BILL NO. 1541,  
HOUSE BILL NO. 1559,  
HOUSE BILL NO. 1716,  
ENGROSSED HOUSE BILL NO. 1740,  
SUBSTITUTE HOUSE BILL NO. 1800,  
SUBSTITUTE HOUSE BILL NO. 1886,  
SUBSTITUTE HOUSE BILL NO. 2008,  
ENGROSSED HOUSE BILL NO. 2094.

EDITOR'S NOTE: Senate Rule 48 states, 'Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.'

#### POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. We adopted Senate Concurrent Resolution No. 8402 earlier in the session, which established cut offs for different times of getting bills out of committee and Senate Bills out of the Senate, with a few exceptions. On line 20, page 1, Subsection 4 of the resolution, it says, 'Friday, April 4, 1997, the eighty-second day will be final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means, Senate Transportation and House of Representatives fiscal committees.' Therefore, I believe that Senator Johnson's motion is out of order and it takes an amendment which would take two-thirds vote to amend Resolution No. 8402."

#### RULING BY THE PRESIDENT

President Owen: "The President believes that Senator Snyder's point is well taken."

#### MOTION FOR RECONSIDERATION

Having served prior notice, Senator Snyder moved to now reconsider the vote by which Substitute House Bill No. 1829 failed to pass the Senate on April 11, 1997.

The President declared the question before the Senate to be the motion by Senator Snyder to reconsider the vote by which Substitute House Bill No. 1829 passed the Senate.

The motion by Senator Snyder carried and the Senate will reconsider the vote by which Substitute House Bill No. 1829 passed the Senate.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1829, on reconsideration, was returned to second reading.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1829, on reconsideration, was deferred.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1330, by Representatives L. Thomas, Grant, Zellinsky, Sheldon and Mielke

Modifying the administration of the responsibilities of self-insurers.

The bill was read the second time.

#### MOTION

Senator Horn moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 51.14.020 and 1995 c 31 s 1 are each amended to read as follows: (1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he or she has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer. Each application for certification as a self-insurer submitted by an employer shall be accompanied by payment of a fee of one hundred fifty dollars or such larger sum as the director shall find necessary for the administrative costs of evaluation of the applicant's qualifications. Any employer who has formerly been certified as a self-insurer and thereafter ceases to be so certified may not apply for certification within three years of ceasing to have been so certified. (2)(a) A self-insurer may be required by the director to supplement existing financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state, or provide an irrevocable letter of credit issued by a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington filed with the department. The money, securities, bond, or letter of credit shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and

assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, bond, or letter of credit required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his or her probable continuity of operation. However, a letter of credit shall be acceptable only if the self-insurer has a net worth of not less than five hundred million dollars as evidenced in an annual financial statement prepared by a qualified, independent auditor using generally accepted accounting principles. The money, securities, bond, or letter of credit so deposited shall be held by the director solely for the payment of compensation by the self-insurer and his or her assessments. In the event of default the self-insurer loses all right and title to, any interest in, and any right to control the surety. The amount of surety may be increased or decreased from time to time by the director. The income from any securities deposited may be distributed currently to the self-insurer. (b) The letter of credit option authorized in (a) of this subsection shall not apply to self-insurers authorized under RCW 51.14.150 or to self-insurers who are counties, cities, or municipal corporations. (3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him or her upon his or her written request provided the employer files the bond required by such subsection. (4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his or her proper share of any deficit or insufficiency in the state fund as a condition to certification as a self-insurer. (5) A self-insurer may reinsure a portion of his or her liability under this title with any reinsurer authorized to transact such reinsurance in this state: PROVIDED, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Until July 1, 2001, subsidiary companies, holding companies, or affiliated legal entities of the reinsurer not involved in providing reinsurance shall be allowed to participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title. (6) For purposes of the application of this section, the department may adopt separate rules establishing the security requirements applicable to units of local government. In setting such requirements, the department shall take into consideration the ability of the governmental unit to meet its self-insured obligations, such as but not limited to source of funds, permanency, and right of default. (7) The director shall adopt rules to carry out the purposes of this section including, but not limited to, rules respecting the terms and conditions of letters of credit and the establishment of the appropriate level of net worth of the self-insurer to qualify for use of the letter of credit. Only letters of credit issued in strict compliance with the rules shall be deemed acceptable. **NEW SECTION. Sec. 2.** A new section is added to chapter 51.14 RCW to read as follows: (1) Self-insurers shall report to the department any attempt by a reinsurer to participate in the administration of the responsibilities of the self-insurer under this title. (2) The department shall conduct a study of self-insurers' adjudication outcomes, claims management practices, and other appropriate outcomes and practices. The study shall compare outcomes and practices of self-insurers who use the services of reinsurers and administrators that are affiliated to those of self-insurers who use the services of unaffiliated reinsurers and administrators, as well as to the outcomes and practices of the department. The department shall report the results of the study to the legislature by January 1, 2000. (3) The department shall adopt rules to implement this act. (4) This section expires July 1, 2001." Debate ensued.

The President declared the question before the Senate to be the adoption of the striking Committee on Commerce and Labor amendment to House Bill No. 1330.

The motion by Senator Horn carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 2 of the title, after "insurers;" strike the remainder of the title and insert "amending RCW 51.14.020; adding a new section to chapter 51.14 RCW; and providing an expiration date." On motion of Senator Horn, the rules were suspended, House Bill No. 1330, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1330, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1330, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 29. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Kline, Kohl, Loveland, McAuliffe, Patterson, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 19. Excused: Senator Schow - 1. HOUSE BILL NO. 1330, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1472, by Representatives Reams, Romero, Pennington, Sherstad and Lantz

Providing for designation of mineral resource lands.

The bill was read the second time.



## MOTIONS

On motion of Senator Oke, the following Committee on Natural Resources and Parks amendment was adopted: Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature recognizes that the availability of minerals through surface mining is essential to the economic well-being of the state and nation. The citizens of the state are rapidly running out of approved or designated sites to extract these minerals. Therefore, the available sources of these minerals are nearly exhausted. The state has enacted several laws in recent years directing local governments to make land use decisions for appropriate uses of land through designation in advance of or during the comprehensive planning process and then to limit the specific approval process to mitigating specific impacts of the use or uses allowed by the designation. The current planning and regulatory environment makes economically viable permits unobtainable for the vast majority of the sites where the minerals are located and needed. The cost of transportation of minerals for any significant distance can have an effect on the costs to the taxpayers of the state. Surface mining must take place in diverse areas where the geologic, topographic, climatic, biologic, and social conditions are significantly different, and reclamation specifications must vary accordingly. But surface mining is a finite use of the land and another beneficial use must follow through reclamation. Therefore, the legislature finds that designation, production, and conservation of adequate sources of minerals is in the best interests of the citizens of the state. NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows: (1)(a) Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in RCW 78.44.031, shall be established as an allowed use in local development regulations. (b) The county shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used. (c) This section has no applicability to metals mining and milling operations as defined in RCW 78.56.020. (2) Nothing in this section precludes any unit of government from accepting the lowest responsible bid for purchase of mineral materials, regardless of source. (3) Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, a county, city, or town shall discourage the siting of new applications of incompatible uses adjacent to mineral resource industries, deposits, and holdings. (4) Any additions or amendments to comprehensive plans or development regulations required by this section may be adopted during the normal course of adopting or amending the comprehensive plan or development regulations. Reasonable notice of additions or amendments to comprehensive plans or development regulations shall be given to property owners and other affected and interested individuals. The county shall use either an existing reasonable notice provision already employed by the county or a new reasonable notice provision, including any of the following: (a) Notifying owners of real property, as shown by the records of the county assessor, located within three hundred feet of the boundaries of the proposed designation; (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the mineral resource deposits are located; (c) Notifying public or private groups with known interest in the proposed mineral resource designation; or (d) Placing notices in appropriate regional, neighborhood, or trade journals. (5) For the purposes of this section: (a) "Long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land. (b) "Allowed use" means the use or uses specified by local development regulations as appropriate within those areas designated through the advance or comprehensive planning process. Once designated, a proposed allowed use shall be reviewed for project specific impacts and may be conditioned to mitigate significant adverse impacts within the context of site plan approval, but such review shall not revisit the question of land use." On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 1 of the title, after "designation;" strike the remainder of the title and insert "adding a new section to chapter 36.70A RCW; and creating a new section."

## MOTION

On motion of Senator Oke, the rules were suspended, Engrossed House Bill No. 1472, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1472, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1472, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Sellar, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Heavey, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 14. Absent: Senator Kline - 1. Excused: Senator Schow - 1. ENGROSSED HOUSE BILL NO. 1472, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 4:17 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:25 p.m. by President Owen.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1565, by House Committee on Natural Resources (originally sponsored by Representatives Mielke, Pennington, Carrell, Mulliken, Thompson and Cairnes)

Limiting the regulations of small scale mining.

The bill was read the second time.

## MOTION

Senator Oke moved that the following Committee on Natural Resources and Parks amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The legislature finds that small scale prospecting and mining is an important part of the heritage of the state. The legislature further finds that small scale prospecting and mining provide economic benefits to the state, and help to meet the national security demand and industrial demand for minerals. The legislature further finds that it is critical that small scale miners and prospectors be allowed access to open public lands in the state. The legislature further finds that mineral prospecting and mining activities can be conducted in a manner that is consistent with fish habitat and fish-life population. Now, therefore, the legislature declares that small scale prospecting and mining must not be unreasonably regulated. The legislature further declares that small scale prospecting and mining must not be unfairly limited or obstructed from access to open public lands. The legislature further declares that all restrictions or regulations of small scale prospecting and mining activities must be based on sound scientific evidence and applicable documentation supporting the need for such restrictions. **Sec. 2.** RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to read as follows: In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such. For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man. The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval. In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation. This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103. This section does not apply to small scale prospecting and mining activities, which are governed by section 3 of this act. NEW SECTION. **Sec. 3.** A new section is added to chapter 75.20 RCW to read as follows: (1) Small scale

prospecting and mining is exempt from the provisions of this chapter, provided that such activity does not undercut streambanks or disturb rooted live woody plants such as trees or shrubs. (2) For the purposes of this chapter, "small scale prospecting and mining" means only the use of the following methods: Pans, sluice boxes, concentrators, and mini-rocker boxes for the discovery and recovery of minerals." Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Natural Resources and Parks striking amendment to Substitute House Bill No. 1565.

#### ROLL CALL

The Secretary called the roll and the committee striking amendment was adopted by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 22. Excused: Senator Schow - 1. MOTIONS

On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 1 of the title, after "mining;" strike the remainder of the title and insert "amending RCW 75.20.100; adding a new section to chapter 75.20 RCW; and creating a new section." On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1565, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1565, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1565, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 29. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 19. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1565, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1465, by Representatives Sump, Sheldon, Grant, Hatfield, Pennington, Delvin and Koster

Requiring establishment of a no-cost consulting service regarding mining issues.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1465.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1465 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. HOUSE BILL NO. 1465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1466, by House Committee on Natural Resources (originally sponsored by Representatives Sump, Sheldon, Grant, Hatfield, Delvin and Pennington)

Allowing the department of natural resources to delegate some or all of its surface mining enforcement authority to qualified personnel of a county, city, or town.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1466.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1466 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 47. Absent: Senator Wood - 1. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1467, by House Committee on Natural Resources (originally sponsored by Representatives Sump, Sheldon, Chandler, Grant, Alexander, Hatfield, Delvin and Pennington)

Specifying where reclamation performance security must be posted.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1467.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1467 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1468, by Representatives Buck, Chandler, Grant, Sump, Sheldon, Hatfield, Alexander, Delvin and Pennington

Removing authority to modify reclamation permit fees.

The bill was read the second time.

#### MOTIONS

On motion of Senator Swecker, the following amendment was adopted:

On page 1, line 17, after "persons" insert ", and if each mine has less than seven acres of disturbed area" On motion of Senator Oke, the rules were suspended, House Bill No. 1468, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1468, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1468, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senators Heavey and Thibaudeau - 2. Excused: Senator Schow - 1. HOUSE BILL NO. 1468, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1600, by House Committee on Natural Resources (originally sponsored by Representatives Sheldon and Buck)

Revising provisions relating to surface mining permits.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1600.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1600 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senators Heavey and Thibaudeau - 2. Excused: Senator Schow - 1. SUBSTITUTE HOUSE BILL NO. 1600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1615, by Representatives Alexander, Regala and Sump (by request of Parks and Recreation Commission)

Changing provisions relating to offenses committed in state parks or parkways.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1615.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1615 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Fairley - 1. Excused: Senator Schow - 1. HOUSE BILL NO. 1615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1272, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Delvin, Chandler, Robertson, McMorris, Honeyford and Mulliken)

Establishing water conservancy boards.

The bill was read the second time.

## MOTIONS

Senator Morton moved that the following Committee on Agriculture and Environment amendment be adopted:

Strike everything after the enacting clause and insert the following: **NEW SECTION. Sec. 1.** The legislature finds: (1) Voluntary water transfers between water users can reallocate water use in a manner that will result in more efficient use of water resources; (2) Voluntary water transfers can help alleviate water shortages, save capital outlays, reduce development costs, and provide an incentive for investment in water conservation efforts by water right holders; and (3) The state should expedite the administrative process for noncontested water transfers among water right holders, conveying greater operational control to water managers and water right holders. **NEW SECTION. Sec. 2.** The following definitions apply throughout this chapter, unless the context clearly requires otherwise. (1) "Board" means a water conservancy board created under this chapter. (2) "Commissioner" means a member of a water conservancy board. (3) "Department" means the department of ecology. (4) "Director" means the director of the department of ecology. **NEW SECTION. Sec. 3.** (1) The county legislative authority of a county may create a water conservancy board, subject to approval by the director, for the purpose of expediting voluntary water transfers within the county. (2) A water conservancy board may be initiated by: (a) A resolution of the county legislative authority; (b) a resolution presented to the county legislative authority calling for the creation of a board by the legislative authority of an irrigation district, public utility district that operates a public water system, a reclamation district, a city operating a public water system, or a water-sewer district that operates a public water system; (c) a resolution by the governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts; (d) a petition signed by five or more water rights holders, including their addresses, who divert water for use within the county; or (e) any combination of (a) through (d) of this subsection. The resolution or petition must state the need for the board, include proposed bylaws or rules and procedures that will govern the operation of the board, identify the geographic boundaries where there is an initial interest in transacting water sales or transfers, and describe the proposed method for funding the operation of the board. (3) After receiving a resolution or petition to create a board, a county legislative authority shall determine its sufficiency. If the county legislative authority finds that the resolution or petition is sufficient, or if the county is initiating the creation of a board upon its own motion, it shall hold at least one public hearing on the proposed creation of the board. Notice of the hearing shall be published at least once in a newspaper of general circulation in the county not less than ten days nor more than thirty days before the date of the hearing. The notice shall describe the time, date, place, and purpose of the hearing, as well as the purpose of the board. Following the hearing, the county legislative authority may adopt a resolution approving the creation of the board if it finds that the board's creation is in the public interest. **NEW SECTION. Sec. 4.** (1) The county legislative authority shall forward a copy of the resolution or petition calling for the creation of the board, a copy of the resolution approving the creation of the board, and a summary of the public testimony presented at the public hearing to the director following the adoption of the resolution calling for the board's creation. (2) The director shall approve or deny the creation of a board within forty-five days after the county legislative authority has submitted all information required under subsection (1) of this section. The director must determine whether the creation of the board would further the purposes of this chapter and is in the public interest. The director shall include a description of the necessary training requirements for commissioners in the notice of approval sent to the county legislative authority. **NEW SECTION. Sec. 5.** The director of the department may, as deemed necessary by the director, adopt rules in accordance with chapter 34.05 RCW necessary to carry out this chapter, including minimum requirements for the training and continuing education of commissioners. Training courses for commissioners shall include an overview of state water law and hydrology. Prior to commissioners taking action on proposed water right transfers, the commissioners shall comply with training requirements that include state water law and hydrology. **NEW SECTION. Sec. 6.** A water conservancy board constitutes a public body corporate and politic and a separate unit of local government in the state. Each board shall consist of three commissioners appointed by the county legislative authority for six-year terms. The county legislative authority shall stagger the initial appointment of commissioners so that the first commissioners who are appointed shall serve terms of two, four, and six years, respectively, from the date of their appointment. All vacancies shall be filled for the unexpired term. The county legislative authority shall consider, but is not limited in appointing, nominations to the board by people or entities petitioning or requesting the creation of the board. However, the county legislative authority shall ensure that individual water right holders who divert water for use within the county are represented on the board. In making appointments to the board, the county legislative authority shall choose from among persons who are residents of the county or a county that is contiguous to the county that the water conservancy board is to serve. No commissioner may participate in board decisions until he or she has successfully completed the necessary training required under section 5 of this act.

Commissioners shall serve without compensation, but are entitled to reimbursement for necessary travel expenses in accordance with RCW 43.03.050 and 43.03.060 and costs incident to training.

**NEW SECTION. Sec. 7.** (1) A water conservancy board may acquire, purchase, hold, lease, manage, occupy, and sell real and personal property or any interest therein, enter into and perform all necessary contracts, appoint and employ necessary agents and employees and fix their compensation, employ contractors including contracts for professional services, sue and be sued, and do any and all lawful acts required and expedient to carry out the purposes of this chapter.

(2) A board constitutes an independently funded entity, and may provide for its own funding as determined by the commissioners. The board may accept grants and may adopt fees for processing applications for transfers of water rights to fund the activities of the board. A board may not impose taxes or acquire property by the exercise of eminent domain. **NEW SECTION. Sec. 8.** A board shall operate on a county-wide basis, and shall have the following powers, in addition to any others granted in this chapter: (1) A board may establish a water transfer exchange through which all or part of the water that any person is entitled to use by reason of owning or holding a water right may be listed for sale or transfer. The board may approve water transfers involving a change in place of use, point of diversion or withdrawal, purpose of use, time of use, source of supply, quantity of use permitted, and the place of storage. Any water transfer approved by the board is subject to final approval by the director pursuant to section 11 of this act. (2) The board may approve the transfer of a water right or a water right claim filed under chapter 90.14 RCW that has not been adjudicated. The board shall make a tentative determination as to the validity and extent of the existing right, and may only approve transfers of those rights to the extent they are deemed valid by the board. Neither the board's approval of a transfer, nor the director's approval of the board's action constitutes an adjudication of the validity, priority, or quantity of the transferor's water right as between the transferor or the transferee and the state, or as between the transferor or the transferee and one or more water use claimants, and such approvals do not preclude or prejudice a subsequent challenge to the validity, priority, or quantity of the right in an adjudicatory proceeding. The tentative determination of a water right by a board does not preclude a different conclusion in a subsequent adjudication. (3) Water transfers approved by the board must remain within an existing category of beneficial use, and a transfer of water that is being used for agricultural applications is restricted to short-term or long-term leases. (4) Each board shall maintain and publish all information made available to it concerning water rights listed with the board and any application to the board for approval of a water transfer. Each board shall establish policies and procedures, consistent with applicable law, for the administration of a system of timely local approvals for water transfers under this chapter. The administration shall be performed exclusively by the board, but the department may provide technical assistance to the board. **NEW SECTION. Sec. 9.** (1) Applications to the board for transfers shall be made on a form provided by the department, and shall contain such additional information as may be required by the board in order to review and act upon the application. At a minimum, the application shall include information sufficient to establish to the board's satisfaction of the transferor's right to the quantity of water being transferred, and a description of any applicable limitations on the right to use water, including the point of diversion or withdrawal, place of use, source of supply, purpose of use, quantity of use permitted, time of use, period of use, and the place of storage. (2) The transferor and the transferee of any proposed water transfer may apply to a board for approval of the transfer if the water proposed to be transferred is currently diverted or used within the geographic boundaries of the county, or would be diverted or used within the geographic boundaries of the county if the transfer is approved. (3) After an application for a transfer is filed with the board, the board shall publish notice of the application in accordance with the publication requirements and send notice to state agencies as provided in RCW 90.03.280. Any person may submit comments to the board regarding the application. Any water right holder claiming detriment or injury to an existing water right may intervene in the application before the board pursuant to subsection (4) of this section. If a majority of the board determines that the application is complete, in accordance with the law and the transfer can be made without injury or detriment to existing rights of water right holders, the board shall issue the applicant a certificate conditionally approving the transfer, subject to review by the director. (4) If a water right holder claims a proposed transfer will cause an impairment to that right, the water right holder is entitled to a hearing before the board. The board shall receive such evidence as it deems material and necessary to determine the validity of the claim of impairment. If the party claiming the impairment establishes by a preponderance of the evidence that his or her water right will be impaired by the proposed transfer, the board may not approve the transfer unless the applicant and the impaired party agree upon compensation for the impairment. **NEW SECTION. Sec. 10.** (1) If an application for a transfer is proposed to transfer water from one irrigation district to another, approval of the transfer shall be conditioned upon receipt of the concurrence from each of the irrigation districts that the transfer will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts. (2) A transfer involving a change in place or use or a nonconsumptive use by an individual water user or users of water provided by an irrigation district need only receive the approval for the transfer from the board of directors of the irrigation district if the water continues within the irrigation district. **NEW SECTION. Sec. 11.** (1) If a transfer is approved by the board, the board shall submit a copy of the proposed certificate conditionally approving the transfer to the department for review. The board shall also submit a report summarizing any factual findings on which the board relied in deciding to approve the proposed transfer. The board shall also transmit notice by mail to any person who objected to the transfer or who requested notice. (2) The director shall review each proposed transfer conditionally approved by a board for compliance with state water transfer laws including RCW 90.03.380, 90.03.390, and 90.44.100, rules and guidelines adopted by the department, and other applicable law. (3) Any party to a transfer or a third party who alleges his or her water right will be impaired by the proposed transfer may file objections with the department. If objections to the transfer are filed with the department, the board shall forward the files and records upon which it based its decision to the department. (4) The director shall review the action of the board and affirm, reverse, or modify the action of the board within forty-five days of receipt. The forty-five day time period may be extended for an additional thirty days by the director, upon the consent of the parties to the transfer. If the director fails to act within this time period, the board's action is final. Upon approval of a water transfer by the action or nonaction of the director, the conditional certificate issued by the board is final and valid. **NEW SECTION. Sec. 12.** The decision of the director to approve an action to create a board, or to approve, deny, or modify a water transfer either by action or nonaction shall be appealable in the same manner as other water right decisions made pursuant to chapter 90.03 RCW. **NEW SECTION. Sec. 13.** Neither the county nor the department shall be subject to any cause of action or claim for damages arising out of transfers approved by a board under this chapter. **NEW**

SECTION. Sec. 14. A person who, in good faith and without intent of circumventing water right relinquishment statutes, leases a water right under this chapter may not lose any portion of that water right by relinquishment due to the nonuse of the water by the lessee. NEW SECTION. Sec. 15. Nothing in this chapter eliminates or lessens the requirements necessary for the approval of interties. NEW SECTION. Sec. 16. (1) A commissioner of a water conservancy board who has an ownership interest in a water right subject to an application for approval of a transfer or change by the board, shall not participate in the board's review or decision upon the application. (2) A commissioner of a water conservancy board who also serves as an employee or upon the governing body of a municipally owned water system, shall not participate in the board's review or decision upon an application for the transfer or change of a water right in which that water system has or is proposed to have an ownership interest. NEW SECTION. Sec. 17. Water conservancy board activities are subject to the open public meetings act, chapter 42.30 RCW. NEW SECTION. Sec. 18. Nothing in this chapter affects transfers that may be otherwise approved under chapter 90.03 RCW. NEW SECTION. Sec. 19. The department shall report biennially by December 31st of each even-numbered year to the appropriate committees of the legislature on the boards formed or sought to be formed under the authority of this chapter, the transfer applications reviewed and other activities conducted by the boards, and the funding of such boards. NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 21. Sections 1 through 19 of this act constitute a new chapter in Title 90 RCW."

On motion of Senator Morton, the following amendment by Senators Morton and Fraser to the Committee on Agriculture and Environment striking amendment was adopted:

On page 5, line 24 of the amendment, after "approved." insert "In the case of a proposed water transfer in which the water is currently diverted or would be diverted outside the geographic boundaries of the county, the board shall hold a public hearing in the county of the diversion or proposed diversion. The board shall provide for prominent publication of notice of such hearing in a newspaper of general circulation published in the county in which the hearing is to be held for the purpose of affording an opportunity for interested persons to comment upon the application."

#### MOTION

On motion of Senator Morton, the following amendment by Senators Morton and Fraser to the Committee on Agriculture and Environment striking amendment was adopted:

' On page 5, line 34 of the amendment, after "existing" strike "rights of water right holders" and insert "water rights in accordance with RCW 90.03.380" The President declared the question before the Senate to be the adoption of the Committee on Agriculture and Environment striking amendment, as amended, to Substitute House Bill No. 1272.

The motion by Senator Morton carried and the committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 1 of the title, after "transfers;" strike the remainder of the title and insert "and adding a new chapter to Title 90 RCW." On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1272, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Hale, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1272, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1272, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1272, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1527, by House Committee on Appropriations (originally sponsored by Representatives Chandler and Linville (by request of Department of Agriculture)

Regulating pesticides.

The bill was read the second time.

#### MOTIONS

Senator Rasmussen moved that the following amendment be adopted:

On page 3, line 26, strike the word "forty-five" and insert the word "sixty-five". Debate ensued.



Senator Snyder demanded a roll call and the demand was sustained.  
The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rasmussen on page 3, line 26, to Engrossed Second Substitute House Bill No. 1527.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Schow - 1. MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Rasmussen and Spanel be adopted:  
On page 13, beginning on line 12, delete everything beginning with "NEW SECTION. Sec. 20." through "expenses." on line 31 Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Rasmussen and Spanel on page 13, beginning on line 12, to Engrossed Second Substitute House Bill No. 1527.  
The motion by Senator Fraser carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Morton, the following title amendment was adopted:  
On page 1, beginning on line 5 of the title, after "15.58 RCW;" delete "adding a new section to chapter 43.23 RCW" On motion of Senator Morton, the rules were suspended, Engrossed Second Substitute House Bill No. 1527, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Benton: "Senator Morton, does this bill include significant fee increases for this whole list of people that we have here in the yellow book?"

Senator Morton: "Senator Benton, I am not familiar with the yellow book list. Yes, it does include fee increases above what they currently are. I assume that what is listed in the yellow book would be accurate. I believe that they were in about the one hundred twenty-five dollar category and this moves them up to one hundred forty-five. We just defeated the amendment that would have raised them to one hundred and sixty-five."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1527, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1527, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42. Voting nay: Senators Benton, Hochstatter, Johnson, Roach, Stevens and Zarelli - 6. Excused: Senator Schow - 1. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1527, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 5:37 p.m., on motion of Senator Johnson, the Senate recessed until 6:15 p.m.

The Senate was called to order at 6:15 p.m. by President Owen.

#### MOTION

On motion of Senator Franklin, Senators Fraser and Kline were excused.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9115, John L. Bley, as Director of the Department of Financial Institutions, was confirmed.

Senators Winsley and Prentice spoke to the confirmation of John L. Bley as Director of the Department of Financial Institutions.

## APPOINTMENT OF JOHN L. BLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 5; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley and Zarelli - 41. Absent: Senators Long, Prince, Strannigan, Wojahn and Wood - 5. Excused: Senators Fraser, Kline and Schow - 3.

## MOTIONS

On motion of Senator Franklin, Senator Wojahn was excused.

On motion of Senator Swecker, Senators McDonald and Strannigan were excused.

## MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9184, Jeffrey W. Nitta, as a member of the Housing Finance Commission, was confirmed.

## APPOINTMENT OF JEFFREY W. NITTA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Excused: Senators McDonald, Schow, Strannigan and Wojahn - 4.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1033, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Schoesler, Honeyford, Sheahan, Grant and Chandler)

Revising requirements for grain facilities under the Washington clean air act.

The bill was read the second time.

## MOTIONS

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was adopted:

On page 3, line 12, after "elevator" strike "for which registration or reporting is provided under a registration program administered under this section by an activated air pollution control authority" On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1033, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1033, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1033, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Excused: Senators Schow,

Strannigan and Wojahn - 3. SUBSTITUTE HOUSE BILL NO. 1033, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2096, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and K. Schmidt)

Consolidating the state's oil spill prevention program.

The bill was read the second time.

## MOTIONS

Senator Swecker moved that the following Committee on Agriculture and Environment amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.211.005 and 1991 c 200 s 401 are each amended to read as follows: (1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality. The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources. The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington. (2) The legislature finds that adequate funding is necessary for the state to continue its priority focus on the prevention of oil spills, as well as maintain a strong oil spill response, planning, and environmental restoration capability. The legislature further finds that long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program that fosters planning, coordination, and incident command. To that end, the merger of the office of marine safety with the department of ecology shall: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incident command response capability and continue to meet the challenges threatening marine safety and the environment; and increase accountability to the public, the executive branch, and the legislature. (3) It is the intent of the legislature that the state's oil spill prevention, response, planning, and environmental restoration activities be sufficiently funded to maintain a strong prevention and response program. It is further the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection as follows: (a) The director of the department of ecology shall consolidate all of the agency's oil spill prevention, planning, and response programs and personnel into a division or equivalent unit of organization within the department. The division shall be managed by a single administrator who is an assistant director or person of equivalent status in the department's organization. The administrator shall report directly to the director. (b) The consolidated oil spill program unit within the department shall maintain prevention of oil spills as a specific program. (c) The department shall identify and participate in resolving threats to safety of marine transportation and the impact of marine transportation on the environment. **Sec. 2.** RCW 82.23B.020 and 1995 c 399 s 214 are each amended to read as follows: (1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of ~~((two))~~ one cent(s) per barrel of crude oil or petroleum product received. (2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of ~~((three))~~ four cents per barrel of crude oil or petroleum product. (3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes. (4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer. (5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes. (6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs. (7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this

chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW. (8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter. (9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill administration account. (10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless: (a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than ~~((twenty-five))~~ ten million dollars; or (b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than ~~((fifteen))~~ nine million dollars. ~~(((11) The office of marine safety, the department of revenue, and the department of community, trade, and economic development shall study tax credits for taxpayers employing vessels with the best achievable technology and the best available protection to reduce the risk of oil spills to the navigable waters of the state and submit the study to the appropriate standing committees of the legislature by December 1, 1992.))~~ **Sec. 3.** RCW 90.56.510 and 1995 2nd sp.s. c 14 s 525 are each amended to read as follows: (1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. ~~(((On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account.)))~~ If, on the first day of any calendar month, the balance of the oil spill response account is greater than ~~((twenty-five))~~ ten million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1997, the state treasurer may transfer up to \$1,718,000 from the oil spill response account to the oil spill administration account to support appropriations made from the oil spill administration account in the omnibus and transportation appropriations acts adopted not later than June 30, 1997. (2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of: (a) Routine responses not covered under RCW 90.56.500; (b) Management and staff development activities; (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060; (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation; (e) Interagency coordination and public outreach and education; (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and (g) Appropriate travel, goods and services, contracts, and equipment. **NEW SECTION. Sec. 4.** All employees of the office of marine safety are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. **NEW SECTION. Sec. 5.** (1) An oil spill prevention and response advisory committee is created within the department of ecology. The committee shall consist of eleven members as follows: Four legislators, one from each caucus; one member each to represent pilots licensed under chapter 88.16 RCW, the marine oil transportation industry, the marine cargo transportation industry, the fishing industry, the shellfish industry, an environmental organization, and the department of ecology. The member representing the department of ecology shall be an ex-officio member. Legislative members shall be appointed by the speaker of the house of representatives or the president of the senate, as appropriate. The director of the department of ecology shall appoint all other members. (2) By December 1, 1998, the committee shall submit a report to the appropriate standing committees of the legislature evaluating the merger of the functions of the office of marine safety into the department of ecology. (3) This section expires June 30, 1999. **NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Senator Fraser moved that the following amendments to the Committee on Agriculture and Environment amendment be considered simultaneously and be adopted:

On page 3, line 4 of the amendment, strike "four" and insert "one" On page 3, after line 5 of the amendment, insert

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The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 3, lines 4 and 5; page 4, line 17; and page 6, after line 34, to the Committee on Agriculture and Environment striking amengment to Engrossed Substitute House Bill No. 2096..

The motion by Senator Fraser failed and the amendments to the committee striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Agriculture and Environment striking amendment to Engrossed Substitute House Bill No. 2096.

Debate ensued.

The motion by Senator Swecker carried and the Committee on Agriculture and Environment striking amendment was adopted.

#### MOTIONS

On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 2 of the title, after "ecology;" strike the remainder of the title and insert "amending RCW 43.21I.005, 82.23B.020, and 90.56.510; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 2096, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2096, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2096 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Finkbeiner and McCaslin - 2. Excused: Senators Schow and Strannigan - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2096, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1419, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Linville and Regala) (by request of Department of Ecology)

Revising provisions for solid waste permits.

The bill was read the second time.

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 1419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1419.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1419 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator McDonald - 1. Excused: Senators Fairley, Schow and Strannigan - 3. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1464, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Linville) (by request of Department of Agriculture)

Updating and modifying certain noxious weed provisions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was adopted: Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 17.10.905 and 1975 1st ex.s. c 13 s 17 are each amended to read as follows: The purpose of this chapter is to limit economic loss ((~~due to the presence and spread of noxious weeds on or near agricultural land~~)) and adverse effects to Washington's agricultural, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the state. The intent of the

legislature is that this chapter be liberally construed, and that the jurisdiction, powers, and duties granted to the county noxious weed control boards by this chapter are limited only by specific provisions of this chapter or other state and federal law. **Sec. 2.** RCW 17.10.010 and 1995 c 255 s 6 are each amended to read as follows: ~~((Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise: (1) "Noxious weed" means ~~((any))~~ a plant ~~((which))~~ that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices. (2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board ~~((which))~~. The list is divided into three classes: (a) Class A ~~((shall))~~ consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state; (b) Class B ~~((shall))~~ consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region; (c) Class C ~~((shall))~~ consists of any other noxious weeds. (3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity. (4) "Owner" means the person in actual control of property, or his or her agent, whether ~~((such))~~ the control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of ~~((such))~~ the easement ~~((shall be))~~ is deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of ~~((such))~~ the easement. (5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" ~~((shall))~~ means conforming to the standards of noxious weed control or prevention in this chapter or as adopted by rule ~~((or regulation))~~ in chapter 16-750 WAC by the state noxious weed control board and an activated county noxious weed control board. (6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land. (7) "Agricultural purposes" are those ~~((which))~~ that are intended to provide for the growth and harvest of food and fiber. (8) "Director" means the director of the department of agriculture or the director's appointed representative. (9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW. (10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080. (11) "Screenings" means a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning either grain or seeds, or both, such as light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, floor sweepings, sand, and dirt. **Sec. 3.** RCW 17.10.020 and 1969 ex.s. c 113 s 2 are each amended to read as follows: (1) In each county of the state there is ~~((hereby))~~ created a noxious weed control board, ~~((which shall))~~ bearing the name of the county within which it is located. The jurisdictional boundaries of each board ~~((shall be coextensive with))~~ are the boundaries of the county within which it is located. (2) Each noxious weed control board ~~((shall be))~~ is inactive until activated pursuant to the provisions of RCW 17.10.040. **Sec. 4.** RCW 17.10.030 and 1987 c 438 s 2 are each amended to read as follows: There is ~~((hereby))~~ created a state noxious weed control board ~~((which shall be))~~ comprised of nine voting members and three nonvoting members. Four of the voting members shall be elected by the members of the various activated county noxious weed control boards, and shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and those qualifications shall continue through their term of office. Two ~~((such))~~ of these members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture ~~((shall be))~~ is a voting member of the board. One voting member shall be elected by the directors of the various active weed districts formed under chapter 17.04 or 17.06 RCW. The Washington state association of counties ~~((shall))~~ appoints one voting member who shall be a member of a county legislative authority. ~~((The director shall appoint three nonvoting members representing scientific disciplines relating to weed control.))~~ The director shall ~~((also))~~ appoint two voting members to represent the public interest, one from the west side and one from the east side of the state. The director shall also appoint three nonvoting members representing scientific disciplines relating to weed control. The term of office for all members of the board ~~((shall be))~~ is three years from the date of election or appointment. The board, by rule, shall establish a position number for each elected position of the board and shall designate which county noxious weed control board members are eligible to vote for each elected position. The elected members ~~((shall))~~ serve staggered terms. Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms. Nominations and elections shall be by mail and conducted by the board. The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a ~~((chairman))~~ chair and ~~((such))~~ other officers as may be necessary. A majority of the voting members of the board ~~((shall))~~ constitutes a quorum for the transaction of business and ~~((shall be))~~ is necessary for any action taken by the board. The members of the board ~~((shall))~~ serve without salary, but shall be reimbursed for travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended)).~~ **Sec. 5.** RCW 17.10.040 and 1987 c 438 s 3 are each amended to read as follows: An inactive county noxious weed control board may be activated by any one of the following methods: (1) Either within sixty days after a petition is filed by one hundred registered voters within the county or, on its own motion, the county legislative authority shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the county noxious weed control board. If such a need is found to exist, then the county legislative authority shall, in the manner provided by RCW 17.10.050, appoint five persons to ~~((hold seats on))~~ the county's noxious weed control board. (2) If the county's noxious weed control board is not activated within one year following a hearing by the county legislative authority to determine the need for activation, then upon the filing with the state noxious weed control board of a petition comprised either of the signatures of at least two hundred registered voters within the county, or of the signatures of a majority of an adjacent county's noxious weed control board, the state board shall, within six months of the date of ~~((such))~~ the filing, hold a hearing in the county to determine the need for activation. If a need for activation is found to exist, then the state board shall order the county legislative authority to activate the county's noxious weed control board and to appoint members to ~~((such))~~ the board in the manner provided by RCW 17.10.050. (3) The director, ~~((with notice to))~~ upon request of the state noxious weed control board, ~~((may))~~ shall order a county legislative authority to activate the noxious weed control board immediately if an infestation of a class A noxious weed or class B noxious weed designated for control ~~((within the region wherein the county lies as defined in RCW 17.10.080))~~ on the state noxious weed list is confirmed in that county. The county legislative authority may, as an alternative to activating the noxious weed board, combat the class A noxious weed or class B noxious

weed with county resources and personnel operating with the authorities and responsibilities imposed by this chapter on a county noxious weed control board. No county may continue without a noxious weed control board for a second consecutive year if the class A noxious weed or class B noxious weed (~~(designated for control within the region wherein the county lies)~~) has not been eradicated. **Sec. 6.** RCW 17.10.050 and 1987 c 438 s 4 are each amended to read as follows: (1) Each activated county noxious weed control board (~~(shall)~~) consists of five voting members (~~(who shall be)~~) appointed by the county legislative authority. In appointing (~~(such)~~) the voting members, the county legislative authority shall divide the county into five (~~(sections, none of which shall overlap and each of which shall be of the same approximate area)~~) geographical areas that best represent the county's interests, and (~~(shall)~~) appoint a voting member from each (~~(section)~~) geographical area. At least four of the voting members shall be engaged in the primary production of agricultural products. There (~~(shall be)~~) is one nonvoting member on (~~(such)~~) the board who (~~(shall be)~~) is the (~~(chief)~~) chair of the county extension (~~(agent)~~) office or an extension agent appointed by the (~~(chief)~~) chair of the county extension (~~(agent)~~) office. Each voting member of the board (~~(shall)~~) serves a term of four years, except that the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of two years. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties. (2) The voting members of the board (~~(shall represent the same sections designated by the county legislative authority in appointing members to the board at its inception and shall)~~) serve until their replacements are appointed. New members of the board shall be appointed at least thirty days prior to the expiration of any board member's term of office. Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in (~~(said)~~) the section with last publication occurring at least ten days prior to the nomination. All persons interested in appointment to the board and residing in the (~~(section)~~) geographical area with a pending nomination shall make a written application that includes the signatures of at least ten registered voters residing in the (~~(section)~~) geographical area supporting the nomination to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and (~~(shall)~~) post the names of those nominees in the county courthouse and (~~(in three places in the section)~~) publish in at least one newspaper of general circulation in the county. The county legislative authority, within ten days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that (~~(section)~~) geographical area during that term of office. (3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board (~~(shall)~~) constitutes a quorum for the transaction of business and (~~(shall be)~~) is necessary for any action taken by the board. The board shall elect from its members a (~~(chairperson)~~) chair and (~~(such)~~) other officers as may be necessary. (4) In case of a vacancy occurring in any voting position on a county noxious weed control board, the county legislative authority of the county in which (~~(such)~~) the board is located shall appoint a qualified person to fill the vacancy for the unexpired term. **Sec. 7.** RCW 17.10.060 and 1987 c 438 s 5 are each amended to read as follows: (1) Each activated county noxious weed control board (~~(may)~~) shall employ or otherwise provide a weed coordinator whose duties (~~(shall be)~~) are fixed by the board but which shall include inspecting land to determine the presence of noxious weeds, offering technical assistance and education, and developing a program to achieve compliance with the weed law. The weed coordinator may be employed full time, part time, or seasonally by the county noxious weed control board. County weed board employment practices shall comply with county personnel policies. Within sixty days from initial employment the weed coordinator shall obtain a pest control consultant license, a pesticide operator license, and the necessary endorsements on the licenses as required by law. Each board may purchase, rent, or lease (~~(such)~~) equipment, facilities, or products and may hire (~~(such)~~) additional persons as it deems necessary for the administration of the county's noxious weed control program. (2) Each activated county noxious weed control board (~~(shall have)~~) has the power to adopt (~~(such)~~) rules and regulations, subject to notice and hearing as provided in chapters 42.30 and 42.32 RCW (~~(as now or hereafter amended)~~), as are necessary for an effective county weed control or eradication program. (3) Each activated county noxious weed control board shall meet with a quorum at least quarterly. **Sec. 8.** RCW 17.10.070 and 1987 c 438 s 6 are each amended to read as follows: (1) In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it (~~(shall have)~~) has the power to: (a) Employ a state noxious weed control board executive secretary (~~(who shall)~~), and additional persons as it deems necessary, to disseminate information relating to noxious weeds to county noxious weed control boards and weed districts (~~(and who shall work)~~), to coordinate the educational and weed control efforts of the various county and regional noxious weed control boards and weed districts, and to assist the board in carrying out its responsibilities; (b) Adopt, amend, (~~(change,)~~) or repeal (~~(such)~~) rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter. (2) The state noxious weed control board shall provide a written report before January 1 of each odd-numbered year to the governor, the legislature, the county noxious weed control boards, and the weed districts showing the (~~(funds disbursed by the department to each noxious weed control board or district,)~~) expenditure of state funds on noxious weed control; specifically how the funds were spent(~~(-);~~) the status of the state, county, and district programs; and recommendations for the continued best use of state funds for noxious weed control. The report shall include recommendations as to the long-term needs regarding weed control. **Sec. 9.** RCW 17.10.074 and 1987 c 438 s 7 are each amended to read as follows: (1) In addition to the powers conferred on the director under other provisions of this chapter, the director (~~(shall)~~), with the advice of the state noxious weed control board, (~~(have)~~) has power to: (a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to it concerning the presence, absence, or estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof; (b) Employ (~~(such)~~) staff as may be necessary in the administration of this chapter; (c) Adopt, amend, (~~(change,)~~) or repeal (~~(such)~~) rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out this chapter; (d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations; (e) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, or by one hundred registered voters that are land owners within the county, require the county legislative authority or noxious weed control board of the county or weed district that is the subject of the complaint to respond to the complaint within forty-five days with a plan for the control of the noxious weeds cited in the complaint; (f) If the complaint in (~~(subsection)~~) (e) of this subsection involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to

control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district ~~((shall be))~~ is liable for payment of the expense of the control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district. The director may bring a civil action in a court of competent jurisdiction to collect the expenses of the control work, costs, and attorneys' fees; (g) In counties ~~((which have not activated their))~~ without an activated noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in RCW 17.10.230~~((;))~~ and 17.10.310 through 17.10.350, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards; (h) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235. (2) The moneys appropriated for noxious weed control to the department shall be used for administration of the state noxious weed control board ~~((for determining the economic impact of noxious weeds in the state of Washington)),~~ the administration of the director's powers under this chapter, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. In a county with an activated noxious weed control board, the director shall make every effort to contract with that board for the needed services. (3) If the director determines the need to reallocate funds previously designated for county use, the director shall convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation. **Sec. 10.** RCW 17.10.080 and 1989 c 175 s 57 are each amended to read as follows: (1) The state noxious weed control board shall each year or more often, following a hearing, adopt a state noxious weed list. (2) ~~((At the hearing))~~ Any person may request during a comment period established by the state weed board the inclusion, deletion, or designation change of any plant to the ~~((lists to be adopted by the state noxious weed control board. Any hearing held pursuant to this section shall conform to the Administrative Procedure Act, chapter 34.05 RCW. PROVIDED, That adding a weed to or deleting a weed from the list shall constitute a substantial change as provided for in RCW 34.05.340))~~ state noxious weed list. (3) The state noxious weed control board shall send a copy of the list~~(s)~~ to each activated county noxious weed control board, ~~((to each regional noxious weed control board,))~~ to each weed district, and to the county legislative authority of each county with an inactive noxious weed control board. (4) The record of ~~((hearing shall))~~ rule making must include the written findings of the board for the inclusion of each plant on the list. ~~((Such))~~ The findings shall be made available upon request to any interested person. **Sec. 11.** RCW 17.10.090 and 1987 c 438 s 9 are each amended to read as follows: Each county noxious weed control board shall, within ~~((thirty))~~ ninety days of the ~~((receipt))~~ adoption of the state noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the class C list and those weeds from the class B list not designated for control in the noxious weed control region in which the county lies ~~((which))~~ that it finds necessary to be controlled in the county. The weeds thus selected and all class A weeds and those class B weeds that have been designated for control in the noxious weed control region in which the county lies shall be classified within that county as noxious weeds, and those weeds ~~((shall))~~ comprise the county noxious weed list. **Sec. 12.** RCW 17.10.100 and 1987 c 438 s 10 are each amended to read as follows: Where any of the following occur, the state noxious weed control board may, following a hearing, order any county noxious weed control board or weed district to include a noxious weed from the state board's list in the county's noxious weed list: (1) Where the state noxious weed control board receives a petition from at least one hundred registered voters within the county requesting that the weed be listed. (2) Where the state noxious weed control board receives a request for ~~((such))~~ inclusion from an adjacent county's noxious weed control board or weed district, which the adjacent board or district has included that weed in ~~((the))~~ its county list, and ~~((which))~~ the adjacent board or weed district alleges that its noxious weed control program is being hampered by the failure to include the weed on the county's noxious weed list. **Sec. 13.** RCW 17.10.110 and 1987 c 438 s 11 are each amended to read as follows: A regional noxious weed control board comprising the area of two or more counties may be created as follows: Either the county legislative authority ~~((and/or)),~~ or the noxious weed control board, or both, of two or more counties may, upon a determination that the purpose of this chapter will be served by the creation of a regional noxious weed control board, adopt a resolution providing for a limited merger of the functions of their respective counties noxious weed control boards. ~~((Such))~~ The resolution ~~((shall))~~ becomes effective only when a similar resolution is adopted by the other county or counties comprising the proposed regional board. **Sec. 14.** RCW 17.10.120 and 1987 c 438 s 12 are each amended to read as follows: In any case where a regional noxious weed control board is created, the county noxious weed control boards comprising the regional board shall still remain in existence and shall retain all powers and duties provided for ~~((such))~~ the boards under this chapter. The regional noxious weed control board ~~((shall be))~~ is comprised of the voting members and the nonvoting members of the component counties noxious weed control boards or county legislative authorities who shall, respectively, be the voting and nonvoting members of the regional board: PROVIDED, That each county shall have an equal number of voting members. The board may appoint other nonvoting members as deemed necessary. A majority of the voting members of the board ~~((shall))~~ constitutes a quorum for the transaction of business and ~~((shall be))~~ is necessary for any action taken by the board. The board shall elect a ~~((chairperson))~~ chair from its members and ~~((such))~~ other officers as may be necessary. Members of the regional board ~~((shall))~~ serve without salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties. **Sec. 15.** RCW 17.10.130 and 1987 c 438 s 13 are each amended to read as follows: The powers and duties of a regional noxious weed control board are as follows: (1) The regional board shall, within ~~((thirty))~~ ninety days of the ~~((receipt))~~ adoption of the state noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the state list ~~((which))~~ that it finds necessary to be controlled on a regional basis. The weeds thus selected shall also be contained in the county noxious weed list of each county in the region. (2) The regional board shall take ~~((such))~~ action as may be necessary to coordinate the noxious weed control programs of the region and ~~((shall))~~ adopt a regional plan for the control of noxious weeds. **Sec. 16.** RCW 17.10.134 and 1987 c 438 s 14 are each amended to read as follows: Obligations or liabilities incurred by any county or regional noxious weed control board or any claims against a county or regional noxious weed control board ~~((shall be))~~ are governed by chapter 4.96 RCW or RCW 4.08.120: PROVIDED, That individual members or employees of a county noxious weed control board ~~((shall be))~~ are personally immune from civil liability for damages arising from actions performed within the scope of their official duties or employment. **Sec. 17.** RCW 17.10.140 and 1969 ex. s. c 113 s 14 are each amended to read as follows: (1)



Except as is provided under ~~((RCW 17.10.150))~~ subsection (2) of this section, every owner shall perform~~((=))~~ or cause to be performed ~~((such))~~ those acts as may be necessary to ~~((control and to prevent the spread of noxious weeds from his))~~: (a) Eradicate all class A noxious weeds; (b) Control and prevent the spread of all class B noxious weeds designated for control in that region within and from the owner's property; and (c) Control and prevent the spread of all class B and class C noxious weeds listed on the county weed list as locally mandated control priorities within and from the owner's property. (2) Forest lands classified under RCW 17.10.240(2), or meeting the definition of forest lands contained in RCW 17.10.240, are subject to the requirements of subsection (1)(a) and (b) of this section at all times. Forest lands are subject to the requirements of subsection (1)(c) of this section only within a one thousand foot buffer strip of adjacent land uses. In addition, forest lands are subject to subsection (1)(c) of this section for a single five-year period following the harvesting of trees for lumber. **Sec. 18.** RCW 17.10.145 and 1995 c 374 s 75 are each amended to read as follows: All state agencies shall control noxious weeds on lands they own, lease, or otherwise control through integrated pest management practices. Agencies shall develop plans in cooperation with county noxious weed control boards to control noxious weeds in accordance with standards in this chapter. All state agencies' lands must comply with this chapter, regardless of noxious weed control efforts on adjacent lands. ~~((County noxious weed control boards shall assist landowners to meet and exceed the standards on state lands.))~~ **Sec. 19.** RCW 17.10.154 and 1987 c 438 s 16 are each amended to read as follows: It is recognized that the prevention, control, and eradication of noxious weeds presents a problem for immediate as well as for future action. It is further recognized that immediate prevention, control, and eradication is practicable on some lands and that prevention, control, and eradication on other lands should be extended over a period of time. Therefore, it is the intent of this chapter that county noxious weed control boards may use their discretion and, by agreement with the owners of land, may propose and accept plans for prevention, control, and eradication ~~((which))~~ that may be extended over a period of years. The county noxious weed control board may make an agreement with the owner of any parcel of land by contract between the landowner and the respective county noxious weed control board, and the board shall enforce the terms of any agreement. The county noxious weed control board may make any terms ~~((which))~~ that will best serve the interests of the owners of the parcel of land and the common welfare ~~((which))~~ that comply with this chapter ~~((and the rules adopted thereunder))~~. Agreements made under this section must include at least a one thousand foot buffer for all adjacent agricultural land uses. Noxious weed control in this buffer must comply with RCW 17.10.140(1). **Sec. 20.** RCW 17.10.160 and 1987 c 438 s 17 are each amended to read as follows: Any authorized agent or employee of the county noxious weed control board or of the state noxious weed control board or of the department of agriculture where not otherwise proscribed by law may enter upon any property for the purpose of administering this chapter and any power exercisable pursuant thereto, including the taking of specimens of weeds ~~((or other materials))~~, general inspection, and the performance of eradication or control work. Prior to carrying out the purpose~~(s)~~ for which the entry is made, the official making such entry or someone in his or her behalf, shall ~~((have first made))~~ make a reasonable attempt to notify the owner of the property as to the purpose and need for the entry. (1) When there is probable cause to believe that there is property within this state not otherwise exempt from process or execution upon which noxious weeds are standing or growing and the owner ~~((thereof))~~ refuses permission to inspect the property, a judge of the superior court or district court in the county in which ~~((such))~~ the property is located may, upon the request of the county noxious weed control board or its agent, issue a warrant directed to ~~((such))~~ the board or agent authorizing the ~~((search for the noxious weeds described in the request for the warrant))~~ taking of specimens of weeds or other materials, general inspection, and the performance of eradication or control work. (2) Application for issuance and execution and return of the warrant authorized by this section shall be in accordance with the applicable rules of the superior court or the district courts. (3) Nothing in this section requires the application for and issuance of any warrant not otherwise required by law: PROVIDED, That civil liability for negligence shall lie in any case in which entry and any of the activities connected therewith are not undertaken with reasonable care. (4) Any person who improperly prevents or threatens to prevent entry upon land as authorized in this section or any person who interferes with the carrying out of this chapter shall be upon conviction guilty of a misdemeanor. **Sec. 21.** RCW 17.10.170 and 1987 c 438 s 18 are each amended to read as follows: (1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner ~~((thereof))~~ is not taking prompt and sufficient action to control the ~~((same))~~ noxious weeds, pursuant to the provisions of RCW 17.10.140 ~~((and 17.10.150))~~, it shall notify the owner that a violation of this chapter exists. The notice shall be in writing and sent by certified mail, and shall identify the noxious weeds found to be present, order prompt control action, and specify the time, of at least ten days from issuance of the notice, within which the prescribed action must be taken. Upon deposit of the certified letter of notice, the noxious weed control authority shall make an affidavit of mailing ~~((which shall be))~~ that is prima facie evidence that proper notice was given. If seed ~~((dispersion))~~ or other propagule dispersion is imminent, immediate control action may be taken forty-eight hours following the time that notification is reasonably expected to have been received by the owner or agent by certified mail or personal service, instead of ten days. If a landowner received a notice of violation from the county noxious weed control board in a prior growing season, removal or destruction of all above ground plant parts may be required at the most effective point in the growing season, as determined by the county weed board, which may be before or after propagule dispersion. (2) The county noxious weed control board or its authorized agents may issue a notice of civil infraction as provided for in RCW 17.10.230 ~~((and))~~, 17.10.310 ~~((through))~~, and 17.10.350 to owners who do not take action to control noxious weeds in accordance with the notice. (3) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board may control them, or cause their being controlled, at the expense of the owner. The amount of ~~((such))~~ the expense ~~((shall))~~ constitutes a lien against the property and may be enforced by proceedings on ~~((such))~~ the lien except as provided for by RCW 79.44.060. The owner ~~((shall be))~~ is liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien. Necessary costs and expenses including reasonable attorneys' fees incurred by the county noxious weed control board in carrying out this section may be recovered at the same time as a part of the action filed under this section. Funds received in payment for the expense of controlling noxious weeds shall be transferred to the county noxious weed control board to be expended as required to carry out the purposes of this chapter. (4) The county auditor shall record in his or her office any lien created under this chapter, and any ~~((such))~~ lien shall bear interest at the rate of twelve percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling ~~((such))~~ the weeds. (5) As an alternative to the enforcement of any lien created under subsection (3) of this section, the county legislative authority may by resolution or ordinance require that each ~~((such))~~ lien created ~~((shall))~~ be collected by

the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes ~~((shall))~~ bear interest at the rate of twelve percent per annum and ~~((such))~~ the interest ~~((shall))~~ accrues as of the date notice of the lien is sent to the owner: PROVIDED, That any collections for ~~((such))~~ the lien shall not be considered as tax. **Sec. 22.** RCW 17.10.180 and 1987 c 438 s 19 are each amended to read as follows: Any owner, upon request pursuant to the rules and regulation of the county noxious weed control board, ~~((shall be))~~ is entitled to a hearing before the board on any charge or cost for which the owner is alleged to be liable pursuant to RCW 17.10.170 or 17.10.210. The board shall send notice by certified mail within thirty days, to each owner at the owner's last known address, as to any ~~((such))~~ charge or cost and as to his or her right of a hearing. The hearing shall be scheduled within forty-five days of notification. Any determination or final action by the board ~~((shall be))~~ is subject to judicial review by a proceeding in the superior court in the county in which the property is located, and ~~((such))~~ the court ~~((shall have))~~ has original jurisdiction to determine any suit brought by the owner to recover damages allegedly suffered on account of control work negligently performed: PROVIDED, That no stay or injunction shall lie to delay any ~~((such))~~ control work subsequent to notice given pursuant to RCW 17.10.160 or pursuant to an order under RCW 17.10.210. **Sec. 23.** RCW 17.10.190 and 1987 c 438 s 20 are each amended to read as follows: Each activated county noxious weed control board ~~((shall cause to be published))~~ must publish annually, and at ~~((such))~~ other times as may be appropriate, in at least one newspaper of general circulation within its area, a general notice. The notice shall direct attention to the need for noxious weed control and ~~((shall))~~ give ~~((such))~~ other information ~~((with respect thereto))~~ concerning noxious weed control requirements as may be appropriate, or ~~((shall))~~ indicate where such information may be secured. In addition to the general notice required ~~((hereby))~~, the county noxious weed control board may use any appropriate media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. ~~((Such))~~ The methods may include ~~((definite systems of tillage, cropping, management, or use of livestock))~~ some combination of physical, mechanical, cultural, chemical, and/or biological methods, including livestock. Publication of a notice as required by this section ~~((shall))~~ is not ~~((be))~~ a condition precedent to the enforcement of this chapter. **Sec. 24.** RCW 17.10.205 and 1975 1st ex.s. c 13 s 16 are each amended to read as follows: Open areas subject to the spread of noxious weeds, ~~((other than crop land,))~~ including but not limited to subdivisions, school grounds, playgrounds, parks, and rights of way shall be subject to regulation by activated county noxious weed control boards in the same manner and to the same extent as is provided for ~~((agricultural lands))~~ all terrestrial and aquatic lands of the state. **Sec. 25.** RCW 17.10.210 and 1987 c 438 s 22 are each amended to read as follows: (1) Whenever the director ~~((or))~~, the county noxious weed control board, or a weed district finds that a parcel of land is so seriously infested with class A or class B noxious weeds that control measures cannot be undertaken thereon without quarantining the land and restricting or denying access thereto or use thereof, the director ~~((or))~~, the county noxious weed control board, or weed district, with the approval of the director of the department of agriculture, may issue an order for ~~((such))~~ the quarantine and restriction or denial of access or use. Upon issuance of the order, the director ~~((or))~~, the county noxious weed control board, or the weed district shall commence necessary control measures and ~~((shall prosecute them with due diligence))~~ may institute legal action for the collection of costs for control work, which may include attorneys' fees and the costs of other appropriate actions. (2) An order of quarantine shall be served, by any method sufficient for the service of civil process, on all persons known to qualify as owners of the land within the meaning of this chapter. (3) The director shall, with the advice of the state noxious weed control board, determine how the expense of control work undertaken pursuant to this section, and the cost of any quarantine in connection therewith, ~~((shall be))~~ is apportioned. **Sec. 26.** RCW 17.10.235 and 1987 c 438 s 30 are each amended to read as follows: (1) ~~((Any person who knowingly or negligently sells a product, article, or feed stuff designated under subsection (2) of this section containing noxious weed seeds or toxic weeds designated for control under subsection (2) of this section and in an amount greater than the amount established by the director for the seed or weed under subsection (2) of this section is guilty of a misdemeanor. (2)))~~ The director of agriculture shall adopt, with the advice of the state noxious weed control board, rules designating noxious weed seeds ~~((the presence of))~~ which shall be controlled in products, screenings, or articles to prevent the spread of noxious weeds. The rules shall identify the products, screenings, and articles in which ~~((such))~~ the seeds must be controlled and the maximum amount of ~~((such))~~ the seed to be permitted in the product, screenings, or article to avoid a hazard of spreading the noxious weed by seed from the product, screenings, or article. The director shall also adopt, with the advice of the state board, rules designating toxic weeds ~~((the presence of))~~ which shall be controlled in feed stuffs and screenings to prevent injury to the animal that consumes the feed. The rules shall identify the feed stuffs and screenings in which the toxic weeds must be controlled and the maximum amount of the toxic weed to be permitted in ~~((such))~~ the feed. Rules developed under this section shall identify ways that products, screenings, articles, or feed stuffs containing noxious weed seeds or toxic weeds can be made available for beneficial uses. (2) Any person who knowingly or negligently sells or otherwise distributes a product, article, screenings, or feed stuff designated by rule containing noxious weed seeds or toxic weeds designated for control by rule and in an amount greater than the amount established by the director for the seed or weed by rule is guilty of a misdemeanor. (3) The department of agriculture shall, upon request of the buyer, inspect products, screenings, articles, or feed stuffs designated ~~((under subsection (2) of this section))~~ by rule and charge fees, in accordance with chapter 22.09 RCW, to determine the presence of designated noxious weed seeds or toxic weeds. **Sec. 27.** RCW 17.10.240 and 1995 c 374 s 77 are each amended to read as follows: (1) The activated county noxious weed control board of each county shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year: PROVIDED, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890. Control of weeds is a ~~((special))~~ benefit to the lands within any such section. Funding for the budget ~~((shall be))~~ is derived from any or all of the following: ~~((+))~~ (a) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it ~~((shall))~~ will gather information to serve as a basis for classification and ~~((shall))~~ then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each

class, ~~((such))~~ an amount as ~~((shall))~~ seems just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre: PROVIDED, That if no ~~((special))~~ benefits ~~((should be))~~ are found to accrue to a class of land, a zero assessment may be levied. The county legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept~~((or))~~ or modify by resolution, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. ~~((The findings by the county legislative authority of such special benefits, when so declared by resolution and spread upon the minutes of said authority shall be conclusive as to whether or not the same constitutes a special benefit to the lands within the section.))~~ The amount of ~~((such))~~ the assessment ~~((shall))~~ constitutes a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each ~~((such))~~ lien created ~~((shall))~~ be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes ~~((shall))~~ bear interest at the rate of twelve percent per annum and ~~((such))~~ the interest ~~((shall))~~ accrues as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for ~~((such))~~ the lien shall not be considered as tax; or ~~((2))~~ (b) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter. ~~((3))~~ (2) Forest lands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that ~~((shall))~~ does not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection ~~((4))~~ (3) of this section. ~~((4))~~ (3) The calculation of the "weighted average per acre noxious weed assessment" ~~((shall be))~~ is a ratio expressed as follows: (a) The numerator ~~((shall be))~~ is the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forest lands as identified in subsection ~~((3))~~ (2) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area. (b) The denominator ~~((shall be))~~ is the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands ~~((shall be))~~ are calculated as being one-half acre in size on the average, and (ii) improved lands ~~((shall be))~~ are calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information. ~~((5))~~ (4) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forest lands as defined in subsection ~~((3))~~ (2) of this section shall not exceed one-tenth of the per parcel assessment on nonforest lands. **Sec. 28.** RCW 17.10.250 and 1987 c 438 s 32 are each amended to read as follows: The legislative authority of any county with an activated noxious weed control board or the board of any weed district may apply to the director for noxious weed control funds when informed by the director that funds are available. Any ~~((such))~~ applicant must employ adequate administrative personnel to supervise an effective weed control program as determined by the director with advice from the state noxious weed control board. The director with advice from the state noxious weed control board shall adopt rules on the distribution and use of noxious weed control account funds. **Sec. 29.** RCW 17.10.300 and 1975 1st ex. s. c 13 s 15 are each amended to read as follows: No lien created by RCW 17.10.280 ~~((shall))~~ exists, and no action to enforce the same shall be maintained, unless within ninety days from the date of cessation of the performance of ~~((such))~~ the labor, furnishing of materials, or the supplying of ~~((such))~~ equipment, a claim for ~~((such))~~ the lien ~~((shall be))~~ is filed for record as ~~((hereinafter))~~ provided in this section, in the office of the county auditor of the county in which the property, or some part ~~((thereof))~~ of the property to be affected ~~((thereby))~~ by the claim for a lien, is situated. ~~((Such))~~ The claim shall state, as nearly as may be, the time of the commencement and cessation of performing the labor, furnishing the material, or supplying the equipment, the name of the county noxious weed control board ~~((which))~~ that performed the labor or caused the labor to be performed, furnished the material, or supplied the equipment, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, or his or her agent, and if the owner is not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the county noxious weed control board, and be verified by the oath of the county noxious weed control board, to the effect that the affiant believes that claim to be just; and ~~((such))~~ the claim of lien may be amended in case of action brought to foreclose the same, by order of the court, as pleadings may be, insofar as the interest of third parties shall not be affected by such an amendment. ~~((A claim or lien substantially in the same form provided by RCW 60.04.060 and not in conflict with this section shall be sufficient.))~~ **Sec. 30.** RCW 17.10.310 and 1987 c 438 s 24 are each amended to read as follows: The county noxious weed control board may issue a notice of civil infraction if after investigation it has reasonable cause to believe an infraction has been committed. ~~((It shall be a misdemeanor for any person to refuse to identify himself or herself properly for the purpose of issuance of a notice of infraction. Any person willfully violating a written and signed promise to respond to a notice of infraction shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction.))~~ A civil infraction may be issued pursuant to RCW 7.80.005, 7.80.070 through 7.80.110, 7.80.120 (3) and (4), and 7.80.130 through 7.80.900. **Sec. 31.** RCW 17.10.350 and 1987 c 438 s 28 are each amended to read as follows: Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty~~((No monetary penalty so assessed may))~~ not to exceed one thousand dollars. The state noxious weed control board shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and ~~((shall))~~ submit the schedule to the appropriate court. If a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter ~~((shall be))~~ is punishable as a misdemeanor. **Sec. 32.** RCW 17.10.890 and 1987 c 438 s 37 are each amended to read as follows: The following procedures shall be followed to deactivate a county noxious weed control board: (1) The county legislative authority ~~((shall))~~ holds a hearing to determine whether there continues to be a need for an activated county noxious weed control board if: (a) A petition is filed by one hundred registered voters within the county; (b) A petition is filed by a county noxious weed control board as provided in RCW 17.10.240; or (c) The county legislative authority passes a motion to hold such a hearing. (2) Except as provided in subsection (4) of this section, the hearing shall be held within sixty days of

final action taken under subsection (1) of this section. (3) If, after a hearing, the county legislative authority determines that no need exists for a county noxious weed control board, due to the absence of class A or class B noxious weeds designated for control in the region, the county legislative authority shall deactivate the board. (4) The county legislative authority shall not convene a hearing as provided for in subsection (1) of this section more frequently than once a year. **Sec. 33.** RCW 17.10.900 and 1987 c 438 s 38 are each amended to read as follows: Any weed district formed under chapter 17.04 or 17.06 RCW prior to the enactment of this chapter, ~~((shall))~~ continues to operate under the provisions of the chapter under which it was formed: PROVIDED, That if ten percent of the landowners subject to any such weed district, and the county noxious weed control board upon its own motion, petition the county legislative authority for a dissolution of the weed district, the county legislative authority shall provide for an election to be conducted in the same manner as required for the election of directors under the provisions of chapter 17.04 RCW, to determine by majority vote of those casting votes, if ~~((such))~~ the weed district ~~((shall))~~ will continue to operate under the ~~((aet))~~ chapter it was formed. The land area of any dissolved weed district ~~((shall-forthwith))~~ becomes subject to the provisions of this chapter. Any district assessment funds may be transferred after the dissolution election under contract to the county noxious weed control board to fund the noxious weed control program. **NEW SECTION. Sec. 34.** A new section is added to chapter 17.10 RCW to read as follows: (1) The state noxious weed control board shall: (a) Work with the various federal and tribal land management agencies to coordinate state and federal noxious weed control; (b) Encourage the various federal and tribal land management agencies to devote more time and resources to noxious weed control; and (c) Assist the various federal and tribal land management agencies by seeking adequate funding for noxious weed control. (2) County noxious weed control boards and weed districts shall work with the various federal and tribal land management agencies in each county in order to: (a) Identify new noxious weed infestations; (b) Outline and plan necessary noxious weed control actions; (c) Develop coordinated noxious weed control programs; and (d) Notify local federal and tribal agency land managers of noxious weed infestations. (3) The department of agriculture, county noxious weed control boards, and weed districts are authorized to enter federal lands, with the approval of the appropriate federal agency, to survey for and control noxious weeds where control measures of a type and extent required under this chapter have not been taken. (4) The department of agriculture, county noxious weed control boards, and weed districts may bill the federal land management agency that manages the land for all costs of the noxious weed control performed on federal land. If not paid by the federal agency that manages the land, the cost of the noxious weed control on federal land may be paid from any funds available to the county noxious weed control board or weed district that performed the noxious weed control. Alternatively, the costs of noxious weed control on federal land may be paid from any funds specifically appropriated to the department of agriculture for that purpose. (5) The department of agriculture, county noxious weed control boards, and weed districts are authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on federal or tribal lands. (6) The department of agriculture, county noxious weed control boards, and weed districts shall consult with state agencies managing federal land concerning noxious weed infestation and control programs. **NEW SECTION. Sec. 35.** RCW 17.10.905 is recodified as a section between RCW 17.10.005 and 17.10.010. **NEW SECTION. Sec. 36.** The following acts or parts of acts are each repealed: (1) RCW 17.10.005 and 1995 c 374 s 72; (2) RCW 17.10.150 and 1987 c 438 s 15, 1975 1st ex.s. c 13 s 7, 1974 ex.s. c 143 s 2, & 1969 ex.s. c 113 s 15; (3) RCW 17.10.200 and 1987 c 438 s 21, 1979 c 118 s 3, & 1969 ex.s. c 113 s 20; (4) RCW 17.10.320 and 1987 c 438 s 25; (5) RCW 17.10.330 and 1987 c 438 s 26; and (6) RCW 17.10.340 and 1987 c 438 s 27." On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 1 of the title, after "weeds;" strike the remainder of the title and insert "amending RCW 17.10.905, 17.10.010, 17.10.020, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.134, 17.10.140, 17.10.145, 17.10.154, 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.205, 17.10.210, 17.10.235, 17.10.240, 17.10.250, 17.10.300, 17.10.310, 17.10.350, 17.10.890, and 17.10.900; adding new sections to chapter 17.10 RCW; recodifying RCW 17.10.905; and repealing RCW 17.10.005, 17.10.150, 17.10.200, 17.10.320, 17.10.330, and 17.10.340."

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1464, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1464, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1464, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 47. Excused: Senators Schow and Wojahn - 2. **SUBSTITUTE HOUSE BILL NO. 1464**, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Schoesler and Grant)

Changing provisions relating to sufficient cause for nonuse of water rights.

The bill was read the second time.

#### MOTIONS

On motion of Senator Swecker, the following Committee on Agriculture and Environment amendment was adopted:  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to read as follows: Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the department, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the department. The department, in fixing the time for the commencement of the work, or for the completion thereof and the application of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public interests affected(~~(: and, for good cause shown, it)~~). For good cause shown, the department shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected. If federal or state laws prevent or restrict water use otherwise authorized under the permit in a federal reclamation project, the department shall extend the time or times fixed for commencing work, completing work, and applying water to beneficial use and the extension shall be for a period that is not less than the period of nonuse or restricted use caused by the federal or state laws. If the terms of the permit or extension thereof, are not complied with the department shall give notice by registered mail that such permit will be canceled unless the holders thereof shall show cause within sixty days why the same should not be so canceled. If cause be not shown, said permit shall be canceled." On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 2 of the title, after "90.03.320" strike "and 90.14.140"

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 1730, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1730, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1730, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Long - 1. Excused: Senators Schow and Strannigan - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1817, by House Committee on Appropriations (originally sponsored by Representatives Chandler, Kessler, Alexander, Linville, DeBolt, O'Brien, Skinner, Wolfe, McMorris, Ogden, D. Sommers, Hankins, Cooke and Mason)

Authorizing reclaimed water demonstration projects.

The bill was read the second time.

#### MOTION

Senator West moved that the following Committee on Ways and Means amendment be adopted:  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 90.46.005 and 1995 c 342 s 1 are each amended to read as follows: The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations. To facilitate the use of reclaimed water as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water. It is hereby declared that the people of the state of Washington have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state. The legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and

fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent reclaimed water is appropriate for beneficial uses, it should be so used to preserve potable water for drinking purposes. Use of reclaimed water constitutes the development of new basic water supplies needed for future generations. The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW. The legislature finds that other states, including California, Florida, and Arizona, have successfully used reclaimed water to supplement existing water supplies without threatening existing resources or public health. It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state. The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW. The legislature finds that funding demonstration projects will ensure the future use of reclaimed water. The demonstration projects in section 2 of this act are varied in nature and will provide the experience necessary to test different facets of the standards and refine a variety of technologies so that water purveyors can begin to use reclaimed water technology in a more cost-effective manner. This is especially critical in smaller cities and communities where the feasibility for such projects is great, but there are scarce resources to develop the necessary facilities. **NEW SECTION. Sec. 2.** A new section is added to chapter 90.46 RCW to read as follows: (1) The department of ecology shall establish and administer a reclaimed water demonstration program for the purposes of funding and monitoring the progress of five demonstration projects. The department shall work in cooperation with the department of health. (2) The five demonstration projects will be: (a) The city of Ephrata, to use class A reclaimed water for surface spreading that will recharge the groundwater and reduce the nitrate concentrations that currently exceed drinking water standards in domestic wells; (b) Lincoln county, for a study of the use of reclaimed water to transport twenty-two million gallons a day from Spokane to water sources that will rehydrate and restore long depleted streambeds; (c) The city of Royal City to replace an interim emergency sprayfield by using one hundred percent of its discharge as class A reclaimed water to enhance local wetlands and lakes in the winter, and potentially irrigate a golf course; (d) The city of Sequim to implement a tertiary treatment system and reuse one hundred percent of the city's wastewater to reopen an existing shellfish closure area to benefit state and tribal resources, improve streamflows in the Dungeness river, and provide a sustainable water supply for irrigation purposes; (e) The city of Yelm to use one hundred percent of its wastewater to provide alternative water supply for irrigation and industrial uses in order to offset increased demand for water supply, to protect the Nisqually river chum salmon runs, and to develop experimental artificial wetlands to test low cost treatment options. (3) By September 30, 1997, the department of ecology shall enter into a grant agreement with the demonstration project jurisdictions that includes reporting requirements, timelines, and a fund disbursement schedule based on the agreed project milestones. (4) Upon completion of the projects, the department of ecology shall report to the appropriate committees of the legislature on the results of the program. (5) Demonstration projects which will discharge or otherwise deliver reclaimed water to federal reclamation project facilities or irrigation district facilities shall meet the requirements of the facilities' operating entity for such discharges or deliveries. (6) No irrigation district, its directors, officers, employees, or agents operating and maintaining irrigation works for any purpose authorized by law, including the production of food for human consumption and other agricultural and domestic purposes, is liable for damages to persons or property arising from the implementation of the demonstration projects in this section."

#### MOTION

On motion of Senator Johnson, further consideration of Second Substitute House Bill No. 1817 was deferred.

#### SECOND READING

SENATE BILL NO. 5559, by Senators Hale, West, Loveland and Anderson

Exempting coin-operated services of car washes from sales and use tax.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### MOTIONS

On motion of Senator Franklin, Senator Fairley was excused.

On motion of Senator Hale, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5559.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5559 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Stevens, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Brown, Franklin, Fraser, Hargrove, Kline, Kohl, McAuliffe, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 13. Excused: Senators Fairley, McCaslin, Schow and Strannigan - 4. SENATE BILL NO. 5559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 1817 and the pending Committee on Ways and Means striking amendment, deferred earlier today.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Second Substitute House Bill No. 1817.

The motion by Senator West carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 90.46.005; and adding a new section to chapter 90.46 RCW." On motion of Senator West, the rules were suspended, Second Substitute House Bill No. 1817, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1817, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1817, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Thibaudeau - 1. Excused: Senators Fairley, Schow and Strannigan - 3. SECOND SUBSTITUTE HOUSE BILL NO. 1817, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1327, by House Committee on Finance (originally sponsored by Representatives Huff, Carrell, Quall, Mulliken, Morris, Linville, Ogden, Dunshee, B. Thomas, Johnson, Conway, Sheldon, Grant, Mastin, D. Schmidt, Robertson, Kessler, Skinner, Boldt, Lisk, Mielke, Dickerson, L. Thomas, O'Brien, Hatfield, Kenney, Gardner, Cooke, Costa, Ballasiotes, Thompson, Koster, Lantz, Mason, Schoesler, Dunn, Alexander and Anderson)

Reimbursing sellers for sales tax collection costs.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 82.08.050 and 1993 sp.s. c 25 s 704 are each amended to read as follows: (1)(a) The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, minus the amount retained by the seller for administration under subsection (2) of this section, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor. (b) In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay ~~((#))~~ the amount owed to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax owed, unless the seller has taken from the buyer in good faith a properly executed resale certificate under RCW 82.04.470. (c) The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending

machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price. (d) Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax owed to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax. (2) Each seller shall retain, as reimbursement for the costs associated with collection and administration under this section, the following amounts each reporting period: (a) 1.0 percent of the tax collected under this section on the first forty thousand dollars of taxable sales per month in the reporting period; and

(b) 0.5 percent of the tax collected under this section on sales greater than forty thousand dollars but less than or equal to one hundred twenty thousand dollars per month in the reporting period. No reimbursement is allowed under this section for taxable sales in excess of one hundred twenty thousand dollars per month in the reporting period. NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows: This chapter does not apply to amounts retained by a seller for administration under RCW 82.08.050(2). NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "costs;" strike the remainder of the title and insert "amending RCW 82.08.050; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1327, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1327, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1327, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Stevens, Swecker, West, Wood and Zarelli - 31. Voting nay: Senators Brown, Fairley, Horn, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Oke, Prentice, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 16. Excused: Senators Schow and Strannigan - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1327, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6092, by Senators West and Deccio

Abolishing the state health care policy board.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6092 was substituted for Senate Bill No. 6092 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the following amendments were considered simultaneously and were adopted:

On page 10, line 12, strike "and" and insert "((and))" On page 10, line 14, after "providers" and before the period insert the following: "(e) Effective July 1, 1997, in addition to the rule-making authority granted to the department under this section, the department shall have the authority to enforce and administer rules previously adopted by the health services commission and the health care policy board pursuant to RCW 43.72.310."

#### MOTIONS

On motion of Senator West, the following amendments were considered simultaneously and were adopted:

On page 12, line 7, after "petition" insert "or a written request to the department to obtain an opinion from the attorney general" On page 12, line 17, after "public." strike "The fee for a petition" and insert "The total fee for a petition under this section, a written request to the department to obtain an opinion from the attorney general, or a combination of both regarding the same conduct" On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 6092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.



The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6092.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6092 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 44. Voting nay: Senators Prentice, Swanson and Wojahn - 3. Excused: Senators Schow and Strannigan - 2. ENGROSSED SUBSTITUTE SENATE BILL NO. 6092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5424, by Senate Committee on Ways and Means (originally sponsored by Senators West, Wojahn, Winsley, Hale, Franklin, Jacobsen and Rasmussen)

Providing tax exemptions for businesses in community empowerment zones that provide selected international services.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5424 was substituted for Senate Bill No. 5424 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5424.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5424 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 42. Voting nay: Senators Brown, Fairley, Fraser, Kline and Zarelli - 5. Excused: Senators Schow and Strannigan - 2. SUBSTITUTE SENATE BILL NO. 5424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1024, by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody, Skinner, Sherstad, Thompson, Carlson, D. Sommers, Sterk, Huff, L. Thomas, Cooke, Dunn, Mielke, Clements and Backlund)

Shortening the notice time given by nursing homes to the department of health to convert beds back to nursing home beds.

The bill was read the second time.

#### MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1024.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Schow and Strannigan - 2. SUBSTITUTE HOUSE BILL NO. 1024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1768, by House Committee on Health Care (originally sponsored by Representatives Dyer, Zellinsky, Sheldon and L. Thomas)

Regulating pharmacy ancillary personnel.

The bill was read the second time.

#### MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1768.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1768 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Schow and Strannigan - 2. SUBSTITUTE HOUSE BILL NO. 1768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1936, by House Committee on Law and Justice (originally sponsored by Representatives Sterk, Sheahan, Costa, Carrell, Hickel, Radcliff and Quall)

Regulating notice of claim of lien against proceeds.

The bill was read the second time.

#### MOTIONS

On motion of Senator Horn, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 9, after "estate." insert "When a broker and owner execute multiple versions of a commission agreement regarding the same disposition of commercial real estate, the final written version of the commission agreement, which incorporates the final agreement between the broker and the owner, constitutes the "commission agreement" and shall be used to determine the amount of the lien created by this chapter." On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 1936, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Franklin, Senator Fraser was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1936, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1936, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Fraser and Schow - 2. SUBSTITUTE HOUSE BILL NO. 1936, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed :  
HOUSE BILL NO. 2261,  
HOUSE BILL NO. 2267, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 6110 by Senators Deccio, Wood, Benton, West, McDonald and Strannigan

AN ACT Relating to implementing the federal personal responsibility and work opportunity reconciliation act of 1996; amending RCW 74.08.025, 74.08.340, 74.09.510, 74.09.800, 74.08.331, 28A.630.876, 74.04.050, 41.06.380, 74.12A.020, 74.13.0903, 74.25.040, 74.12.255, 74.04.0052, 13.34.160, 74.12.250, 74.12.410, 50.13.060, and 74.04.062; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.12 RCW; adding new sections to chapter 74.04 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 43.20A RCW; adding a new chapter to Title 74 RCW; creating new sections; repealing RCW 74.12.420, 74.12.425, 74.04.660, 74.25.010, 74.25.020, 74.25.030, 74.25.900, 74.25.901, 74.04.770, 74.08.120, and 74.08.125; providing an effective date; and providing for submission of this act to a vote of the people.

HOLD.

SCR 8412 by Senator McDonald

Exempting revenue reduction and certain other measures from cutoff dates.

HOLD.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2261 by Representatives Huff, H. Sommers and Wensman (by request of Office of Financial Management)

Reducing paperwork for the governor's budget document.

HOLD.

HB 2267 by Representatives Huff, H. Sommers, Hatfield, Kessler, Lambert, Ogden, Dickerson, Kenney and Wensman (by request of Office of Financial Management)

Creating the disaster response account.

HOLD.

#### MOTION

On motion of Senator Johnson, Senate Bill No. 6110 was held at the desk.

#### MOTION

On motion of Senator Johnson, the rules were suspended and House Bill No. 2261 and House Bill No. 2267 were advanced to second reading and placed on the second reading calendar.

#### MOTION

Senator Johnson moved that the rules be suspended and Senate Concurrent Resolution No. 8412 be advanced to second reading and placed on the second reading calendar.

#### POINT OF ORDER

Senator Snyder: "A point of order, Mr. President. Rule 59 seems to be kind of confusing. It says, 'concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and,' and it goes on and on. If it is subjected to the rules governing the course of the bill, I would think that this would take a two-thirds vote, even though the last sentence seems to contradict the first part by saying, 'concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.' I would like to have a clarification on that please."

#### REPLY BY THE PRESIDENT

President Owen: "Your question is whether it takes a majority or two-thirds vote?"  
Senator Snyder: "To pass it to second reading."

#### RULING BY THE PRESIDENT

President Owen: "Senator Snyder, Senate Rule 59 reads, 'Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.' The President believes that a precedent has been that it would take a majority vote for this motion."

EDITOR'S NOTE: Senate Rule 59 states, 'Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.'

The President declared the question before the Senate to be the motion by Senator Johnson to suspend the rules and advance Senate Concurrent Resolution No. 8412 to second reading.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Johnson to suspend the rules and advance Senate Concurrent Resolution No. 8412 to second reading.

#### ROLL CALL

The Secretary called the roll and Senate Concurrent Resolution No. 8412 was advanced to second reading by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Excused: Senators Fraser and Schow - 2.

#### MOTION

Senator Johnson moved that the rules be suspended and Senate Concurrent Resolution No. 8412 be advanced to third reading and final passage.

#### REPLY BY THE PRESIDENT

President Owen: "Senator Johnson, we have an amendment to the concurrent resolution. Your motion would not be in order at this time. It is being copied for distribution."

#### MOTION

At 8:33 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Tuesday, April 15, 1997.

BRAD OWEN, President of the Senate

**JOURNAL OF THE SENATE**

**NINETY-SECOND DAY, APRIL 14, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETY-THIRD DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, April 15, 1997

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Fraser, Hale, Haugen, Horn, Jacobsen, McCaslin, Oke, Patterson, Prentice, Prince, Rasmussen, Stevens, Strannigan and Wood. On motion of Senator Johnson, Senator Strannigan was excused. On motion of Senator Franklin, Senators Fraser, Haugen, Jacobsen, Patterson, Prentice and Rasmussen were excused. On motion of Senator Swecker, Senators Benton, Hale, Horn, McCaslin, Oke, Prince, Stevens and Wood were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jason Himsl and Anna Roach, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MOTION

On motion of Senator Johnson, pursuant to Rule 46, the members of the Committee on Transportation will be permitted to continue to meet during the session.

MESSAGES FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5056,  
SENATE BILL NO. 5111,  
SUBSTITUTE SENATE BILL NO. 5121,  
SENATE BILL NO. 5139,  
SENATE BILL NO. 5181,  
SECOND SUBSTITUTE SENATE BILL NO. 5313,  
SENATE BILL NO. 5383,  
SENATE BILL NO. 5395,  
SENATE BILL NO. 5439,  
SENATE BILL NO. 5452,  
SENATE BILL NO. 5519,  
SENATE BILL NO. 5551,  
SUBSTITUTE SENATE BILL NO. 5578,  
SENATE BILL NO. 5637,  
SUBSTITUTE SENATE BILL NO. 5664,  
SUBSTITUTE SENATE BILL NO. 5670,  
SENATE BILL NO. 5681,  
SUBSTITUTE SENATE BILL NO. 5714,  
SUBSTITUTE SENATE BILL NO. 5724,  
SENATE BILL NO. 5804,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5970,  
SUBSTITUTE SENATE BILL NO. 5976,  
SENATE BILL NO. 5997,  
SENATE BILL NO. 5998, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT:

April 14, 1997

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1364,  
SUBSTITUTE HOUSE BILL NO. 1426,  
SUBSTITUTE HOUSE BILL NO. 1535,  
HOUSE BILL NO. 1539, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 14, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1069,  
ENGROSSED HOUSE BILL NO. 1096,  
HOUSE BILL NO. 1099,  
SUBSTITUTE HOUSE BILL NO. 1105,  
HOUSE BILL NO. 1196,  
SUBSTITUTE HOUSE BILL NO. 1314,  
SUBSTITUTE HOUSE BILL NO. 1323,  
SUBSTITUTE HOUSE BILL NO. 1358,  
HOUSE BILL NO. 1424,  
SECOND SUBSTITUTE HOUSE BILL NO. 1432,  
ENGROSSED HOUSE BILL NO. 1496,  
HOUSE BILL NO. 1545,  
SUBSTITUTE HOUSE BILL NO. 1585,  
HOUSE BILL NO. 1610,  
HOUSE BILL NO. 1928,  
SECOND SUBSTITUTE HOUSE BILL NO. 2239, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 14, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6062. The Speaker has appointed the following members as conferees: Representatives Huff, Lisk and H. Sommers.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1364,  
SUBSTITUTE HOUSE BILL NO. 1426,  
SUBSTITUTE HOUSE BILL NO. 1535,  
HOUSE BILL NO. 1539.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1069,  
ENGROSSED HOUSE BILL NO. 1096,  
HOUSE BILL NO. 1099,  
SUBSTITUTE HOUSE BILL NO. 1105,  
HOUSE BILL NO. 1196,  
SUBSTITUTE HOUSE BILL NO. 1314,  
SUBSTITUTE HOUSE BILL NO. 1323,  
SUBSTITUTE HOUSE BILL NO. 1358,  
HOUSE BILL NO. 1424,  
SECOND SUBSTITUTE HOUSE BILL NO. 1432,  
ENGROSSED HOUSE BILL NO. 1496,  
HOUSE BILL NO. 1545,  
SUBSTITUTE HOUSE BILL NO. 1585,  
HOUSE BILL NO. 1610,  
HOUSE BILL NO. 1928,  
SECOND SUBSTITUTE HOUSE BILL NO. 2239.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9062, Patrick R. McMullen, as a member of the Fish and Wildlife Commission, was confirmed.

Senators Winsley, Franklin and Spanel spoke to the confirmation of Patrick R. McMullen, as a member of the Fish and Wildlife Commission.

#### APPOINTMENT OF PATRICK R. McMULLEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 0; Excused, 15.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hargrove, Heavey, Hochstatter, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 34. Excused: Senators Benton, Fraser, Hale, Haugen, Horn, Jacobsen, McCaslin, Oke, Patterson, Prentice, Prince, Rasmussen, Stevens, Strannigan and Wood - 15.

#### MOTION

On motion of Senator Winsley, Gubernatorial Appointment No. 9150, Carol Dotlich, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

#### APPOINTMENT OF CAROL DOTLICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Goings, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 39. Absent: Senators Finkbeiner and Loveland - 2. Excused: Senators Benton, Fraser, Hale, Horn, Jacobsen, McCaslin, Stevens and Strannigan - 8.

#### SECOND READING

HOUSE BILL NO. 1828, by Representative Van Luven

Establishing inspection requirements for private residence conveyances.

The bill was read the second time.

#### MOTION

On motion of Senator Schow, the rules were suspended, House Bill No. 1828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1828.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1828 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Loveland - 1. Excused: Senators Fraser and McCaslin - 2. HOUSE BILL NO. 1828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5845, by Senators Swecker, Prentice, Sellar, Hargrove, Benton, Schow, Heavey, Wood, Bauer, Winsley, Wojahn, Haugen, Rasmussen, Jacobsen, McCaslin, Anderson, Newhouse, Johnson, Horn, West, Morton, Hochstatter, Sheldon, Goings, Finkbeiner, Rossi, Hale, Roach and Oke

Offsetting an increase in beer tax for health services account with corresponding decrease.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5845 was substituted for Senate Bill No. 5845 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5845.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5845 and the bill passed the Senate by the following vote:

Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, McAuliffe, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Long and Oke - 2. Excused: Senators Loveland and McCaslin - 2. SUBSTITUTE SENATE BILL NO. 5845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1826, by House Committee on Natural Resources (originally sponsored by Representatives Thompson, Sheldon, DeBolt and Schoesler)

Administering the moneys derived from certain public lands.

The bill was read the second time.

#### MOTION

Senator Oke moved that the following Committee on Natural Resources and Parks amendment not be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 76.12.030 and 1991 c 363 s 151 are each amended to read as follows: If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands. Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows: (1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund. (2) Any balance remaining after the distribution under subsection (1) of this section shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment (~~:- PROVIDED, That~~). Within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. Any such balance remaining paid to a county with a population of less than nine thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment. **Sec. 2.** RCW 76.12.120 and 1988 c 128 s 32 and 1988 c 70 s 1 are each reenacted and amended to read as follows: All land, acquired or designated by the department as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the department finds such sale or lease to be in the best financial interests of the ~~((state and approves the terms and conditions thereof))~~ respective trust beneficiaries including individual counties. Except as provided in RCW 79.12.035, all money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows: (1) Fifty percent shall be placed in the forest development account. (2) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 as now or hereafter amended and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of



payment. **Sec. 3.** RCW 79.01.744 and 1987 c 505 s 76 are each amended to read as follows: (1) It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable. (2) The commissioner of public lands shall provide a comprehensive biennial report to reflect the previous fiscal period. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, the adopted sustainable harvest compared to the sales program, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resources managed and the recreational and commercial utilization. The report shall be given to the chairs of the house and senate committees on ways and means and the house and senate committees on natural resources, including one copy to the staff of each of the committees, and shall be made available to the public. (3) The commissioner of public lands shall provide yearly reports to the respective trust beneficiaries, including each county. The report shall include, but not be limited to, the following: Acres sold, acres harvested, volume from those acres, acres planted, number of stems per acre, acres precommercially thinned, acres commercially thinned, acres partially cut, acres clear cut, age of final rotation for acres clear cut, and the total number of acres off base for harvest and an explanation of why those acres are off base for harvest." The President declared the question before the Senate to be the motion by Senator Oke that the Committee on Natural Resources and Park striking amendment not be adopted.

The motion by Senator Oke carried and the committee striking amendment was not adopted.

### MOTIONS

On motion of Senator Swecker, the following amendment by Senators Swecker, Stevens, Snyder and Rossi was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 76.12.030 and 1991 c 363 s 151 are each amended to read as follows: If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands. Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows: (1) The expense incurred by the state for administration, reforestation, and protection, not to exceed ~~((twenty-five))~~ twenty-two percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund. By June 30th of each year, the board of natural resources must establish the percentage and a budget for the following fiscal year in such a manner that the balance in the account does not exceed the amount necessary for six months of operating expenses for administration, reforestation, and protection. The board of natural resources must set the level of the balance of the account in cooperation with the counties that have forest board transfer lands. (2) Any balance remaining after the distribution under subsection (1) of this section shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment~~((PROVIDED, That))~~. Within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. Any such balance remaining paid to a county with a population of less than nine thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment. **Sec. 2.** RCW 76.12.120 and 1988 c 128 s 32 and 1988 c 70 s 1 are each reenacted and amended to read as follows: All land, acquired or designated by the department as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the department finds such sale or lease to be in the best financial interests of the ~~((state and approves the terms and conditions thereof))~~ respective county trust beneficiaries. Except as provided in RCW 79.12.035, all money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows: (1) Fifty percent shall be placed in the forest development account. (2) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 as now or hereafter amended and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment. **Sec. 3.** RCW 79.01.744 and 1987 c 505 s 76 are each amended to read as follows: (1) It shall be the duty of the commissioner of public lands to report, and recommend, to each session of the legislature, any changes in the law relating to the methods of handling the public lands of the state that he may deem advisable. (2) The commissioner of public lands shall provide a comprehensive biennial report to reflect the previous fiscal period. The report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, the adopted sustainable harvest compared to the sales program, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resources managed and the recreational and commercial utilization. The report shall be given to the chairs of the house and senate committees on ways and means and the house and senate committees on natural resources, including one copy to the staff of each of the committees, and shall be made available to the public. (3) The commissioner of public lands shall provide annual reports to the respective trust beneficiaries, including each

county. The report shall include, but not be limited to, the following: Acres sold, acres harvested, volume from those acres, acres planted, number of stems per acre, acres precommercially thinned, acres commercially thinned, acres partially cut, acres clear cut, age of final rotation for acres clear cut, and the total number of acres off base for harvest and an explanation of why those acres are off base for harvest." On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 76.12.030 and 79.01.744; and reenacting and amending RCW 76.12.120."

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1826, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1826, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1826, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 43. Voting nay: Senators Fairley, Fraser, Kline, Thibaudau and Wojahn - 5. Excused: Senator McCaslin - 1. SUBSTITUTE HOUSE BILL NO. 1826, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1458, by Representatives Zellinsky, Fisher and Robertson (by request of Department of Licensing)

Regulating vehicle and vessel licensing.

The bill was read the second time.

#### MOTION

Senator Prince moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 46.70.023 and 1996 c 282 s 1 are each amended to read as follows: (1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. The business of a vehicle dealer must be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. A vehicle dealer may display a vehicle for sale only at its established place of business, licensed subagency, or temporary subagency site, except at auction. The dealer shall keep the building open to the public so that the public may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house may not be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. A state-wide trade association representing manufactured housing dealers shall be permitted to use a manufactured home as an office if the office complies with all other applicable building code, zoning, and other land-use regulatory ordinances. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard. (2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system. (3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide to the department with the address of the auction at least three days before the auction. (4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act. (5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated. (6) A subagency shall comply with all requirements of an established place of business, except that subagency

records may be kept at the principal place of business designated by the dealer. Auction companies shall comply with the requirements in subsection (2) of this section. (7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license. (8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. ~~((A wholesale dealer need not maintain a display area as required in this section.))~~ When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified. (9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified. (10) ~~((A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display. (14)))~~ A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number. ~~((12))~~ (11) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer. ~~((13))~~ (12) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity. **NEW SECTION. Sec. 2.** A new section is added to chapter 46.70 RCW to read as follows: The director may deny a license under this chapter when the application is a subterfuge that conceals the real person in interest whose license has been denied, suspended, or revoked for cause under this chapter and the terms have not been fulfilled or a civil penalty has not been paid, or the director finds that the application was not filed in good faith. This section does not preclude the department from taking an action against a current licensee. **NEW SECTION. Sec. 3.** A new section is added to chapter 88.02 RCW to read as follows: The director may deny a license under this chapter when the application is a subterfuge that conceals the real person in interest whose license has been denied, suspended, or revoked for cause under this chapter and the terms have not been fulfilled or a civil penalty has not been paid, or the director finds that the application was not filed in good faith. This section does not preclude the department from taking an action against a current licensee. **Sec. 4.** RCW 46.70.051 and 1996 c 282 s 2 are each amended to read as follows: (1) After the application has been filed, the fee paid, and bond posted, if required, the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis. (2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers. (3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual. (4) The department may contract with responsible private parties to provide them elements of the vehicle data base on a regular basis. The private parties may only disseminate this information to licensed vehicle dealers. (a) Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide to the contracted private parties the following information: (i) All vehicle and title data necessary to accurately disclose known title defects, brands, or flags and odometer discrepancies; (ii) All registered and legal owner information necessary to determine true ownership of the vehicle and the existence of any recorded liens, including but not limited to liens of the department of social and health services or its successor; and (iii) Any data in the department's possession necessary to calculate the motor vehicle excise tax, license, and registration fees including information necessary to determine the applicability of regional transit authority excise and use tax surcharges. (b) The department may provide this information in any form the contracted private party and the department agree upon, but if the data is to be transmitted over the Internet or similar public network from the department to the contracted private party, it must be encrypted. (c) The department shall give these contracted private parties advance written notice of any change in the information referred to in (a)(i), (ii), or (iii) of this subsection, including information pertaining to the calculation of motor vehicle excise taxes. (d) The department shall revoke a contract made under this subsection (4) with a private party who disseminates information from the vehicle data base to anyone other than a licensed vehicle dealer. A private party who obtains information from the vehicle data base under a contract with the department and disseminates any of that information to anyone other than a licensed vehicle dealer is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW. (e) Nothing in this subsection (4) authorizes a vehicle dealer or any other organization or entity not otherwise appointed as a vehicle licensing subagent under RCW 46.01.140 to perform any of the functions of a vehicle licensing subagent so appointed. **Sec. 5.** RCW 46.12.170 and 1994 c 262 s 6 are each amended to read as follows: If, after a certificate of ownership is issued, a security interest is granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form provided by the department and shall be accompanied by a fee of one dollar and twenty-five cents in addition to all other fees. The department, if satisfied that there should be a reissue of the certificate, shall note such change upon the vehicle records and issue to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee or transferee, and transmit the certificate to the department with an accompanying fee of one dollar and twenty-five cents in addition to all other fees. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign the certificate of ownership to the debtor or the debtor's assignee or transferee or transmit the certificate of ownership to the department within ten days after proper demand, that secured party shall be liable to the debtor or the debtor's assignee or transferee for one hundred dollars, and in addition for any loss caused to the debtor or the debtor's assignee or transferee by such failure. **Sec. 6.** RCW 46.12.370 and 1982 c 215 s 1 are each amended to read as follows: In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to: (1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles; (2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; ~~((or))~~ (3) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers; or (4) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing. In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in ~~((subsections (1), (2) and (3) of))~~ this section, the manufacturer, governmental agency, authorized agent, contractor, financial institution, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing. **Sec. 7.** RCW 82.44.060 and 1990 c 42 s 304 are each amended to read as follows: (1) The excise tax hereby imposed shall be due and payable to the department or its agents at the time of registration of a motor vehicle. Whenever an application is made to the department or its agents for a license for a motor vehicle there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each registration year. The excise tax upon a motor vehicle licensed for the first time in this state shall be levied for one full registration year commencing on the date of the calendar year designated by the department and ending on the same date of the next succeeding calendar year. For vehicles registered under chapter 46.87 RCW, proportional registration, and for vehicle dealer plates issued under chapter 46.70 RCW, the registration year is the period provided in those chapters: PROVIDED, That the tax shall in no case be less than two dollars except for proportionally registered vehicles. (2) A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year immediately preceding the registration year in which the application for license is made or when the vehicle has been registered in another jurisdiction subsequent to any prior registration in this state. (3) No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs. (4) The regional transit authority (RTA) must provide at no cost to the private parties referred to in RCW 46.70.051(4) accurate, up-to-date, and easily decipherable excise tax information in a machine readable ASCII text file. This file will allow the contracted private parties to accurately determine which individuals are subject to any such special excise or use taxes and the amount of any such special excise or use taxes. The file must contain the following items: (a) A list of five digit zip codes completely contained within the RTA taxation area; (b) a list of five digit zip codes for those areas on the border of the RTA taxation, with the border area defined as those zip codes where some residences may be subject to the RTA use or motor vehicle excise tax surcharge and some residences are not; and (c) for those residences described in (b) of this subsection, a complete list of only those street addresses subject to RTA taxation. (5) No person may be denied issuance of a registration or license plates due to the nonpayment of any such special excise tax if the information referred to in subsection (4) of this section is not provided by the RTA to the contracted private parties. (6) No motor vehicle dealer may be held liable for the remittance of any such special excise tax if the information referred to in subsection (4) of this section is not provided by the RTA to the contracted private parties."

#### MOTION

Senator Wojahn moved that further consideration of House Bill No. 1458 be deferred.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wojahn to defer further consideration of House Bill No. 1458.

The motion by Senator Wojahn failed and the Senate will continue consideration of House Bill No. 1458.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to House Bill No. 1458.

The motion by Senator Prince carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Prince, the following title amendment was adopted:

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 46.70.023, 46.70.051, 46.12.170, 46.12.370, and 82.44.060; adding a new section to chapter 46.70 RCW; adding a new section to chapter 88.02 RCW; and prescribing penalties." On motion of Senator Prince, the rules were suspended, House

Bill No. 1458, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1458, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1458, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn and Wood - 46. Voting nay: Senators Thibaudeau and Zarelli - 2. Excused: Senator McCaslin - 1. HOUSE BILL NO. 1458, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Wojahn served notice for reconsideration of the vote by which House Bill No. 1458, as amended by the Senate, passed the Senate.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1411, by Representatives L. Thomas, Grant, Zellinsky, DeBolt and Benson

Authorizing the collection of fees for consumer loans.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed House Bill No. 1411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1411.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1411 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. ENGROSSED HOUSE BILL NO. 1411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SENATE RESOLUTION 1996-8658

By Senators Deccio, McAuliffe, Sheldon, Prentice, Rossi, Wood, Heavey, Sellar, Rasmussen, Swanson, Spanel, Haugen and Long

WHEREAS, Frances E. George, O.M.I., was installed as a Bishop for the Catholic Diocese of Yakima in July of 1990; and

WHEREAS, Bishop Frances E. George, a humble and devout man, gained the love and respect of all the people of the Diocese of Yakima; and

WHEREAS, During his tenure as Bishop of Yakima, Bishop Frances E. George honored the Washington State Senate by offering the opening prayer during the 1995 Legislative Session; and

WHEREAS, In 1996, Bishop France E. George was elevated to Archbishop of the Catholic Diocese of Portland and quickly won the hearts of the people of Oregon; and

WHEREAS, Just this week, the Most Reverend. Frances E. George, Archbishop of Portland, was appointed by Pope John Paul II to become the new Archbishop of the Chicago Diocese, which was formerly led by the late Cardinal Joseph Bernardin;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate wishes Archbishop Frances George God speed and best wishes in his newly appointed position with the Catholic Diocese of Chicago; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit this resolution to Archbishop Frances George at the Catholic Diocese of Chicago.

Senators Deccio and Prentice spoke to Senate Resolution 1997-8658.

#### MOTION

At 10:06 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 2:13 p.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1372, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Mason, Radcliff, O'Brien, Dunn, Kenney, Sheahan, Talcott, Hatfield, Schoesler, Mitchell, Costa, Cooper, Dickerson, Keiser, Wood and Kessler)

Creating the Washington advanced college tuition payment program.

The bill was read the second time.

#### MOTION

Senator Wood moved that the following Committee on Higher Education amendment be adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The Washington advanced college tuition payment program is established to help make higher education affordable and accessible to all citizens of the state of Washington by offering a savings incentive that will protect purchasers and beneficiaries against rising tuition costs. The program is designed to encourage savings and enhance the ability of Washington citizens to obtain financial access to institutions of higher education. In addition, the program encourages elementary and secondary school students to do well in school as a means of preparing for and aspiring to higher education attendance. This program is intended to promote a well-educated and financially secure population to the ultimate benefit of all citizens of the state of Washington. **NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise. (1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th. (2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the board from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units. (3) "Board" means the higher education coordinating board as defined in chapter 28B.80 RCW. (4) "Committee on advanced tuition payment" or "committee" means a committee of the following members or their designees: The state treasurer, the director of the office of financial management, and the chair of the higher education coordinating board. (5) "Governing body" means the entity empowered by the legislature to administer the Washington advanced college tuition payment program. (6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase. (7) "Eligible beneficiary" means the person for whom the tuition unit will be redeemed for attendance at an institution of higher education. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the board. With the exception of tuition unit contracts purchased by qualified organizations as future scholarships, the beneficiary must reside in the state of Washington or otherwise be a resident of the state of Washington at the time the tuition unit contract is accepted by the board. (8) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the board for the purchase of tuition units for an eligible beneficiary. (9) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term. (10) "Institution of higher education" means an institution that offers education beyond the secondary level and is accredited by a nationally recognized accrediting association or is licensed to do business in the state in which it is located. (11) "Investment board" means the state investment board as defined in chapter 43.33A RCW. (12) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016. (13) "Tuition and fees" means tuition and services and activities fees as defined in

RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. The maximum tuition and fees charges recognized for beneficiaries enrolled in a state technical college shall be equal to the tuition and fees for the community college system. (14) "Tuition unit contract" means a contract between an eligible purchaser and the board, or a successor agency appointed for administration of this chapter, for the purchase of tuition units for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units. (15) "Unit purchase price" means the minimum cost to purchase one tuition unit for an eligible beneficiary. Generally, the minimum purchase price is one percent of the weighted average tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. (16) "Weighted average tuition" shall be calculated as the sum of the undergraduate tuition and services and activities fees for each four-year state institution of higher education, multiplied by the respective full-time equivalent student enrollment at each institution divided by the sum total of undergraduate full-time equivalent student enrollments of all four-year state institutions of higher education, rounded to the nearest whole dollar. (17) "Weighted average tuition unit" is the value of the weighted average tuition and fees divided by one hundred. The weighted average is the basis upon which tuition benefits are calculated for graduate program enrollments and for attendance at nonstate institutions of higher education and is the basis for any refunds provided from the program.

**NEW SECTION. Sec. 3.** (1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the representative from the higher education coordinating board. The committee shall be supported by staff of the board. (2) The committee shall assess the administration and projected financial solvency of the program and make a recommendation to the legislature by the end of the second year after the effective date of this section as to disposition of the further administration of the program. (3)(a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval. (b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the board. (c) The number of tuition units necessary to pay for a full year's, full-time tuition and fee charges at a state institution of higher education shall be set by the board at the time a purchaser enters into a tuition unit contract. (d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program. (4)(a) No tuition unit may be redeemed until two years after the purchase of the unit. Units may be redeemed for enrollment at any institution of higher education. (b) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the current weighted average tuition unit in effect at the time of redemption. (5) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser. (6) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized. (7) The governing body shall annually determine current value of a tuition unit and the value of the weighted average tuition unit. (8) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. (9) In addition to any other powers conferred by this chapter, the governing body may: (a) Impose reasonable limits on the number of tuition units or units that may be used in any one year; (b) Determine and set any time limits, if necessary, for the use of benefits under this chapter; (c) Impose and collect administrative fees and charges in connection with any transaction under this chapter; (d) Appoint and use advisory committees as needed to provide program direction and guidance; (e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program; (f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program; (g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units; (h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter; (i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state; (j) Contract for other services or for goods needed by the board in the conduct of its business under this chapter; (k) Employ all personnel as necessary to carry out its responsibilities under this chapter and to fix the compensation of these persons; (l) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter; (m) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and (n) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter.

**NEW SECTION. Sec. 4.** The governing body may, at its discretion, allow an organization to purchase tuition units for future use as scholarships. Such organizations electing to purchase tuition units for this purpose must enter into a contract with the governing body which, at a minimum, ensures that the scholarship shall be freely given by the purchaser to a scholarship recipient. For such purchases, the purchaser need not name a beneficiary until four months before the date when the tuition units are first expected to be used. The governing body shall formulate and adopt such rules as are necessary to determine which organizations may qualify to purchase tuition units for scholarships under this section. The governing body also may consider additional rules for the use of tuition units if purchased as scholarships. The governing body may establish a scholarship fund with moneys from the Washington advanced college tuition payment program account. A scholarship fund established under this authority shall be administered by the higher education coordinating board and shall be provided to students who demonstrate financial need. Financial need is not a criterion that any other organization need consider when using tuition units as scholarships. The board also may establish its own corporate-sponsored scholarship fund under this chapter.

**NEW SECTION. Sec. 5.** The Washington advanced college tuition payment program is an essential state governmental function. Contracts with eligible participants shall be contractual obligations legally binding on the state as set forth in this chapter. If, and only if, the moneys in the account are projected to be insufficient to cover the state's contracted expenses for a given biennium, then the legislature shall

appropriate to the account the amount necessary to cover such expenses. The tuition and fees charged by a state institution of higher education to an eligible beneficiary for a current enrollment shall be paid by the account to the extent the beneficiary has remaining unused tuition units for the appropriate school. The tuition and fees charged to a beneficiary for graduate level enrollments or by a nonstate institution of higher education shall be paid by the account to the extent that the beneficiary has remaining weighted average tuition units. **NEW SECTION. Sec. 6.** (1) The Washington advanced college tuition payment program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040. (2) The governing body shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of payments received from purchasers of tuition units and funds received from other sources, public or private. With the exception of investment and operating costs associated with the investment of money by the investment board paid under RCW 43.33A.160 and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment and budgetary controls of chapter 43.88 RCW, but no appropriation is required for expenditures. (3) The assets of the account may be spent for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers, or direct payments upon the termination of the Washington advanced college tuition payment program, and paying the costs of administration of the program. Disbursements from the account shall be made only on the authorization of the board. **NEW SECTION. Sec. 7.** (1) The investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the account. All investment and operating costs associated with the investment of money shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the account. (2) All investments made by the investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board. (3) As deemed appropriate by the investment board, money in the account may be commingled for investment with other funds subject to investment by the board. (4) The authority to establish all policies relating to the account, other than the investment policies as set forth in subsections (1) through (3) of this section, resides with the board. With the exception of expenses of the investment board set forth in subsection (1) of this section, disbursements from the account shall be made only on the authorization of the governing body, and money in the account may be spent only for the purposes of the program as specified in this chapter. (5) The investment board shall routinely consult and communicate with the governing body on the investment policy, earnings of the trust, and related needs of the program. **NEW SECTION. Sec. 8.** The governing body shall annually evaluate, and cause to be evaluated by a nationally recognized actuary, the soundness of the account and determine the additional assets needed, if any, to defray the obligations of the account. If funds are not sufficient to ensure the actuarial soundness of the account, the governing body shall adjust the price of subsequent tuition credit purchases to ensure its soundness. If there are insufficient numbers of new purchases to ensure the actuarial soundness of the account, the governing body shall request such funds from the legislature as are required to ensure the integrity of the program. Funds may be appropriated directly to the account or appropriated under the condition that they be repaid at a later date. The repayment shall be made at such time that the account is again determined to be actuarially sound. **NEW SECTION. Sec. 9.** (1) In the event that the state determines that the program is not financially feasible, or for any other reason, the state may declare the discontinuance of the program. At the time of such declaration, the governing body will cease to accept any further tuition unit contracts or purchases. (2) The remaining tuition units for all beneficiaries who have either enrolled in higher education or who are within four years of graduation from a secondary school shall be honored until such tuition units have been exhausted, or for ten fiscal years from the date that the program has been discontinued, whichever comes first. All other contract holders shall receive a refund equal to the value of the current weighted average tuition units in effect at the time that the program was declared discontinued. (3) At the end of the ten-year period, any tuition units remaining unused by currently active beneficiaries enrolled in higher education shall be refunded at the value of the current weighted average tuition unit in effect at the end of that ten-year period. (4) At the end of the ten-year period, all other funds remaining in the account not needed to make refunds or to pay for administrative costs shall be deposited to the state general fund. (5) The governing body may make refunds under other exceptional circumstances as it deems fit, however, no tuition units may be honored after the end of the tenth fiscal year following the declaration of discontinuance of the program. **NEW SECTION. Sec. 10.** (1) The committee, in planning and devising the program, shall consult with the investment board, the state treasurer, the state actuary, the office of financial management, and the institutions of higher education. (2) The governing body may seek the assistance of the state agencies named in subsection (1) of this section, private financial institutions, and any other qualified party with experience in the areas of accounting, actuary, risk management, or investment management to assist with preparing an accounting of the program and ensuring the fiscal soundness of the account. (3) State agencies and public institutions of higher education shall fully cooperate with the governing body in matters relating to the program in order to ensure the solvency of the account and ability of the governing body to meet outstanding commitments. **NEW SECTION. Sec. 11.** This chapter shall not be construed as a promise that any beneficiary shall be granted admission to any institution of higher education, will earn any specific or minimum number of academic credits, or will graduate from any such institution. In addition, this chapter shall not be construed as a promise of either course or program availability. Participation in this program does not guarantee an eligible beneficiary the right to resident tuition and fees. To qualify for resident and respective tuition subsidies, the eligible beneficiary must meet the applicable provisions of RCW 28B.15.011 through 28B.15.015. This chapter shall not be construed to imply that the redemption of tuition units shall be equal to any value greater than the undergraduate tuition and services and activities fees at a state institution of higher education as computed under this chapter. Eligible beneficiaries will be responsible for payment of any other fee that does not qualify as a services and activities fee including, but not limited to, any expenses for tuition surcharges, tuition overload fees, laboratory fees, equipment fees, book fees, rental fees, room and board charges, or fines. **NEW SECTION. Sec. 12.** (1) The intent of the Washington advanced college tuition payment program is to redeem tuition units for attendance at an institution of higher education. Refunds shall be issued under specific conditions that may include the following: (a) Certification that the beneficiary, who is eighteen years of age or older, will not attend an institution of higher education, will result in a refund not to exceed ninety-five percent of the current weighted average tuition and fees in effect at the time of such certification. No more than one hundred tuition units may be refunded per year to any individual making this certification. The refund shall be made no sooner than ninety days after such certification, less



any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a greater penalty; (b) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of any remaining unused tuition units valued at the current weighted average tuition units at the time that such certification is submitted to the board, less any administrative processing fees assessed by the board; (c) If there is certification by the student of graduation or program completion, the refund may be as great as one hundred percent of any remaining unused weighted average tuition units at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules; (d) Certification of other tuition and fee scholarships, which will cover the cost of tuition for the eligible beneficiary. The refund shall be equal to one hundred percent of the current weighted average tuition units in effect at the time of the refund request, plus any administrative processing fees assessed by the governing body. The refund under this subsection may not exceed the value of the scholarship; (e) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's investment, less any administrative processing fees assessed by the governing body. The value of the refund will not exceed the actual dollar value of the purchaser's contributions; and (f) The governing body may determine other circumstances qualifying for refunds of remaining unused tuition units and may determine the value of that refund. (2) With the exception of subsection (1)(b) and (e) of this section no refunds may be made before the beneficiary is at least eighteen years of age. **Sec. 13.** RCW 43.79A.040 and 1996 c 253 s 409 are each amended to read as follows: (1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury. (2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. (3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section. (4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection. (b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190. (c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account. (5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section. **NEW SECTION. Sec. 14.** Sections 1 through 12 of this act constitute a new chapter in Title 28B RCW." Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment to Engrossed Second Substitute House Bill No. 1372.

The motion by Senator Wood carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Wood, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW." On motion of Senator Wood, the rules were suspended, Engrossed Second Substitute House Bill No. 1372, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1372, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1372, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 3; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Wood - 42. Voting nay: Senators Benton, Stevens, Strannigan and Zarelli - 4. Absent: Senators Hargrove, Roach and West - 3. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1372, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced his mother, Laurel Willis, and wished her a Happy Birthday. She and her guests were seated in the gallery.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576, by House Committee on Government Reform and Land Use (originally sponsored by Representatives Sherstad, Cairnes, Mulliken, Reams, Koster, Mielke, Dunn, McMorris, Pennington, Sheahan and Thompson)

Modifying buildable lands under growth management.

The bill was read the second time.

### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Franklin announced that she had an amendment to this bill.

### MOTION

On motion of Senator McCaslin, the rules were suspended and Engrossed Substitute House Bill No. 1576 was returned to second reading.

### MOTION

On motion of Senator Johnson, further consideration of Engrossed Substitute House Bill No. 1576 was deferred.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1955, by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Quall, Bush and Hatfield)

Regulating real estate brokerage relationships.

The bill was read the second time.

### MOTION

On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1955.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1955 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senators Hargrove and West - 2. SUBSTITUTE HOUSE BILL NO. 1955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2044, by House Committee on Energy and Utilities (originally sponsored by Representatives Crouse, Pennington, Mastin, McMorris, DeBolt, D. Sommers, Kessler and Delvin)

Revising the definition of personal wireless service facilities and microcells.

The bill was read the second time.

### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Substitute House Bill No. 2044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2044.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2044 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Goings, Hale, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Franklin, Heavey and Prentice - 3. Absent: Senator Hargrove - 1. SUBSTITUTE HOUSE BILL NO. 2044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1387, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, K. Schmidt, L. Thomas, Johnson, Huff and Dyer)

Clarifying the frequency of filing of rate adjustments for mandatory offering of basic health plan benefits.

The bill was read the second time.

#### MOTIONS

On motion of Senator Winsley, the following Committee on Financial Institutions, Insurance and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 48.20.028 and 1995 c 265 s 13 are each amended to read as follows: (1)(a) An insurer offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.416, and 48.20.420 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premiums for health benefit plans for individuals shall be calculated using the adjusted community rating method that spreads financial risk across the carrier's entire individual product population. All such rates shall conform to the following: (a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; and (iv) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) The frequency of filing of rate adjustments for new and renewing individuals is limited to once every six months. ~~((g))~~ (h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045. (4) As used in this section, "health benefit plan," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 2.** RCW 48.21.045 and 1995 c 265 s 14 are each amended to read as follows: (1)(a) An insurer offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan,

provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees. (2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, benefits in excess of the basic health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto. (3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions: (a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; and (iv) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty. (c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3). (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the enrollment of the small employer; (ii) Changes to the family composition of the employee; (iii) Changes to the health benefit plan requested by the small employer; or (iv) Changes in government requirements affecting the health benefit plan. (g) The frequency of filing of rate adjustments for new and renewing small employers is limited to once every six months. ~~((g))~~ (h) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs. ~~((h))~~ (i) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. ~~((i))~~ (j) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. (4) The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein. (5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier. (b) An insurer shall not require a minimum participation level greater than: (i) One hundred percent of eligible employees working for groups with three or less employees; and (ii) Seventy-five percent of eligible employees working for groups with more than three employees. (c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met. (d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage. (6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan. (7) As used in this section, "health benefit plan," "small employer," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 3.** RCW 48.44.022 and 1995 c 265 s 15 are each amended to read as follows: (1)(a) A health care service contractor offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a contractor from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premium rates for health benefit plans for individuals shall be subject to the following provisions: (a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; and (iv) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five

percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. ~~(g) The frequency of filing of rate adjustments for new and renewing individuals is limited to once every six months.~~ ~~((g))~~ (h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023. (4) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "basic health plan," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 4.** RCW 48.44.023 and 1995 c 265 s 16 are each amended to read as follows: (1)(a) A health care services contractor offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees. (2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, benefits in excess of the basic health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto. (3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions: (a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; and (iv) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty. (c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3). (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the enrollment of the small employer; (ii) Changes to the family composition of the employee; (iii) Changes to the health benefit plan requested by the small employer; or (iv) Changes in government requirements affecting the health benefit plan. ~~(g) The frequency of filing of rate adjustments for new and renewing small employers is limited to once every six months.~~ ~~((g))~~ (h) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs. ~~((h))~~ (i) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. ~~((i))~~ (j) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. (4) The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein. (5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier. (b) A contractor shall not require a minimum participation level greater than: (i) One hundred percent of eligible employees working for groups with three or less employees; and (ii) Seventy-five percent of eligible employees working for groups with more than three employees. (c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met. (d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage. (6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan. **Sec. 5.** RCW 48.46.064 and 1995 c 265 s 17 are each amended to read as follows: (1)(a) A health maintenance organization offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health

services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a health maintenance organization from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, ~~((48.26.280 {48.46.280}))~~ 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premium rates for health benefit plans for individuals shall be subject to the following provisions: (a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; and (iv) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) The frequency of filing of rate adjustments for new and renewing individuals is limited to once every six months. ~~((g))~~ (h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066. (4) As used in this section and RCW 48.46.066, "health benefit plan," "basic health plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 6.** RCW 48.46.066 and 1995 c 265 s 18 are each amended to read as follows: (1)(a) A health maintenance organization offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees. (2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, benefits in excess of the basic health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto. (3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions: (a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; and (iv) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty. (c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3). (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the enrollment of the small employer; (ii) Changes to the family composition of the employee; (iii) Changes to the health benefit plan requested by the small employer; or (iv) Changes in government requirements affecting the health benefit plan. (g) The frequency of filing of rate adjustments for new and renewing small employers is limited to once every six months. ~~((g))~~ (h) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs. ~~((h))~~ (i) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. ~~((h))~~ (j) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. (4) The health benefit plans authorized by this section that are lower than the required offering shall not

supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein. (5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier. (b) A health maintenance organization shall not require a minimum participation level greater than: (i) One hundred percent of eligible employees working for groups with three or less employees; and (ii) Seventy-five percent of eligible employees working for groups with more than three employees. (c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met. (d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage. (6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan. NEW SECTION. Sec. 7. If specific funding in the amount of two hundred six thousand dollars for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void." On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 48.20.028, 48.21.045, 48.44.022, 48.44.023, 48.46.064, and 48.46.066; and creating a new section."

#### MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1387, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1387, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1387, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 15. Absent: Senator Roach - 1. SUBSTITUTE HOUSE BILL NO. 1387, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1576, deferred on second reading after suspension of the rules, earlier today.

#### MOTION

Senator Franklin moved that the following amendment be adopted:

On page 8, beginning on line 9, delete all of Section 9 through line 12, and insert the following: "NEW SECTION. Sec. 9. The sum of three million five hundred thousand dollars, as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1999 from the general fund to the department of community, trade and economic development, to provide grants to assist cities and counties in implementing the provisions of this act." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Franklin on page 8, beginning on line 9, to Engrossed Substitute House Bill No. 1576.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1576, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1576, under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1576, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 29. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 20. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5737, by Senators Anderson, Loveland, Schow, Sheldon, Strannigan, Rossi, Deccio, Goings, Horn, Swecker, Rasmussen, Bauer, Hale, Roach, Johnson, Benton, West and Oke

Repealing the carbonated beverage tax.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5737 was substituted for Senate Bill No. 5737 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5737 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Franklin: "Senator West, it has been brought to my attention, concerns in regard to competition for money in the general fund--the budget--with the VRDE and wherein programs may, in the future, be impacted and some programs will go unfunded. My concern is that these funds within the VRDE account are not impacted. Could you give some assurance here on this floor about those programs in that account?"

Senator West: "The testimony that we took in the Ways and Means Committee, on the original bill which would have been a direct hit on the VRDE account of about sixteen million dollars, was very compelling. So, we chose not to make that reduction and instead chose to make half of the reduction de facto--move general fund state money into the VRDE account. With 601, we still have approximately three to four hundred million dollars over and above the 601 limit that we can't spend, no matter what we want to do. So, we can move some of that revenue stream into the VRDE account."

Senator Franklin: "May I continue, Mr. President? I'm not quite finished, Senator. You mentioned that there is money over and above 601 that you can sort of spread out. I would like to have this account protected and the people who it has served--and we do have that reassurance?"

Senator West: "Senator Franklin, that is essentially what I just said. That's the reason we moved the money into the VRDE account, so we would not take any reductions at all there. So, the answer to your question is, 'Yes, we do not intend to take--to reduce the VRDE account.'"

Senator Franklin: "I needed to hear that loud and clear. Thank you, Senator."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I am really concerned with the other side of the aisle here. Senator Swanson moved me to Yakima to the fourteenth district and now Senator Franklin is moving Senator West over to Steve's district. Are you going to move anybody else before the day is over?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5737.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5737 and the bill passed the Senate by the following vote:

Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Heavey, Hochstatter, Horn, Johnson, Loveland, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Fraser, Hargrove, Haugen, Jacobsen, Kline, Kohl, Long, McAuliffe, Oke, Snyder, Spanel, Swanson,



Thibaudeau and Wojahn - 16. SUBSTITUTE SENATE BILL NO. 5737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the first order of business.

#### REPORTS OF STANDING COMMITTEES

April 14, 1997

ESHB 1011 Prime Sponsor, House Committee on Transportation Policy and Budget: Exempting state and county ferry fuel sales and use tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, McDonald, Rossi, Schow, Swecker, Winsley and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senators Brown and Loveland.

Passed to Committee on Rules for second reading.

April 14, 1997

SHB 1478 Prime Sponsor, House Committee on Appropriations: Feeding wildlife during severe winters. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, McDonald, Roach, Rossi, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

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

#### MESSAGES FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:  
The House has passed:  
HOUSE BILL NO. 1420,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264,  
SUBSTITUTE HOUSE BILL NO. 2279, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

April 14, 1997

MR. PRESIDENT:  
The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1709,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

April 14, 1997

MR. PRESIDENT:  
The House has passed:  
SUBSTITUTE SENATE BILL NO. 5005,  
SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5541,  
ENGROSSED SENATE BILL NO. 5600,  
SUBSTITUTE SENATE BILL NO. 5782, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

April 14, 1997

MR. PRESIDENT:  
The House has adopted SENATE CONCURRENT RESOLUTION NO. 8410, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5005,  
SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5541,  
ENGROSSED SENATE BILL NO. 5600,  
SUBSTITUTE SENATE BILL NO. 5782,  
SENATE CONCURRENT RESOLUTION NO. 8410.

MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5286 with the following amendment:  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 84.36.070 and 1974 ex.s. c 118 s 1 are each amended to read as follows: ~~((The following))~~ (1) Intangible personal property ~~((shall be))~~ is exempt from ad valorem taxation~~((:))~~. (2) "Intangible personal property" means: (a) All moneys and credits including mortgages, notes, accounts, certificates of deposit, tax certificates, judgments, state, county and municipal bonds and warrants and bonds and warrants of other taxing districts, bonds of the United States and of foreign countries or political subdivisions thereof and the bonds, stocks, or shares of private corporations~~((:))~~; (b) Private nongovernmental personal service contracts ~~((or))~~ private nongovernmental athletic or sports franchises, or private nongovernmental athletic or sports agreements provided that ~~((such))~~ the contracts, franchises, or agreements do not pertain to the use or possession of tangible personal or real property or to any interest in tangible personal or real property; and (c) Other intangible personal property such as trademarks, trade names, brand names, patents, copyrights, trade secrets, franchise agreements, licenses, permits, core deposits of financial institutions, noncompete agreements, customer lists, patient lists, favorable contracts, favorable financing agreements, reputation, exceptional management, prestige, good name, or integrity of a business. (3) "Intangible personal property" does not include zoning, location, view, geographic features, easements, covenants, proximity to raw materials, condition of surrounding property, proximity to markets, the availability of a skilled work force, and other characteristics or attributes of property. (4) This section does not preclude the use of, or permit a departure from, generally accepted appraisal practices and the appropriate application thereof in the valuation of real and tangible personal property, including the appropriate consideration of licenses, permits, and franchises granted by a government agency that affect the use of the property. **NEW SECTION.** **Sec. 2.** A new section is added to chapter 84.48 RCW to read as follows: (1) In equalizing personal property as of January 1, 1998, the department shall treat intangible personal property in the same manner as intangible personal property is to be treated after the effective date of this act. (2) This section expires December 31, 1998. **NEW SECTION.** **Sec. 3.** This act shall not be construed to amend or modify any existing statute or rule relating to the treatment of computer software, retained rights in computer software, and golden and master copies of computer software for property tax purposes. **NEW SECTION.** **Sec. 4.** Nothing in this act is intended to incorporate and nothing in this act is based on any other state's statutory or case law. **NEW SECTION.** **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION.** **Sec. 6.** This act is effective for taxes levied for collection in 1999 and thereafter. **NEW SECTION.** **Sec. 7.** By December 1, 2000, the department of revenue shall submit a report to the house finance committee, the senate ways and means committee, and the office of the governor on tax shifts, tax losses, and any litigation resulting from this act.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator West moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5286.  
Debate ensued.

POINT OF INQUIRY

Senator Hale: "Senator Horn, an amendment was added in the House to Section (1), subsection (4) of Engrossed Substitute Senate Bill No. 5286 to allow assessing officials to, in an appropriate manner, consider permits, licenses, or franchises granted by a government agency that affect the use of real and tangible personal property. Is it the intent of this language to give assessing officials the ability to consider the permits, licenses, or franchises granted by a government agency strictly to determine a taxable property's specific use for assessment purposes?"

Senator Horn: "Yes, it is."

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

The President declared the question before the Senate to be the roll call on the motion by Senator West that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5286.

ROLL CALL

The Secretary called the roll and the motion to concur in the House amendment carried by the following vote:  
Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Benton, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin,

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#### MOTION

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5286, as amended by the House, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### POINT OF INQUIRY

Senator Kline asked Senate Horn to yield to a question, but Senator Horn would not yield to a question. Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5286, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5286, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi,



Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wajahn - 19. ENGROSSED SUBSTITUTE SENATE BILL NO. 5286, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6063 with the following amendment:

Strike everything after the enacting clause and insert the following: **NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1999, out of the several funds specified in this act. **NEW SECTION. Sec. 2.** As used in this act, the following phrases have the following meanings: "Aquatic Lands Acct" means the Aquatic Lands Enhancement Account; "Cap Bldg Constr Acct" means Capitol Building Construction Account; "Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, legal services, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets; "CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account; "Common School Constr Fund" means Common School Construction Fund; "CWU Cap Proj Acct" means Central Washington University Capital Projects Account; "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account; "For Dev Acct" means Forest Development Account; "H Ed Constr Acct" means Higher Education Construction Account; "LIRA" means State and Local Improvement Revolving Account--Waste Disposal Facilities; "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account, Waste Disposal Facilities, 1980; "LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water Supply Facilities; "Lapse" or "revert" means the amount shall return to an unappropriated status; "Nat Res Prop Repl Acct" means Natural Resources Real Property Replacement Account; "NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account; "ORA" means Outdoor Recreation Account; "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse; "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account; "Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account; "Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account; "Spec Wildlife Acct" means Special Wildlife Account; "St Bldg Constr Acct" means State Building Construction Account; "State Emerg Water Proj Rev" means State Emergency Water Projects Revolving Account; "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account; "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account; "UW Bldg Acct" means University of Washington Building Account; "WA Housing Trust Acct" means Washington Housing Trust Account; "WA St Dev Loan Acct" means Washington State Development Loan Account; "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund; "WSU Bldg Acct" means Washington State University Building Account; and "WWU Cap Proj Acct" means Western Washington University Capital Projects Account. Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**PART 1**

**GENERAL GOVERNMENT NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS Spokane Division III:**

**Remodel and addition (98-1-001) Appropriation: St Bldg Constr Acct--State \$ 2,499,980**  
Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,499,980  
**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE Birch Bay Records Storage: Asbestos abatement (94-1-002) Reappropriation: St Bldg Constr Acct--State \$ 50,000**  
Appropriation: St Bldg Constr Acct--State \$ 150,000  
Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 200,000  
**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE Puget Sound Archives Building (94-2-003)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 5,969,041**  
Prior Biennia (Expenditures)\$771,084 Future Biennia (Projected Costs)\$0

TOTAL \$ 6,740,125  
**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE Eastern Branch Archives Building--Design (98-2-001)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 2,042**  
Appropriation: St Bldg Constr Acct--State \$ 521,417  
Prior Biennia (Expenditures) \$ 56,158 Future Biennia (Projected Costs)\$4,176,493

TOTAL \$ 4,756,110  
**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT** The appropriations in this section are subject to the following conditions and limitations: \$4,000,000 from the new appropriation from the public works assistance account shall be deposited in the public facilities construction loan revolving account, and is hereby appropriated from the public facilities construction loan revolving account to the department of community, trade, and economic development for the fiscal biennium ending June 30, 1999, for the community economic revitalization program under chapter 43.160 RCW. The moneys from the new appropriation from the public works assistance account shall be used solely to provide loans to eligible local governments and shall not be used for grants. The department shall ensure that all principal and interest payments from loans made from moneys from the new appropriation from the public works assistance account are paid into the public works

assistance account. **Community economic revitalization (86-1-001) Reappropriation: St Bldg Constr Acct--**  
**State \$ 222,039Public Works Assistance Account--State \$ 4,481,071Pub Fac Constr Loan Rev Acct--**  
**State \$ 70,508**

Subtotal Reappropriation \$ 4,773,618**Appropriation:Pub Fac Constr Loan**  
**Acct--State \$ 6,000,000Public Works Assistance Account-- State \$ 4,000,000**

Subtotal Appropriation \$ 10,000,000  
 Prior Biennia (Expenditures) \$ 15,242,633Future Biennia (Projected Costs)\$36,000,000

**TOTAL \$ 66,016,251NEW SECTION. Sec. 106. FOR THE**  
**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTDevelopment loan fund (88-2-**  
**002) Reappropriation: St Bldg Constr Acct--State \$ 1,208,001WA St Dev Loan Acct--Federal \$ 166,138**

Subtotal Reappropriation \$ 1,374,139**Appropriation:WA St Dev Loan Acct--**  
**Federal \$ 3,000,000**Prior Biennia (Expenditures)\$10,245,450Future Biennia (Projected Costs)\$17,000,000

**TOTAL \$ 31,619,589NEW SECTION. Sec. 107. FOR THE**  
**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTGrays Harbor dredging (88-3-**  
**006)**

The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation is provided solely for the state's share of remaining costs for Grays Harbor dredging and associated mitigation. (2) State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources. (3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act. (4) In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state. **Reappropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 4,259,037Future Biennia (Projected Costs)\$0

**TOTAL \$ 5,259,037NEW SECTION. Sec. 108. FOR THE DEPARTMENT**  
**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTHousing assistance, weatherization, and affordable**  
**housing program (88-5-015)**

The appropriations in this section are subject to the following conditions and limitations: (1) \$3,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services. (2) \$2,000,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services. **Reappropriation: St Bldg**

**Constr Acct--State \$ 25,000,000Washington Housing Trust Acct--State \$ 400,000**Subtotal

Reappropriation\$25,400,000**Appropriation:St Bldg Constr Acct--State \$ 50,000,000**

Prior Biennia (Expenditures) \$ 125,116,142Future Biennia (Projected Costs)\$200,000,000

**TOTAL \$ 400,516,142NEW SECTION. Sec. 109. FOR THE**  
**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTSnohomish County drainage: To**

purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011) The reappropriation in this section shall be matched by at least

\$585,000 provided from nonstate sources for capital costs of this project. **Reappropriation: St Bldg Constr Acct--**  
**State \$ 344,837**Prior Biennia (Expenditures)\$3,416Future Biennia (Projected Costs)\$0

**TOTAL \$ 348,253NEW SECTION. Sec. 110. FOR THE DEPARTMENT**  
**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTColumbia River dredging feasibility (92-5-**  
**006) Reappropriation: St Bldg Constr Acct--State \$ 374,568**

Prior Biennia (Expenditures)\$245,392Future Biennia (Projected Costs)\$0

**TOTAL \$ 619,960NEW SECTION. Sec. 111. FOR THE DEPARTMENT**  
**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTBuilding for the arts: For grants to local performing**

arts and art museum organizations for facility improvements or additions **(92-5-100)** The appropriations in this section are subject to the following conditions and limitations: (1) The following projects are eligible for funding in phase 4:

**Phase 4** Estimated Total Capital Cost African American Museum and Cultural Center

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(2) The reappropriation and new appropriation in this section are provided to fund the state share of capital costs of phases 1 through 4 of the building for the arts program.

(3) \$3,000,000 of the appropriation in this section is provided solely for the Wenatchee civic center. The remaining reappropriation and appropriation shall be distributed as follows: (a) State grants shall not exceed fifteen percent of the estimated total capital cost or actual capital cost of a project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value. The department is authorized to set matching requirements for individual projects. State grants shall not exceed \$1,000,000 for any single project unless there are uncommitted funds after January 1, 1999. (b) State grants shall be distributed in the order in which matching

requirements are met. The department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects recompile for funding. (4) By December 15, 1997, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section. (5) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1999-2001 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects. **Reappropriation: St Bldg Constr Acct--State \$ 2,162,297****Appropriation:St Bldg Constr Acct--State \$ 6,000,000**

Prior Biennia (Expenditures) \$ 18,047,689 Future Biennia (Projected Costs)\$16,000,000

**TOTAL \$ 42,209,986**NEW SECTION. Sec. 112. FOR THE

**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTChallenger Learning Center (93-5-006)** The reappropriation in this section is subject to the following conditions and limitations: (1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and (2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose. **Reappropriation: St Bldg Constr Acct--State \$ 320,312**Prior Biennia (Expenditures)\$479,688 Future Biennia (Projected Costs)\$0

**TOTAL \$ 800,000**NEW SECTION. Sec. 113. FOR THE DEPARTMENT

**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTPublic works trust fund (94-2-001)** The appropriation in this section is subject to the following conditions and limitations: \$15,646,000 of the reappropriation in this section is provided solely for the preconstruction program. **Reappropriation: Public Works Assistance Account-- State \$ 108,746,982****Appropriation:Public Works Assistance Account-- State \$ 180,977,328**Prior Biennia (Expenditures) \$ 287,953,301 Future Biennia (Projected Costs)\$820,000,000

**TOTAL \$ 1,397,677,611**NEW SECTION. Sec. 114. FOR THE

**DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTWashington Technology Center: Equipment (94-2-002)** The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington. **Reappropriation: St Bldg Constr Acct--State \$ 301,299**Prior Biennia (Expenditures)\$964,701 Future Biennia (Projected Costs)\$0

**TOTAL \$ 1,266,000**NEW SECTION. Sec. 115. FOR THE DEPARTMENT

**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTOlympic Peninsula Natural History Museum (94-2-005)** The reappropriation in this section is subject to the following conditions and limitations: (1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations. (2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project. **Reappropriation: St Bldg Constr Acct--State \$ 169,830**Prior Biennia (Expenditures)\$130,170 Future Biennia (Projected Costs) \$0

**TOTAL \$ 300,000**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

**Thorp Grist Mill:** To develop the ice pond park and provide facilities to accommodate public access **(94-2-007)** The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project. **Reappropriation: St Bldg Constr Acct--State \$ 62,874**Prior Biennia (Expenditures)\$67,126 Future Biennia (Projected Costs)\$0

**TOTAL \$ 130,000**NEW SECTION. Sec. 117. FOR THE DEPARTMENT

**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTDaybreak Star Center (94-2-**

100) Reappropriation: St Bldg Constr Acct--State \$ 19,690  
 State \$ 650,000 Prior Biennia (Expenditures)\$207,310 Future Biennia (Projected Costs)\$0

TOTAL \$ 877,000  
**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102) The reappropriation in this section is subject to the following conditions and limitations: (1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value. (2) State assistance to each port shall not exceed the following amounts: Port Amount Port of Grays Harbor \$ 564,000 Port of Port Angeles \$ 1,500,000 Port of Longview \$ 1,855,000  
**Reappropriation: St Bldg Constr Acct--State \$ 2,456,390**  
 Prior Biennia (Expenditures)\$1,443,610 Future Biennia (Projected Costs)\$0

TOTAL \$ 3,900,000  
**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Pacific Science Center (96-1-900)** The reappropriation in this section is provided for capital facilities improvements. **Reappropriation: St Bldg Constr Acct--State \$ 3,669,885**  
 Prior Biennia (Expenditures)\$330,115 Future Biennia (Projected Costs)\$0

TOTAL \$ 4,000,000  
**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Community Services Facilities Program:** For grants to nonprofit community-based family service organizations to assist in acquiring, developing, or rehabilitating buildings (98-2-007) The appropriation in this section is subject to the following conditions and limitations: (1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions; (2) The following projects are eligible for funding: **Phase 1** Estimated Total State Capital Cost Grant

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Total \$16,871,625 \$4,000,000

**Phase 2** Estimated Total StateCapital CostGrant

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Total \$24,595,375 \$6,038,343

(3) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; (4) The new appropriation and reappropriation in this section are provided to fund the state share for phase 1 and 2 of the community services facilities program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. (5) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1 and 2 and to set matching requirements for individual projects. (6) By December 15, 1997, the department shall submit a report to the appropriate fiscal committees of the legislature and the office of financial management on the progress of the building for community services facilities program, including a list of projects funded under this section. At that time, the department shall submit a prioritized list of the remaining projects which have not received an allocation of funds.

**Reappropriation: St Bldg Constr Acct-- State \$ 1,901,449**  
**Appropriation: St Bldg Constr Acct-- State \$ 2,000,000**  
Prior Biennia (Expenditures)\$2,098,551 Future Biennia (Projected Costs)\$2,000,000

TOTAL \$ 8,000,000 NEW SECTION. **Sec. 121. FOR THE DEPARTMENT**

**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Drinking Water Assistance Program (98-2-008)**

The appropriations in this section are subject to the following conditions and limitations: (1) Funding from the state public works trust fund program shall be matched with new federal resources to improve the quality of drinking water in the state, and shall be used solely for projects which achieve the goals of the federal safe drinking water act. (2) The department shall report to the appropriate committees of the legislature by January 1, 1998, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

**Appropriation: Drinking Water Assistance Acct-- State \$ 9,949,000**

**Drinking Water Assistance Acct--Federal** \$33,873,450 Subtotal  
 Appropriation \$43,822,450 Prior Biennia  
 (Expenditures) \$0 Future Biennia (Projected Costs) \$ 175,289,350

TOTAL \$ 219,111,800 NEW SECTION. Sec. 122. FOR THE OFFICE OF FINANCIAL MANAGEMENT Colocated Cascadia Branch Campus (94-1-003) Reappropriation: St Bldg Constr Acct--State \$ 6,012,555 Prior Biennia (Expenditures) \$11,409,333 Future Biennia (Projected Costs) \$0

TOTAL \$ 17,421,088 NEW SECTION. Sec. 123. FOR THE OFFICE OF FINANCIAL MANAGEMENT Underground storage tank: Pool (98-1-001) The appropriation in this section is subject to the following conditions and limitations: (1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks. (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks. (3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Americans with Disabilities Act: Pool in section 125 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 400,000** **Appropriation: St Bldg Constr Acct--State \$ 3,000,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$7,000,000

TOTAL \$ 10,400,000 NEW SECTION. Sec. 124. FOR THE OFFICE OF FINANCIAL MANAGEMENT Asbestos abatement and demolition: Pool (98-1-002) The appropriation in this section is subject to the following conditions and limitations: (1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos. (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. (3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Americans with Disabilities Act: Pool in section 125 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 500,000** **Appropriation: St Bldg Constr Acct--State \$ 3,000,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$12,000,000

TOTAL \$ 15,500,000 NEW SECTION. Sec. 125. FOR THE OFFICE OF FINANCIAL MANAGEMENT Americans with Disabilities Act: Pool (98-1-003) The appropriation in this section is subject to the following conditions and limitations: (1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements. (2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1995-97 biennium for distribution of funds. (3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories. **Reappropriation: St Bldg Constr Acct--State \$ 500,000** **Appropriation: St Bldg Constr Acct--State \$ 3,000,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$12,000,000

TOTAL \$ 15,500,000 NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT Capital budget system improvements (98-1-006) Reappropriation: St Bldg Constr Acct--State \$ 100,000 **Appropriation: St Bldg Constr Acct--**

State \$ 300,000 Prior Biennia (Expenditures) \$300,000 Future Biennia  
(Projected Costs) \$1,200,000

TOTAL \$ 1,900,000 NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION East Campus Plaza and Plaza Garage repairs (96-1-002) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 500,000** Appropriation: St Bldg Constr Acct--State \$ 7,041,000 Cap Bldg Constr Acct--State \$1,805,000

Subtotal Appropriation \$ 8,846,000 Prior Biennia (Expenditures) \$8,821,200 Future Biennia (Projected Costs) \$20,162,000

TOTAL \$ 38,329,200

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION General Administration Building--Preservation: To make critical repairs to the electrical service of the General Administration Building (96-1-003) **Reappropriation: Cap Bldg Constr Acct--State \$ 1,900,000** Prior Biennia (Expenditures) \$300,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,200,000 NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION CFC/Halon fire control systems: Removal and replacement (96-1-011) **Reappropriation: St Bldg Constr Acct--State \$ 375,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 375,000 NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012) **Reappropriation: Cap Bldg Constr Acct--State \$ 250,000** Prior Biennia (Expenditures) \$1,400,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,650,000 NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Thurston County buildings: Preservation (96-1-013) The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs. **Reappropriation: Cap Bldg Constr Acct--State \$ 150,000** St Bldg Constr Acct--State \$ 150,000 Thurston County Cap Fac Acct--State \$ 1,250,000

Subtotal Reappropriation \$ 1,550,000  
Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,550,000 NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Northern State Multiservice Center: To replace the central heating system with individual building heating systems (96-1-019) The reappropriation in this section is subject to the review and allotment procedures in section 712 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years. **Reappropriation: St Bldg Constr Acct--State \$ 555,000** Prior Biennia (Expenditures) \$22,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 577,000 NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Washington State Training and Conference Center: To construct a mock city, indoor firing range, and running track (96-2-004) **Reappropriation: Public Safety Reimb Bond--State \$ 1,750,000** Prior Biennia (Expenditures) \$1,162,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,912,000 NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Emergency, small repairs, and improvements (98-1-001) Appropriation: St Bldg Constr Acct--State \$ 200,000 Thurston County Cap Fac Acct--State \$ 700,000

Subtotal Appropriation \$ 900,000  
Prior Biennia (Expenditures) \$ 931,418 Future Biennia (Projected Costs) \$4,900,000

TOTAL \$ 6,731,418 NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Capitol Campus facilities: Preservation (98-1-003) The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. Appropriation: Cap Bldg Constr Acct--State \$ 340,000 St Bldg Constr Acct--State \$ 240,000 Thurston County Cap Fac Acct--State \$ 2,200,000

Subtotal Appropriation \$ 2,780,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$4,000,000

TOTAL \$ 6,780,000 NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Northern State Multiservice Center: Preservation (98-1-004) The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. Appropriation: General Fund--Private/Local \$ 500,000 CEP & RI Acct--State \$ 600,000 St Bldg Constr Acct--State \$ 300,000

Subtotal Appropriation \$ 1,400,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$3,200,000

TOTAL \$ 4,600,000 NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Legislative buildings: Safety and infrastructure: To make improvements to the Legislative, Cherberg, O'Brien, Institutions, and 1007 Washington buildings (98-1-005) The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation shall support the detailed list of projects maintained by the office of financial management. (2) Up to \$395,000 of the appropriation may be expended for the installation of handrails in the legislative building. Appropriation: Cap Bldg Constr Acct--State \$ 895,000 Thurston County Cap Fac Acct--State \$ 1,675,000 St Bldg Constr Acct--State \$ 395,000

Subtotal Appropriation \$ 2,965,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$17,000,000

TOTAL \$ 19,965,000 NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION 600 S. Franklin Building: Preservation (98-1-006) Appropriation: St Bldg Constr Acct--State \$ 925,000 Thurston County Cap Fac Acct--State \$ 175,000

Subtotal Appropriation \$ 1,100,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,100,000 NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION NOB-2 Building: Preservation (98-1-007) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. Appropriation: St Bldg Constr Acct--State \$ 357,000 Thurston County Cap Fac Acct--State \$ 2,093,000 Cap Bldg Constr Acct--State \$ 1,800,000

Subtotal Appropriation \$ 4,250,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$15,425,000

TOTAL \$ 19,675,000 NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Department of Transportation Building: Preservation (98-1-



008) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Appropriation: Thurston County Cap Fac Acct--State \$ 734,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$10,100,000

TOTAL \$ 10,834,000NEW SECTION. **Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATIONMonumental buildings: Cleaning and preservation (98-1-011) Appropriation: Cap Bldg Constr Acct--State \$ 3,000,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$12,000,000

TOTAL \$ 15,000,000NEW SECTION. **Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATIONWashington State Training and Conference Center: Preservation (98-1-013)** The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation shall support the detailed list of projects maintained by the office of financial management. (2) The department shall coordinate all work with the tenants of the center. **Appropriation: St Bldg Constr Acct--State \$ 1,000,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$1,000,000

TOTAL \$ 2,000,000NEW SECTION. **Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATIONInfrastructure savings (98-1-016)** Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 1**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 1NEW SECTION. **Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATIONWashington State Training and Conference Center: Dormitory (98-2-004)** The appropriation in this section is to be used to design and construct the first of two new prototype dormitories for the criminal justice training commission. **Appropriation: Public Safety Reimb Bond--State \$ 1,600,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$1,400,000

TOTAL \$ 3,000,000NEW SECTION. **Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATIONEngineering and architectural services project management (98-2-011)** The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list. **Appropriation: St Bldg Constr Acct--State \$ 8,313,500**Prior Biennia (Expenditures)\$7,500,000Future Biennia (Projected Costs)\$37,000,000

TOTAL \$ 52,813,500NEW SECTION. **Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**The control and management of the Wellington Hills property which was purchased by the state of Washington as a potential site for the University of Washington Bothell branch campus is transferred to the department of general administration. The site shall be disposed of at fair market value and the proceeds from the sale shall be deposited in the state building construction account. The department may retain from the proceeds of the sale an amount sufficient to provide reimbursement for expenses as approved by the office of financial management. The University of Washington shall continue to pay all necessary fees and assessments appurtenant to the property until the property is sold. **NEW SECTION. Sec. 147. FOR THE MILITARY DEPARTMENT Emergency Coordination Center:** For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray **(95-5-010)** The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act; and (2) The reappropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in

this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly. **Reappropriation: General Fund--Federal \$ 8,112,000**Prior Biennia (Expenditures)\$954,000Future Biennia (Projected Costs)\$0

TOTAL \$ 9,066,000NEW SECTION. Sec. 148. FOR THE MILITARY

**DEPARTMENTCamp Murray buildings: Preservation (96-1-002) Reappropriation: General Fund--Federal \$ 750,000**Prior Biennia (Expenditures)\$300,000Future Biennia (Projected Costs)\$0

TOTAL \$ 1,050,000NEW SECTION. Sec. 149. FOR THE MILITARY

**DEPARTMENTEverett Armory: Preservation (96-1-003) Reappropriation: General Fund--Federal \$ 375,000**Prior Biennia (Expenditures)\$125,000Future Biennia (Projected Costs)\$0

TOTAL \$ 500,000NEW SECTION. Sec. 150. FOR THE MILITARY

**DEPARTMENTCamp Murray infrastructure: Preservation (96-1-006) Reappropriation: General Fund--Federal \$ 185,000**Prior Biennia (Expenditures)\$315,000Future Biennia (Projected Costs)\$0

TOTAL \$ 500,000NEW SECTION. Sec. 151. FOR THE MILITARY

**DEPARTMENTYakima National Guard Armory and Readiness Center: Design and Utilities (98-2-001)** The appropriation in this section is subject to the following conditions and limitations: Funds expended on this project for off-site utility infrastructure which may include the provision of electricity, natural gas service, water service or sewer service shall be for the benefit of the state. Entities which subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs. **Appropriation: St Bldg Constr Acct--State \$ 5,260,700****General Fund--Federal \$ 8,275,000**

Subtotal Appropriation \$ 13,535,700  
Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$3,288,300

TOTAL \$ 16,824,000NEW SECTION. Sec. 152. FOR THE

**MILITARY DEPARTMENTBuildings and infrastructure savings (96-1-999)** Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 1****Appropriation:General Fund--Federal \$ 1**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 2NEW SECTION. Sec. 153. FOR THE MILITARY

**DEPARTMENTMinor works: Federal construction projects (98-1-001)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: General Fund--Federal \$ 6,320,600****St Bldg Constr Acct--State \$ 1,137,600**

Subtotal Appropriation \$ 7,458,200Prior Biennia (Expenditures)\$4,303,000Future Biennia (Projected Costs)\$39,500,300

TOTAL \$ 51,261,500NEW SECTION. Sec. 154. FOR THE MILITARY

**DEPARTMENTMinor works: Preservation (98-1-002)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$4,000,000

TOTAL \$ 5,000,000 NEW SECTION. Sec. 155. FOR THE MILITARY  
**DEPARTMENT Tacoma Community Center--Sprinkler system:** To reimburse Pierce county for the cost of the fire  
sprinkler system installed during the lease of the facility. **(98-1-004) Appropriation: St Bldg Constr Acct--**  
**State \$ 149,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 149,000 NEW SECTION. Sec. 156. FOR THE MILITARY  
**DEPARTMENT Montesano Community Center: Renovation (98-1-029) Appropriation: St Bldg Constr Acct--**  
**State \$ 582,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 582,000

**PART 2**

**HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
**Firecrest School: Renovate apartment (94-1-142) Reappropriation: CEP & RI Acct--**  
**State \$ 1,668,927** Prior Biennia (Expenditures)\$440,375 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,109,302 NEW SECTION. Sec. 202. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Maple Lane School Wastewater Treatment Plant (94-1-**  
**201) Reappropriation: St Bldg Constr Acct--State \$ 4,147,132** Prior Biennia (Expenditures)\$125,367 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 4,272,499 NEW SECTION. Sec. 203. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Naselle Youth Camp: Water system improvements (94-1-**  
**202) Reappropriation: St Bldg Constr Acct--State \$ 794,717** Prior Biennia (Expenditures)\$370,977 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 1,165,694 NEW SECTION. Sec. 204. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Western State Hospital ward renovation phase 6 (94-1-**  
**316) Reappropriation: St Bldg Constr Acct--State \$ 866,277** Prior Biennia (Expenditures)\$11,305,003 Future  
Biennia (Projected Costs)\$0

TOTAL \$ 12,171,280 NEW SECTION. Sec. 205. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Francis Haddon Morgan Center: Remodel (94-1-**  
**402) Reappropriation: St Bldg Constr Acct--State \$ 1,577,024** Prior Biennia (Expenditures)\$144,275 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 1,721,299 NEW SECTION. Sec. 206. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Asbestos abatement (96-1-002) Reappropriation: St Bldg**  
**Constr Acct--State \$ 615,845** **Appropriation: St Bldg Constr Acct--State \$ 200,000** Prior Biennia  
(Expenditures)\$1,215,155 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,031,000 NEW SECTION. Sec. 207. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Americans with Disabilities Act improvements (96-1-**  
**003) Reappropriation: St Bldg Constr Acct--State \$ 181,121** Prior Biennia (Expenditures)\$266,730 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 447,851 NEW SECTION. Sec. 208. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Minor works: Preservation (96-1-**  
**004) Reappropriation: CEP & RI Acct--State \$ 4,279,702** **St Bldg Constr Acct--State \$ 7,240,776**

Subtotal Reappropriation \$ 11,520,478 **Appropriation: CEP & RI Acct--**  
**State \$ 5,000,000** **St Bldg Constr Acct--State \$ 3,720,000**

Subtotal Appropriation \$ 8,720,000

Prior Biennia (Expenditures) \$ 7,507,532 Future Biennia (Projected Costs) \$64,000,000

TOTAL \$ 91,748,010 NEW SECTION. Sec. 209. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Chlorofluorocarbon abatement (96-1-008) Reappropriation: CEP & RI Acct--State \$ 223,898** Prior Biennia (Expenditures) \$26,102 Future Biennia (Projected Costs) \$0

TOTAL \$ 250,000 NEW SECTION. Sec. 210. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Juvenile facilities preservation and rehabilitation (96-1-020) Reappropriation: St Bldg Constr Acct--State \$ 428,109** Prior Biennia (Expenditures) \$1,651,491 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,079,600 NEW SECTION. Sec. 211. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Minor works projects: Mental health (96-1-030) Reappropriation: St Bldg Constr Acct--State \$ 1,773,961** Prior Biennia (Expenditures) \$2,021,339 Future Biennia (Projected Costs) \$0

TOTAL \$ 3,795,300 NEW SECTION. Sec. 212. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Minor works projects: Division of Developmental Disabilities (96-1-040)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the department of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 386,549** Prior Biennia (Expenditures) \$684,798 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,071,347 NEW SECTION. Sec. 213. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Underground storage tanks removal and replacement (96-1-060) Reappropriation: CEP & RI Acct--State \$ 200,000 St Bldg Constr Acct--State \$ 453,523**

Subtotal Reappropriation \$ 653,523 Prior Biennia (Expenditures) \$286,883 Future Biennia (Projected Costs) \$0

TOTAL \$ 940,406 NEW SECTION. Sec. 214. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Maintenance management and planning (96-1-150) Reappropriation: CEP & RI Acct--State \$ 136,640** Prior Biennia (Expenditures) \$15,880 Future Biennia (Projected Costs) \$0

TOTAL \$ 152,520 NEW SECTION. Sec. 215. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Medical Lake wastewater treatment facility (96-1-301) Reappropriation: St Bldg Constr Acct--State \$ 1,580,624 Appropriation: St Bldg Constr Acct--State \$ 500,000** Prior Biennia (Expenditures) \$433,817 Future Biennia (Projected Costs) \$6,411,000

TOTAL \$ 8,925,441 NEW SECTION. Sec. 216. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Western State Hospital: Replace Boiler #1 (96-1-322) Reappropriation: St Bldg Constr Acct--State \$ 1,157,566** Prior Biennia (Expenditures) \$282,434 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,440,000 NEW SECTION. Sec. 217. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Crisis Residential Centers (96-1-900)** The reappropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget. **Reappropriation: St Bldg Constr Acct--State \$ 3,000,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 3,000,000 NEW SECTION. Sec. 218. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Echo Glen: New beds and infrastructure (96-2-229)** The

reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 2,527,752**Prior Biennia (Expenditures)\$1,156,548Future Biennia (Projected Costs)\$0

TOTAL \$ 3,684,300NEW SECTION. Sec. 219. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESGreen Hill redevelopment: 416-bed institution (96-2-230)** The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 37,234,448**Appropriation:St Bldg Constr Acct--State \$ 1,800,000Prior Biennia (Expenditures)\$4,669,321Future Biennia (Projected Costs)\$11,200,000

TOTAL \$ 54,903,769NEW SECTION. Sec. 220. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESMaple Lane School: Renovation and infrastructure improvements (96-2-231)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 5,194,174**Prior Biennia (Expenditures)\$661,325Future Biennia (Projected Costs)\$0

TOTAL \$ 5,855,499NEW SECTION. Sec. 221. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESMission Creek preservation projects (96-2-233)** **Reappropriation: St Bldg Constr Acct--State \$ 389,756**Prior Biennia (Expenditures)\$25,044Future Biennia (Projected Costs)\$0

TOTAL \$ 414,800NEW SECTION. Sec. 222. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESIndian Ridge utility upgrade projects (96-2-234)** **Reappropriation: St Bldg Constr Acct--State \$ 1,265,471**Prior Biennia (Expenditures)\$256,029Future Biennia (Projected Costs)\$0

TOTAL \$ 1,521,500NEW SECTION. Sec. 223. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESMinor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 233,482**Prior Biennia (Expenditures)\$110,917Future Biennia (Projected Costs)\$0

TOTAL \$ 344,399NEW SECTION. Sec. 224. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESWestern State Hospital: South Hall heating, ventilation, and air conditioning retrofit (98-1-041)** **Appropriation: St Bldg Constr Acct--State \$ 1,000,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 1,000,000NEW SECTION. Sec. 225. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESRenovation of Main Building--Mission Creek (98-1-166)** **Appropriation: St Bldg Constr Acct--State \$ 2,500,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 2,500,000NEW SECTION. Sec. 226. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESCapital project management (98-1-406)** **Appropriation: CEP & RI Acct--State \$ 1,850,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$7,874,208

TOTAL \$ 9,724,208NEW SECTION. Sec. 227. FOR THE

**DEPARTMENT OF SOCIAL AND HEALTH SERVICESEmergency projects (98-1-428)** **Appropriation: St Bldg Constr Acct--State \$ 250,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$1,154,000

TOTAL \$ 1,404,000 NEW SECTION. Sec. 228. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Eastern State Hospital: Legal Offender Unit (98-2-002)** The  
appropriation in this section is subject to the review and allotment procedures under section 712 of this  
act. **Reappropriation: St Bldg Constr Acct--State \$ 965,015** **Appropriation: St Bldg Constr Acct--**  
**State \$ 17,583,585** Prior Biennia (Expenditures) \$147,400 Future Biennia (Projected Costs) \$0

TOTAL \$ 18,696,000 NEW SECTION. Sec. 229. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Western State Hospital: Legal Offender Unit (98-2-052)** The  
appropriation in this section is subject to the review and allotment procedures under section 712 of this  
act. **Appropriation: St Bldg Constr Acct--State \$ 4,215,341** Prior Biennia (Expenditures) \$150,000 Future Biennia  
(Projected Costs) \$38,687,459

TOTAL \$ 43,052,800 NEW SECTION. Sec. 230. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Naselle Youth Camp academic school and support space (98-2-154)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this  
act. **Appropriation: St Bldg Constr Acct--State \$ 1,537,508** Prior Biennia (Expenditures) \$0 Future Biennia  
(Projected Costs) \$0

TOTAL \$ 1,537,508  
NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES **Predesign  
Echo Glen vocational program addition (98-2-211)** The appropriation in this section is subject to the review and allotment  
procedures under section 712 of this act. **Appropriation: St Bldg Constr Acct--State \$ 100,000** Prior Biennia  
(Expenditures) \$0 Future Biennia (Projected Costs) \$2,250,000

TOTAL \$ 2,350,000 NEW SECTION. Sec. 232. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Maple Lane School: 124-bed housing replacement and  
support services (98-2-216)** The appropriation in this section is subject to the review and allotment procedures under section  
712 of this act. **Appropriation: St Bldg Constr Acct--State \$ 9,332,641** Prior Biennia (Expenditures) \$0 Future  
Biennia (Projected Costs) \$0

TOTAL \$ 9,332,641 NEW SECTION. Sec. 233. FOR THE  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES Northern State Hospital: Safe Passage program space (98-2-395)** **Appropriation: St Bldg Constr Acct--State \$ 329,500** Prior Biennia (Expenditures) \$0 Future Biennia (Projected  
Costs) \$0

TOTAL \$ 329,500 NEW SECTION. Sec. 234. FOR THE DEPARTMENT  
**OF SOCIAL AND HEALTH SERVICES Minor works: Program (98-2-409)** The appropriation in this section is subject  
to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the  
office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 843,135** Prior Biennia  
(Expenditures) \$0 Future Biennia (Projected Costs) \$4,000,000

TOTAL \$ 4,843,135 NEW SECTION. Sec. 235. FOR THE DEPARTMENT  
**OF HEALTH Referendum 38--Water bonds (86-2-099) Reappropriation: LIRA, Water Sup Fac--**  
**State \$ 1,197,420** Prior Biennia (Expenditures) \$512,201 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,709,621 NEW SECTION. Sec. 236. FOR THE  
**DEPARTMENT OF HEALTH Public Health Laboratory: Repairs and improvements (96-1-001)** **Reappropriation: CEP & RI Acct--State \$ 150,000** **St Bldg Constr Acct--State \$ 805,241**

Subtotal Reappropriation \$ 955,241 **Appropriation: St Bldg Constr Acct--**  
**State \$ 774,833** Prior Biennia (Expenditures) \$1,406,035 Future Biennia (Projected Costs) \$2,200,184

TOTAL \$ 5,336,293 NEW SECTION. Sec. 237. FOR THE  
**DEPARTMENT OF HEALTH** Emergency power system (96-1-009) Reappropriation: CEP & RI Acct--  
State \$ 560,518 Prior Biennia (Expenditures) \$32,272 Future Biennia (Projected Costs) \$0

TOTAL \$ 592,790 NEW SECTION. Sec. 238. FOR THE  
**DEPARTMENT OF HEALTH** Public Health Laboratory: Consolidation of facilities (96-2-001) The appropriation in this  
section is subject to the review and allotment procedures under section 712 of this act. **Appropriation: St Bldg Constr**  
**Acct--State \$ 660,300** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$3,891,300

TOTAL \$ 4,551,600 NEW SECTION. Sec. 239. FOR THE  
**DEPARTMENT OF HEALTH** Public Health Laboratory: Building 5 system upgrades (98-1-  
002) **Appropriation: CEP & RI Acct--State \$ 311,040** Prior Biennia (Expenditures) \$0 Future Biennia (Projected  
Costs) \$0

TOTAL \$ 311,040 NEW SECTION. Sec. 240. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Sorting: Main kitchen upgrade (95-1-001) Reappropriation: CEP & RI  
**Acct--State \$ 1,147,147** Prior Biennia (Expenditures) \$94,853 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,242,000 NEW SECTION. Sec. 241. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Americans with Disabilities Act projects (96-1-003) Reappropriation: St  
**Bldg Constr Acct--State \$ 94,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 94,000 NEW SECTION. Sec. 242. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Sorting: Dining hall remodel (97-1-002) **Appropriation: CEP & RI Acct--**  
**State \$ 1,100,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,100,000 NEW SECTION. Sec. 243. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Retsil: Replace unsafe electrical distribution (97-1-  
003) **Appropriation: CEP & RI Acct--State \$ 850,000** Prior Biennia (Expenditures) \$100,000 Future Biennia  
(Projected Costs) \$0

TOTAL \$ 950,000 NEW SECTION. Sec. 244. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Retsil: Minor works projects (97-1-006) Reappropriation: CEP & RI  
**Acct--State \$ 410,549** **Appropriation: CEP & RI Acct--State \$ 755,000** Prior Biennia  
(Expenditures) \$249,451 Future Biennia (Projected Costs) \$7,050,000

TOTAL \$ 8,465,000 NEW SECTION. Sec. 245. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Sorting: Minor works projects (97-1-007) Reappropriation: CEP & RI  
**Acct--State \$ 48,186** **Appropriation: CEP & RI Acct--State \$ 750,000** Prior Biennia  
(Expenditures) \$186,814 Future Biennia (Projected Costs) \$5,825,000

TOTAL \$ 6,810,000 NEW SECTION. Sec. 246. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Emergency fund (97-1-012) **Appropriation: CEP & RI Acct--**  
**State \$ 700,000** Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs) \$ 2,800,000

TOTAL \$ 3,500,000 NEW SECTION. Sec. 247. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Sorting: Activities and Training Annex (97-1-014) **Appropriation: CEP**  
**& RI Acct--State \$ 825,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 825,000 NEW SECTION. Sec. 248. FOR THE  
**DEPARTMENT OF VETERANS AFFAIRS** Retsil: Building feasibility study (97-2-015) This appropriation is provided  
to conduct a study of the potential for consolidation of program functions and replacement of poor condition housing units  
into a new multi-use facility. The study will be submitted to the office of financial management and will be the basis of

future capital investments at Retsil, based on clear programmatic need or economic benefits and improved efficiency. **Appropriation: CEP & RI Acct--State \$ 112,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 112,000NEW SECTION. **Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS**McNeil Island master plan (94-2-001) **Reappropriation: St Bldg Constr Acct--State \$ 139,844**Prior Biennia (Expenditures)\$12,738,845Future Biennia (Projected Costs)\$0

TOTAL \$ 12,878,689NEW SECTION. **Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS**Airway Heights improvements (94-2-016) **Reappropriation: St Bldg Constr Acct--State \$ 296,199**Prior Biennia (Expenditures)\$11,891,149Future Biennia (Projected Costs)\$0

TOTAL \$ 12,187,348NEW SECTION. **Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS**Washington State Penitentiary steam system (96-1-016) **Reappropriation: St Bldg Constr Acct--State \$ 3,657,549**Prior Biennia (Expenditures)\$753,703Future Biennia (Projected Costs)\$0

TOTAL \$ 4,411,252NEW SECTION. **Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS**Washington Corrections Center for Women (96-2-001) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 5,561,711**Prior Biennia (Expenditures)\$4,329,168Future Biennia (Projected Costs)\$0

TOTAL \$ 9,890,879NEW SECTION. **Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS**Washington State Reformatory: 400-bed facility (96-2-002) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 12,657,344**Prior Biennia (Expenditures)\$5,987,223Future Biennia (Projected Costs)\$0

TOTAL \$ 18,644,567NEW SECTION. **Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS**Airway Heights expansion (96-2-003) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 7,659,390**Prior Biennia (Expenditures)\$12,638,980Future Biennia (Projected Costs)\$0

TOTAL \$ 20,298,370NEW SECTION. **Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS**Washington Correction Center for Women Mental Health, Special Needs, and Reception Unit (96-2-006) The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the review and allotment procedures under section 712 of this act. **Appropriation: St Bldg Constr Acct--State \$ 1,500,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$14,000,000

TOTAL \$ 15,500,000NEW SECTION. **Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS**Yakima Corrections Center (96-2-008) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 6,234,339**Prior Biennia (Expenditures)\$1,266,161Future Biennia (Projected Costs)\$0

TOTAL \$ 7,500,500NEW SECTION. **Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS**Larch and Cedar Creek expansion (96-2-010) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 16,717,351**Prior Biennia (Expenditures)\$5,282,649Future Biennia (Projected Costs)\$0

TOTAL \$ 22,000,000NEW SECTION. **Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS**State-wide preservation projects (98-1-001) The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 15,804,257****Appropriation: CEP & RI Acct--State \$ 3,200,000****St Bldg Constr Acct--State \$ 15,700,000**



Subtotal Appropriation \$ 18,900,000 Prior Biennia  
(Expenditures) \$42,184,367 Future Biennia (Projected Costs) \$134,400,000

TOTAL \$ 211,288,624 NEW SECTION. Sec. 259. FOR THE  
**DEPARTMENT OF CORRECTIONS** Underground storage tank and above-ground storage tank program (98-1-002) **Reappropriation: St Bldg Constr Acct--State \$ 487,603** **Appropriation: St Bldg Constr Acct--State \$ 617,593** Prior Biennia (Expenditures) \$1,009,221 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,114,417 NEW SECTION. Sec. 260. FOR THE  
**DEPARTMENT OF CORRECTIONS** State-wide asbestos removal (98-1-003) **Reappropriation: St Bldg Constr Acct--State \$ 297,350** **Appropriation: St Bldg Constr Acct--State \$ 572,068** Prior Biennia (Expenditures) \$1,899,137 Future Biennia (Projected Costs) \$745,350

TOTAL \$ 3,513,905 NEW SECTION. Sec. 261. FOR THE  
**DEPARTMENT OF CORRECTIONS** State-wide Americans with Disabilities Act compliance projects (98-1-004) **Reappropriation: St Bldg Constr Acct--State \$ 95,254** Prior Biennia (Expenditures) \$184,600 Future Biennia (Projected Costs) \$0

TOTAL \$ 279,854 NEW SECTION. Sec. 262. FOR THE  
**DEPARTMENT OF CORRECTIONS** Emergency funds (98-1-005) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after consultation with the chairmen of the house of representatives capital budget committee and senate ways and means committee. **Reappropriation: CEP & RI Acct--State \$ 1,471,286** **Appropriation: CEP & RI Acct--State \$ 1,500,000** **St Bldg Constr Acct--State \$ 1**

Subtotal Appropriation \$ 1,500,001 Prior Biennia (Expenditures) \$2,180,705 Future Biennia (Projected Costs) \$7,000,000

TOTAL \$ 12,151,992 NEW SECTION. Sec. 263. FOR THE  
**DEPARTMENT OF CORRECTIONS** Construct Stafford Creek Corrections Center (98-2-001) The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 14,744,552** **Appropriation: General Fund--Federal \$ 11,319,453** **St Bldg Constr Acct--State \$ 143,790,354**

Subtotal Appropriation \$ 155,109,807 Prior Biennia (Expenditures) \$2,636,441 Future Biennia (Projected Costs) \$0

TOTAL \$ 172,490,800 NEW SECTION. Sec. 264. FOR THE  
**DEPARTMENT OF CORRECTIONS** Washington State Reformatory: Convert medium to close custody (98-2-002) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Appropriation: St Bldg Constr Acct--State \$ 4,375,588** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 4,375,588 NEW SECTION. Sec. 265. FOR THE  
**DEPARTMENT OF CORRECTIONS** Tacoma: Design 400-bed prerelease facility (98-2-003) The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation is subject to the review and allotment procedures under section 712 of this act. (2) The department and the developer of the prerelease facility shall abide by all local code, zoning, and development regulations when designing and constructing the facility. The department shall secure a release of liability concerning potential hazardous wastes on the site prior to entering into a lease or development agreement for the prerelease facility. **Appropriation: St Bldg Constr Acct--State \$ 1,625,700** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,625,700 NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS **Expand special offenders center to 400 beds (98-2-010)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 83,689** **Appropriation: St Bldg Constr Acct--State \$ 3,507,879** Prior Biennia (Expenditures) \$243,711 Future Biennia (Projected Costs) \$35,852,811

TOTAL \$ 39,688,090 NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS **Washington Corrections Center: Design new 512-bed unit (98-2-002)** The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation is subject to the review and allotment procedures under section 712 of this act. (2) If Engrossed Third Substitute House Bill No. 3900 and Second Substitute House Bill No. 1522, or substantially similar legislation, are not enacted by June 30, 1997, the appropriation in this section shall lapse. **Appropriation: St Bldg Constr Acct--State \$ 4,500,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$46,100,000

TOTAL \$ 50,600,000  
NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS **New 1,936-bed multicustody facility: Pre-design and site selection (98-2-011)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Appropriation: St Bldg Constr Acct--State \$ 1,248,453** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$142,793,905

TOTAL \$ 144,042,358 NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS **State-wide programmatic projects (98-2-013)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. The department may apply moneys in the appropriation toward the construction of classrooms, offices, fences, or other improvements required to accommodate the programmatic requirements of chapter . . . , Laws of 1997 (Engrossed Third Substitute House Bill No. 3900). **Reappropriation: St Bldg Constr Acct--State \$ 6,163,093** **Appropriation: St Bldg Constr Acct--State \$ 6,600,000** Prior Biennia (Expenditures) \$36,226,994 Future Biennia (Projected Costs) \$75,000,000

TOTAL \$ 123,990,087

**PART 3**  
**NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY **Referendum 26 waste disposal facilities (74-2-004)** The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after consultation with the chairmen of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by September 1, 1997, listing all projects funded from the reappropriation in this section.  
**Reappropriation: LIRA--State \$ 4,028,749** **Appropriation: LIRA--State \$ 210,969** Prior Biennia (Expenditures) \$4,840,771 Future Biennia (Projected Costs) \$800,000

TOTAL \$ 9,880,489 NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY **Referendum 38 water supply facilities (74-2-006)** The appropriations in this section are subject to the following conditions and limitations: (1) \$2,500,000 of the state and local improvements revolving account reappropriation is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir. (2) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after consultation with the chairmen of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by September 1, 1997, listing all projects

funded from the reappropriation in this section. **Reappropriation: LIRA, Water Sup Fac--**  
**State \$ 6,763,571****Appropriation:LIRA, Water Sup Fac--State \$ 485,495**Prior Biennia  
(Expenditures)\$10,141,668Future Biennia (Projected Costs)\$1,600,000

TOTAL \$ 18,990,734

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY****State emergency water projects revolving account (76-2-003) Reappropriation: State**  
**Emerg Water Proj Rev--State \$ 7,377,883**Prior Biennia (Expenditures)\$1,701,394Future Biennia (Projected  
Costs)\$228,000

TOTAL \$ 9,307,277

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY****Referendum 39 waste disposal facilities (82-2-005)** No expenditure from the appropriation in this section shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met: (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology; (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act. (4) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this subsection (4) for specific projects upon findings of exceptional circumstances after consultation with the chairmen of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by September 1, 1997, listing all projects funded from the reappropriation in this section. **Reappropriation: LIRA, Waste Fac 1980--State \$ 13,961,094**Prior Biennia (Expenditures)\$40,176,560Future Biennia (Projected Costs)\$0

TOTAL \$ 54,137,654

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY****Centennial clean water fund (86-2-007)** The appropriations in this section are subject to the following conditions and limitations: (1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county. (2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer. (3) \$1,850,000 of the appropriation is provided solely for allocation for on-site sewage system projects or programs identified in local watershed plans. (4) \$10,000,000 of the appropriation is provided solely for the reclaimed water demonstration program established under chapter . . . , Laws of 1997 (Second Substitute House Bill No. 1817). (5) A minimum of 80 percent of the remaining appropriation after allocation of subsections (1), (2), (3), and (4) of this section shall be allocated by the department for water quality implementation activities. (6) A maximum of 20 percent of the remaining appropriation after allocation of subsections (1), (2), (3), and (4) of this section shall be allocated by the department for water quality planning activities. (7) In awarding state-wide water quality implementation and planning grants and loans, the department shall give priority consideration to: (a) Proposals submitted by communities with populations less than 2,500 or proposals that will be submitted by communities with populations less than 2,500 who have demonstrated an economic hardship which will prevent the completion or implementation of water quality projects; and (b) Projects located in basins with critical or depressed salmonid stocks. (8) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this subsection (8) for specific projects upon findings of exceptional circumstances after consultation with the chairmen of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by September 1, 1997, listing all projects funded from the reappropriation in this section. **Reappropriation: Water Quality Account--State \$ 38,653,000****Appropriation:Water Quality Account--**  
**State \$ 70,000,000**Prior Biennia (Expenditures)\$291,063,221Future Biennia (Projected Costs)\$311,000,000

TOTAL \$ 710,716,221

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY****Local toxics control account (88-2-008)** The appropriations in this section are subject to the following conditions and limitations: (1) \$1,000,000 of the appropriation in this section shall be expended by the department of ecology as grants to assist local governments in developing and implementing area-wide strategies for the cleanup and reuse of industrial lands. The department shall provide

a priority to funding activities by local governments that were developed with and facilitate active participation of property owners, businesses, and residents in the area, and that address industrial areas with one or more sites ranked highly under the state's hazard ranking system. (2) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after consultation with the chairmen of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by September 1, 1997, listing all projects funded from the reappropriation in this section. **Reappropriation: Local Toxics Control Account--**  
**State \$ 20,780,149****Appropriation:Local Toxics Control Account--State \$ 43,479,000**  
 (Expenditures)\$81,994,186Future Biennia (Projected Costs)\$173,100,389

TOTAL \$ 319,353,724

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**  
**Water pollution control revolving fund (90-2-002) Reappropriation: Water Pollution Cont Rev Fund-- State \$ 12,538,256**  
**Water Pollution Cont Rev Fund-- Federal \$ 62,689,776**

Subtotal Reappropriation \$ 75,228,032

**Appropriation:Water Pollution Cont Rev Fund-- State \$ 57,459,441**  
**Water Pollution Cont Rev Fund-- Federal \$ 44,000,000**

Subtotal Appropriation \$ 101,459,441

Prior Biennia (Expenditures)\$148,237,444Future Biennia (Projected Costs)\$299,947,557

TOTAL \$ 624,872,474

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**  
**Methow Basin water conservation (92-2-009) Reappropriation: St Bldg Constr Acct--State \$ 102,689**  
 Prior Biennia (Expenditures)\$397,310Future Biennia (Projected Costs)\$0

TOTAL \$ 499,999

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY**  
**State-owned facilities: Repair and upgrades (97-2-011) Appropriation: St Bldg Constr Acct--State \$ 430,000**  
 Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 430,000

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY**  
**Low-level nuclear waste disposal trench closure (97-2-012) Appropriation: Site Closure Acct--State \$ 6,433,381**  
 Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$ 992,100

TOTAL \$ 7,425,481

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Spokane Centennial Trail (89-5-112) Reappropriation: General Fund--Federal \$ 430,769**  
 Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$1,849

TOTAL \$ 432,618

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Deception Pass sewer: Phase 2 (91-2-006) Reappropriation: LIRA, Waste Fac 1980--State \$ 1,702,870**  
**St Bldg Constr Acct--State \$ 500,000**

Subtotal Appropriation \$ 2,202,870

Prior Biennia (Expenditures)\$931,586Future Biennia (Projected Costs)\$0

TOTAL \$ 3,134,456

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**St. Edwards State Park: Gym renovation and parking lot renovation (92-2-501) Reappropriation: St Bldg Constr Acct--State \$ 400,000**  
 Prior Biennia (Expenditures)\$100,000Future Biennia (Projected Costs)\$0

TOTAL \$ 500,000

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION**  
**Boating access improvements (94-1-057) Reappropriation: ORA--State \$ 1,256,324**  
 Prior Biennia (Expenditures)\$933,725Future Biennia (Projected Costs)\$0

TOTAL \$ 2,190,049 NEW SECTION. Sec. 315. FOR THE STATE  
**PARKS AND RECREATION COMMISSION Building preservation: State-wide (96-1-004)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 2,400,000** Prior Biennia (Expenditures)\$5,837,455 Future Biennia (Projected Costs)\$0

TOTAL \$ 8,237,455 NEW SECTION. Sec. 316. FOR THE STATE  
**PARKS AND RECREATION COMMISSION Preservation of utilities (96-1-005) Reappropriation: St Bldg Constr Acct--State \$ 1,500,000** Prior Biennia (Expenditures)\$4,999,957 Future Biennia (Projected Costs)\$0

TOTAL \$ 6,499,957 NEW SECTION. Sec. 317. FOR THE STATE  
**PARKS AND RECREATION COMMISSION State parks development: State-wide (96-2-007) Reappropriation: St Bldg Constr Acct--State \$ 500,000** Prior Biennia (Expenditures)\$1,380,400 Future Biennia (Projected Costs)\$0

TOTAL \$ 1,880,400 NEW SECTION. Sec. 318. FOR THE STATE  
**PARKS AND RECREATION COMMISSION Boat pumpouts: Federal Clean Vessel Act (96-2-008) Reappropriation: General Fund--Federal \$ 350,000** Appropriation: General Fund--Federal \$ 850,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 1,200,000 NEW SECTION. Sec. 319. FOR THE STATE  
**PARKS AND RECREATION COMMISSION Americans with disabilities act improvements (96-5-003) Reappropriation: St Bldg Constr Acct--State \$ 500,000** Prior Biennia (Expenditures)\$210,657 Future Biennia (Projected Costs)\$0

TOTAL \$ 710,657  
NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION State-wide emergency projects (98-1-001) Reappropriation: St Bldg Constr Acct--State \$ 353,191 Appropriation: St Bldg Constr Acct--State \$ 500,000 Prior Biennia (Expenditures)\$822,809 Future Biennia (Projected Costs)\$2,650,000

TOTAL \$ 4,326,000 NEW SECTION. Sec. 321. FOR THE STATE  
**PARKS AND RECREATION COMMISSION Underground storage tank replacement (98-1-002) Reappropriation: St Bldg Constr Acct--State \$ 456,800** Appropriation: St Bldg Constr Acct--State \$ 750,000 Prior Biennia (Expenditures)\$843,300 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,050,100 NEW SECTION. Sec. 322. FOR THE STATE  
**PARKS AND RECREATION COMMISSION Facilities preservation: State-wide (98-1-003)** The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation shall support the detailed list of projects maintained by the office of financial management. (2) The commission shall conduct a comprehensive condition survey and develop recommendations regarding the maintenance, repair, and capital renovation needs of the Washington state park system. The recommendations shall include criteria for evaluating maintenance, repair, and capital renovation needs, funding options, and methods to ensure that funding is optimally applied to maximize the preservation and public use of state parks. The recommendations shall be developed in consultation with staff from the office of financial management and appropriate legislative fiscal and policy committees. The commission shall report their findings and recommendations to the appropriate committees of the legislature by January 1, 1998. **Reappropriation: St Bldg Constr Acct--State \$ 2,145,977** Appropriation: St Bldg Constr Acct--State \$ 5,000,000 Prior Biennia (Expenditures)\$740,123 Future Biennia (Projected Costs)\$34,000,000

TOTAL \$ 41,886,100 NEW SECTION. Sec. 323. FOR THE STATE  
**PARKS AND RECREATION COMMISSION Historic facilities renovation (98-1-004)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 4,000,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$12,000,000

TOTAL \$ 16,000,000 NEW SECTION. Sec. 324. FOR THE STATE  
**PARKS AND RECREATION COMMISSION** **Natural and historic stewardship: State-wide (98-1-007)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 1,500,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$17,000,000

TOTAL \$ 18,500,000 NEW SECTION. Sec. 325. FOR THE STATE  
**PARKS AND RECREATION COMMISSION** **Recreation development: State-wide (98-2-008)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: General Fund--Federal \$ 1,000,000 St Bldg Constr Acct--State \$ 2,500,000**

Subtotal Appropriation \$ 3,500,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$16,000,000

TOTAL \$ 19,500,000 NEW SECTION. Sec. 326. FOR THE  
**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** **Recreational facility acquisition and development projects (96-2-007) Reappropriation: St Bldg Constr Acct--State \$ 77,029** Prior Biennia (Expenditures) \$33,972 Future Biennia (Projected Costs) \$0

TOTAL \$ 111,001 NEW SECTION. Sec. 327. FOR THE  
**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** **Boating Facilities (98-2-001) Reappropriation: ORA--State \$ 4,557,823 Recreation Resources Account--State \$ 7,266,835**

Subtotal Reappropriation \$ 11,824,658  
**Appropriation: Recreation Resources Account--State \$ 8,194,004**

Prior Biennia (Expenditures) \$ 5,819,302 Future Biennia (Projected Costs) \$35,515,000

TOTAL \$ 61,352,964 NEW SECTION. Sec. 328. FOR THE  
**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION** **Nonhighway and Off-Road Vehicle Activities Program (98-2-002) Reappropriation: ORA--State \$ 2,927,911 NOVA--State \$ 4,530,593**

Subtotal Reappropriation \$ 7,458,504 **Appropriation: NOVA--State \$ 5,306,848** Prior Biennia (Expenditures) \$7,962,532 Future Biennia (Projected Costs) \$23,367,000

TOTAL \$ 44,094,884  
NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION **Washington Wildlife and Recreation Program (98-2-003)** The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations: (1) \$22,500,000 of the state building construction account appropriation shall be deposited in the habitat conservation account and is hereby appropriated from the habitat conservation account to the interagency committee for outdoor recreation for the fiscal biennium ending June 30, 1999, for the Washington wildlife and recreation program under chapter 43.98A RCW. (2) \$19,500,000 of the state building account appropriation and \$3,000,000 from the aquatic lands enhancement account appropriation shall be deposited in the outdoor recreation account, and \$22,500,000 is hereby appropriated from the outdoor recreation account to the interagency committee for outdoor recreation for the fiscal biennium ending June 30, 1999, for the Washington wildlife and recreation program under chapter 43.98A RCW. Funds from the aquatic lands enhancement account appropriation shall be distributed to eligible water access projects under RCW 43.98A.050. (3) The new appropriations in this section are provided for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 98-3 as developed on March 26, 1997, at 9:00 p.m., the pilot watershed plan implementation program under subsection (5) of this section, and for other projects approved by the legislature under RCW 43.98A.080 referencing this section. (4) The legislature finds that, since the inception of the Washington wildlife and recreation program,

over eighty-five percent of the moneys provided for the state parks category has been used for acquisition of property, and that demands for recreational facilities in state parks require that increased funding be devoted to development projects. The committee and the state parks and recreation commission shall ensure that at least forty percent of new funding provided for the state parks category during the 1997-99 biennium be allocated to development projects. (5) \$4,000,000 of the habitat conservation account appropriation from the unallocated portion of the fund distribution under RCW 43.98A.040(1)(d) is provided solely for matching grants for riparian zone habitat protection projects that implement watershed plans pursuant to this subsection. The interagency committee for outdoor recreation shall develop a pilot watershed plan implementation program within the Washington wildlife and recreation program. The program shall provide matching grants to eligible agencies for implementation of riparian zone habitat protection projects within watershed restoration plans under RCW 89.08.460(1), watershed action plans developed pursuant to rules adopted by the Puget Sound water quality action team, or plans developed pursuant to chapter . . . , Laws of 1997 (Second Substitute House Bill No. 2054). Projects shall have a useful life of at least thirty years. Eligible agencies include conservation districts, counties, cities, and private nonprofit land trust or nature conservancy organizations. Projects eligible for funding under this section include acquisition of land using less-than-fee-simple instruments such as conservation easements and purchase of development rights; and habitat restoration and enhancement projects on such lands including fencing and revegetation of native trees and shrubs that enhance the long-term habitat values of protected lands. The committee shall develop an application process and project eligibility and evaluation criteria in consultation with the state conservation commission. The committee shall report to the appropriate committees of the legislature on the implementation of the pilot matching grant program. A preliminary status report shall be submitted by January 1, 1998, and a final report by January 1, 1999. (6) Up to \$400,000 of the reappropriations in this section is provided to develop an inventory of all lands in the state owned by federal agencies, state agencies, local governments, and Indian tribes. The committee shall develop the inventory in a computer database format that will facilitate the sharing and reporting of inventory data and provide options for future updates. The inventory shall include, at a minimum, the following information: Owner, location, acreage, and principal use. The inventory shall also include resource-based information for state and federally-owned recreation and habitat lands. The committee shall submit a status report on the inventory to the appropriate committees of the legislature by January 1, 1999, and a final report by January 1, 2000. (7) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW. **Reappropriation: St Bldg Constr Acct--State \$ 14,264,419Aquatic Lands Acct--State \$ 33,335ORA--State \$ 21,985,067Wildlife Account--State \$ 1,398,996Habitat Conservation Account--State \$ 18,700,633**

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Subtotal Reappropriation \$ 56,382,450**Appropriation:St Bldg Constr Acct--**

**State \$ 42,000,000Aquatic Lands Acct--State \$ 3,000,000**

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Subtotal Appropriation \$ 45,000,000Prior Biennia

(Expenditures)\$101,449,844Future Biennia (Projected Costs)\$200,000,000

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TOTAL \$ 402,832,294

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Firearms range program (98-2-004) Reappropriation: Firearms Range Account--State \$ 771,259Appropriation:Firearms Range Account--State \$ 388,800Prior Biennia (Expenditures)\$512,001Future Biennia (Projected Costs)\$800,000**

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TOTAL \$ 2,472,060**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATIONLand and water conservation fund (98-2-005) Reappropriation: ORA--Federal \$ 2,180,812Prior Biennia (Expenditures)\$52,050,000Future Biennia (Projected Costs)\$0**

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TOTAL \$ 54,230,812**NEW SECTION. Sec. 332. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATIONNational Recreation Trails Act (98-2-006) Reappropriation: ORA--Federal \$ 112,751Recreation Resources Account-- Federal \$ 562,146**

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Subtotal Reappropriation \$ 674,897**Appropriation:Recreation Resources Account-- Federal \$ 583,000**Prior Biennia (Expenditures)\$17,086Future Biennia (Projected Costs)\$2,332,000

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TOTAL \$ 3,606,983 NEW SECTION. Sec. 333. FOR THE STATE  
**CONSERVATION COMMISSION Water quality grants program (98-2-001)** The appropriations in this section are provided solely for grants to conservation districts for nonpoint water quality projects and programs. **Reappropriation: Water Quality Account--State \$ 3,095,000** **Appropriation: Water Quality Account--State \$ 5,000,000** Prior Biennia (Expenditures) \$5,500,000 Future Biennia (Projected Costs) \$20,000,000

TOTAL \$ 33,595,000 NEW SECTION. Sec. 334. FOR THE STATE  
**CONSERVATION COMMISSION Dairy Waste Management Grants Program (98-2-002)** The appropriation in this section is subject to the following conditions and limitations: (1) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and (2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans. **Appropriation: Water Quality Account--State \$ 3,000,000** Prior Biennia (Expenditures) \$3,000,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 6,000,000 NEW SECTION. Sec. 335. FOR THE STATE  
**CONSERVATION COMMISSION Puget Sound Action Plan (98-2-003)** The appropriation in this section is subject to the following conditions and limitations: (1) These appropriations shall be used solely for grants to conservation districts in the Puget Sound area for water quality projects and programs contained in the Puget Sound work plan. (2) The grants to the Puget Sound area conservation districts shall be in addition to other grant dollars that may be available from the water quality account and the basic funding grant programs administered by commission. **Appropriation: Water Quality Account--State \$ 830,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 830,000 NEW SECTION. Sec. 336. FOR THE  
**DEPARTMENT OF FISH AND WILDLIFE Devils Creek acclimation pond (87-1-001)** **Reappropriation: St Bldg Constr Acct--State \$ 332,823** Prior Biennia (Expenditures) \$7,504 Future Biennia (Projected Costs) \$0

TOTAL \$ 340,327 NEW SECTION. Sec. 337. FOR THE  
**DEPARTMENT OF FISH AND WILDLIFE Grandy Creek Hatchery (92-5-024)** **Reappropriation: St Bldg Constr Acct--State \$ 3,776,974** Prior Biennia (Expenditures) \$723,026 Future Biennia (Projected Costs) \$0

TOTAL \$ 4,500,000 NEW SECTION. Sec. 338. FOR THE  
**DEPARTMENT OF FISH AND WILDLIFE Warm water fish facilities (92-5-025)** **Reappropriation: St Bldg Constr Acct--State \$ 1,030,998** **Appropriation: St Bldg Constr Acct--State \$ 400,000** **Warm Water Game Fish Account-- State \$ 310,000**

Subtotal Appropriation \$ 710,000 Prior Biennia (Expenditures) \$829,323 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,570,321 NEW SECTION. Sec. 339. FOR THE  
**DEPARTMENT OF FISH AND WILDLIFE Tideland acquisition (94-2-003)** **Reappropriation: General Fund--Federal \$ 1,386,925** Prior Biennia (Expenditures) \$3,613,075 Future Biennia (Projected Costs) \$0

TOTAL \$ 5,000,000 NEW SECTION. Sec. 340. FOR THE  
**DEPARTMENT OF FISH AND WILDLIFE Nemah Hatchery building and incubation system replacement (96-1-006)** **Reappropriation: General Fund--Federal \$ 1,682,880** Prior Biennia (Expenditures) \$17,120 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,700,000 NEW SECTION. Sec. 341. FOR THE  
**DEPARTMENT OF FISH AND WILDLIFE Shellfish laboratory and hatchery upgrades (96-1-009)** **Reappropriation: St Bldg Constr Acct--State \$ 275,604** Prior Biennia (Expenditures) \$578,973 Future Biennia (Projected Costs) \$0

TOTAL \$ 854,577



NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE Minter Creek Hatchery renovation (96-2-019) Funding from this reappropriation shall not be used to construct agency residential structures at the hatchery. **Reappropriation: St Bldg Constr Acct--State \$ 657,630**Prior Biennia (Expenditures)\$4,475,982Future Biennia (Projected Costs)\$0

TOTAL \$ 5,133,612  
NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFEWater access and development (96-2-027) **Reappropriation: ORA--State \$ 997,000**Prior Biennia (Expenditures)\$1,057,600Future Biennia (Projected Costs)\$0

TOTAL \$ 2,054,600  
NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFEMinor works: **Preservation (98-1-001)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: General Fund--Federal \$ 757,181****Appropriation:St Bldg Constr Acct--State \$ 1,293,000**Prior Biennia (Expenditures)\$4,985,123Future Biennia (Projected Costs)\$7,500,000

TOTAL \$ 14,535,304  
NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFEUnderground storage tank removal and replacement (98-1-002) **Reappropriation: St Bldg Constr Acct--State \$ 596,185****Appropriation:St Bldg Constr Acct--State \$ 200,000**Prior Biennia (Expenditures)\$3,637,000Future Biennia (Projected Costs)\$0

TOTAL \$ 4,433,185  
NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFEEmergency repair (98-1-003) **Reappropriation: St Bldg Constr Acct--State \$ 219,353****Appropriation:St Bldg Constr Acct--State \$ 300,000**Prior Biennia (Expenditures)\$1,530,646Future Biennia (Projected Costs)\$1,200,000

TOTAL \$ 3,249,999  
NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFEDam inspection and repair (98-1-004) **Appropriation: St Bldg Constr Acct--State \$ 150,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 150,000  
NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFEFacilities renovation (98-1-005) **Reappropriation: St Bldg Constr Acct--State \$ 302,618****Appropriation:St Bldg Constr Acct--State \$ 1,015,000**Prior Biennia (Expenditures)\$3,753,682Future Biennia (Projected Costs)\$7,000,000

TOTAL \$ 12,071,300  
NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFEHatchery renovation (98-1-006) The appropriation in this section is subject to the following conditions and limitations: (1) No funds will be provided to increase residential capacity at any state hatchery facility. (2) The appropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 906,202****Appropriation:St Bldg Constr Acct--State \$ 3,025,000**Prior Biennia (Expenditures)\$7,119,953Future Biennia (Projected Costs)\$15,500,000

TOTAL \$ 26,551,155  
NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFERecreational access redevelopment (98-1-007) **Reappropriation: St Bldg Constr Acct--State \$ 119,300****Appropriation:General Fund--Federal \$ 610,000****St Bldg Constr Acct--State \$ 302,000**

Subtotal Appropriation \$ 912,000Prior Biennia (Expenditures)\$3,559,850Future Biennia (Projected Costs)\$4,200,000

TOTAL \$ 8,791,150  
NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFECoast and Puget Sound wild salmonid habitat restoration (98-1-009) **Reappropriation: St Bldg Constr Acct--State \$ 1,428,770****Appropriation:General Fund--Federal \$ 800,000****General Fund--Private/Local \$ 800,000****St Bldg Constr Acct--State \$ 3,500,000**

Subtotal Appropriation \$ 5,100,000 Prior Biennia (Expenditures) \$8,986,230 Future  
Biennia (Projected Costs) \$22,400,000

TOTAL \$ 37,915,000 NEW SECTION. Sec. 352. FOR THE

**DEPARTMENT OF FISH AND WILDLIFE**

**Coast and Puget Sound wildstock restoration and hatcheries (98-1-010) Reappropriation: General Fund--  
Federal \$ 700,000 St Bldg Constr Acct--State \$ 114,186**

Subtotal Reappropriation \$ 814,186

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000** Prior Biennia  
(Expenditures) \$5,265,814 Future Biennia (Projected Costs) \$6,500,000

TOTAL \$ 13,580,000 NEW SECTION. Sec. 353. FOR THE

**DEPARTMENT OF FISH AND WILDLIFE Fish protection facilities (98-1-011) Reappropriation: General Fund--  
Federal \$ 1,654,335 Appropriation: General Fund--Private/Local \$ 200,000 St Bldg Constr Acct--  
State \$ 500,000**

Subtotal Appropriation \$ 700,000 Prior Biennia (Expenditures) \$3,300,765 Future  
Biennia (Projected Costs) \$7,400,000

TOTAL \$ 13,055,100 NEW SECTION. Sec. 354. FOR THE

**DEPARTMENT OF FISH AND WILDLIFE State-wide fencing renovation and construction (98-1-  
012) Reappropriation: St Bldg Constr Acct--State \$ 272,743 Appropriation: St Bldg Constr Acct--  
State \$ 570,000** Prior Biennia (Expenditures) \$2,350,800 Future Biennia (Projected Costs) \$2,400,000

TOTAL \$ 5,593,543 NEW SECTION. Sec. 355. FOR THE

**DEPARTMENT OF FISH AND WILDLIFE Wildlife area renovation (98-1-013) Reappropriation: Wildlife Account--  
State \$ 238,804 Appropriation: Wildlife Account--State \$ 548,000** Prior Biennia (Expenditures) \$1,225,196 Future  
Biennia (Projected Costs) \$2,200,000

TOTAL \$ 4,212,000 NEW SECTION. Sec. 356. FOR THE

**DEPARTMENT OF FISH AND WILDLIFE Issaquah Hatchery improvements (98-1-015) The appropriation in this  
section is subject to the following conditions and limitations: The department shall provide a progress report on this project to  
the governor and the legislature by October 1, 1998. Reappropriation: General Fund--Private/Local \$ 60,097 St  
Bldg Constr Acct--State \$ 211,217**

Subtotal Reappropriation \$ 271,314 **Appropriation: St Bldg Constr Acct--**

**State \$ 3,000,000** Prior Biennia (Expenditures) \$878,684 Future Biennia (Projected Costs) \$0

TOTAL \$ 4,149,998

NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE **Crop and orchard  
protection fencing (98-2-002) Appropriation: St Bldg Constr Acct--State \$ 300,000** Prior Biennia  
(Expenditures) \$0 Future Biennia (Projected Costs) \$1,200,000

TOTAL \$ 1,500,000 NEW SECTION. Sec. 358. FOR THE

**DEPARTMENT OF FISH AND WILDLIFE Game farm consolidation (98-2-005) Reappropriation: Wildlife Account--  
-State \$ 231,470 Appropriation: Wildlife Account--State \$ 300,000 St Bldg Constr Acct--State \$ 900,000**

Subtotal Reappropriation \$ 1,200,000 Prior Biennia

(Expenditures) \$1,593,530 Future Biennia (Projected Costs) \$0

TOTAL \$ 3,025,000 NEW SECTION. Sec. 359. FOR THE

**DEPARTMENT OF FISH AND WILDLIFE Recreational fish enhancement (98-2-007) Reappropriation: Rec**

Fisheries Enh Acct--State \$ 1,078,400Appropriation:Rec Fisheries Enh Acct--State \$ 1,000,000Prior Biennia (Expenditures)\$221,600Future Biennia (Projected Costs)\$4,000,000

TOTAL \$ 6,300,000NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFEMitigation projects and dedicated funds (98-2-008) Reappropriation: Spec Wildlife Acct--State \$ 42,367Spec Wildlife Acct-- Private/Local \$ 1,197,000

Subtotal Reappropriation \$ 1,239,367Appropriation:General Fund-- Federal \$ 4,000,000General Fund--Private/Local \$ 2,500,000Spec Wildlife Acct--State \$ 50,000

Subtotal Appropriation \$ 6,550,000Prior Biennia (Expenditures)\$4,606,482Future Biennia (Projected Costs)\$26,260,000

TOTAL \$ 38,655,849NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFEMigratory waterfowl habitat acquisition and development (98-2-009) Reappropriation: Wildlife Account--State \$ 251,567Appropriation:Wildlife Account-- State \$ 500,000Prior Biennia (Expenditures)\$1,547,733Future Biennia (Projected Costs)\$2,000,000

TOTAL \$ 4,299,300NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF FISH AND WILDLIFEColumbia River Wildlife Mitigation (98-2-010) Appropriation: Spec Wildlife Acct--Federal \$ 6,600,000Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$23,200,000

TOTAL \$ 29,800,000NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF FISH AND WILDLIFEFish passage and habitat improvement (98-2-012) Appropriation: General Fund--Federal \$ 500,000Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$700,000

TOTAL \$ 1,200,000NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF FISH AND WILDLIFEDeep water slough restoration (98-2-013) Appropriation: General Fund--Federal \$ 500,000General Fund--Private/Local \$ 300,000

Subtotal Appropriation \$ 800,000Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$2,400,000

TOTAL \$ 3,200,000NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF FISH AND WILDLIFEClam and oyster beach enhancement (98-2-019) Reappropriation: Aquatic Lands Acct--State \$ 453,716St Bldg Constr Acct--State \$ 168,700

Subtotal Reappropriation \$ 622,416Appropriation:Aquatic Lands Acct-- State \$ 300,000Prior Biennia (Expenditures)\$2,984,947Future Biennia (Projected Costs)\$1,600,000

TOTAL \$ 5,507,363NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF FISH AND WILDLIFEReplace unproductive habitat (98-2-020) The appropriations in this section are subject to the following conditions and limitations: (1) The department shall convey to a qualified purchaser approximately 1,120 acres in or near the Mission Ridge ski area. The conveyance of these properties shall proceed pursuant to provisions in chapter 77.12 RCW regarding department property. The department is authorized to use \$1,200,000 of the appropriation provided in this section to purchase replacement lands providing similar benefits to wildlife. (2) \$20,000 of the appropriation in this section is provided solely to purchase property that is inaccessible to its current owner as a result of a previous transaction with the department that provided public access to a lake. Appropriation: Wildlife Account-- State \$ 1,220,000Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 1,220,000NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCESIrrigation repairs and replacements (98-1-

**001) Appropriation: Resources Management Cost Account-- State \$ 100,000**Prior Biennia  
(Expenditures)\$397,420Future Biennia (Projected Costs)\$1,600,000

TOTAL \$ 2,097,420NEW SECTION. Sec. 368. FOR THE

**DEPARTMENT OF NATURAL RESOURCES**Real estate repairs, maintenance, and tenant improvements (98-1-

**002) Appropriation: Resources Management Cost Account-- State \$ 677,000**Prior Biennia  
(Expenditures)\$691,155Future Biennia (Projected Costs)\$3,150,000

TOTAL \$ 4,518,155NEW SECTION. Sec. 369. FOR THE

**DEPARTMENT OF NATURAL RESOURCES**Communication site repair (98-1-003)

**Appropriation: For Dev Acct--State \$ 90,000**Resources Management Cost Account--  
**State \$ 60,000**

Subtotal Appropriation \$ 150,000Prior Biennia (Expenditures)\$199,146Future  
Biennia (Projected Costs)\$580,000

TOTAL \$ 929,146NEW SECTION. Sec. 370. FOR THE

**DEPARTMENT OF NATURAL RESOURCES**Underground storage tank removal and upgrade (98-1-

**005) Appropriation: For Dev Acct--State \$ 51,120**Resources Management Cost Account--  
**State \$ 142,000**

Subtotal Appropriation \$ 193,120Prior Biennia (Expenditures)\$30,000Future  
Biennia (Projected Costs)\$102,000

TOTAL \$ 325,120NEW SECTION. Sec. 371. FOR THE

**DEPARTMENT OF NATURAL RESOURCES**State-wide emergency repairs (98-1-006) **Appropriation: For Dev**

**Acct--State \$ 18,000**Resources Management Cost Account-- **State \$ 50,000**St Bldg Constr Acct--  
**State \$ 30,000**

Subtotal Appropriation \$ 98,000Prior Biennia (Expenditures)\$361,493Future  
Biennia (Projected Costs)\$392,000

TOTAL \$ 851,493

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES** Americans with

**Disabilities Act compliance (98-1-009) Appropriation: For Dev Acct--State \$ 9,000**Resources Management Cost  
Account-- **State \$ 25,000**

Subtotal Appropriation \$ 34,000Prior Biennia (Expenditures)\$68,285Future  
Biennia (Projected Costs)\$272,000

TOTAL \$ 374,285NEW SECTION. Sec. 373. FOR THE

**DEPARTMENT OF NATURAL RESOURCES**Asbestos removal (98-1-010) **Appropriation: For Dev Acct--**

**State \$ 10,800**Resources Management Cost Account-- **State \$ 30,000**

Subtotal Appropriation \$ 40,800Prior Biennia (Expenditures)\$0Future Biennia  
(Projected Costs)\$136,000

TOTAL \$ 176,800NEW SECTION. Sec. 374. FOR THE

**DEPARTMENT OF NATURAL RESOURCES**Natural area preserve and natural resource conservation area

**management and emergency repairs (98-1-011) Appropriation: St Bldg Constr Acct--State \$ 350,000**Prior

Biennia (Expenditures)\$590,739Future Biennia (Projected Costs)\$1,400,000

TOTAL \$ 2,340,739 NEW SECTION. Sec. 375. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Hazardous waste cleanup (98-1-014) Appropriation: For Dev Acct--  
State \$ 120,000 Prior Biennia (Expenditures) \$692,547 Future Biennia (Projected Costs) \$2,000,000

TOTAL \$ 2,812,547 NEW SECTION. Sec. 376. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Emergency repairs: Recreation sites (98-1-015) Appropriation: St  
Bldg Constr Acct--State \$ 120,000 Prior Biennia (Expenditures) \$216,299 Future Biennia (Projected Costs) \$480,000

TOTAL \$ 816,299 NEW SECTION. Sec. 377. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Recreation health and safety (98-1-016) Appropriation: St Bldg  
Constr Acct--State \$ 300,000 Prior Biennia (Expenditures) \$556,160 Future Biennia (Projected Costs) \$1,200,000

TOTAL \$ 2,056,160 NEW SECTION. Sec. 378. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Americans with Disabilities Act recreation site improvements (98-1-  
017) Appropriation: St Bldg Constr Acct--State \$ 300,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected  
Costs) \$1,200,000

TOTAL \$ 1,500,000 NEW SECTION. Sec. 379. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Administrative site preservation (98-1-018) Appropriation: For Dev  
Acct--State \$ 169,000 Resources Management Cost Account-- State \$ 469,000 St Bldg Constr Acct--  
State \$ 300,000

Subtotal Appropriation \$ 938,000 Prior Biennia (Expenditures) \$0 Future Biennia  
(Projected Costs) \$3,752,000

TOTAL \$ 4,690,000 NEW SECTION. Sec. 380. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Natural resources real property replacement (98-2-002) The  
appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the  
acquisition of timber lands for the common school trust to replace lands transferred from trust status under section 389 of this  
act, and for the reasonable costs incurred by the department in acquiring such lands. Lands acquired under this section shall  
be acquired solely for the benefit of the common school trust. **Appropriation: Nat Res Prop Repl Acct--**  
**State \$ 3,000,000** Prior Biennia (Expenditures) \$35,354,155 Future Biennia (Projected Costs) \$0

TOTAL \$ 38,354,155 NEW SECTION. Sec. 381. The department of  
natural resources shall include a list of specific properties proposed for purchase under the land bank and natural resources  
real property replacement programs when submitting future requests for appropriation authority for the programs. NEW  
SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES Right of way acquisition (98-2-  
005) Appropriation: For Dev Acct--State \$ 409,000 Resources Management Cost Account--  
State \$ 983,000

Subtotal Appropriation \$ 1,392,000 Prior Biennia (Expenditures) \$1,505,807 Future  
Biennia (Projected Costs) \$6,050,000

TOTAL \$ 8,947,807 NEW SECTION. Sec. 383. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Communication site construction (98-2-006) Appropriation: For Dev  
Acct--State \$ 410,000 Resources Management Cost Account-- State \$ 150,000

Subtotal Appropriation \$ 560,000 Prior Biennia (Expenditures) \$474,561 Future  
Biennia (Projected Costs) \$1,980,000

TOTAL \$ 3,014,561 NEW SECTION. Sec. 384. FOR THE  
**DEPARTMENT OF NATURAL RESOURCES** Irrigation development (98-2-010) Appropriation: Resources  
Management Cost Account-- State \$ 300,000 Prior Biennia (Expenditures) \$687,003 Future Biennia (Projected  
Costs) \$2,000,000

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TOTAL      \$ 2,987,003 NEW SECTION. Sec. 385. FOR THE

**DEPARTMENT OF NATURAL RESOURCES** Minor works: Programmatic (98-2-011) The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: For Dev Acct--State      \$ 258,840** Resources Management Cost Account-- State      \$ 719,000 St Bldg Constr Acct--State      \$ 300,000

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Subtotal Appropriation      \$ 1,277,840 Prior Biennia (Expenditures) \$993,577 Future Biennia (Projected Costs) \$7,811,540

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TOTAL      \$ 10,082,957 NEW SECTION. Sec. 386. FOR THE

**DEPARTMENT OF NATURAL RESOURCES** Mineral resource testing (98-2-012) **Appropriation: For Dev Acct--State      \$ 18,000** Resources Management Cost Account-- State      \$ 10,000

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Subtotal Appropriation      \$ 28,000 Prior Biennia (Expenditures) \$20,000 Future Biennia (Projected Costs) \$175,000

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TOTAL      \$ 223,000 NEW SECTION. Sec. 387. FOR THE

**DEPARTMENT OF NATURAL RESOURCES** Commercial development: Local improvement districts (98-2-013) **Appropriation: Resources Management Cost Account-- State      \$ 200,000** Prior Biennia (Expenditures) \$650,568 Future Biennia (Projected Costs) \$1,000,000

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TOTAL      \$ 1,850,568 NEW SECTION. Sec. 388. FOR THE

**DEPARTMENT OF NATURAL RESOURCES** Aquatic lands enhancement grants (98-2-014) The appropriation in this section is subject to the following conditions and limitations: (1) The following phase 1 projects are eligible for funding from the reappropriation in this section. (2) The following phase 2 projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

**Phase 1**

Alki/Harbor/Duwamish Corridor, City of Seattle      \$ 200,000 ASARCO, Town of Ruston \$100,000 Cape Flattery, Makah

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Total \$ 7,325,000

**Phase 2**

Department of Natural Resources Natural Heritage, Chehalis River Surge Plain Trail

\$ 128,475 State Parks, Rocky

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Total \$ 7,075,361

(3) Grant funding from the new appropriation shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds. (4) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1999-2001 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. **Reappropriation: Aquatic Lands Acct--State \$ 3,756,817** **Appropriation: Aquatic Lands Acct--State \$ 6,000,000** Prior Biennia (Expenditures) \$8,086,566 Future Biennia (Projected Costs) \$22,000,000

TOTAL \$ 39,843,383 **NEW SECTION. Sec. 389. FOR SPECIAL LAND PURCHASES AND COMMON SCHOOL CONSTRUCTIONS** **Special land purchases and common school construction (98-2-015)** The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation is provided to the department of natural resources solely for the purposes of transferring from trust status certain trust lands of state-wide significance to state park, wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes, acquiring replacement timber trust lands, and providing funding for common school construction. (2) The appropriation in this section is provided solely for the transfer of the following list of trust properties to the identified agency: (a) Iron Horse/Bandera, King county, to the state parks and recreation commission; (b) Kitsap Forest, Kitsap county, to the department of natural resources for natural area preserve purposes; (c) Upper Sultan Basin, Snohomish county, to the department of natural resources for natural resource conservation area purposes; (d) West Tiger Mountain, King county, to the department of natural resources for natural resource conservation

area purposes. The department shall transfer the first trust property and then allocate the remaining funds to the remaining properties in roughly equal shares. (3) Land and timber transferred under this section shall be appraised and transferred at full market value. The department of natural resources shall attempt to maintain a minimum aggregate ratio of 85:15 timber-to-land value in these transactions. The value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands, except that no deduction shall be made for the resource management cost account. The value of the land transferred, not to exceed \$3,000,000, shall be deposited in the natural resources real property replacement account to be used for the acquisition of replacement timber lands solely to benefit the common school trust. (4) All reasonable costs incurred by the department of natural resources to implement this section may be paid out of this appropriation, except that the costs of acquiring replacement timber lands shall be paid out of appropriations from the natural resources real property replacement account. (5) The department shall use intergrant exchanges between common school and other trust lands of equal value to effect the purposes of this section if the exchange is in the interest of each trust, as determined by the board of natural resources. (6) The department of natural resources and receiving agencies shall work in good faith to carry out the intent of this section. However, the board of natural resources or a receiving agency may reject a transfer of property if it is determined that the transfer is not in the interest of either the common school trust or the receiving agency. (7) On June 30, 1999, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount. **Appropriation: St Bldg Constr Acct \$ 34,500,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$132,000,000

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TOTAL \$ 166,500,000

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Jobs for the Environment (98-2-009)** The appropriations in this section are subject to the following conditions and limitations: (1) The appropriations shall be used solely for the jobs for the environment program to achieve the following goals: (a) Restore and protect watersheds to benefit anadromous fish stocks, including critical or depressed stocks as determined by the department of fish and wildlife; (b) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and (c) Create market wage jobs with benefits in environmental restoration for displaced workers in rural natural resource impact areas, as defined under RCW 43.31.601(2). (2) Except as provided in subsection (5) of this section, the appropriations are solely for projects selected by the department of natural resources, in consultation with an interagency task force consisting of the department of fish and wildlife, other appropriate state agencies, tribal governments, local governments, the federal government, labor and other interested stakeholders. In recommending projects for funding the task force shall use the following criteria: (a) The extent to which the project, using best available science, addresses habitat factors limiting fish and wildlife populations; (b) The number, duration and quality of jobs to be created or retained by the project for displaced workers in natural resource impact areas; (c) The extent to which the project will help avoid the listing of threatened or endangered species or provides for the recovery of species already listed; (d) The extent to which the project will augment existing federal, state, tribal or local watershed planning efforts or completed watershed restoration and conservation plans; (e) The cost effectiveness of the project; (f) The availability of matching funds; and (g) The demonstrated ability of the project sponsors to administer the project. (3) Funds expended shall be used for specific projects and not for ongoing operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, cleanup of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover. Funds may also be expended for planning, design, engineering, and monitoring of eligible projects. (4) The department of natural resources and the department of fish and wildlife, in consultation with the office of financial management and other appropriate agencies, shall report to the appropriate committees of the legislature by January 1, 1998, and January 1, 1999, on the results of expenditures from the appropriations. (5) \$800,000 of the appropriations in this section is provided solely for watershed restoration programs to be completed by the department of ecology's Washington conservation corps crews. (6) All projects funded under this section shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds may be expended to acquire land through condemnation. (7) Projects under contract as of June 1, 1997, shall be given first priority for funding under the appropriations in this section.

**Appropriation: For Dev Acct--State \$ 500,000**Resource Management CostAccount--  
**State \$ 1,500,000**Water Quality Account--State \$ 7,133,000

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Subtotal Appropriation \$ 9,133,000

(Expenditures)\$23,067,000Future Biennia (Projected Costs)\$40,000,000

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TOTAL \$ 72,200,000

**PART 4**

**TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL

**Fire Training Academy: Minor works (98-1-022) Appropriation: St Bldg Constr Acct--**  
State \$ 220,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$600,000

TOTAL \$ 820,000 NEW SECTION. Sec. 402. FOR THE

**WASHINGTON STATE PATROL Fire Training Academy: Repair Burn Building (98-1-024) Appropriation: St Bldg**  
**Constr Acct--State \$ 465,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 465,000 NEW SECTION. Sec. 403. FOR THE

**WASHINGTON STATE PATROL Seattle Crime Laboratory: Needs analysis, predesign, and design (98-2-013)** The Washington state patrol shall complete a predesign for approval by the office of financial management prior to release of design funding. The predesign must be consistent with results of the state-wide crime laboratory needs analysis study funded from the county criminal justice assistance account and the municipal criminal justice assistance account under this appropriation. Emphasis shall be placed on sharing facilities with other local law enforcement and justice agencies where it is economically and programmatically justified. **Appropriation: County Criminal Justice Assistance Account--**  
State \$ 71,300 **Municipal Criminal Justice Assistance Account--State \$ 28,700** **St Bldg Constr Acct--**  
State \$ 1,000,000

Subtotal Appropriation \$ 1,100,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$7,300,000

TOTAL \$ 8,400,000 NEW SECTION. Sec. 404. FOR THE

**WASHINGTON STATE PATROL Fire Training Academy: New hazardous material prop (98-2-023) Appropriation: St Bldg Constr Acct--State \$ 500,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 500,000 NEW SECTION. Sec. 405. FOR THE

**WASHINGTON STATE PATROL Fire Training Academy: Classroom building (98-2-025) Appropriation: St Bldg**  
**Constr Acct--State \$ 200,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$1,000,000

TOTAL \$ 1,200,000 NEW SECTION. Sec. 406. FOR THE

**WASHINGTON STATE PATROL Fire Training Academy: Design and construct dormitory (99-2-021) Appropriation: St Bldg Constr Acct--State \$ 200,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$1,200,000

TOTAL \$ 1,400,000

**PART 5**

**EDUCATION**

NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION

**Public school building construction (98-2-001)** The appropriations in this section are subject to the following conditions and limitations:

(1) From the appropriation in this section the state board shall fund one hundred percent of the cost for a required standard value engineering study on all projects exceeding 50,000 gross square feet in size. On an annual basis, the board shall report to the legislative fiscal committees and the office of financial management the results of these studies including but not limited to the amounts of each study and the accepted savings achieved due to the studies. (2) No more than \$138,000,000 of this appropriation, excluding reappropriations, may be obligated in fiscal year 1998 for school district project design and construction. (3) Total cash disbursed from the common school construction fund may not exceed the available cash balance. (4) The reappropriation from the state building construction account shall serve as full compensation to the common school trust for the transfer of land to the Washington State University Lind Dryland Research Unit under Substitute House Bill No. 1016 or Senate Bill No. 5174. (5) No more than \$7,110,000 of this appropriation may be allocated by the state board to provide up to ninety percent of the total project cost for the renovation of facilities operating as

interdistrict cooperative centers providing vocational skill programs. The remaining portion of the project cost shall be a match from local sources. As a condition to receiving an allocation from this appropriation or any other appropriation for a vocational skill center provided after calendar year 1996, the recipient facility must maintain a separate capital account, into which the participating districts make deposits, to pay for all future minor repair and renovation costs for the vocational skill center. For purposes of this subsection, a future minor repair and renovation cost is a capital project costing less than forty percent of the value of the building. **Reappropriation: St Bldg Constr Acct--State \$ 18,329,671 Common School Constr Fund--State \$ 109,115,719**

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Subtotal Reappropriation \$ 127,445,390 **Appropriation: Common School Constr Fund--State \$ 275,798,712**  
Prior Biennia (Expenditures) \$302,821,218 Future Biennia (Projected Costs) \$801,600,000  
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**TOTAL \$ 1,507,665,320** NEW SECTION. **Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
**Project management:** To fund the direct cost of state administration of school construction (96-1-001) The appropriation in this section is subject to the following conditions and limitations: A maximum of \$628,400 is provided solely for three full-time equivalent regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules and regulations relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, value engineering studies during design, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system. **Appropriation: Common School Constr Fund--State \$ 1,778,721**  
Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$7,800,000

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**TOTAL \$ 9,578,721** NEW SECTION. **Sec. 503. THE STATE SCHOOL FOR THE BLIND**  
**Seismic stabilization and preservation (98-1-001) Appropriation: St Bldg Constr Acct--State \$ 1,700,000**  
Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0  
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**TOTAL \$ 1,700,000** NEW SECTION. **Sec. 504. FOR THE STATE SCHOOL FOR THE BLIND**  
**Minor works: Preservation (98-1-002)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 500,000**  
Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$2,000,000

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**TOTAL \$ 2,500,000** NEW SECTION. **Sec. 505. FOR THE STATE SCHOOL FOR THE DEAF**  
**Minor works: Preservation (98-1-003)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$2,000,000  
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**TOTAL \$ 3,000,000** NEW SECTION. **Sec. 506. FOR THE STATE SCHOOL FOR THE DEAF**  
**New cottages: Design and construction (98-2-001) Appropriation: St Bldg Constr Acct--State \$ 4,606,600**  
Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0  
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**TOTAL \$ 4,606,600** NEW SECTION. **Sec. 507. FOR THE HIGHER EDUCATION COORDINATING BOARD**  
**North Snohomish, Island, and Skagit Counties Higher Education Consortium facility utilization plan:** This appropriation is to prepare a functional space program and generic master plan for the Consortium's initial facility, conduct a comparative site evaluation study for the initial facility, and develop a time-phased plan and budget for the use of facilities at Everett, Edmonds, and Skagit Valley Community Colleges. **(98-2-001) Appropriation: St Bldg Constr Acct--State \$ 376,000**  
Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0  
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**TOTAL \$ 376,000** NEW SECTION. **Sec. 508. FOR THE HIGHER EDUCATION COORDINATING BOARD**  
**Higher Education facilities inventory and utilization information system:** This appropriation is to provide for the development and full implementation of the space inventory and utilization information system for the public institutions of higher education as specified in the system implementation plan prepared by



the higher education coordinating board. **(98-2-002) Appropriation: St Bldg Constr Acct--State \$ 650,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 650,000**NEW SECTION. Sec. 509. FOR THE HIGHER EDUCATION COORDINATING BOARD****Evaluation of postsecondary education needs and program delivery alternatives for underserved rural areas:** This appropriation is to evaluate the postsecondary education and workforce training needs of underserved rural areas and to develop recommendations on methods of meeting identified needs. **(98-2-003)** The appropriation in this section is subject to the following conditions and limitations: (1) The higher education coordinating board shall designate specific study areas with criteria that include, but are not limited to: (a) The current participation rates of study area populations in postsecondary education programs; (b) the population size of study areas; and (c) the availability of existing postsecondary institutions to residents of potential study areas. (2) In conducting this evaluation and preparing recommendations, the higher education coordinating board shall consider innovative approaches to meeting area needs that take full advantage of existing public facilities and the use of telecommunications and related program delivery technologies. **Appropriation: St Bldg Constr Acct--State \$ 150,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 150,000**NEW SECTION. Sec. 510. FOR THE HIGHER EDUCATION COORDINATING BOARD****Construction monitoring of access projects:** This appropriation is to provide for comprehensive evaluation and reporting of the additional student enrollment capacity being achieved through the various capital projects authorized by the legislature for the development of the branch campuses, the K-20 system, and enrollment expansion at the main campuses of the public institutions of higher education. **(98-2-004)** The appropriation in this section is subject to the following conditions and limitations: (1) The higher education coordinating board shall review the achieved enrollment capacity of all completed projects and the design capacity for projects under development. (2) The higher education coordinating board shall provide semiannual reports to the office of financial management and legislative fiscal committees on the status, schedule, and comparisons of budget and actual costs of access related projects and shall submit, by November 30, 1998, an updated comprehensive capital investment plan for such projects. (3) The plan shall incorporate the facility utilization and capacity data provided through section 508 of this act. **Appropriation: St Bldg Constr Acct--State \$ 200,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 200,000**NEW SECTION. Sec. 511. FOR THE UNIVERSITY OF WASHINGTON****Power Plant boiler (88-2-022)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 3,427,749**Prior Biennia (Expenditures)\$17,007,796Future Biennia (Projected Costs)\$0

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TOTAL \$ 20,435,545**NEW SECTION. Sec. 512. FOR THE UNIVERSITY OF WASHINGTON****Electrical Engineering and Computer Science Engineering Building: Construction (90-2-013)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 31,579,764**Prior Biennia (Expenditures)\$64,211,236Future Biennia (Projected Costs)\$0

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TOTAL \$ 95,791,000**NEW SECTION. Sec. 513. FOR THE UNIVERSITY OF WASHINGTON****Old Physics Hall (Mary Gates Hall): Design and construction (92-2-008)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 30,028,248**UW Bldg Acct--State \$ 305,891

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Subtotal Reappropriation \$ 30,334,139Prior Biennia (Expenditures)\$4,772,861Future Biennia (Projected Costs)\$0

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TOTAL \$ 35,107,000**NEW SECTION. Sec. 514. FOR THE UNIVERSITY OF WASHINGTON****Physics/Astronomy building construction (90-2-009) Reappropriation: Higher Education Reimbursable Construction Account--State \$ 800,000**Prior Biennia (Expenditures)\$71,764,000Future Biennia (Projected Costs)\$0

TOTAL \$ 72,564,000 NEW SECTION. Sec. 515. FOR THE UNIVERSITY  
**OF WASHINGTON Burke Museum:** To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002) \$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose. **Reappropriation: St Bldg Constr Acct--State \$ 1,650,000** Prior Biennia (Expenditures) \$749,997 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,399,997 NEW SECTION. Sec. 516. FOR THE UNIVERSITY  
**OF WASHINGTON Business Administration: Expansion (93-2-006)** The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources. **Reappropriation: St Bldg Constr Acct--State \$ 1,273,373** Prior Biennia (Expenditures) \$6,226,627 Future Biennia (Projected Costs) \$0

TOTAL \$ 7,500,000 NEW SECTION. Sec. 517. FOR THE UNIVERSITY  
**OF WASHINGTON Minor repairs: Preservation (94-1-003)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 4,309,588** UW Bldg Acct--State \$ 231,509

Subtotal Reappropriation \$ 4,541,097 Prior Biennia (Expenditures) \$6,444,102 Future Biennia (Projected Costs) \$0

TOTAL \$ 10,985,199 NEW SECTION. Sec. 518. FOR THE UNIVERSITY  
**OF WASHINGTON Minor repairs (96-1-002)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: UW Bldg Acct--State \$ 5,200,000** Prior Biennia (Expenditures) \$3,847,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 9,047,000 NEW SECTION. Sec. 519. FOR THE UNIVERSITY  
**OF WASHINGTON Suzzallo Library renovation--Phase I design and construction:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015) The reappropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 1,162,918** UW Bldg Acct--State \$ 646,996

Subtotal Reappropriation \$ 1,809,914 Prior Biennia (Expenditures) \$1,245,960 Future Biennia (Projected Costs) \$33,044,126

TOTAL \$ 36,100,000 NEW SECTION. Sec. 520. FOR THE UNIVERSITY  
**OF WASHINGTON Infrastructure projects: Savings (94-1-999)** Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 1** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1 NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF  
**WASHINGTON Harborview Research and Training Facility: Construction (94-2-013)** The appropriation in this section is subject to the following conditions and limitations: (1) The reappropriation and new appropriation in this section are provided solely for design and construction of the Harborview research and training facility. The appropriation represents the total state contribution for all costs for design, construction, and equipping of a 179,000 gross square foot facility. (2)

The reappropriation and new appropriation in this section are subject to the review and allotment procedures under section 712 of this act. **Reappropriation: H Ed Constr Acct--State \$ 10,000,000****St Bldg Constr Acct--State \$ 9,698,846**

Subtotal Reappropriation \$ 19,698,846**Appropriation:H Ed Constr Acct--**  
**State \$ 11,800,000****UW Bldg Acct--State \$ 283,375****St Bldg Constr Acct--State \$ 41,857,625**

Subtotal Appropriation \$ 53,941,000**Prior Biennia**  
(Expenditures)\$5,121,154**Future Biennia (Projected Costs)\$0**

**TOTAL \$ 78,761,000****NEW SECTION. Sec. 522. FOR THE UNIVERSITY**  
**OF WASHINGTONLaw School Building: Construction (94-2-017)** In addition to any state appropriation for this project, at least one-third of all the costs of this project (\$18,000,000), including the costs of design and consulting services, construction, and equipment, shall be derived from private matching funds.

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: UW Bldg Acct--State \$ 1,140,000****Prior Biennia (Expenditures)\$128,000****Future Biennia (Projected Costs)\$35,000,000**

**TOTAL \$ 36,268,000****NEW SECTION. Sec. 523. FOR THE UNIVERSITY**  
**OF WASHINGTONTacoma Branch Campus:** To complete phase 1b, conduct predesign of phase II, design of phase II, to acquire property, and to remediate unknown site conditions **(94-2-500)** The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (2) The appropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act. (3) The predesign for phase II to serve at least 1,200 additional student full-time equivalents shall be conducted in accordance with the predesign manual published by the office of financial management. Design of phase IIA to serve at least 600 student full-time equivalents shall not proceed until the completed predesign requirements have been reviewed and approved by the office of financial management. (4) \$5,700,000 of the appropriation in this section is a reappropriation of the unexpended balance of the appropriation in section 533, chapter 16, Laws of 1995 2nd special session to correspond to the revised legislative intent that the \$5,700,000 for phase 1b be expended for site improvements, design, and construction of facilities to accommodate at least 122 additional student full-time equivalents at the Tacoma branch campus. **Reappropriation: St Bldg Constr Acct--State \$ 12,636,619****Appropriation:St Bldg Constr Acct--State \$ 19,700,000****Prior Biennia (Expenditures)\$20,255,468****Future Biennia (Projected Costs)\$204,000,000**

**TOTAL \$ 256,592,087****NEW SECTION. Sec. 524. FOR THE UNIVERSITY**  
**OF WASHINGTONMinor works: Utility infrastructure (96-1-004)** **Reappropriation: St Bldg Constr Acct--State \$ 4,800,000****Prior Biennia (Expenditures)\$1,100,000****Future Biennia (Projected Costs)\$0**

**TOTAL \$ 5,900,000****NEW SECTION. Sec. 525. FOR THE UNIVERSITY**  
**OF WASHINGTONMinor safety repairs: Preservation (96-1-001)** The reappropriation in this section is for underground storage tanks. **Reappropriation: St Bldg Constr Acct--State \$ 201,000****Prior Biennia (Expenditures)\$18,000****Future Biennia (Projected Costs)\$0**

**TOTAL \$ 219,000****NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF**  
**WASHINGTONHealth Sciences Center BB Tower Elevators--Design and construction:** To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower **(96-1-007)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 4,961,992****UW Bldg Acct--State \$ 208,546**

Subtotal Reappropriation \$ 5,170,538**Prior Biennia (Expenditures)\$22,061****Future Biennia (Projected Costs)\$0**

TOTAL \$ 5,192,599 NEW SECTION. **Sec. 527. FOR THE UNIVERSITY**  
**OF WASHINGTON Health Sciences Center D-Wing Dental Student Laboratory: Design and construction (96-1-016) Reappropriation: St Bldg Constr Acct--State \$ 2,134,433 UW Bldg Acct--State \$ 109,094**

Subtotal Reappropriation \$ 2,243,527 Prior Biennia (Expenditures) \$773,573 Future Biennia (Projected Costs) \$0

TOTAL \$ 3,017,100 NEW SECTION. **Sec. 528. FOR THE UNIVERSITY**  
**OF WASHINGTON Hogness/Health Sciences Center lobby: Americans with Disabilities Act improvements (96-1-022) Reappropriation: St Bldg Constr Acct--State \$ 1,253,070 Prior Biennia (Expenditures) \$46,930 Future Biennia (Projected Costs) \$0**

TOTAL \$ 1,300,000 NEW SECTION. **Sec. 529. FOR THE UNIVERSITY**  
**OF WASHINGTON Fisheries Science-Oceanography Science Building: Construction (96-2-006)** The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) The department of general administration is directed, in keeping with section 146 of this act, to sell the Wellington Hills property as a means of partially offsetting the cost of this project with the proceeds of such sale being deposited into the state building and construction account. **Reappropriation: St Bldg Constr Acct--State \$ 3,449,850 UW Bldg Acct--State \$ 1,548,150**

Subtotal Reappropriation \$ 4,998,000 **Appropriation: St Bldg Constr Acct--State \$ 33,590,000 H Ed Constr Acct--State \$ 32,507,000 UW Bldg Acct--State \$ 2,834,154**

Subtotal Appropriation \$ 68,931,154 Prior Biennia (Expenditures) \$3,865,597 Future Biennia (Projected Costs) \$0

TOTAL \$ 77,794,751 NEW SECTION. **Sec. 530. FOR THE UNIVERSITY**  
**OF WASHINGTON Social Work third floor addition--Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building **(96-2-010) Reappropriation: St Bldg Constr Acct--State \$ 2,708,800 UW Bldg Acct--State \$ 126,400**

Subtotal Reappropriation \$ 2,835,200 Prior Biennia (Expenditures) \$80,400 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,915,600 NEW SECTION. **Sec. 531. FOR THE UNIVERSITY**  
**OF WASHINGTON West Electrical Power Station:** To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station **(96-2-011)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 6,358,455 UW Bldg Acct--State \$ 203,989**

Subtotal Reappropriation \$ 6,562,444 Prior Biennia (Expenditures) \$241,556 Future Biennia (Projected Costs) \$0

TOTAL \$ 6,804,000 NEW SECTION. **Sec. 532. FOR THE UNIVERSITY**  
**OF WASHINGTON Power Plant Boiler #7--Design and construction:** To design and construct an addition to the south end of the power plant to house a new boiler #7 **(96-2-020)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 9,465,544 UW Bldg Acct--State \$ 288,703**

Subtotal Reappropriation \$ 9,754,247 Prior Biennia (Expenditures) \$157,753 Future Biennia (Projected Costs) \$0

TOTAL \$ 9,912,000 NEW SECTION. Sec. 533. FOR THE UNIVERSITY  
**OF WASHINGTON Southwest Campus utilities phase I--Design and construction:** To design and construct the extension of utilities to serve the southwest campus development (96-2-027) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 8,166,084** **UW Bldg Acct--State \$ 284,062**

Subtotal Reappropriation \$ 8,450,146 Prior Biennia (Expenditures) \$859,354 Future Biennia (Projected Costs) \$0

TOTAL \$ 9,309,500 NEW SECTION. Sec. 534. FOR THE UNIVERSITY  
**OF WASHINGTON Americans with Disabilities Act improvements (96-2-028) Reappropriation: St Bldg Constr Acct--State \$ 338,771** Prior Biennia (Expenditures) \$38,229 Future Biennia (Projected Costs) \$0

TOTAL \$ 377,000 NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF  
**WASHINGTON Nonstructural seismic corrections (96-2-031) Reappropriation: General Fund--Federal \$ 194,550** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 194,550 NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF  
**WASHINGTON Minor works: Safety (98-1-001)** The appropriation in this section shall support the detailed list of projects maintained by the office of financial management. **Appropriation: UW Bldg Acct--State \$ 3,700,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$12,000,000

TOTAL \$ 15,700,000 NEW SECTION. Sec. 537. FOR THE UNIVERSITY  
**OF WASHINGTON Minor works: Preservation (98-1-002)** The appropriation in this section shall support the detailed list of projects maintained by the office of financial management. **Appropriation: UW Bldg Acct--State \$ 5,346,075** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$26,000,000

TOTAL \$ 31,346,075 NEW SECTION. Sec. 538. FOR THE UNIVERSITY  
**OF WASHINGTON Utility and data communications projects: Preservation (98-1-004) Appropriation: St Bldg Constr Acct--State \$ 3,000,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$24,000,000

TOTAL \$ 27,000,000 NEW SECTION. Sec. 539. FOR THE UNIVERSITY  
**OF WASHINGTON Minor works: Program (98-2-003)** The appropriation in this section shall support the detailed list of projects maintained by the office of financial management. **Appropriation: UW Bldg Acct--State \$ 2,000,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$9,000,000

TOTAL \$ 11,000,000 NEW SECTION. Sec. 540. FOR THE UNIVERSITY  
**OF WASHINGTON Building communications: Upgrade (98-2-009) Appropriation: UW Bldg Acct--State \$ 3,000,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$29,500,000

TOTAL \$ 32,500,000 NEW SECTION. Sec. 541. FOR THE UNIVERSITY  
**OF WASHINGTON University of Washington Bothell and Cascadia Community College phase I: Design and construction (98-2-899)** The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (2) The appropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act. (3) The appropriation in this section is to be combined with the appropriation shown in section 695 of this act to construct a campus to serve at least 2,000 student full-time equivalents, with approximately 1,200 for the University of Washington and 800 for Cascadia Community College. The project shall be managed by the University of Washington. **Reappropriation: St Bldg Constr Acct--State \$ 5,000,000** **Appropriation: St Bldg Constr Acct--State \$ 42,970,000** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL \$ 47,970,000 NEW SECTION. Sec. 542. FOR THE UNIVERSITY  
**OF WASHINGTON University of Washington Bothell and Cascadia Community College future phases:** To complete

predesign and design of phase II (98-2-999) The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (2) The appropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act. (3) The appropriation in this section is to be combined with the appropriation shown in section 695 of this act and shall be managed by the University of Washington. (4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this appropriation shall be conducted in accordance with the predesign manual published by the office of financial management. (5) Design of phase IIA to serve at least 1,000 total University of Washington and community college student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 3,000,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$79,000,000

TOTAL \$ 82,000,000NEW SECTION. Sec. 543. FOR

**WASHINGTON STATE UNIVERSITY Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019) **Reappropriation: St Bldg Constr Acct--State \$ 735,425**Prior Biennia (Expenditures)\$453,929Future Biennia (Projected Costs)\$0

TOTAL \$ 1,189,354NEW SECTION. Sec. 544. FOR WASHINGTON

**STATE UNIVERSITY Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 179,412**WSU Bldg Acct--State \$ 303,806

Subtotal Reappropriation \$ 483,218Prior Biennia (Expenditures)\$14,198,291Future Biennia (Projected Costs)\$0

TOTAL \$ 14,681,509NEW SECTION. Sec. 545. FOR WASHINGTON

**STATE UNIVERSITY Veterinary Teaching Hospital--Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 77,884**H ED Constr Acct--State \$ 239,098

Subtotal Reappropriation \$ 316,982Prior Biennia (Expenditures)\$32,906,902Future Biennia (Projected Costs)\$0

TOTAL \$ 33,223,884NEW SECTION. Sec. 546. FOR WASHINGTON

**STATE UNIVERSITY Fulmer Hall--Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 2,013,357**Prior Biennia (Expenditures)\$10,496,143Future Biennia (Projected Costs)\$0

TOTAL \$ 12,509,500NEW SECTION. Sec. 547. FOR WASHINGTON

**STATE UNIVERSITY Student services addition:** To design and construct a building for consolidated student service functions (92-2-027) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 171,767**Prior Biennia (Expenditures)\$14,672,650Future Biennia (Projected Costs)\$0

TOTAL \$ 14,844,417NEW SECTION. Sec. 548. FOR WASHINGTON

**STATE UNIVERSITY Bohler Gym renovation: Construction (94-1-010)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 1,149,554**WSU Bldg Acct--State \$ 391,500

Subtotal Reappropriation \$ 1,541,054 **Appropriation: St Bldg Constr Acct--**  
State \$ 16,778,275 **WSU Bldg Acct--State \$ 297,925**

Subtotal Appropriation \$ 17,076,200 Prior Biennia (Expenditures) \$396,046 Future  
Biennia (Projected Costs) \$0

TOTAL \$ 19,013,300 **NEW SECTION. Sec. 549. FOR WASHINGTON**  
**STATE UNIVERSITY Thompson Hall renovation: Construction (94-1-024)** The appropriation in this section is subject to  
the review and allotment procedures under section 712 of this act. **Appropriation: St Bldg Constr Acct--**  
State \$ 10,818,075 **WSU Bldg Acct--State \$ 101,325**

Subtotal Appropriation \$ 10,919,400 Prior Biennia (Expenditures) \$777,000 Future  
Biennia (Projected Costs) \$0

TOTAL \$ 11,696,400 **NEW SECTION. Sec. 550. FOR WASHINGTON**  
**STATE UNIVERSITY Infrastructure project: Savings (94-1-999)** Projects that are completed in accordance with section  
711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to  
this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam  
and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and  
(7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed  
with the legislative fiscal committees of the senate and house of representatives by the office of financial  
management. **Reappropriation: St Bldg Constr Acct--State \$ 1** Prior Biennia (Expenditures) \$0 Future Biennia  
(Projected Costs) \$0

TOTAL \$ 1 **NEW SECTION. Sec. 551. FOR WASHINGTON STATE**  
**UNIVERSITY Hazardous waste facilities: Construction (94-2-006)** The reappropriation in this section is subject to the  
review and allotment procedures under section 712 of this act. **Reappropriation: WSU Bldg Acct--**  
State \$ 1,251,201 Prior Biennia (Expenditures) \$459,799 Future Biennia (Projected Costs) \$15,000,000

TOTAL \$ 16,711,000 **NEW SECTION. Sec. 552. FOR WASHINGTON**  
**STATE UNIVERSITY Pathological and Biomedical Incinerator: Design and construction (94-2-**  
**012) Reappropriation: St Bldg Constr Acct--State \$ 3,277,809** Prior Biennia (Expenditures) \$165,191 Future Biennia  
(Projected Costs) \$0

TOTAL \$ 3,443,000 **NEW SECTION. Sec. 553. FOR WASHINGTON**  
**STATE UNIVERSITY Communications infrastructure: Renewal (94-2-013)** The reappropriation in this section is subject  
to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--**  
State \$ 2,049,697 **WSU Bldg Acct--State \$ 773,167**

Subtotal Reappropriation \$ 2,822,864 Prior Biennia  
(Expenditures) \$13,336,761 Future Biennia (Projected Costs) \$0

TOTAL \$ 16,159,625 **NEW SECTION. Sec. 554. FOR WASHINGTON**  
**STATE UNIVERSITY Engineering Teaching and Research Laboratory Building: Construction (94-2-014)** The  
reappropriation in this section is subject to the review and allotment procedures under section 712 of this  
act. **Reappropriation: St Bldg Constr Acct--State \$ 9,338,821** Prior Biennia (Expenditures) \$7,801,479 Future  
Biennia (Projected Costs) \$0

TOTAL \$ 17,140,300 **NEW SECTION. Sec. 555. FOR WASHINGTON**  
**STATE UNIVERSITY Chemical waste collection facilities: Design and construction (94-2-**  
**016) Reappropriation: WSU Bldg Acct--State \$ 913,967** Prior Biennia (Expenditures) \$2,423,033 Future Biennia  
(Projected Costs) \$0

TOTAL \$ 3,337,000 NEW SECTION. Sec. 556. FOR WASHINGTON  
**STATE UNIVERSITY Bohler Gym addition:** To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 3,318,695 WSU Bldg Acct--State \$ 399,800**

Subtotal Reappropriation \$ 3,718,495  
(Expenditures) \$6,635,705 Future Biennia (Projected Costs) \$0

TOTAL \$ 10,354,200 NEW SECTION. Sec. 557. FOR WASHINGTON  
**STATE UNIVERSITY Kimbrough Hall addition and remodeling:** To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 329,437 WSU Bldg Acct--State \$ 238,425**

Subtotal Reappropriation \$ 567,862  
State \$ 10,327,000 WSU Bldg Acct--State \$ 121,875

Subtotal Appropriation \$ 10,448,875  
Biennia (Projected Costs) \$0

TOTAL \$ 11,733,000 NEW SECTION. Sec. 558. FOR WASHINGTON  
**STATE UNIVERSITY Puyallup: Greenhouse replacements (94-2-027)** **Reappropriation: St Bldg Constr Acct--State \$ 770,866** Prior Biennia (Expenditures) \$1,273,153 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,044,019 NEW SECTION. Sec. 559. FOR WASHINGTON  
**STATE UNIVERSITY Washington State University Vancouver: Campus construction (94-2-902)** The reappropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 9,407,417** Prior Biennia (Expenditures) \$29,315,045 Future Biennia (Projected Costs) \$0

TOTAL \$ 38,722,462 NEW SECTION. Sec. 560. FOR WASHINGTON  
**STATE UNIVERSITY Washington State University Tri-Cities: Consolidated Information Center (94-2-905)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 202,827** Prior Biennia (Expenditures) \$10,916,173 Future Biennia (Projected Costs) \$0

TOTAL \$ 11,119,000 NEW SECTION. Sec. 561. FOR WASHINGTON  
**STATE UNIVERSITY Animal Science Laboratory Building--Design and Construction:** To construct a 20,200 gross square foot animal science lab (94-4-018) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 249,908** Prior Biennia (Expenditures) \$7,011,450 Future Biennia (Projected Costs) \$0

TOTAL \$ 7,261,358 NEW SECTION. Sec. 562. FOR WASHINGTON  
**STATE UNIVERSITY Underground storage tank remediation and removal (96-1-001)** **Reappropriation: St Bldg Constr Acct--State \$ 232,869** Prior Biennia (Expenditures) \$49,131 Future Biennia (Projected Costs) \$0

TOTAL \$ 282,000 NEW SECTION. Sec. 563. FOR WASHINGTON STATE  
**UNIVERSITY Asbestos pool reserve (96-1-002)** **Reappropriation: St Bldg Constr Acct--State \$ 70,265** Prior Biennia (Expenditures) \$75,185 Future Biennia (Projected Costs) \$0

TOTAL \$ 145,450  
NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY Americans with Disabilities Act  
**pool reserve (96-1-003)** **Reappropriation: St Bldg Constr Acct--State \$ 365,872** Prior Biennia (Expenditures) \$36,354 Future Biennia (Projected Costs) \$0



TOTAL \$ 402,226 NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY  
**Minor works: Preservation (96-1-004)** The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 3,002,694** WSU Bldg Acct--State \$ 165,877

Subtotal Reappropriation \$ 3,168,571  
Prior Biennia (Expenditures)\$2,983,429  
Future Biennia (Projected Costs)\$0

TOTAL \$ 6,152,000 NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY  
**Minor works: Safety and environment (96-2-001)** The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 943,348** WSU Bldg Acct--State \$ 907,315

Subtotal Reappropriation \$ 1,850,663  
Prior Biennia (Expenditures)\$749,337  
Future Biennia (Projected Costs)\$0

TOTAL \$ 2,600,000 NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY  
**Minor works: Program (96-2-002)** The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: WSU Bldg Acct--State \$ 3,055,990** Prior Biennia (Expenditures)\$2,094,010  
Future Biennia (Projected Costs)\$0

TOTAL \$ 5,150,000 NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY  
**Plant growth: Wheat research center (96-2-047)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources. **Reappropriation: St Bldg Constr Acct--State \$ 1,553,154** Prior Biennia (Expenditures)\$2,446,846  
Future Biennia (Projected Costs)\$0

TOTAL \$ 4,000,000 NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY  
**Intercollegiate Center for Nursing Education: Telecommunications (96-2-915)** **Reappropriation: St Bldg Constr Acct--State \$ 524,386** Prior Biennia (Expenditures)\$975,614  
Future Biennia (Projected Costs)\$0

TOTAL \$ 1,500,000 NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY  
**Minor works: Preservation (98-1-004)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: WSU Bldg Acct--State \$ 5,553,000** Prior Biennia (Expenditures)\$0  
Future Biennia (Projected Costs)\$24,000,000

TOTAL \$ 29,553,000 NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY  
**Campus infrastructure and road improvements (98-1-073)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 8,292,000** Prior Biennia (Expenditures)\$0  
Future Biennia (Projected Costs)\$4,000,000

TOTAL \$ 12,292,000

NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY  
**Minor works: Safety and environmental (98-2-001)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1,600,000** WSU Bldg Acct--State \$ 1,807,800

Subtotal Appropriation \$ 3,407,800  
Prior Biennia (Expenditures)\$0  
Future Biennia (Projected Costs)\$12,600,000

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TOTAL \$ 16,007,800 NEW SECTION. Sec. 573. FOR WASHINGTON  
STATE UNIVERSITY **Minor works: Program (98-2-002)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: WSU Bldg Acct--State \$ 6,000,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$33,000,000

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TOTAL \$ 39,000,000 NEW SECTION. Sec. 574. FOR WASHINGTON  
STATE UNIVERSITY **Major equipment: Acquisition (98-2-003)** The appropriation in this section is subject to the following conditions and limitations: The state building construction account appropriation is provided solely for agricultural equipment including \$1,500,000 for the agricultural research center and \$500,000 for teaching and extension equipment. **Appropriation: St Bldg Constr Acct--State \$ 2,000,000 WSU Bldg Acct--State \$ 3,000,000**

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Subtotal Appropriation \$ 5,000,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$15,000,000

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TOTAL \$ 20,000,000 NEW SECTION. Sec. 575. FOR WASHINGTON  
STATE UNIVERSITY **Murrow Hall: Renovation and addition (98-2-008)** To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998. **Appropriation: WSU Bldg Acct--State \$ 105,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$11,625,100

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TOTAL \$ 11,730,100 NEW SECTION. Sec. 576. FOR WASHINGTON  
STATE UNIVERSITY **Cleveland Hall: Renovation and addition (98-2-032)** To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998. **Appropriation: WSU Bldg Acct--State \$ 140,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$9,435,100

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TOTAL \$ 9,575,100 NEW SECTION. Sec. 577. FOR WASHINGTON  
STATE UNIVERSITY **South Campus electrical service: Design and construction (98-2-044)** **Appropriation: St Bldg Constr Acct--State \$ 2,900,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,900,000 NEW SECTION. Sec. 578. FOR WASHINGTON  
STATE UNIVERSITY **Teaching and Learning Center: Design and construction (98-2-062)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Appropriation: St Bldg Constr Acct--State \$ 1,970,175 WSU Bldg Acct--State \$ 624,325**

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Subtotal Appropriation \$ 2,594,500 Prior Biennia (Expenditures)\$80,000 Future Biennia (Projected Costs)\$25,101,805

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TOTAL \$ 27,776,305 NEW SECTION. Sec. 579. FOR WASHINGTON  
STATE UNIVERSITY **Apparel, Merchandising, and Interior Design and Landscape Architecture Building: Predesign (98-01-000)** **Appropriation: WSU Bldg Acct--State \$ 98,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$28,800,000

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TOTAL \$ 28,898,000 NEW SECTION. Sec. 580. FOR WASHINGTON  
STATE UNIVERSITY **WSU net: Infrastructure (98-2-074)** **Appropriation: WSU Bldg Acct--State \$ 4,075,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$5,000,000

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TOTAL \$ 9,075,000 NEW SECTION. Sec. 581. FOR WASHINGTON  
STATE UNIVERSITY **Washington State University Tri-Cities: Predesign Science Education Center (98-2-905)** To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office

of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998. The project shall serve at least 910 additional student full-time equivalents on the Tri-Cities campus. **Appropriation: St Bldg Constr Acct--State \$ 140,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$21,435,800

TOTAL \$ 21,575,800

**NEW SECTION. Sec. 582. FOR WASHINGTON STATE UNIVERSITY**Washington State University Vancouver: Phase II (98-2-911) The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (2) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (3) The engineering and multimedia buildings to be designed under this appropriation shall serve at least 950 additional student full-time equivalents. Funding is also provided to construct campus infrastructure and physical plant shops. **Appropriation: St Bldg Constr Acct--State \$ 13,500,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$123,000,000

TOTAL \$ 136,500,000

**NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**Telecommunications network and cable: Replacement (90-2-004) **Appropriation: St Bldg Constr Acct--State \$ 1,000,000**Prior Biennia (Expenditures)\$5,655,918Future Biennia (Projected Costs)\$4,000,000

TOTAL \$ 10,655,918

**NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY**JFK Library addition and remodel--Construction: To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 12,056,403**EWU Cap Proj Acct--State \$ 73,006

Subtotal Reappropriation \$ 12,129,409  
(Expenditures)\$9,929,895Future Biennia (Projected Costs)\$0

TOTAL \$ 22,059,304

**NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY**Chillers, heating, ventilation, and air conditioning (94-1-003) **Reappropriation: St Bldg Constr Acct--State \$ 4,872,049**EWU Cap Proj Acct--State \$ 637,643

Subtotal Reappropriation \$ 5,509,692  
Biennia (Projected Costs)\$0

TOTAL \$ 6,302,584

**NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY**Minor works--Preservation, repair, and remodel (94-1-015) **Reappropriation: St Bldg Constr Acct--State \$ 533,002**EWU Cap Proj Acct--State \$ 1,660,253

Subtotal Reappropriation \$ 2,193,255  
(Expenditures)\$7,761,057Future Biennia (Projected Costs)\$0

TOTAL \$ 9,954,312

**NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY**Infrastructure project: Savings (94-1-999) Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 1**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

TOTAL \$ 1

**NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY**Monroe Hall Renovation (96-1-002) The appropriation in this section is subject to the review and allotment

procedures under section 712 of this act. **Appropriation: St Bldg Constr Acct--State \$ 924,000**Prior Biennia  
(Expenditures)\$100,000Future Biennia (Projected Costs)\$9,950,000

TOTAL \$ 10,974,000NEW SECTION. **Sec. 589. FOR EASTERN**

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Subtotal Appropriation \$ 1,500,000 Prior Biennia (Expenditures) \$3,650,000 Future  
Biennia (Projected Costs) \$14,000,000

TOTAL \$ 19,150,000 NEW SECTION. Sec. 590. FOR EASTERN  
**WASHINGTON UNIVERSITY** Water systems: Preservation and expansion (98-1-002) Appropriation: St Bldg  
Constr Acct--State \$ 500,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$2,250,000

TOTAL \$ 2,750,000 NEW SECTION. Sec. 591. FOR EASTERN  
**WASHINGTON UNIVERSITY** Minor works: Preservation (98-1-003) The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. Appropriation: St Bldg Constr Acct--State \$ 619,500 EWU Cap Proj Acct--State \$ 4,730,500

Subtotal Appropriation \$ 5,350,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$6,000,000

TOTAL \$ 11,350,000 NEW SECTION. Sec. 592. FOR EASTERN  
**WASHINGTON UNIVERSITY** Electrical substations: Preservation (98-1-004) Appropriation: St Bldg Constr Acct--State \$ 3,000,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$1,500,000

TOTAL \$ 4,500,000 NEW SECTION. Sec. 593. FOR EASTERN  
**WASHINGTON UNIVERSITY** Roof replacements (98-1-006) Appropriation: St Bldg Constr Acct--State \$ 2,755,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,755,000 NEW SECTION. Sec. 594. FOR EASTERN  
**WASHINGTON UNIVERSITY** Infrastructure: Preservation (98-1-007) The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. Appropriation: St Bldg Constr Acct--State \$ 4,000,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$7,000,000

TOTAL \$ 11,000,000 NEW SECTION. Sec. 595. FOR EASTERN  
**WASHINGTON UNIVERSITY** Heating, ventilation, and air conditioning systems: Preservation (98-1-008) Appropriation: St Bldg Constr Acct--State \$ 1,000,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$1,000,000

TOTAL \$ 2,000,000 NEW SECTION. Sec. 596. FOR EASTERN  
**WASHINGTON UNIVERSITY** Boiler Plant: Expansion and upgrade (98-1-011) Appropriation: St Bldg Constr Acct--State \$ 618,100 EWU Cap Proj Acct--State \$ 135,525

Subtotal Appropriation \$ 753,625 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$5,615,175

TOTAL \$ 6,368,800 NEW SECTION. Sec. 597. FOR EASTERN  
**WASHINGTON UNIVERSITY** Minor works: Program (98-2-001) The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. Appropriation: St Bldg Constr Acct--State \$ 500,000 EWU Cap Proj Acct--State \$ 1,200,000

Subtotal Appropriation \$ 1,700,000 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$10,018,000

TOTAL \$ 11,718,000 NEW SECTION. Sec. 598. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Shaw/Smyser Hall renovation (90-2-005) Reappropriation: H Ed Constr Acct--State \$ 70,578 Prior Biennia (Expenditures)\$13,214,424 Future Biennia (Projected Costs)\$0

TOTAL \$ 13,285,002 NEW SECTION. Sec. 599. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Minor works: **Preservation (94-1-005) Reappropriation: CWU Cap Proj Acct--**  
**State \$ 859,679** Prior Biennia (Expenditures)\$2,702,321 Future Biennia (Projected Costs)\$0

TOTAL \$ 3,562,000 NEW SECTION. Sec. 600. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Science facility: **Design and construction (94-2-002)** The reappropriation in this section is  
subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--**  
**State \$ 45,047,550** CWU Cap Proj Acct--State \$ 4,000,000

Subtotal Reappropriation \$ 49,047,550 **Appropriation: CWU Cap Proj Acct--**  
**State \$ 510,000** Prior Biennia (Expenditures)\$9,152,450 Future Biennia (Projected Costs)\$0

TOTAL \$ 58,710,000 NEW SECTION. Sec. 601. FOR CENTRAL  
**WASHINGTON UNIVERSITY**  
Minor works: **Program (94-2-006) Reappropriation: CWU Cap Proj Acct--State \$ 152,276** Prior  
Biennia (Expenditures)\$2,354,724 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,507,000 NEW SECTION. Sec. 602. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Black Hall--**Design and construction:** To design and construct a 66,200 gross square foot  
addition to and complete remodel of the Black Hall (94-2-010) The reappropriation in this section is subject to the review and  
allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 25,393,593** CWU  
**Cap Proj Acct--State \$ 575,000**

Subtotal Reappropriation \$ 25,968,593 Prior Biennia  
(Expenditures)\$1,434,808 Future Biennia (Projected Costs)\$0

TOTAL \$ 27,403,401 NEW SECTION. Sec. 603. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Asbestos abatement, demolition, and steamline (96-1-002) **Reappropriation: St Bldg**  
**Constr Acct--State \$ 94,768** Prior Biennia (Expenditures)\$36,932 Future Biennia (Projected Costs)\$0

TOTAL \$ 131,700 NEW SECTION. Sec. 604. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Minor works: **Infrastructure preservation (96-1-040)** The reappropriation in this section  
is subject to the following conditions and limitations: (1) The reappropriation shall support the detailed list of projects  
maintained by the office of financial management. (2) No money from this reappropriation may be expended for remodeling  
or repairing the president's residence. **Reappropriation: St Bldg Constr Acct--State \$ 1,156,975** CWU Cap Proj  
**Acct--State \$ 530,000**

Subtotal Reappropriation \$ 1,686,975 Prior Biennia (Expenditures)\$713,025 Future  
Biennia (Projected Costs)\$0

TOTAL \$ 2,400,000 NEW SECTION. Sec. 605. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Minor works: **Preservation (96-1-120)** The reappropriation in this section is subject to the  
following conditions and limitations: (1) The reappropriation shall support the detailed list of projects maintained by the  
office of financial management. (2) A maximum of \$85,000 from this reappropriation may be expended for remodeling the  
president's residence. **Reappropriation: CWU Cap Proj Acct--State \$ 2,200,000** Prior Biennia  
(Expenditures)\$1,344,022 Future Biennia (Projected Costs)\$0

TOTAL \$ 3,544,022 NEW SECTION. Sec. 606. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Infrastructure savings (94-1-999) Projects that are completed in accordance with section  
711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to  
this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam  
and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and  
(7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed  
with the legislative fiscal committees of the senate and house of representatives by the office of financial

management. **Reappropriation: St Bldg Constr Acct--State** \$ 1Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,NEW SECTION. **Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Minor works: Program (96-2-130)** The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: CWU Cap Proj Acct--State \$ 1,000,000**Prior Biennia (Expenditures)\$1,500,000Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,500,000NEW SECTION. **Sec. 608. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Chilled water systems: Improvements (98-1-020) Appropriation: St Bldg Constr Acct--State \$ 1,000,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$770,000

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TOTAL \$ 1,770,000NEW SECTION. **Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Boiler Plant: Expansion (98-1-030) Appropriation: St Bldg Constr Acct--State \$ 1,450,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,450,000NEW SECTION. **Sec. 610. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Electrical utility: Upgrades (98-1-110) Appropriation: St Bldg Constr Acct--State \$ 2,500,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$4,600,000

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TOTAL \$ 7,100,000NEW SECTION. **Sec. 611. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Steamline replacement (98-1-120) Appropriation: St Bldg Constr Acct--State \$ 340,000**CWU Cap Proj Acct--State \$ 1,110,000

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Subtotal Appropriation \$ 1,450,000Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$7,320,000

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TOTAL \$ 8,770,000NEW SECTION. **Sec. 612. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Minor works: Preservation (98-1-130)** The appropriation in this section is subject to the following conditions and limitations:  
The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: CWU Cap Proj Acct--State \$ 3,163,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$14,100,000

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TOTAL \$ 17,263,000NEW SECTION. **Sec. 613. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Building indoor air quality: Improvements (98-1-170) Appropriation: CWU Cap Proj Acct--State \$ 429,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$2,000,000

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TOTAL \$ 2,429,000NEW SECTION. **Sec. 614. FOR CENTRAL WASHINGTON UNIVERSITY**  
**SeaTac Center Building: Renovation (98-2-010) Appropriation: St Bldg Constr Acct--State \$ 662,500**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 662,500NEW SECTION. **Sec. 615. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Lynnwood Extended Degree Center: Facility improvements (98-2-080) Appropriation: St Bldg Constr Acct--State \$ 1,000,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,000,000NEW SECTION. **Sec. 616. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Extended Degree Centers: Design and construction (98-2-090)** To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998. **Appropriation: CWU Cap Proj Acct--State \$ 150,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$2,000,000

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TOTAL \$ 2,150,000 NEW SECTION. Sec. 617. FOR CENTRAL  
**WASHINGTON UNIVERSITY** Minor works: **Program (98-2-135)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: CWU Cap Proj Acct--State \$ 2,382,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$11,200,000

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TOTAL \$ 13,582,000 NEW SECTION. Sec. 618. FOR THE EVERGREEN  
**STATE COLLEGE** Minor works: **Preservation (96-1-002) Reappropriation: TESC Cap Proj Acct--State \$ 160,000** St Bldg Constr Acct--State \$ 175,000

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Subtotal Reappropriation \$ 335,000 Prior Biennia (Expenditures)\$2,790,121 Future Biennia (Projected Costs)\$0

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TOTAL \$ 3,125,121 NEW SECTION. Sec. 619. FOR THE  
**EVERGREEN STATE COLLEGE** Minor works: **Safety and code (98-1-001)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 2,450,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$16,705,000

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TOTAL \$ 19,155,000 NEW SECTION. Sec. 620. FOR THE EVERGREEN  
**STATE COLLEGE** Minor works: **Preservation (98-1-002)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 2,000,000** TESC Cap Proj Acct--State \$ 624,439

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Subtotal Appropriation \$ 2,624,439 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$22,400,000

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TOTAL \$ 25,024,439 NEW SECTION. Sec. 621. FOR THE EVERGREEN  
**STATE COLLEGE** Emergency repairs (98-1-003) **Appropriation: TESC Cap Proj Acct--State \$ 559,312** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$2,240,000

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TOTAL \$ 2,799,312 NEW SECTION. Sec. 622. FOR THE  
**EVERGREEN STATE COLLEGE** Seminar phase II: **Predesign (98-2-004) Appropriation: TESC Cap Proj Acct--State \$ 140,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$16,788,775

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TOTAL \$ 16,928,775 NEW SECTION. Sec. 623. FOR THE  
**EVERGREEN STATE COLLEGE** Lecture Hall: **Improvements (98-2-005) Appropriation: St Bldg Constr Acct--State \$ 1,325,423** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,325,423 NEW SECTION. Sec. 624. FOR THE EVERGREEN  
**STATE COLLEGE** Minor works: **Program (98-2-006)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: TESC Cap Proj Acct--State \$ 1,800,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$23,270,000

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TOTAL \$ 25,070,000 NEW SECTION. Sec. 625. FOR THE JOINT  
**CENTER FOR HIGHER EDUCATION** Riverpoint Campus phase II (96-2-001) **Reappropriation: St Bldg Constr Acct--State \$ 1,430,104** Prior Biennia (Expenditures)\$569,896 Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,000,000 NEW SECTION. Sec. 626. FOR THE JOINT  
**CENTER FOR HIGHER EDUCATION** Infrastructure projects: **Savings (98-1-003)** Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3)

electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 1**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1**NEW SECTION. Sec. 627. FOR THE JOINT CENTER FOR HIGHER EDUCATION****Health Sciences Building:** To design the complete (phase I and II) health science building. **(98-2-001)** The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (3) Design of this building shall accommodate at least 240 additional student full-time equivalents on the Riverpoint campus. (4) \$1,000,000 of the state building construction account appropriation shall be held in reserve until January 1, 1999. (5) Design of this building, when used in conjunction with the building authorized in section 702(1)(b) of this act, shall accommodate all the academic programs offered by Eastern Washington University and Washington State University that are currently in leased space in the city of Spokane. **Reappropriation: St Bldg Constr Acct--State \$ 1,310,000****Appropriation:St Bldg Constr Acct--State \$ 1,375,375**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$29,219,025

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TOTAL \$ 31,904,400**NEW SECTION. Sec. 628. FOR THE JOINT CENTER FOR HIGHER EDUCATION****Minor works: Program (98-2-002)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 161,500**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$400,000

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TOTAL \$ 561,500**NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY****Infrastructure projects: Savings (94-1-999)** Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management. **Reappropriation: St Bldg Constr Acct--State \$ 1**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1  
**NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY** **Science facility phase III: Construction (94-2-014)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 1,265,000**Prior Biennia (Expenditures)\$11,387,938Future Biennia (Projected Costs)\$0

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TOTAL \$ 12,652,938**NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY****Haggard Hall renovation and abatement: Construction (94-2-015)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 16,300,000****WWU Cap Proj Acct--State \$ 3,150,000**

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Subtotal Reappropriation \$ 19,450,000Prior Biennia (Expenditures)\$2,754,404Future Biennia (Projected Costs)\$0

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TOTAL \$ 22,204,404**NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY****Minor works: Preservation (96-1-030)** The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management. **Reappropriation: WWU Cap Proj Acct--State \$ 500,000**Prior Biennia (Expenditures)\$800,000Future Biennia (Projected Costs)\$0

TOTAL \$ 1,300,000 NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY Minor works: **Infrastructure preservation (96-1-061)** The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management. Reappropriation: St Bldg Constr Acct--State \$ 820,000 Prior Biennia (Expenditures) \$830,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,650,000  
NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY Minor works: **Program (96-2-028)** The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management. Reappropriation: St Bldg Constr Acct--State \$ 1,445,000 WWU Cap Proj Acct--State \$ 1,200,000

Subtotal Reappropriation \$ 2,645,000 Prior Biennia (Expenditures) \$3,205,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 5,850,000 NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY Recreation and physical education fields phase I (96-2-051) Reappropriation: St Bldg Constr Acct--State \$ 175,000 Prior Biennia (Expenditures) \$2,491,000 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,666,000 NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY Integrated signal distribution--Construct: To construct a campus network system (96-2-056) Reappropriation: St Bldg Constr Acct--State \$ 250,000 Appropriation: St Bldg Constr Acct--State \$ 8,262,500 Prior Biennia (Expenditures) \$965,400 Future Biennia (Projected Costs) \$5,000,000

TOTAL \$ 14,477,900 NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY Minor works: **Preservation (98-1-064)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. Appropriation: St Bldg Constr Acct--State \$ 4,700,000 WWU Cap Proj Acct--State \$ 2,000,000

Subtotal Appropriation \$ 6,700,000 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$24,000,000

TOTAL \$ 30,700,000 NEW SECTION. Sec. 638. FOR WESTERN WASHINGTON UNIVERSITY Communications facility: **Predesign (98-2-053)** To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998. Appropriation: St Bldg Constr Acct--State \$ 204,400 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$42,400,000

TOTAL \$ 42,604,400 NEW SECTION. Sec. 639. FOR WESTERN WASHINGTON UNIVERSITY Minor works: **Program (98-2-063)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. Appropriation: WWU Cap Proj Acct--State \$ 5,628,529 Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$24,000,000

TOTAL \$ 29,628,529 NEW SECTION. Sec. 640. FOR WESTERN WASHINGTON UNIVERSITY All expenditures made by Western Washington University with funds provided in this act shall be consistent with local comprehensive land use plans. NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY Stadium Way facility: **Seismic and infrastructure repair (96-1-102)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. Reappropriation: St Bldg Constr Acct--State \$ 196,463 Appropriation: St Bldg Constr Acct--State \$ 2,920,000 Prior Biennia (Expenditures) \$306,163 Future Biennia (Projected Costs) \$1,743,000



TOTAL \$ 5,165,626 NEW SECTION. Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY **State Capital Museum: Preservation (98-1-001)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 200,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$110,000

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TOTAL \$ 310,000 NEW SECTION. Sec. 643. FOR THE WASHINGTON STATE HISTORICAL SOCIETY **Minor works (98-1-003)** The appropriation in this section is subject to the following conditions and limitations: \$62,000 of the appropriation is provided solely for exhibits in the legislative building. **Appropriation: St Bldg Constr Acct--State \$ 145,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$700,000

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TOTAL \$ 845,000 NEW SECTION. Sec. 644. FOR THE WASHINGTON STATE HISTORICAL SOCIETY **Washington heritage projects:** For grants to local heritage organizations for facility construction, improvements or additions, purchase, restoration and preservation of fixed historic assets, acquisition of equipment, property or sites, interior physical improvements, and design costs **(98-2-004)** The appropriations in this section are subject to the following conditions and limitations: (1) The appropriations are provided for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. H-2 as developed on April 2, 1997, at 10:16 p.m. (2) The state grant may provide no more than one-third of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital cost shall be a match from nonstate sources. The match may include cash, land value and documented in-kind gifts and support. (3) By December 15, 1997, the society shall submit a report to the appropriate fiscal committees of the legislature and to the office of financial management on the progress of the heritage program, including a list of projects funded under this section. **Appropriation: St Bldg Constr Acct--State \$ 4,100,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$15,000,000

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TOTAL \$ 19,100,000 NEW SECTION. Sec. 645. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY **Minor works: Preservation (98-1-004)** The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. **Appropriation: St Bldg Constr Acct--State \$ 200,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$975,000

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TOTAL \$ 1,175,000 NEW SECTION. Sec. 646. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY **Cheney Cowles Museum: Addition design (98-2-001)** The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) The appropriation in this section shall be matched by at least 20 percent from nonstate sources. **Appropriation: St Bldg Constr Acct--State \$ 1,900,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$14,100,000

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TOTAL \$ 16,000,000 NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES **Construct physical education facility: North Seattle Community College (90-5-011) Reappropriation: St Bldg Constr Acct--State \$ 1,574,617** Prior Biennia (Expenditures)\$6,974,234 Future Biennia (Projected Costs)\$0

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TOTAL \$ 8,548,851 NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES **Construct Student Center Building: South Seattle Community College (90-5-016) Reappropriation: St Bldg Constr Acct--State \$ 117,544** Prior Biennia (Expenditures)\$5,249,154 Future Biennia (Projected Costs)\$0

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TOTAL \$ 5,366,698 NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES **Repairs and minor improvements (94-1-001) Reappropriation: St Bldg Constr Acct--State \$ 3,073,389** Prior Biennia (Expenditures)\$35,333,569 Future Biennia (Projected Costs)\$0

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TOTAL \$ 38,406,958 NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Renovate Seattle Vocational Institute facility (94-1-733) Reappropriation: St Bldg Constr Acct--State \$ 74,617 Prior Biennia (Expenditures)\$7,482,587 Future Biennia (Projected Costs)\$0

TOTAL \$ 7,557,204 NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Minor improvement projects (94-2-400) Reappropriation: St Bldg Constr Acct--State \$ 353,105 Prior Biennia (Expenditures)\$11,117,929 Future Biennia (Projected Costs)\$0

TOTAL \$ 11,471,034 NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Puyallup phase II: Pierce College (94-2-601) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. Reappropriation: St Bldg Constr Acct--State \$ 1,677,483 Prior Biennia (Expenditures)\$12,091,600 Future Biennia (Projected Costs)\$0

TOTAL \$ 13,769,083 NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Construct vocational building: Skagit Valley College (94-2-602) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. Reappropriation: St Bldg Constr Acct--State \$ 75,953 Prior Biennia (Expenditures)\$2,403,853 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,479,806 NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Construct Learning Resource Center, Fine Arts, Student Center: Whatcom Community College (94-2-603) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. Reappropriation: St Bldg Constr Acct--State \$ 660,564 Prior Biennia (Expenditures)\$7,804,180 Future Biennia (Projected Costs)\$0

TOTAL \$ 8,464,744 NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Construct classroom and laboratory building: Edmonds Community College (94-2-604) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. Reappropriation: St Bldg Constr Acct--State \$ 7,533,832 Prior Biennia (Expenditures)\$5,563,460 Future Biennia (Projected Costs)\$0

TOTAL \$ 13,097,292 NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Construct Technical Educational Building: South Puget Sound Community College (94-2-605) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. Reappropriation: St Bldg Constr Acct--State \$ 264,777 Prior Biennia (Expenditures)\$6,741,626 Future Biennia (Projected Costs)\$0

TOTAL \$ 7,006,403 NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Construct Center for Information Technology: Green River Community College (94-2-606) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. Reappropriation: St Bldg Constr Acct--State \$ 7,610,438 Prior Biennia (Expenditures)\$10,476,468 Future Biennia (Projected Costs)\$0

TOTAL \$ 18,086,906 NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Americans with Disabilities Act improvements (94-5-001) Reappropriation: St Bldg Constr Acct--State \$ 296,560 Prior Biennia (Expenditures)\$3,344,818 Future Biennia (Projected Costs)\$0

TOTAL \$ 3,641,378  
NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES Small repairs and improvements and underground storage tank removal (96-1-

**001) Reappropriation: St Bldg Constr Acct--State**      \$ 5,097,011 Prior Biennia (Expenditures)\$5,351,596 Future Biennia (Projected Costs)\$0

TOTAL      \$ 10,448,607 NEW SECTION. **Sec. 660. FOR THE STATE**

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Asbestos abatement (96-1-002) Reappropriation: St Bldg Constr Acct--State      \$ 484,317 Prior Biennia (Expenditures)\$1,142,040 Future Biennia (Projected Costs)\$0

TOTAL      \$ 1,626,357 NEW SECTION. **Sec. 661. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES** Americans with Disabilities Act improvements (96-1-003) Reappropriation: St Bldg Constr Acct--State      \$ 1,208,834 Prior Biennia (Expenditures)\$1,035,408 Future Biennia (Projected Costs)\$0

TOTAL      \$ 2,244,242 NEW SECTION. **Sec. 662. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES** Roof repairs (96-1-010) Reappropriation: St Bldg Constr Acct--State      \$ 1,824,529 Prior Biennia (Expenditures)\$3,581,471 Future Biennia (Projected Costs)\$0

TOTAL      \$ 5,406,000 NEW SECTION. **Sec. 663. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES** Heating, ventilation, and air conditioning repairs (96-1-030) Reappropriation: St Bldg Constr Acct--State      \$ 1,203,772 Prior Biennia (Expenditures)\$6,384,228 Future Biennia (Projected Costs)\$0

TOTAL      \$ 7,588,000 NEW SECTION. **Sec. 664. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES** Mechanical repairs (96-1-060) Reappropriation: St Bldg Constr Acct--State      \$ 565,473 Prior Biennia (Expenditures)\$696,527 Future Biennia (Projected Costs)\$0

TOTAL      \$ 1,262,000 NEW SECTION. **Sec. 665. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES** Electrical repairs (96-1-080) Reappropriation: St Bldg Constr Acct--State      \$ 835,487 Prior Biennia (Expenditures)\$1,356,513 Future Biennia (Projected Costs)\$0

TOTAL      \$ 2,192,000 NEW SECTION. **Sec. 666. FOR THE STATE**

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Exterior repairs (96-1-100) Reappropriation: St Bldg Constr Acct--State      \$ 1,872,955 Prior Biennia (Expenditures)\$546,045 Future Biennia (Projected Costs)\$0

TOTAL      \$ 2,419,000 NEW SECTION. **Sec. 667. FOR THE STATE**

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Interior repairs (96-1-120) Reappropriation: St Bldg Constr Acct--State      \$ 1,127,361 Prior Biennia (Expenditures)\$405,639 Future Biennia (Projected Costs)\$0

TOTAL      \$ 1,533,000 NEW SECTION. **Sec. 668. FOR THE STATE**

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Site repairs (96-1-140) Reappropriation: St Bldg Constr Acct--State      \$ 719,903 Prior Biennia (Expenditures)\$1,466,097 Future Biennia (Projected Costs)\$0

TOTAL      \$ 2,186,000 NEW SECTION. **Sec. 669. FOR THE STATE**

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Infrastructure project savings (96-1-500) Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management. **Reappropriation: St Bldg Constr Acct--State**      \$ 1 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL      \$ 1 NEW SECTION. **Sec. 670. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES** Repair and minor improvement projects (96-2-

**199) Reappropriation: St Bldg Constr Acct--State**      \$ **4,096,160** Prior Biennia (Expenditures) \$9,195,966 Future Biennia (Projected Costs) \$0

TOTAL      \$ 13,292,126 NEW SECTION. Sec. 671. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Project artwork consolidation account (96-2-400) **Reappropriation: St Bldg Constr Acct--State**      \$ **304,008** Prior Biennia (Expenditures) \$0 Future Biennia (Projected Costs) \$0

TOTAL      \$ 304,008 NEW SECTION. 672. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** North Seattle Community College--Vocational and child care buildings: Construction (96-2-651) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State**      \$ **512,251** **Appropriation: St Bldg Constr Acct--State**      \$ **14,390,847** Prior Biennia (Expenditures) \$426,973 Future Biennia (Projected Costs) \$0

TOTAL      \$ 15,330,071 NEW SECTION. Sec. 673. FOR THE STATE

**BOARD  
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TECHNICA  
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COLLEGES  
Everett  
Community  
College--  
Instructional  
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652) The  
appropriation  
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6,421,773** Prio  
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(Projected  
Costs)\$0

TOTAL \$ 20,005,353 NEW SECTION. Sec. 674. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** South Seattle Community College--Integrated learning assistance resource center: **Construction (96-2-653)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 461,612** **Appropriation: St Bldg Constr Acct--State \$ 8,255,584** Prior Biennia (Expenditures)\$152,120 Future Biennia (Projected Costs)\$0

TOTAL \$ 8,869,316 NEW SECTION. Sec. 675. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Olympic College--Poulsbo Center: **Design (96-2-654)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 317,916** Prior Biennia (Expenditures)\$463,441 Future Biennia (Projected Costs)\$11,215,466

TOTAL \$ 11,996,825 NEW SECTION. Sec. 676. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Bellevue Community College--Classrooms and Laboratories: **Construction (96-2-655)** The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 53,961** **Appropriation: St Bldg Constr Acct--State \$ 9,670,882** Prior Biennia (Expenditures)\$566,207 Future Biennia (Projected Costs)\$0

TOTAL \$ 10,291,050 NEW SECTION. Sec. 677. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Clover Park Technical College--Aviation trades complex: **Design (96-2-998)** The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. **Reappropriation: St Bldg Constr Acct--State \$ 573,307** **Appropriation: St Bldg Constr Acct--State \$ 8,866,700** Prior Biennia (Expenditures)\$1,947,693 Future Biennia (Projected Costs)\$0

TOTAL \$ 11,387,700 NEW SECTION. Sec. 678. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Olympic College Library replacement (98-2-500) **Reappropriation: St Bldg Constr Acct--State \$ 1,669,563** **General Fund--Federal \$ 5,008,686**

Subtotal Reappropriation \$ 6,678,249 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$0

TOTAL \$ 6,678,249 NEW SECTION. Sec. 679. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Repair and minor improvement (98-1-001) **Appropriation: St Bldg Constr Acct--State \$ 11,000,000** Prior Biennia (Expenditures)\$10,000,000 Future Biennia (Projected Costs)\$39,000,000

TOTAL \$ 60,000,000 NEW SECTION. Sec. 680. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Roof repairs (98-1-010) **Appropriation: St Bldg Constr Acct--State \$ 11,580,400** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$41,000,000

TOTAL \$ 52,580,400 NEW SECTION. Sec. 681. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Heating, ventilation, and air conditioning repairs (98-1-040) **Appropriation: St Bldg Constr Acct--State \$ 10,350,000** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$34,000,000

TOTAL \$ 44,350,000 NEW SECTION. Sec. 682. FOR THE STATE

**BOARD FOR COMMUNITY AND TECHNICAL COLLEGES** Mechanical repairs (98-1-070) **Appropriation: St Bldg Constr Acct--State \$ 2,632,300** Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$8,000,000

TOTAL \$ 10,632,300 NEW SECTION. Sec. 683. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Electrical repairs (98-1-090) Appropriation: St Bldg  
Constr Acct--State \$ 4,049,400 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$10,000,000

TOTAL \$ 14,049,400 NEW SECTION. Sec. 684. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Exterior repairs (98-1-110) Appropriation: St Bldg  
Constr Acct--State \$ 4,124,200 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$12,000,000

TOTAL \$ 16,124,200 NEW SECTION. Sec. 685. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Interior repairs (98-1-130) Appropriation: St Bldg  
Constr Acct--State \$ 2,386,500 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$6,000,000

TOTAL \$ 8,386,500 NEW SECTION. Sec. 686. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Site repairs (98-1-150) Appropriation: St Bldg Constr  
Acct--State \$ 1,175,400 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$2,000,000

TOTAL \$ 3,175,400 NEW SECTION. Sec. 687. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Minor improvements (98-2-200) Appropriation: St  
Bldg Constr Acct--State \$ 12,918,900 Prior Biennia (Expenditures)\$0 Future Biennia (Projected Costs)\$40,000,000

TOTAL \$ 52,918,900 NEW SECTION. Sec. 688. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Bates Technical College: Renovation (98-1-  
190) Appropriation: St Bldg Constr Acct--State \$ 4,813,100 Prior Biennia (Expenditures)\$0 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 4,813,100 NEW SECTION. Sec. 689. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Bellingham Technical College: Renovation (98-1-  
191) Appropriation: St Bldg Constr Acct--State \$ 1,398,000 Prior Biennia (Expenditures)\$0 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 1,398,000 NEW SECTION. Sec. 690. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Clover Park Technical College: Renovation (98-1-  
192) Appropriation: St Bldg Constr Acct--State \$ 3,796,000 Prior Biennia (Expenditures)\$0 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 3,796,000 NEW SECTION. Sec. 691. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Seattle Central Community College: Renovation (98-1-  
193) Appropriation: St Bldg Constr Acct--State \$ 4,851,300 Prior Biennia (Expenditures)\$0 Future Biennia  
(Projected Costs)\$0

TOTAL \$ 4,851,300 NEW SECTION. Sec. 692. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Highline Community College--Classroom and  
laboratory building: Design (98-2-660) Appropriation: St Bldg Constr Acct--State \$ 390,700 Prior Biennia  
(Expenditures)\$16,059 Future Biennia (Projected Costs)\$4,114,500

TOTAL \$ 4,521,259 NEW SECTION. Sec. 693. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Spokane Community College--Health Science addition:  
Design (98-2-661) Appropriation: St Bldg Constr Acct--State \$ 692,717 Prior Biennia (Expenditures)\$26,417 Future  
Biennia (Projected Costs)\$9,249,283

TOTAL \$ 9,968,417 NEW SECTION. Sec. 694. FOR THE STATE  
**BOARD FOR COMMUNITY AND TECHNICAL COLLEGE** Pre-design: Major projects (98-2-670) The appropriation  
in this section is subject to the following conditions and limitations: (1) The appropriation in this section is subject to the  
review and allotment procedures under section 712 of this act. (2) To be considered for design funding in the 1999-01

biennium predesigns must be submitted to the office of financial management for review and approval before July 1, 1998. **Appropriation: St Bldg Constr Acct--State \$ 400,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$149,538,800

TOTAL \$ 149,938,800

**NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**Cascadia Community College and University of Washington - Bothell: **Construction (98-2-999)** The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (2) \$3,000,000 of this appropriation is provided solely for design of phase IIA of this project to accommodate an additional 1,000 University of Washington and community college student full-time equivalents for the colocated campus. (3) The appropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act. (4) The appropriation in this section is to be combined with the appropriations shown in sections 541 and 542 of this act and shall be managed by the University of Washington to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College. **Appropriation: St Bldg Constr Acct--State \$ 45,970,000**Prior Biennia (Expenditures)\$0Future Biennia (Projected Costs)\$79,000,000

TOTAL \$ 124,970,000

**PART 6 MISCELLANEOUS NEW SECTION. Sec. 701.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$12,824,000 during the 1997-99 fiscal period; \$81,818,000 during the 1999-01 fiscal period; \$188,122,000 during the 2001-03 fiscal period; \$123,822,000 during the 2003-05 fiscal period; and \$129,211,000 during the 2005-07 fiscal period. **NEW SECTION. Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered. (1) Department of general administration: (a) Enter into a financing contract in the amount of \$8,804,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by the department of social and health services. (b) Enter into a financing contract on behalf of the joint center for higher education for \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase and make modifications to the Riverpoint One Building adjacent to the Riverpoint Campus. A financial plan identifying all costs related to this project, and the sources and amounts of all payments to cover these costs and a copy of the appraisal and engineering assessment shall be submitted for approval to both the office of financial management and the higher education coordinating board for approval before execution of any contract. Copies of the financial plan shall also be submitted to the senate ways and means committee and the house of representatives capital budget committee. (2) Liquor control board: Enter into a long-term lease for a headquarters office in Thurston County for approximately 46,000 square feet. (3) Department of corrections: (a) Enter into a long-term ground lease for 17 acres in the Tacoma tide flats property from the Puyallup Nation for development of the 400-bed Tacoma prerelease facility for approximately \$360,000 per annum. Prior to entering into the lease, the department shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements that would apply to the facility if the land was not owned by the Puyallup nation. (b) Enter into a financing contract on behalf of the department of corrections in the amount of \$14,736,900 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a 400-bed Tacoma prerelease facility. The department of corrections shall comply with all land use, environmental protection, and community notification statutes, regulations, and ordinances in the construction and operation of this facility. (c) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$5,000,000. (d) Enter into a financing contract on behalf of the department of corrections in the amount of \$396,369 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a dairy barn at the Monroe farm. (e) Enter into a financing

contract on behalf of the department of corrections in the amount of \$2,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse. (4) Community and technical colleges: (a) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a childcare center costing \$2,410,000. The balance of project cost will be a combination of local capital funds and nonstate funds provided through private gifts or contributions. (b) Enter into a financing contract on behalf of Pierce College in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a new classroom building on the Lakewood campus costing \$1,816,665. The balance of project cost will be provided through a combination of local capital funds and existing minor works appropriation to replace relocatable classrooms that are at the end of their useful lives. (c) Enter into a financing contract in behalf of Bellingham Technical College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for construction of a new classroom addition to the diesel/heavy equipment instructional shop costing \$411,309. (d) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building. (e) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,787,950 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and make improvements to several buildings and property contiguous to the college campus. (f) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college. (5) State parks and recreation: Enter into a financing contract on behalf of state parks and recreation in the amount of \$2,012,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to construct cabin and lodge facilities at Cama Beach. (6) Central Washington University: Enter into a financing contract for \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and improve the Sno-King Building for the Lynnwood Extended Degree Center. A financial plan identifying all costs related to this project, and the sources and amounts of all payments to cover these costs and a copy of the building appraisal and engineering assessment shall be submitted for approval to the office of financial management before execution of any contract. Copies of the financial plan shall also be submitted to the senate ways and means committee and the house of representatives capital budget committee. (7) Washington state patrol: Enter into a financing contract for \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the Washington state patrol Port Angeles detachment office. NEW SECTION. Sec. 703. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards. (2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees. (3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency. (4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1997-99 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art. NEW SECTION. Sec. 704. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. NEW SECTION. Sec. 705. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1997, from the 1995-97 biennial appropriations for each project. NEW SECTION. Sec. 706. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency. NEW SECTION. Sec. 707. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee. NEW SECTION. Sec. 708. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply:



Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs. (2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project. NEW SECTION. Sec. 709. Notwithstanding any other provisions of law, for the 1997-99 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continued obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund. NEW SECTION. Sec. 710. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public. NEW SECTION. Sec. 711. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants. For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act. For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way. A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer. NEW SECTION. Sec. 712. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house and senate. Reports will be submitted on July 1 and December 31 each year in a format to be developed by the office of financial management. NEW SECTION. Sec. 713. Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the allotment of the funds to be expended has been approved by the office of financial management. Projects that will be employing alternative public works construction procedures, under chapter 39.10 RCW, are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign. NEW SECTION. Sec. 714. Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in

consultation with the higher education coordinating board. NEW SECTION. **Sec. 715.** State agencies receiving appropriations from this act and from Senate Bill No. 5562 or Senate Bill No. 6091 (transportation budget) for land acquisition and environmental mitigation activities shall, to the extent feasible, coordinate those acquisitions and mitigation activities. When cost-effective and ecologically beneficial, the acquisition and development of environmental mitigation sites and activities, including but not limited to wetland banks and advance mitigation, should be provided in a manner that benefits both the department of transportation sites and activities and other agency sites and activities. The coordination of environmental mitigation shall also take into consideration the acquisitions and activities of local watershed groups. The coordination of environmental mitigation sites and activities is intended to improve ecological benefits gained from state expenditures, provide greater emphasis on shared natural resource management, and increase mitigation credit opportunities for the department of transportation. The activities of this section shall be carried out in a manner consistent with recommendations developed by a work group consisting of state agencies with substantial environmental mitigation related responsibilities. The office of financial management shall report to the fiscal committees of the senate and house of representatives and to the legislative transportation committee by December 1, 1998, on the results of the coordination of these environmental mitigation activities and make recommendations to further improve the coordination among state agencies to achieve better cost-efficiencies and ecological benefits. NEW SECTION. **Sec. 716.** No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school. NEW SECTION. **Sec. 717.** When authority has been delegated to a local health district or county to administer and enforce the well tagging, sealing, and decommissioning portions of the water well construction program, the department of ecology shall provide to the local health district or county 75 percent of the fee revenue generated from well construction fees for wells constructed in the delegated county. **Sec. 718.** RCW 43.98A.040 and 1990 1st ex.s. c 14 s 5 are each amended to read as follows: (1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way: (a) Not less than thirty-five percent for the acquisition and development of critical habitat; (b) Not less than twenty percent for the acquisition and development of natural areas; (c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and (d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 1999, the remaining amount may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans. (2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium. (3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1) (a), (b), and (d) of this section. (4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1) (c) and (d) of this section. **Sec. 719.** RCW 43.98A.060 and 1990 1st ex.s. c 14 s 7 are each amended to read as follows: (1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account. (2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 1999, for the administrative costs of implementing the pilot watershed plan implementation program and developing an inventory of publicly owned lands. (3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing. (4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account. (5) During the fiscal biennium ending June 30, 1999, the committee may approve a riparian zone habitat protection project where the local agency share is less than the amount to be awarded from the habitat conservation account. (6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria: (a) For critical habitat and natural areas proposals: (i) Community support; (ii) Immediacy of threat to the site; (iii) Uniqueness of the site; (iv) Diversity of species using the site; (v) Quality of the habitat; (vi) Long-term viability of the site; (vii) Presence of endangered, threatened, or sensitive species; (viii) Enhancement of existing public property; (ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and (x) Educational and scientific value of the site. (b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection: (i) Population of, and distance from, the nearest urban area; (ii) Proximity to other wildlife habitat; (iii) Potential for public use; and (iv) Potential for use by special needs populations. ~~((6))~~ (7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated

restrictions upon recreational activities allowed prior to the project. ~~((7))~~ (8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project. **Sec. 720.** RCW 43.98A.070 and 1990 1st ex.s. c 14 s 8 are each amended to read as follows: (1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities. (2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 1999, for the administrative costs of implementing the pilot watershed plan implementation program and developing an inventory of publicly owned lands. (3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing. (4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account. (5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account. (6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria: (a) For trails proposals: (i) Community support; (ii) Immediacy of threat to the site; (iii) Linkage between communities; (iv) Linkage between trails; (v) Existing or potential usage; (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan; (vii) Availability of water access or views; (viii) Enhancement of wildlife habitat; and (ix) Scenic values of the site. (b) For water access proposals: (i) Community support; (ii) Distance from similar water access opportunities; (iii) Immediacy of threat to the site; (iv) Diversity of possible recreational uses; and (v) Public demand in the area. (7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project. (8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project. **Sec. 721.** RCW 43.160.070 and 1996 c 51 s 6 are each amended to read as follows: Public facilities financial assistance, when authorized by the board, is subject to the following conditions: (1) The moneys in the public facilities construction loan revolving fund shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the fund. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board. (2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans as the board determines. The loans shall not exceed twenty years in duration. (3) Repayments of loans made under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving fund. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1997, shall be paid into the public works assistance account. (4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist. **NEW SECTION. Sec. 722.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the

superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings. NEW SECTION. Sec. 723. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 724. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. Correct the title., and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Strannigan, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6063 and requests of the House a conference thereon.

EDITOR'S NOTE: Appointment of conferees to Substitute Senate Bill No. 6063 made April 16, 1997.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SCR 8413 by Senator McDonald

Exempting revenue reduction and certain other measures from cutoff dates.

HOLD.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1420 by Representatives McDonald, Regala, Huff, Talcott, Conway, Smith, Mitchell, Fisher and Bush

Modifying local public health financing.

Referred to Committee on Ways and Means.

2SHB 1709 by House Committee on Appropriations (originally sponsored by Representatives McMorris, Chandler, Mastin and Smith)

Changing provisions relating to school mandates.

HOLD.

E2SHB 1850 by House Committee on Appropriations (originally sponsored by Representatives Dyer, Backlund, Skinner, Talcott, Schoesler, Mitchell and Cooke)

Adopting the long-term care reorganization and standards of care reform act.

HOLD.

ESHB 2264 by House Committee on Appropriations (originally sponsored by Representatives Koster, Huff, D. Sommers, Sterk, Sherstad, Boldt, Mulliken, Thompson and McMorris)

Abolishing the state health care policy board.

HOLD.

SHB 2279 by House Committee on Appropriations (originally sponsored by Representatives Huff and Backlund)

Revising the basic health plan.

HOLD.

#### MOTIONS

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8413, Second Substitute House Bill No. 1709, Engrossed Second Substitute House Bill No. 1850, Engrossed Substitute House Bill No. 2264 and Substitute House Bill No. 2279 were advanced to second reading and placed on the second reading calendar.

#### MOTION

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

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8413 by Senator McDonald

Exempting revenue reduction and certain other measures from cutoff dates.

The concurrent resolution was read the second time.

WHEREAS, Senate Concurrent Resolution No. 8402 established cutoff dates for consideration of legislation during the 1997 Regular Session of the Fifty-Fifth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the cutoff dates established in Senate Concurrent Resolution No. 8402, with the exception of the April 18, 1997, cutoff date, shall not apply to the following measures:

Senate Bill No. 6094 (Growth Management)

House Bill No. 1398 (Superior Court Judges)

#### MOTION

Senator Snyder moved that the following amendment by Senators Snyder and McDonald be adopted:

On page 1, after line 10, insert "Senate Bill No. 5480 (Pothole Bill)" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Snyder and McDonald on page 1, after line 10, to Senate Concurrent Resolution No. 8413.

The motion by Senator Snyder carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Johnson, the rules were suspended. Engrossed Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third and the engrossed concurrent resolution was adopted.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413 was adopted by voice vote.

#### MOTION

On motion of Senator Johnson, Engrossed Senate Concurrent Resolution No. 8413 was immediately transmitted to the House of Representatives.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fifth order of business.

#### MOTION

Senator Johnson moved that the rules be suspended and Senate Bill No. 6110, which was held on the introduction calendar April 14, 1997, be advanced to second reading.

Debate ensued.

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

The President declared the question before the Senate to be the motion by Senator Johnson to suspend the rules and place Senate Bill No. 6110 on the second reading calendar.

#### ROLL CALL

The Secretary called the roll and Senate Bill No. 6110 was placed on the second reading calendar by the following vote: Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Benton, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Absent: Senator Deccio - 1.

#### REQUEST FOR COPIES OF BILL

Senator Snyder requested that copies of Senate Bill No. 6110 be distributed to the members of the Senate.

Senator Johnson explained that Senate Bill No. 6110 would not be considered today.

#### MOTION

On motion of Senator Hale, Senators Strannigan and West were excused.

#### POINT OF ORDER

Senator Snyder: "I wish to raise a point of order. Apparently, Senator West and Senator Strannigan and probably Senator Spanel are going to be excused, so they can meet in a conference committee. Now, the members on this side of the aisle haven't had the privilege of a briefing or anything on the budget they are going to be discussing. We had a few minutes in caucus this morning, maybe fifteen or twenty minutes and we are kind of torn because we would like to be over and listen to the testimony at the conference committee and yet we are required to stay here and work on bills. I think that under Rule 46, it says, 'No committee--' it doesn't say, 'standing committee--' 'no committee shall sit during the daily session of the senate unless by special leave.'

"So, that means that the Senate would have to give them permission and in order to suspend any rule of the Senate, where it is specifically mentioned, I think it takes a two-thirds vote. Now, we can bump bills now with a simple majority, because Rule 59, I believe it is--excuse me--Rule 62 says, 'Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or

concurrent resolution, this rule may be suspended by a majority vote, ' so that rule can be suspended. It only talks about that specific rule meaning advancing or in some cases, we can move a bill from third reading back to second reading by a simple majority, rather than a two-thirds. I maintain that in order to suspend Rule 46 and have a committee meeting during the session, it takes a two-third vote.”

#### MOTION

Senator Johnson: “Mr. President, pursuant to Rule 46, I move that the conference committee on the budget be granted leave to meet while the Senate is in session.”

#### RULING BY THE PRESIDENT

President Owen: “Senator Johnson has moved that the conference committee on the budget be granted leave to meet as per Rule 46, while the Senate is in session. The question is being examined at this point, whether or not that takes a majority or a two-thirds vote. It has been determined that it takes twenty-five votes to suspend the rules in this case.”

The President declared the question before the Senate to be the motion by Senator Johnson to grant the conference committee members leave to attend the conference committee meetings.

The motion by Senator Johnson carried on a rising vote.

#### PERSONAL PRIVILEGE

Senator Snyder: “A point of personal privilege. Mr. President and members of the Senate, after the elections last fall and we ended up with a split in the control of the Legislature by one party and the control of the Governor's office by another party, there was an extreme amount of talk about cooperation--cooperation between the parties. Polls showed that after the election was over, the public wanted the people in the Legislature and in Congress to work together and try and work out solutions. I thought we were going to get together and play some sweet music--sort of like having a jam session. I think it has been a jam session all right. We have had things jammed at us; we have had no public hearings; we have had no public input. Here we are--we are not familiar with what is in the budget. I guess we, on this side of the aisle, could walk over and listen and miss roll calls here. It is kind of a ' be damned if you do' and 'be damned if you don't.' I just want to say that I think that we have been jammed again and again and again and it has turned out to be a jam session, but not the type that we had hoped to have when the session started. Thank you.”

Further debate ensued

#### PARLIAMENTARY INQUIRY

Senator Heavey: “Mr. President, a point of parliamentary inquiry. What order of business and what matter are we debating?”

#### REPLY BY THE PRESIDENT

President Owen: “As a matter of fact, that was what we were debating up here. We are on the fifth order business.”

#### MOTIONS

On motion of Senator Franklin, Senators Jacobsen and Spanel were excused.

On motion of Senator Hale, Senator Schow was excused.

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

#### SECOND READING

HOUSE BILL NO. 1802, by Representatives Hankins, Fisher and Mitchell (by request of Utilities and Transportation Commission)

Requiring auto transport companies to report revenues to the UTC on a yearly basis.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1802.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1802 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Jacobsen, Schow, Spanel, Strannigan and West - 5. HOUSE BILL NO. 1802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator McAuliffe was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2059, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives D. Schmidt, Grant, Thompson and Sheldon)

Prohibiting theft of rental and leased property.

The bill was read the second time.

#### MOTIONS

Senator Roach moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 9A.56 RCW to read as follows: (1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented or leased to the person, is guilty of theft of rental, leased, or lease-purchased property. (2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following: (a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, or lease-purchase agreement; or (b) That the renter or lessee presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items. (3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, or lease-purchase period, mailed by certified or registered mail to the renter or lessee at: (a) The address the renter or lessee gave when the contract was made; or (b) the renter or lessee's last known address if later furnished in writing by the renter, lessee, or the agent of the renter or lessee. (4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, or lease-purchased property. Theft of rental, leased, or lease-purchased property is a: Class B felony if the rental, leased, or lease-purchased property is valued at one thousand five hundred dollars or more; class C felony if the rental,



leased, or lease-purchased property is valued at two hundred fifty dollars or more but less than one thousand five hundred dollars; and gross misdemeanor if the rental, leased, or lease-purchased property is valued at less than two hundred fifty dollars. (5) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, and to lease-purchase agreements as defined under RCW 63.19.010. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW. **Sec. 2.** RCW 9A.56.010 and 1995 c 92 s 1 are each amended to read as follows: The following definitions are applicable in this chapter unless the context otherwise requires: (1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property; (2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services; (3) "Access device" means any card, plate, code, account number, or other means of account access that can be used alone or in conjunction with another access device to obtain money, goods, services, or anything else of value, or that can be used to initiate a transfer of funds, other than a transfer originated solely by paper instrument; (4) "Deception" occurs when an actor knowingly: (a) Creates or confirms another's false impression which the actor knows to be false; or (b) Fails to correct another's impression which the actor previously has created or confirmed; or (c) Prevents another from acquiring information material to the disposition of the property involved; or (d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or (e) Promises performance which the actor does not intend to perform or knows will not be performed. (5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs; (6) "Obtain control over" in addition to its common meaning, means: (a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or (b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another; (7) "Wrongfully obtains" or "exerts unauthorized control" means: (a) To take the property or services of another; (b) Having any property or services in one's possession, custody or control as bailee, factor, lessee, pledgee, renter, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto; or (c) Having any property or services in one's possession, custody, or control as partner, to secrete, withhold, or appropriate the same to his or her use or to the use of any person other than the true owner or person entitled thereto, where such use is unauthorized by the partnership agreement; (8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services; (9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property; (10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water; (11) "Stolen" means obtained by theft, robbery, or extortion; (12) "Subscription television service" means cable or encrypted video and related audio and data services intended for viewing on a home television by authorized members of the public only, who have agreed to pay a fee for the service. Subscription services include but are not limited to those video services presently delivered by coaxial cable, fiber optic cable, terrestrial microwave, television broadcast, and satellite transmission; (13) "Telecommunication device" means (a) any type of instrument, device, machine, or equipment that is capable of transmitting or receiving telephonic or electronic communications; or (b) any part of such an instrument, device, machine, or equipment, or any computer circuit, computer chip, electronic mechanism, or other component, that is capable of facilitating the transmission or reception of telephonic or electronic communications; (14) "Telecommunication service" includes any service other than subscription television service provided for a charge or compensation to facilitate the transmission, transfer, or reception of a telephonic communication or an electronic communication; (15) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act. (b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows: (i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied; (ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price

of such ticket or equivalent instrument which the issuer charged the general public; (iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument. (c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved. (d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved. (e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars; (16) "Shopping cart" means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind; (17) "Parking area" means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle. NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed: (1) RCW 9.45.062 and 1971 c 61 s 2; and (2) RCW 9A.56.095 and 1977 ex.s. c 236 s 1." On motion of Senator Kline, the following amendment by Senators Kline and Roach to the committee striking amendment was adopted:

On page 5, after line 26 of the amendment, insert the following: "**Sec. 3.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996 c 36 s 2 are each reenacted and amended to read as follows:

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The committee striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Roach, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "amending RCW 9A.56.010; adding a new section to chapter 9A.56 RCW; repealing RCW 9.45.62 and 9A.56.095; and prescribing penalties." On page 5, line 35 of the title amendment, after "9A.56.010;" insert "reenacting and amending RCW 9.94A.320;" On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2059, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2059, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2059, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 42. Absent: Senator Wood - 1. Excused: Senators Jacobsen, McAuliffe, Schow, Spanel, Strannigan and West - 6. SUBSTITUTE HOUSE BILL NO. 2059, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1687, by House Committee on Appropriations (originally sponsored by Representatives Sheahan, Delvin, Sheldon, McMorris, L. Thomas, Mielke, Grant, Morris, Benson, D. Schmidt, Alexander, D. Sommers, Johnson, Thompson, Talcott and Boldt)

Reducing the impact of wage garnishments on employers.

The bill was read the second time.

#### MOTIONS

On motion of Senator Roach, the following Committee on Law and Justice amendment was adopted:

On page 18, beginning on line 18, after "or" strike everything through "parent." on line 24, and insert "until the employer no longer employs the responsible parent and is no longer in possession of or owing any earnings to the responsible parent. The employer shall promptly notify the office of support enforcement when the employer no longer employs the parent subject to the notice. For the employment security department, the notice of payroll deduction shall remain in effect until released by the office of support enforcement or until the court enters an order terminating the notice." Renumber the sections consecutively and correct any internal references accordingly. On motion of Senator Roach, the rules were suspended, Engrossed Second Substitute House Bill No. 1687, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1687, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1687, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senator Thibaudeau - 1. Excused: Senators Jacobsen, McAuliffe, Schow, Spanel, Strannigan and West - 6. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1687, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Goings, Senator Brown was excused.  
On motion of Senator Franklin, Senator Loveland was excused.

#### SECOND READING

HOUSE BILL NO. 1922, by Representatives Honeyford, Lisk, Mastin and Cooke

Granting courts of limited jurisdiction concurrent jurisdiction over certain juvenile offenses.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hargrove, the following amendments by Senators Hargrove, Roach and Fairley were considered simultaneously and adopted:

On page 2, line 18, after "(b)" insert "(i)" On page 2, line 21, after "history;" insert "and (ii) All information, including but not limited to filing charges, truancy petitions, and court dispositions, pertaining to offenses over which district and municipal courts of limited jurisdiction are exercising concurrent jurisdiction shall be transmitted without delay to juvenile court for entry into the appropriate court information system;" On motion of Senator Hargrove, the following amendment by Senators Hargrove, Roach and Fairley was adopted:

On page 3, line 5, after "county" insert "and the pilot project, together with the authority to exercise concurrent jurisdiction with the juvenile court, expires June 30, 2002"

#### MOTION

On motion of Senator Schow, the rules were suspended, House Bill No. 1922, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1922, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1922, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 2; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Kline, Kohl, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 39. Voting nay: Senators Heavey and Prentice - 2. Excused: Senators Brown, Jacobsen, Loveland, McAuliffe, Schow, Spanel, Strannigan and West - 8. HOUSE BILL NO. 1922, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Goings, Senators Fairley and Swanson were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1620, by House Committee on Health Care (originally sponsored by Representatives Dyer, Zellinsky, Cody, Skinner, Backlund and Sherstad)

Abrogating the corporate practice of medicine doctrine.

The bill was read the second time.

## MOTIONS

On motion of Senator Bauer, the following amendment by Senators Bauer and Deccio was adopted:

On page 7, line 27, strike all of section 6 and insert the following: "NEW SECTION. Sec. 6. This act applies retroactively to January 1, 1997." On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1620, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1620, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1620, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 40. Excused: Senators Brown, Fairley, Jacobsen, Loveland, Schow, Spanel, Strannigan, Swanson and West - 9. SUBSTITUTE HOUSE BILL NO. 1620, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 4:52 p.m., on motion of Senator Johnson, the Senate recessed until 5:30 p.m.

The Senate was called to order at 5:33 p.m. by President Owen.

## MOTIONS

On motion of Senator Franklin, Senators McAuliffe and Snyder were excused.

On motion of Senator Swecker, Senator Horn was excused.

## SECOND READING GUBERNATORIAL APPOINTMENTS

## MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9153, Joseph Fram, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

## APPOINTMENT OF JOSEPH FRAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 34; Nays, 0; Absent, 4; Excused, 11.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kline, Kohl, Long, Loveland, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Stevens, Swanson, Swecker, Thibaudeau, Winsley and Wood - 34. Absent: Senators Benton, Finkbeiner, McDonald and Morton - 4. Excused: Senators Horn, Jacobsen, McAuliffe, McCaslin, Schow, Snyder, Spanel, Strannigan, West, Wojahn and Zarelli - 11.

## MOTION

On motion of Senator Swecker, Senators McDonald and Morton were excused.

## MOTION

On motion of Senator Hochstatter, Gubernatorial Appointment No. 9176, Gabriel C. Love, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

#### APPOINTMENT OF GABRIEL C. LOVE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wood and Zarelli - 38. Absent: Senators Brown and Finkbeiner - 2. Excused: Senators Horn, Jacobsen, McDonald, Morton, Schow, Spanel, Strannigan, West and Wojahn - 9.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1841, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Honeyford, Linville, Clements, Carrell, Mielke, Benson, Mitchell, Hickel, Sheahan, Dunn, Skinner, Johnson, L. Thomas and Backlund)

Adopting provisions to improve school safety.

The bill was read the second time.

#### MOTIONS

Senator Hochstatter moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The legislature finds that the children of this state have the right to an effective public education and that both students and educators have the need to be safe and secure in the classroom if learning is to occur. The legislature also finds, however, that children in many of our public schools are forced to focus on the threat and message of violence contained in many aspects of our society and reflected through and in gang violence activities on school campuses. The legislature recognizes that the prevalence of weapons, including firearms and dangerous knives, is an increasing problem that is spreading rapidly even to elementary schools throughout the state. Gang-related apparel and regalia compound the problem by easily concealing weapons that threaten and intimidate students and school personnel. These threats have resulted in tragic and unnecessary bloodshed over the past two years and must be eradicated from the system if student and staff security is to be restored on school campuses. Many educators believe that school dress significantly influences student behavior in both positive and negative ways. Special school dress up and color days signify school spirit and provide students with a sense of unity. Schools that have adopted school uniforms report a feeling of togetherness, greater school pride, and better student behavior in and out of the classroom. This sense of unity provides students with the positive attitudes needed to avert the pressures of gang involvement. The legislature also recognizes there are other more significant factors that impact school safety such as the pervasive use of drugs and alcohol in school. In addition to physical safety zones, schools should also be drug-free zones that expressly prohibit the sale, use, or possession of illegal drugs on school property. Students involved in drug-related activity are unable to benefit fully from educational opportunities and are disruptive to the learning environment of their fellow students. Schools must be empowered to make decisions that positively impact student learning by eradicating drug use and possession on their campuses. This flexibility should also be afforded to schools as they deal with other harmful substance abuse activities engaged in by their students. Toward this end, the legislature recognizes the important role of the classroom teacher who must be empowered to restore discipline and safety in the classroom. Teachers must have the ability to control the conduct of students to ensure that their mission of educating students may be achieved. Disruptive behavior must not be allowed to continue to divert attention, time, and resources from educational activities. The legislature therefore intends to define gang-related activities as criminal behavior disruptive not only to the learning environment but to society as a whole, and to provide educators with the authority to restore order and safety to the student learning environment, eliminate the influence of gang activities, and eradicate drug and substance abuse on school campuses, thus empowering educators to regain control of our classrooms and provide our students with the best educational opportunities available in our schools. The legislature also finds that students and school employees have been subjected to violence such as rapes, assaults, or harassment that has not been gang or drug-related criminal activity. The legislature intends that all violence and harassment directed at students and school personnel be eradicated in public schools. NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows: (1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a criminal street gang and knowingly engages in a pattern of criminal gang activity. (2) "Criminal street gang" means an ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary activities the commission of a criminal act or acts, that has a common name, and whose members individually or collectively engage in or

have engaged in a pattern of criminal gang activity. (3) "Pattern of criminal gang activity" means the commission, attempted commission, or solicitation of two or more felony or misdemeanor offenses under the following conditions: (a) The offenses occur after the effective date of this section; (b) the last of the offenses occurs within one year after a prior offense; and (c) the offenses are committed on separate occasions. **NEW SECTION. Sec. 3.** A new section is added to chapter 9A.46 RCW to read as follows: A person commits the offense of criminal gang intimidation if the person threatens another person because the other person refuses to join or has attempted to withdraw from a criminal gang, as defined in section 2 of this act, if the person who threatens the victim or the victim attends or is registered in a public or alternative school. Criminal gang intimidation is a class C felony. **Sec. 4.** RCW 28A.225.330 and 1995 c 324 s 2 and 1995 c 311 s 25 are each reenacted and amended to read as follows: (1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has: (a) Any history of placement in special educational programs; (b) Any past, current, or pending disciplinary action; (c) Any history of violent behavior, or behavior listed in section 7 of this act; (d) Any unpaid fines or fees imposed by other schools; and (e) Any health conditions affecting the student's educational needs. (2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, and records of disciplinary action. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate. (3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The state board of education shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection. (4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith. **NEW SECTION. Sec. 5.** A new section is added to chapter 28A.195 RCW to read as follows: If a student who previously attended an approved private school enrolls in a public school but has not paid tuition, fees, or fines at the approved private school, the approved private school may withhold the student's official transcript, but shall transmit information to the public school about the student's academic performance, special placement, immunization records, and records of disciplinary action. **Sec. 6.** RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read as follows: (1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district if the person so ordered is under the influence of alcohol or drugs, or is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district. The order of a school officer or designee acting pursuant to this subsection shall be valid if the officer or designee reasonably believes a person ordered to leave is under the influence of alcohol or drugs, is committing acts, or is creating a disturbance as provided in this subsection. (2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030. (3) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district. (4) Any person guilty of violating this section shall be deemed guilty of a gross misdemeanor (~~and, upon conviction therefor, shall be fined not more than five hundred dollars, or imprisoned in jail for not more than six months or both so fined and imprisoned~~) punishable as provided in chapter 9A.20 RCW. **NEW SECTION. Sec. 7.** A new section is added to chapter 13.04 RCW to read as follows: (1) Whenever a minor enrolled in any common school is convicted in adult criminal court, or adjudicated or entered into a diversion agreement with the juvenile court on any of the following offenses, the court must notify the principal of the student's school of the disposition of the case, after first notifying the parent or legal guardian that such notification will be made: (a) A violent offense as defined in RCW 9.94A.030; (b) A sex offense as defined in RCW 9.94A.030; (c) Inhaling toxic fumes under chapter 9.47A RCW; (d) A controlled substances violation under chapter 69.50 RCW; (e) A liquor violation under RCW 66.44.270; and (f) Any crime under chapters 9A.36, 9A.40, 9A.46, and 9A.48 RCW. (2) The principal must provide the information received under subsection (1) of this section to every

teacher of any student who qualifies under subsection (1) of this section and any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record. The principal must provide the information to teachers and other personnel based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student. (3) Any information received by a principal or school personnel under this section is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq. **NEW SECTION. Sec. 8.** A new section is added to chapter 13.50 RCW to read as follows: Records of disposition for a juvenile offense must be provided to schools as provided in section 7 of this act. **NEW SECTION. Sec. 9.** A new section is added to chapter 28A.600 RCW to read as follows: (1) School district boards of directors shall adopt policies that restore discipline to the classroom. Such policies must provide for at least the following: Allowing each teacher to take disciplinary action to correct a student who disrupts normal classroom activities, abuses or insults a teacher as prohibited by RCW 28A.635.010, willfully disobeys a teacher, uses abusive or foul language directed at a school district employee, school volunteer, or another student, violates school rules, or who interferes with an orderly education process. Disciplinary action may include but is not limited to: Oral or written reprimands; written notification to parents of disruptive behavior, a copy of which must be provided to the principal. (2) A student committing an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned. (3) A student who commits an offense under chapter 9A.36, 9A.40, 9A.46, or 9A.48 RCW, when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled. A student who commits an offense under one of the chapters enumerated in this section against a student or another school employee, may be expelled or suspended. (4) Nothing in this section is intended to limit the authority of a school under existing law and rules to expel or suspend a student for misconduct or criminal behavior. (5) All school districts must collect data on disciplinary actions taken in each school. The information shall be made available to the public upon request. This collection of data shall not include personally identifiable information including, but not limited to, a student's social security number, name, address, or any of the qualifiers listed in this subsection, if such information would enable a student to be individually identified. **NEW SECTION. Sec. 10.** A new section is added to chapter 28A.320 RCW to read as follows: School district boards of directors may adopt policies that limit the possession of (1) paging telecommunication devices by students that emit audible signals, vibrate, display a message, or otherwise summons or delivers a communication to the possessor, and (2) portable or cellular telephones. **Sec. 11.** RCW 28A.600.020 and 1990 c 33 s 497 are each amended to read as follows: (1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to insure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere. (2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first~~((: PROVIDED, That))~~. Except in emergency circumstances, the teacher ~~((shall have))~~ first ~~((attempted))~~ must attempt one or more alternative forms of corrective action~~((: PROVIDED FURTHER, That))~~. In no event without the consent of the teacher ~~((shall))~~ may an excluded student ~~((be returned))~~ return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred. (3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students~~((: PROVIDED, That))~~. The procedures ~~((are))~~ must be consistent with the ~~((regulations))~~ rules of the state board of education and must provide for early involvement of parents in attempts to improve the student's behavior~~((: PROVIDED FURTHER, That pursuant to RCW 28A.400.110,))~~. (4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom. (5) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after the effective date of this section: (a) Engages in two or more violations within a three-year period of section 2, 3, 9, or 10 of this act, RCW 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or (b) Engages in one or more of the offenses listed in section 7 of this act. The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action. **Sec. 12.** RCW 28A.400.110 and 1990 c 33 s 379 are each amended to read as follows: Within each school the school principal shall determine that appropriate student discipline is established and enforced. In order to assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW 28A.600.020(3). School principals and

certificated employees shall also confer annually, to establish criteria for determining when certificated employees must complete classes to improve classroom management skills. **Sec. 13.** RCW 28A.635.060 and 1994 c 304 s 1 are each amended to read as follows: (1) Any pupil who ~~((shall))~~ defaces or otherwise injures any school property, ~~((shall be liable))~~ or property belonging to a school contractor, employee, or another student, is subject to suspension and punishment. ~~If any property of the school district ((whose property)), a contractor of the district, an employee, or another student~~ has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages. If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law. (2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected. (3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason. **Sec. 14.** RCW 28A.320.140 and 1994 sp.s. c 7 s 612 are each amended to read as follows: (1) School district boards of directors may establish schools or programs which parents may choose for their children to attend in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are required to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district. (2) School district boards of directors may establish schools or programs in which: (a) Students are required to conform to dress and grooming codes, including requiring that students wear uniforms; (b) parents are regularly counseled and encouraged to participate in the student's education; or (c) discipline requirements are more stringent than in other schools in the district. School boards may require that students who are subject to suspension or expulsion attend these schools or programs as a condition of continued enrollment in the school district. (3) If students are required to wear uniforms in these programs or schools, school districts shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation. (4) Nothing in this section impairs or reduces in any manner whatsoever the authority of a board under other law to impose a dress and appearance code. However, if a board requires uniforms under such other authority, it shall accommodate students so that the uniform requirement is not an unfair barrier to school attendance and participation. (5) School district boards of directors may adopt dress and grooming code policies which prohibit students from wearing gang-related apparel. If a dress and grooming code policy contains this provision, the school board must also establish policies to notify students and parents of what clothing and apparel is considered to be gang-related apparel. This notice must precede any disciplinary action resulting from a student wearing gang-related apparel. (6) School district boards of directors may not adopt a dress and grooming code policy which precludes students who participate in nationally recognized youth organizations from wearing organization uniforms on days that the organization has a scheduled activity or prohibit students from wearing clothing in observance of their religion. **NEW SECTION. Sec. 15.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." On motion of Senator Zarelli, the following amendments by Senators Zarelli, McAuliffe, Hochstatter and Goings to the Committee on Education striking amendment were considered simultaneously and were adopted:

On page 2, line 26 of the committee striking amendment, strike all of section 2, and insert the following: "**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows: (1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a gang and knowingly engages in gang activity on school grounds. (2) "Gang" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes." On page 3, line 11 of the committee striking amendment, after "withdraw from a" strike "criminal"

#### MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe, Hargrove and Zarelli to the Committee on Education striking amendment be adopted:

On page 3, line 10 of the striking amendment, after "another person" insert "with bodily injury" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Hargrove and Zarelli on page 3, line 10, to the Committee on Education striking amendment to Engrossed Second Substitute House Bill No. 1841.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted.

#### MOTIONS



On motion of Senator Zarelli, the following amendment by Senators Zarelli, McAuliffe, Hochstatter and Goings to the Committee on Education striking amendment was adopted:

On page 7, line 22, after "name," strike all material down through and including "identified" on line 24, and insert "or address" Senator McAuliffe moved that the following amendment by Senators McAuliffe and Zarelli to the Committee on Education striking amendment be adopted:

On page 11, after line 21 of the amendment, insert the following: "**Sec. 15.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996 c 36 s 2 are each reenacted and amended to read as follows:

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Possession of a Stolen Firearm (RCW 9A.56.310) IV Residential Burglary (RCW 9A.52.025) Theft of Livestock 1 (RCW 9A.56.080) Robbery 2 (RCW 9A.56.210) Assault 2 (RCW 9A.36.021) Escape 1 (RCW 9A.76.110) Arson 2 (RCW 9A.48.030) Commercial Bribery (RCW 9A.68.060) Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100) Malicious Harassment (RCW 9A.36.080) Threats to Bomb (RCW 9.61.160) Willful Failure to Return from Furlough (RCW 72.66.060) Hit and Run -- Injury Accident (RCW 46.52.020(4)) Hit and Run with Vessel -- Injury Accident (RCW 88.12.155(3)) Vehicular Assault (RCW 46.61.522) Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1) (iii) through (v)) Influencing Outcome of Sporting Event (RCW 9A.82.070) Use of

Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2)) Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2)) III Criminal Gang Intimidation (RCW 9A.46.-- (section 3 of this act)) Criminal Mistreatment 2 (RCW 9A.42.030) Abandonment of dependent person 2 (RCW 9A.42.070) Extortion 2 (RCW 9A.56.130) Unlawful Imprisonment (RCW 9A.40.040) Assault 3 (RCW 9A.36.031) Assault of a Child 3 (RCW 9A.36.140) Custodial Assault (RCW 9A.36.100) Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b)) Harassment (RCW 9A.46.020) Promoting Prostitution 2 (RCW 9A.88.080) Willful Failure to Return from Work Release (RCW 72.65.070) Burglary 2 (RCW 9A.52.030) Introducing Contraband  
 2 (RCW 9A.76.150) Communication with a Minor for Immoral Purposes (RCW 9.68A.090) Patronizing a Juvenile Prostitute (RCW 9.68A.100) Escape 2 (RCW 9A.76.120) Perjury 2 (RCW 9A.72.030) Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c)) Intimidating a Public Servant (RCW 9A.76.180) Tampering with a Witness (RCW 9A.72.120) Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii)) Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c)) Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1)) Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1)) Theft of livestock 2 (RCW 9A.56.080) Securities Act violation (RCW 21.20.400) II Unlawful Practice of Law (RCW 2.48.180) Malicious Mischief 1 (RCW 9A.48.070) Possession of Stolen Property 1 (RCW 9A.56.150) Theft 1 (RCW 9A.56.030)

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Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Zarelli on page 11, after line 21, to the Committee on Education striking amendment to Engrossed Second Substitute House Bill No. 1841.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed Second Substitute House Bill No. 1841.

The Committee on Education striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Zarelli, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 28A.635.020, 28A.600.020, 28A.400.110, 28A.635.060, and 28A.320.140; reenacting and amending RCW 28A.225.330; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 9A.46 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 13.04 RCW; adding a new section to chapter 13.50 RCW; adding a new section to chapter 28A.320 RCW; creating a new section; and prescribing penalties." On page 11, line 32 of the title amendment, after "28A.225.330" insert "and 9.94A.320" On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1841, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1841, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1841, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 40. Voting nay: Senator Prentice - 1. Absent: Senator Swanson - 1. Excused: Senators Jacobsen, McDonald, Morton, Schow, Spanel, Strannigan and West - 7. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1841, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Swanson was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2042, by House Committee on Education (originally sponsored by Representatives Johnson, Talcott and Hickel)

Providing pilot and grant programs for reading in the primary grades.

The bill was read the second time.

#### MOTIONS

On motion of Senator Hochstatter, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The legislature acknowledges the definition of reading as "Reading is the process of constructing meaning from written text. It is the complex skill requiring the coordination of a number of interrelated sources of information." Marilyn Adams, *Becoming a*

*Nation of Readers* 7. The legislature also acknowledges the role that reading accuracy and fluency plays in the comprehension of text. The legislature finds that one way to determine if a child's inability to read is problematic is to compare the child's reading fluency and accuracy skills with that of other children. To accomplish this objective, the legislature finds that assessments that test students' reading fluency and accuracy skills must be scientifically valid and reliable. The legislature further finds that early identification of students with potential reading difficulties can provide valuable information to parents, teachers, and school administrators. The legislature finds that assessment of second grade students' reading fluency and accuracy skills can assist teachers in planning and implementing a reading curriculum that addresses students' deficiencies in reading. **NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows: (1) The superintendent of public instruction shall identify a collection of tests that can be used to measure second grade reading accuracy and fluency skills. The purpose of the second grade reading test is to provide information to parents, teachers, and school administrators on the level of acquisition of reading accuracy and fluency skills of each student at the beginning of second grade. Each of the tests in the collection must: (a) Provide a reliable and valid measure of student's reading accuracy and fluency skills; (b) Be able to be individually administered; (c) Have been approved by a panel of nationally recognized professionals in the area of beginning reading, whose work has been published in peer-reviewed education research journals, and professionals in the area of measurement and assessment; and (d) Assess student skills in recognition of letter sounds, phonemic awareness, word recognition, and reading connected text. Text used for the test of fluency must be ordered in relation to difficulty. (2) The superintendent of public instruction shall select tests for use by schools and school districts participating in pilot projects under section 3 of this act during the 1997-98 school year. The final collection must be selected by June 30, 1998. (3) The superintendent of public instruction shall develop a per-pupil cost for each of the tests in the collection that details the costs for booklets, scoring services, and training required to reliably administer the test. To the extent funds are appropriated, the superintendent of public instruction shall pay for booklets or other testing material, scoring services, and training required to administer the test. **NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows: (1) The superintendent of public instruction shall create a pilot project to identify which second grade reading tests selected under section 2 of this act will be included in the final collection of tests that must be available by June 30, 1998. (2) Schools and school districts may voluntarily participate in the second grade reading test pilot projects in the 1997-98 school year. Schools and school districts voluntarily participating in the pilot project test are not required to have the results available by the fall parent-teacher conference. (3)(a) Starting in the 1998-99 school year, school districts must select a test from the collection adopted by the superintendent of public instruction. Selection must be at the entire school district level and must remain in place at that school district for at least three years. (b) Students who score substantially below grade level when tested in the fall shall be tested at least one more time during the second grade. Test performance deemed to be "substantially below grade level" is to be determined for each test in the collection by the superintendent of public instruction during the pilot year of 1997-98. (c) If a student, while taking the test, reaches a point at which the student's performance will be considered "substantially below grade level" regardless of the student's performance on the remainder of the test, the test may be discontinued. (d) Each school must have the test results available by the fall parent-teacher conference. Schools must notify parents about the second grade reading test during the conferences, inform the parents of their students' performance on the test, identify actions the school intends to take to improve the child's reading skills, and provide parents with strategies to help the parents improve their child's score. **NEW SECTION. Sec. 4.** A new section is added to chapter 28A.300 RCW to read as follows: (1) The superintendent of public instruction shall establish a primary grade reading grant program. The purpose of the grant program is to enhance teachers' skills in using teaching methods that have proven results gathered through quantitative research and to assist students in beginning reading. (2) Schools and school districts may apply for primary grade reading grants. To qualify for a grant, the grant proposal shall provide that the grantee must: (a) Document that the instructional model the grantee intends to implement, including teaching methods and instructional materials, is based on results validated by quantitative methods; (b) Agree to work with the independent contractor identified under subsection (3) of this section to determine the effectiveness of the instructional model selected and the effectiveness of the staff development provided to implement the selected model; and (c) Provide evidence of a significant number of students who are not achieving at grade level. To the extent funds are appropriated, the superintendent of public instruction shall make initial grants available by September 1, 1997, for schools and school districts voluntarily participating in pilot projects under section 3 of this act. Subject to available funding, additional applications may be submitted to the superintendent of public instruction by September 1, 1998, and by September 1st in subsequent years. Grants will be awarded for two years. (3) The superintendent of public instruction shall contract with an independent contractor who has experience in program evaluation and quantitative methods to evaluate the impact of the grant activities on students' reading skills and the effectiveness of the staff development provided to teachers to implement the instructional model selected by the grantee. Five percent of the funds awarded for grants shall be set aside for the purpose of the grant evaluation conducted by the independent contractor. (4) The superintendent of public instruction

shall submit biennially to the legislature and the governor a report on the primary grade reading grant program. The first report must be submitted not later than December 1, 1999, and each succeeding report must be submitted not later than December 1st of each odd-numbered year. Reports must include information on how the schools and school districts used the grant money, the instructional models used, how they were implemented, and the findings of the independent contractor. (5) The superintendent of public instruction shall disseminate information to the school districts five years after the beginning of the grant program regarding the results of the effectiveness of the instructional models and implementation strategies. (6) Funding under this section shall not become part of the state's basic program of education obligation as set forth under Article IX of the state Constitution. **Sec. 5.** RCW 28A.230.190 and 1990 c 101 s 6 are each amended to read as follows: (1) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the school district. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district. School districts shall test students for second grade reading accuracy and fluency skills starting in the 1998-99 school year as provided in section 3 of this act. (2) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation. (3) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grade four. **NEW SECTION. Sec. 6.** RCW 28A.630.886 and 1995 c 303 s 2 are each repealed. **NEW SECTION. Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows: (1) The superintendent of public instruction may use up to one percent of the appropriated funds for administration of the primary grade reading grant program established in chapter . . . , Laws of 1997 (this act). (2) The superintendent of public instruction shall adopt timelines and rules as necessary under chapter 34.05 RCW to administer the primary reading grant program in section 2 of this act. (3) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution. **NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. **NEW SECTION. Sec. 9.** If specific funding for section 4 of this act, referencing this act by bill or chapter number and section number, is not provided by June 30, 1997, in the omnibus appropriations act, sections 4 and 7 of this act are null and void." On motion of Senator Hochstatter, the following title amendment was adopted:

On page 1, line 1 of the title, after "grades;" strike the remainder of the title and insert "amending RCW 28A.230.190; adding new sections to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.630.886; and declaring an emergency."

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, Engrossed Substitute House Bill No. 2042, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2042. as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2042, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Jacobsen, Morton, Spanel, Strannigan, Swanson and West - 6. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2042, as amended by the Senate,, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1008, by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Robertson, Fisher, Chandler, Hatfield, Johnson, Zellinsky and L. Thomas)

Standardizing issuance of license plates.

The bill was read the second time.

## MOTIONS

On motion of Senator Prince, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 5, line 19, after "vehicle" strike "other than a motor home." On page 5, beginning on line 20, after "person" strike all material through plate" on line 23 On page 10, beginning on line 17, strike all of Sections 13 and 14 On motion of Senator Prince, the rules were suspended, Substitute House Bill No. 1008, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1008, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1008, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 21; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Deccio, Hale, Hargrove, Hochstatter, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Sellar, Sheldon, Snyder, Swanson, Thibaudeau, Wojahn and Wood - 21. Voting nay: Senators Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Haugen, Heavey, Horn, Johnson, Kline, Kohl, Loveland, Patterson, Prentice, Roach, Rossi, Schow, Stevens, Swecker, Winsley and Zarelli - 24. Excused: Senators Jacobsen, Spanel, Strannigan and West - 4. SUBSTITUTE HOUSE BILL NO. 1008, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Heavey served notice that he would move to reconsider the vote by which Substitute House Bill No. 1008, as amended by the Senate, failed to pass the Senate.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128, by House Committee on Government Administration (originally sponsored by Representatives Sheahan, Appelwick, Cooke, Radcliff, Dyer, Cooper, Schoesler, Costa, D. Schmidt and Anderson)

Stating how a state officer or employee may receive a contract or grant in compliance with the ethics code.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 42.52.120 and 1996 c 213 s 6 are each amended to read as follows: (1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where the state officer or state employee has complied with RCW 42.52.030(2) or each of the following conditions are met: (a) The contract or grant is bona fide and actually performed; (b) The performance or administration of the contract or grant is not within the



course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision; (c) The performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the officer or employee; (d) The contract or grant is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by RCW 42.52.150(4) from receiving a gift; (e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity (~~or by his or her agency~~); (f) The contract or grant would not require unauthorized disclosure of confidential information. (2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract or a series of substantially identical contracts or grants with a state agency only if: (a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or (b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or (c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties. (3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution; however, if proprietary formulae, designs, drawings, or research are included in the contract or grant, the proprietary formulae, designs, drawings, or research may be deleted from the contract or grant filed with the appropriate ethics board. (4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity. (5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses." On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "service;" strike the remainder of the title and insert "and amending RCW 42.52.120."

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 2128, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Swanson: "Senator McCaslin, is it true then that the public employee--the state employee--can work at the two jobs without being penalized--you won't get a pink slip?"

Senator McCaslin: "According to the finest legal advice that I have received, that is absolutely correct, Senator Swanson."

Senator Swanson: "Then, thank you sir. I will stand in support of this bill."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2128, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2128, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Jacobsen, Spanel, Strannigan and West - 4. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128, as amended by the Senate, having

received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1499, by House Committee on Trade and Economic Development (originally sponsored by Representatives Schoesler, Sheahan, Doumit, Morris, Tokuda, Kessler, Scott and Dickerson) (by request of Department of Community, Trade, and Economic Development)

Establishing a rural development council.

The bill was read the second time.

#### MOTIONS

On motion of Senator Horn, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 16, after "areas." insert "Committee membership must consist of no less than ninety percent of the members living in a rural area." On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 1499, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1499, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1499, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Jacobsen, Spanel, Strannigan and West - 4. SUBSTITUTE HOUSE BILL NO. 1499, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1423, by House Committee on Appropriations (originally sponsored by Representatives Sterk, Costa, Sheahan, McDonald, Koster, Robertson, Carrell, Sherstad, Hickel, Delvin, L. Thomas, O'Brien and Conway)

Strengthening the criminal justice training commission.

The bill was read the second time.

#### MOTIONS

On motion of Senator Roach, the following Committee on Law and Justice amendment was adopted: On page 2, line 1, after "peace officers" strike all material through "officers." on line 3, and insert "with the rank of sergeant or below and is currently serving as a training officer." Senator Roach moved that the following Committee on Law and Justice amendment not be adopted:

On page 2, after line 8, strike all material down to and including the period on page 3, line 14. Renumber the sections consecutively and correct any internal references accordingly. The President declared the question before the Senate to be the motion by Senator Roach to not adopt the Committee on Law and Justice amendment on page 2, after line 8, to Engrossed Substitute House Bill No. 1423.

The motion by Senator Roach carried and the committee amendment on page 2, after line 8, was not adopted.

MOTION

Senator Roach moved that the following amendments by Senators Roach and Haugen be considered simultaneously and be adopted:

On page 1, line 7, after "~~twelve~~)" strike "fourteen" and insert "sixteen" On page 2, line 1, after "appoint" strike

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POINT OF INQUIRY

Senator Deccio: "Senator Roach, I am a little confused. My sheriff was here about--what time is it--about three hours ago and he said they did not want anymore police officers on the commission because they felt that they had enough. He was asking me not to support the addition of any further police officers to that board. Can you comment on that?"

Senator Roach: "Is that a question that you want me to yield to or do you just want me to comment? Yes, the answer is that I can comment on that. Currently, the Criminal Justice Training Commission does have four members from sheriffs and chiefs of police, but there are no members from the line officers--individuals who would then, presumably, be

coming from the organization of Washington State Council of Police Officers--which represents ninety-eight percent of our line officers. We feel that in bringing parity to the issue that we ought to have just as many members from the State Council of Police Officers, meaning that body of ninety-eight percent who are line officers on to the Criminal Justice Training Commission.

"This is an amendment that is supported by the bill's prime sponsor and is an amendment that is supported by the Washington State Council of Police Officers and is an amendment which brings parity and fairness into a commission which, in greater detail even than in the past, we need to have line officers on this commission to help us get the best training for those individuals who will be out there on the line."

The President declared the question before the Senate to be the adoption of the amendments by Senators Roach and Haugen on page 1, line 7, and page 2, line 1, to Engrossed Second Substitute House Bill No. 1423.

The motion by Senator Roach carried and the amendments were adopted.

#### MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Second Substitute House Bill No. 1423, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1423, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1423, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Jacobsen, Spanel, Strannigan and West - 4. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1423, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1657, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Linville)

Allowing the pass-through of disposal fees for certain solid waste collection companies.

The bill was read the second time.

#### MOTION

Senator Rasmussen moved that the following amendments by Senators Rasmussen and Swecker be considered simultaneously and be adopted:

On page 1, line 14, after "~~disposal sites~~)" insert the following: "pursuant to RCW 35.21.120, RCW 35.21.152, or RCW 36.58.140, provided that the cost-based charges have been established pursuant to the process required by sections 3 through 5 of this act"

On page 2, line 10, after "option" insert "at a facility whose cost-based disposal charge has been established pursuant to the process required by sections 3 through 5 of this act" On page 2, after line 15, insert the following: "**Sec. 3.** RCW 35.21.120 and 1989 c 399 s 1 are each amended to read as follows: A city or town may by ordinance provide for the establishment of a system or systems of solid waste handling for the entire city or town or for portions thereof. A city or town may provide for solid waste handling by or under the direction of officials and employees of the city or town or may

award contracts for any service related to solid waste handling including contracts entered into under RCW 35.21.152. Contracts for solid waste handling may provide that a city or town provide for a minimum periodic fee or other method of compensation in consideration of the operational availability of a solid waste handling system, plant, site, or other facility at a specified minimum level, ~~((without regard to the ownership of the system, plant, site, or other facility, or the amount of solid waste actually handled during all or any part of the contract period))~~ based on the actual cost of providing landfill disposal services at that level. When a minimum level of solid waste is specified in a contract for solid waste handling, there shall be a specific allocation of financial responsibility in the event the amount of solid waste handled falls below the minimum level provided in the contract. As used in this chapter, the terms "solid waste" and "solid waste handling" shall be as defined in RCW 70.95.030. **Sec. 4.** RCW 35.21.152 and 1989 c 399 s 2 are each amended to read as follows: A city or town may construct, lease, condemn, purchase, acquire, add to, alter, and extend systems, plants, sites, or other facilities for solid waste handling, and shall have full jurisdiction and authority to manage, regulate, maintain, utilize, operate, control, and establish the rates and charges for those solid waste handling systems, plants, sites, or other facilities owned or operated by the city or town. A city or town may enter into agreements with public or private parties to: (1) Construct, lease, purchase, acquire, manage, maintain, utilize, or operate publicly or privately owned or operated solid waste handling systems, plants, sites, or other facilities; (2) establish rates and charges for those systems, plants, sites, or other facilities; (3) designate particular publicly or privately owned or operated systems, plants, sites, or other facilities as disposal sites; and (4) sell the materials or products of those systems, plants, or other facilities. Any agreement entered into shall be for such term and under such conditions as may be determined by the legislative authority of the city or town, however agreements by a city with private parties for landfill disposal at a privately operated landfill shall specify that the compensation to the private parties may not exceed the actual cost of operations. The actual cost may include a reasonable return, determined by the return on investment method or the operating ratio method. The determination of the compensation level by the city is subject to judicial review under the review provisions of chapter 34.05 RCW related to adjudicative proceedings involving rate making. **Sec. 5.** RCW 36.58.040 and 1992 c 131 s 3 are each amended to read as follows: The legislative authority of a county may by ordinance provide for the establishment of a system or systems of solid waste handling for all unincorporated areas of the county or for portions thereof. A county may designate a disposal site or sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW. However for any solid waste collected by a private hauler operating under a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties. A county may construct, lease, purchase, acquire, add to, alter, or extend solid waste handling systems, plants, sites, or other facilities and shall have full jurisdiction and authority to manage, regulate, maintain, utilize, operate, control, and establish the rates and charges for those solid waste handling systems, plants, sites, or other facilities. A county may enter into agreements with public or private parties to: (1) Construct, purchase, acquire, lease, add to, alter, extend, maintain, manage, utilize, or operate publicly or privately owned or operated solid waste handling systems, plants, sites, or other facilities; (2) establish rates and charges for those systems, plants, sites, or other facilities; (3) designate particular publicly or privately owned or operated systems, plants, sites, or other facilities as disposal sites; (4) process, treat, or convert solid waste into other valuable or useful materials or products; and (5) sell the material or products of those systems, plants, or other facilities. Agreements by a county with private parties for landfill disposal at a privately operated landfill shall specify that the compensation to the private parties may not exceed the actual cost of operations. The actual cost may include a reasonable return, determined by the return on investment method or the operating ratio method. The determination of the compensation level by the county is subject to judicial review under the review provisions of chapter 34.05 RCW related to adjudicative proceedings involving rate making. The legislative authority of a county may award contracts for solid waste handling that provide that a county provide for a minimum periodic fee or other method of compensation in consideration of the operational availability of those solid waste handling systems, plants, sites, or other facilities at a specified minimum level, ~~((without regard to the ownership of the systems, plants, sites or other facilities, or the amount of solid waste actually handled during all or any part of the contract))~~ based on the actual cost of providing landfill disposal services at that level. When a minimum level of solid waste is specified in a contract entered into under this section, there shall be a specific allocation of financial responsibility in the event the amount of solid waste handled falls below the minimum level provided in the contract. Solid waste handling systems, plants, sites, or other facilities constructed, purchased, acquired, leased, added to, altered, extended, maintained, managed, utilized, or operated pursuant to this section, whether publicly or privately owned, shall be in substantial compliance with the solid waste management plan applicable to the county adopted pursuant to chapter 70.95 RCW. Agreements relating to such solid waste handling systems, plans, sites, or other facilities may be for such term and may contain such covenants, conditions, and remedies as the legislative authority of the county may deem necessary or appropriate. As used in this chapter, the terms "solid waste" and "solid waste handling" shall be as defined in RCW

70.95.030. The legislative authority of a county may: (1) By ordinance award a contract to collect source separated recyclable materials from residences within unincorporated areas. The legislative authority has complete authority to manage, regulate, and fix the price of the source separated recyclable collection service. The contracts may provide that the county pay minimum periodic fees to a municipal entity or permit holder; or (2) Notify the commission in writing to carry out and implement the provisions of the waste reduction and recycling element of the comprehensive solid waste management plan. This election may be made by counties at any time after July 23, 1989. An initial election must be made no later than ninety days following approval of the local comprehensive waste management plan required by RCW 70.95.090. Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties or to authorize counties to affect the authority of the utilities and transportation commission under RCW 81.77.020." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

#### POINT OF ORDER

Senator Wojahn: "Mr. President, I would like to challenge this amendment on scope and object. This is a landfill amendment; it has nothing to do with the content of the bill, which deals with county problems and I certainly believe that it is improper on this particular bill at this time."

Further debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1657 was deferred.

Vice President Pro Tempore Morton assumed the Chair.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Delvin, Hankins, Mastin, Linville, Veloria, Van Luven, Regala and Grant)

Expanding the use of environmental technology precertification.

The bill was read the second time.

#### MOTIONS

On motion of Senator Swecker, the following Committee on Agriculture and Environment amendment was adopted:

On page 3, after line 7, insert the following: "(8) The state, the department, and officers and employees of the state shall not be liable for damages resulting from the utilization of information developed through a certification program, or from a decision to certify or deny certification to an environmental technology. Actions of the department under this section are not decisions reviewable under RCW 43.21B.110." On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 1792, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senators Swanson and Thibaudeau were excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1792, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1792, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Jacobsen, Swanson, Thibaudeau and West - 4. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1969, by House Committee on Appropriations (originally sponsored by Representatives Chandler and Regala) (by request of Department of Health)

Regulating public water systems.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Second Substitute House Bill No. 1969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1969.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1969 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Jacobsen, Swanson and West - 3. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

#### SECOND READING

SENATE BILL NO. 6077, by Senators McCaslin and Snyder

Exempting from business and occupation tax nonprofit organizations providing care for the terminally ill.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6077 was substituted for Senate Bill No. 6077 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6077.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6077 and the bill passed the Senate by the following vote:

Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Kline - 1. Excused: Senator Jacobsen - 1. SUBSTITUTE SENATE BILL NO. 6077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1325, by House Committee on Capital Budget (originally sponsored by Representatives Ogden, Mitchell, Costa, Hankins, O'Brien and Mason)

Providing facilities for social service organizations.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The legislature finds that nonprofit organizations provide a variety of social services that serve the needs of the citizens of Washington, including many services implemented under contract with state agencies. The legislature also finds that the efficiency and quality of these services may be enhanced by the provision of safe, reliable, and sound facilities, and that, in certain cases, it may be appropriate for the state to assist in the development of these facilities. NEW SECTION. **Sec. 2.** A new section is added to chapter 43.63A RCW to read as follows: If the legislature provides an appropriation to assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services, the legislature may direct the department of community, trade, and economic development to establish a competitive process to prioritize applications for the assistance as follows: (1) The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include, but is not limited to, land, facilities, and in-kind contributions. (2) The department shall submit a prioritized list of recommended projects to the legislature by November 1st following the effective date of the appropriation. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. (3) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant. (4) The department shall develop model contract provisions for compliance with subsection (3) of this section and shall distribute its recommendations to the appropriate legislative committees, the office of financial management, and to all state agencies which provide capital grants to nonstate entities. NEW SECTION. **Sec. 3.** A new section is added to chapter 43.88 RCW to read as follows: (1) Each state agency shall submit a report to the office of the state auditor listing each nongovernment entity that received over three hundred thousand dollars in state moneys during the previous fiscal year under contract with the agency for purposes related to the provision of social services. The report must be submitted by September 1 each year, and must be in a form prescribed by the office of the state auditor. (2) The office of the state auditor shall select two groups of entities from the reports for audit as follows: (a) The first group shall be selected at random using a procedure prescribed by the office of the



state auditor. The office of the state auditor shall ensure that the number of entities selected under this subsection (2)(a) each year is sufficient to ensure a statistically representative sample of all reported entities. (b) The second group shall be selected based on a risk assessment of entities conducted by the office of the state auditor in consultation with state agencies. The office of the state auditor shall consider, at a minimum, the following factors when conducting risk assessments: Findings from previous audits; decentralization of decision making and controls; turnover in officials and key personnel; changes in management structure or operations; and the presence of new programs, technologies, or funding sources. (3) Each entity selected under subsection (2) of this section shall be required to complete a comprehensive entity-wide audit in accordance with generally accepted government auditing standards. The audit shall determine, at a minimum, whether: (a) The financial statements of the entity are presented fairly in all material respects in conformity with generally accepted accounting principles; (b) The schedule of expenditures of state moneys is presented fairly in all material respects in relation to the financial statements taken as a whole; (c) Internal accounting controls exist and are effective; and (d) The entity has complied with laws, regulations, and contract and grant provisions that have a direct and material effect on performance of the contract and the expenditure of state moneys. (4) The office of the state auditor shall prescribe policies and procedures for the conduct of audits under this section. The office of the state auditor shall deem single audits completed in compliance with federal requirements to be in fulfillment of the requirements of this section if the audit meets the requirements of subsection (3)(a) through (d) of this section. (5) Completed audits must be delivered to the office of the state auditor and the state agency by April 1 in the year following the selection of the entity for audit. Entities must resolve any findings contained in the audit within six months of the delivery of the audit. Entities may not enter into new contracts with state agencies until all major audit findings are resolved. (6) Nothing in this section limits the authority of the state auditor to carry out statutorily and contractually prescribed powers and duties." On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "adding a new section to chapter 43.63A RCW; adding a new section to chapter 43.88 RCW; and creating a new section."

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1325, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Thibaudeau: "Senator West, is the intent of Section 3, subsection 4, to use an existing single audit rather than require that a new audit be completed?"

Senator West: "Yes, Senator Thibaudeau, as long as the audit meets the requirement of subsection 3a through d of Section 3. It is the intent that that would be used. This also was a question in the Ways and Means Committee. I appreciate you for bringing it to our attention here."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1325, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1325, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Jacobsen - 1. SUBSTITUTE HOUSE BILL NO. 1325, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292, by House Committee on Commerce and Labor (originally sponsored by Representatives McMorris, Lisk, Quall, Linville, Thompson, Mulliken, Sheldon, Grant, D. Schmidt, Skinner, Robertson, Boldt, Honeyford and Clements)

Expanding claims management authority for industrial insurance rating programs.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following amendments by Senators Haugen, Rasmussen, Goings and Winsley be considered simultaneously and be adopted:

On page 1, line 7, after "(1)" insert "(a)" On page 1, after line 13, insert the following: "(b) Employers enrolled individually in the retrospective rating program or groups enrolled in the retrospective rating program shall submit to the department a yearly financial statement that shall include the yearly amount of money refunded by the department, the amount of the money returned to each employer, the administrative costs associated with the administration of a retrospective rating program, and the amount of money spent on related safety training." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

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

Further debate ensued.

#### POINT OF INQUIRY

Senator Goings: "Senator Haugen, in reviewing the amendments on page 1, line 7, and page 1, after line 13, it has been mentioned that this would be an additional burden on small business. Am I correct in reading the amendments this would only require the actual rating program, not the individual members of the program to report this--again not the businesses, but the program itself?"

Senator Haugen: "The programs, themselves. Thank you very much. That is what we intend for the program."

Senator Goings: "Thank you, Senator Haugen."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Haugen, Rasmussen, Goings and Winsley on page 1, line 7, and page 1, after line 13, to Engrossed Substitute House Bill No. 1292.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25. Excused: Senator Jacobsen - 1.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Heavey and Franklin be adopted:

On page 2, line 28, after "services." insert "Upon written request to the department, the worker is entitled, after at least one and not more than four sessions with a vocational rehabilitation counselor selected by the employer or group, to transfer to another counselor selected and scheduled by the department."

#### POINT OF INQUIRY

Senator Schow: "Senator Fraser, do injured workers, in their regular L & I program under the department, have this same option to be able to change counselors?"

Senator Fraser: "I am not exactly sure on the department's procedures, but we are talking here about private employers being able to select for an employee. The employer may not have the same interest in the employee's welfare as the employee does and so the employee should have a chance to choose, if they wish. We are talking about a private sector program here."

Senator Schow: "So, this would be a restriction on the private sector that is not on, as far as you know, that is not on the normal L & I department? Thank you."

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

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Heavey and Franklin on page 2, line 28, to Engrossed Substitute House Bill No. 1292.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23.

Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Jacobsen - 1.

#### MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Heavey and Franklin be adopted:

On page 2, line 28, after "services." insert "The services provided must return the worker to his or her preinjury job or a job with the employer of record that has wages and benefits comparable to the worker's job at the time of the industrial injury." Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Heavey and Franklin on page 2, line 28, to Engrossed Substitute House Bill No. 1292.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Jacobsen - 1.

#### MOTION

Senator Franklin moved that the following amendment by Senators Franklin and Heavey be adopted:

On page 2, beginning on line 35, after "period of" strike "one hundred and twenty" and insert "ninety" Debate ensued.

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

#### POINT OF INQUIRY

Senator Franklin asked Senator Anderson to yield to a question and Senator Anderson would not yield to a question.

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin and Heavey on page 2, beginning on line 35, to Engrossed Substitute House Bill No. 1292.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Jacobsen - 1.

#### MOTION

Senator Franklin moved that the following amendments by Senators Franklin and Heavey be considered simultaneously and be adopted:

On page 3, line 27, after "(4)" insert "(a)" On page 3, after line 31, insert the following: "(b) Upon request by an injured worker, the department shall assume handling of the claim. (c) The employer shall provide the worker with a written copy of the worker rights under this section at the time a claim is filed." Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Franklin and Heavey on page 3, line 27, and page 3, after line 31, to Engrossed Substitute House Bill No. 1292.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Jacobsen - 1.

#### MOTION

Senator Heavey moved that the following amendment by Senators Heavey and Franklin be adopted:

On page 3, after line 31, insert the following: "(5) Within one year after a claim involving time loss and vocational rehabilitation services has been closed if the worker is terminated from employment with the employer of record, the worker shall be eligible for vocational rehabilitation services under subsection (1)(b) of this section to include loss of earning power. This subsection (5) does not apply to a worker who is terminated for malfeasance and is not eligible for unemployment payments." Renumber the subsections consecutively and correct internal references accordingly. Debate ensued.

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

Further debate ensued.

#### POINT OF INQUIRY

Senator Schow: "Senator Heavey, is this, again, something that is not protection that someone in the regular L & I program does not have? This would be one just for the people in RETO? If you are rehabilitated in the regular program and you are put back to work and the department closes the claim, and you get fired, there is no recourse for the worker, is there?"

Senator Heavey: "There would be no reason to fire the worker, because the claim, the premium, everything stays the same. There would be no reason,. In this case, the employer who has directed to the voc rehab person and who does the firing, controls everything."

The President declared the question before the Senate to be the adoption of the amendment by Senators Heavey and Franklin on page 3, after line 31, to Engrossed Substitute House Bill No. 1292.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Excused: Senator Jacobsen - 1.

#### MOTION

Senator Kline moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 3, after line 31, strike all material through "claim." on page 4, line 35, and insert the following: "(5)(a) If the department determines that a retrospective rating employer or group, or an authorized claims administrator, may have violated the authority granted in this section, the department shall notify the employer, group, or authorized claims administrator in writing outlining the violation and the corrective action required. The notice must specify a reasonable period of time for corrective action. The employer, group, or authorized claims administrator is subject to penalties under this subsection for the violation or for failing to take the required corrective action within the specified period, or both. (b) If the department finds a pattern of improper claims closure or other violations of the authority granted in subsection (2) or (3) of this section, the director, or his or her designee, shall suspend the retrospective rating employer's or group's, or authorized claims administrator's, authority to assist the department in the processing of claims under this section for a period of up to two years. The department shall issue an order and notice under RCW 51.52.050 which states the grounds for the suspension. As provided in chapter 51.52 RCW, the order becomes final within sixty days from the date the order is communicated to the employer, group, or authorized claims administrator unless a written request for reconsideration is filed with the department or an appeal is filed with the board of industrial insurance appeals. (c) This subsection does not limit the department's authority to impose penalties under chapter 51.48 RCW. (6)(a) The director shall adopt under chapter 34.05 RCW all necessary rules governing the administration of this section. The rules should encourage broad participation in retrospective rating plans by employers and groups of employers consistent with insurance principles. The retrospective rating plan employer's or group's, or authorized claims administrator's, exercise of authority under this section may require prior notification to the department, but the rules must minimize the department's need to respond and must ensure that a failure to respond or a delay in response by the department does not impede the timely administration of the claim." On page 5, after line 5, insert the following: "(7)(a) Retrospective rating employers and groups, and authorized claims administrators, have a duty of good faith and fair dealing towards claimants. Violations of these good faith duties shall include, but not be limited to: (i) Attempting to close a valid claim under this section that the employer, or his or her representative, knew or should have known was closed inappropriately; (ii) interfering with a worker's right to file a claim under this title; or (iii) having a history or pattern of repeated unfair claims practices. The department shall adopt rules on unfair claims practices. (b) A worker of a retrospective rating employer or beneficiary of such worker who is injured or damaged because of a violation of this section or violation of a rule adopted by the director under this section may bring a civil action against a retrospective rating employer or group, or authorized claims administrator, in superior court to enjoin further violations and to recover reasonable damages sustained by him or her, together with the cost of the suit including reasonable attorneys' fees to be set by the court." Renumber the subsections consecutively and correct internal references accordingly. Debate ensued.

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

The President declared the question before the Senate to be the adoption of the amendments by Senator Kline beginning on page 3, after line 31, and page 5, after line 5, to Engrossed Substitute House Bill No. 1292.

#### ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senator Jacobsen - 1.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute House Bill No. 1292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Johnson, further consideration of Engrossed Substitute House Bill No. 1292 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1657 and the pending amendments by Senator Rasmussen and Swecker on page 1, line 14; page 2, line 10 and after line 15, deferred earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Substitute House Bill No. 1657 is a measure which changes the method by which the Utilities and Transportation Commission computes the charges for landfill disposal by affiliated interest collection companies by specifying a comparison method.

"The amendments on page 1, line 14, and page 2, line 10 and after line 15, would also change the method of computing such charges by requiring the charges to be cost-based. In addition, the amendments provide that all contracts by local governments with private landfills must be cost-based. The amendments further define the cost basis to be used, and permits judicial review of the cost determination.

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

The amendments by Senators Rasmussen and Swecker on page 1, line 14, and page 2, line 10 and after line 15, to Substitute House Bill No. 1657 were ruled out of order.

MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1657 was deferred.

MOTION

At 8:40 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Wednesday, April 16, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**NINETY-THIRD DAY, APRIL 15, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, April 16, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Finkbeiner, Goings, Heavey, Kline, Patterson, Prentice, Prince, Rasmussen, Roach, Schow and Stevens. On motion of Senator Jacobsen, Senator Goings was excused. On motion of Senator Franklin, Senators Brown, Heavey, Kline, Patterson, Prentice and Rasmussen were excused. On motion of Senator Hale, Senators Finkbeiner, Prince, Roach, Schow and Stevens were excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan Toney and Melisa Williams, presented the Colors. Tony Cook, Senate Counsel, offered the prayer.

**MOTION**

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

**REPORT OF STANDING COMMITTEE**

April 15, 1997

SB 6061 Prime Sponsor, Senator Prince: Funding transportation for 1997-99. Reported by Committee on Transportation

**MAJORITY Recommendation:** That Substitute Senate Bill No. 6061 be substituted therefor, and the substitute bill do pass. Signed by Senators Prince, Chair; Wood, Vice Chair; Haugen, Heavey, Horn, Morton, Oke, Prentice and Rasmussen.

**MINORITY Recommendation:** That the bill not be substituted. Signed: Senators Benton, Vice Chair; and Jacobsen.

Passed to Committee on Rules for second reading.

**MESSAGES FROM THE HOUSE**

April 15, 1997

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5283,  
SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5394,  
SUBSTITUTE SENATE BILL NO. 5472,  
SUBSTITUTE SENATE BILL NO. 5509,  
SUBSTITUTE SENATE BILL NO. 5612,  
SENATE BILL NO. 5669,  
ENGROSSED SENATE BILL NO. 5744,  
SUBSTITUTE SENATE BILL NO. 5903,  
ENGROSSED SENATE BILL NO. 5959,  
SENATE BILL NO. 6004, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 15, 1997

MR. PRESIDENT:

The Speaker has signed:  
HOUSE BILL NO. 1119,  
SUBSTITUTE HOUSE BILL NO. 1219,  
HOUSE BILL NO. 1341,  
SUBSTITUTE HOUSE BILL NO. 1342,  
HOUSE BILL NO. 1465,  
SUBSTITUTE HOUSE BILL NO. 1466,  
SUBSTITUTE HOUSE BILL NO. 1467,  
HOUSE BILL NO. 1473,  
HOUSE BILL NO. 1593,  
SUBSTITUTE HOUSE BILL NO. 1594,  
SUBSTITUTE HOUSE BILL NO. 1600,

HOUSE BILL NO. 1604,  
HOUSE BILL NO. 1743,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1806,  
HOUSE BILL NO. 1847,  
ENGROSSED HOUSE BILL NO. 1940,  
SUBSTITUTE HOUSE BILL NO. 1975,  
HOUSE JOINT MEMORIAL NO. 4000, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 15, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1061,  
HOUSE BILL NO. 1189,  
HOUSE BILL NO. 1198,  
HOUSE BILL NO. 1232,  
SUBSTITUTE HOUSE BILL NO. 1402,  
SUBSTITUTE HOUSE BILL NO. 1429,  
HOUSE BILL NO. 1459,  
HOUSE BILL NO. 1525,  
ENGROSSED HOUSE BILL NO. 1533,  
HOUSE BILL NO. 1551, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1119,  
SUBSTITUTE HOUSE BILL NO. 1219,  
HOUSE BILL NO. 1341,  
SUBSTITUTE HOUSE BILL NO. 1342,  
HOUSE BILL NO. 1465,  
SUBSTITUTE HOUSE BILL NO. 1466,  
SUBSTITUTE HOUSE BILL NO. 1467,  
HOUSE BILL NO. 1473,  
HOUSE BILL NO. 1593,  
SUBSTITUTE HOUSE BILL NO. 1594,  
SUBSTITUTE HOUSE BILL NO. 1600,  
HOUSE BILL NO. 1604,  
HOUSE BILL NO. 1743,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1806,  
HOUSE BILL NO. 1847,  
ENGROSSED HOUSE BILL NO. 1940,  
SUBSTITUTE HOUSE BILL NO. 1975,  
HOUSE JOINT MEMORIAL NO. 4000.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1061,  
HOUSE BILL NO. 1189,  
HOUSE BILL NO. 1198,  
HOUSE BILL NO. 1232,  
SUBSTITUTE HOUSE BILL NO. 1402,  
SUBSTITUTE HOUSE BILL NO. 1429,  
HOUSE BILL NO. 1459,  
HOUSE BILL NO. 1525,  
ENGROSSED HOUSE BILL NO. 1533,  
HOUSE BILL NO. 1551.

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9186, Robert L. Parlette, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.



#### APPOINTMENT OF ROBERT L. PARLETTE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Rossi, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 37. Excused: Senators Brown, Finkbeiner, Goings, Heavey, Kline, Patterson, Prentice, Prince, Rasmussen, Roach, Schow and Stevens - 12.

#### MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9170, Tom Kneeshaw, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17, was confirmed.

#### APPOINTMENT OF TOM KNEESHAW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senator McDonald - 1. Excused: Senators Brown, Finkbeiner, Goings, Kline, Roach and Stevens - 6.

#### MOTION

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

#### SENATE RESOLUTION 1997-8663

By Senator Fraser

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and  
WHEREAS, The Capital High School football team from Olympia won the 1996 Class AA State Football Championship; and  
WHEREAS, The teams' slogan for the season, "Relive the Dream: Unfinished Business" reflected their persistence and ambition to capture the title;  
WHEREAS, This group of Capital High School Cougars finished the season with a combined 3.0 grade point average; and  
WHEREAS, The team's coaches showed leadership and skill in focusing their team on accomplishing their goal of winning the State AA Football Championships; and  
WHEREAS, All forty-eight team players contributed greatly to winning the Class AA Championship and finishing the season with a 13-1 record;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize the Capital High School football team, Coach Wayne Sortun and his assistant coaches for their accomplishments; and  
BE IT FURTHER RESOLVED, That the Senate applaud this group of fine young men for "taking care of business" and reaching their dream.

Senators Fraser and Heavey spoke to Senate Resolution 1997-8663.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Capital High School 1996 Class AA State Football champions and their coaches who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 1997-8661

By Senators Fairley, Hargrove, Kline, Kohl, Franklin, Spanel, Bauer, Wood, Thibaudeau, Oke, Fraser, Brown, Horn, Jacobsen, Zarelli, Snyder, Johnson, Loveland, Patterson, Rasmussen, Goings, McCaslin, Roach, McAuliffe and Long

WHEREAS, One violent crime is committed in America every eighteen seconds; and

WHEREAS, Thirty-six million nine hundred thousand Americans are victimized in the United States each year, and of those, nine million nine hundred thousand are victims of violent crime; and

WHEREAS, Crime victims play an indispensable role in bringing offenders to justice; and

WHEREAS, Law-abiding citizens are no less deserving of justice, rights, resources, restoration, and rehabilitation than the violent offenders who victimize them; and

WHEREAS, Crime victims and their advocates over the past two decades have made unparalleled progress toward balancing the scales of justice in our criminal justice system; and

WHEREAS, The bells of liberty and justice are ringing across America in support of the millions of survivors of crime, their families, and advocates who deserve justice; and

WHEREAS, As a nation devoted to liberty and justice for all, America must increase its efforts to protect, restore, and expand crime victims' rights; and

WHEREAS, The residents of the state of Washington seek to join forces with victim service programs, criminal justice officials, and concerned citizens throughout the country to observe National Crime Victims' Rights Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate designate April 13, 1997, through April 19, 1997, as Washington Crime Victims' Rights Week; and

BE IT FURTHER RESOLVED, That the Washington State Senate reaffirm a commitment to address victims' rights and criminal justice issues during 1997 Washington Crime Victims' Rights Week and throughout the year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Washington Coalition of Crime Victim Advocates and Families and Friends of Violent Crime Victims.

#### MOTION

At 9:03 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:04 a.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130, by House Committee on Law and Justice (originally sponsored by Representatives Thompson, Koster, Mulliken, L. Thomas, Bush, Backlund, Dunn, Sump, Mielke, Pennington, Talcott, Chandler, Johnson, Lambert, D. Sommers, Sheahan, McDonald, D. Schmidt, McMorris, Sterk, Boldt, Crouse, Benson, DeBolt and Sherstad)

Reaffirming and protecting the institution of marriage.

The bill was read the second time.

#### MOTION

Senator Wood moved that the following amendment by Senators Wood, Winsley and Prince be adopted:

On page 4, line 1, strike all of Section 8. Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wood, Winsley and Prince on page 4, line 1, to Engrossed Substitute House Bill No. 1130.

The motion by Senator Wood carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Wood, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "RCW;" insert "and". On page 1, beginning on line 3 of the title, after "sections" strike "; and providing for submission of this act to a vote of the people". On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 1130, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1130, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1130, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Rossi, Schow, Sellar,

Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 18. Excused: Senator Roach - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1022, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Johnson, Mitchell, McMorris, Talcott, Hickel, Chandler, Mastin, Lambert, Sheldon, Schoesler, Hatfield, Kessler, Mulliken, Honeyford, Thompson, Koster, DeBolt, D. Sommers, Carrell, L. Thomas, Dunn, Mielke, Clements, O'Brien and Doumit)

Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval.

The bill was read the second time.

## MOTIONS

Senator Rossi moved that the following Committee on Natural Resources and Parks amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. It is the intent of this legislation to establish necessary oversight by the legislature and the governor regarding long-range commitments made by the department of natural resources in its management of state trust lands, particularly commitments made with the federal government pursuant to the federal endangered species act. It is important to reserve the legislature's authority as ultimate trustee to set overall policy for the management of the lands of the state and to maintain a watchful eye on the decisions of the department affecting our trust lands. NEW SECTION. Sec. 2. The department of natural resources shall immediately exercise the provision in the habitat conservation plan adopted under the authority of the federal endangered species act (16 U.S.C. Sec. 1539) implementation agreement or other similar agreement terminating the agreement and the plan. The department shall notify the legislature immediately that it has taken this required action. NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Senator Hargrove moved that the following amendment by Senators Hargrove, Anderson and Rossi to the Committee on Natural Resources and Parks striking amendment be adopted:

On page 1, beginning on line 16 of the amendment, strike section 2 and insert the following: "NEW SECTION. Sec. 2. The legislature shall exercise its appropriate authority as trustee over state trust lands by reviewing the existing habitat conservation plan for state forest lands. The legislature shall make its own determination as to whether the plan and the accompanying implementation agreement are in compliance with the state's fiduciary responsibilities and are, in fact, in the best interests of the trust beneficiaries. If the legislature finds that the habitat conservation plan and implementation agreement are in the best interests of the trust beneficiaries, the legislature shall so state either through legislation, joint memorial, or resolution. If the legislature has not made such a statement by March 15, 1998, the department of natural resources shall immediately exercise the provision in the habitat conservation plan implementation agreement terminating that agreement and plan. The department of natural resources shall notify the legislature immediately that it has taken this required action." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 1, beginning on line 16, to the Committee on Natural Resources and Parks striking amendment to Substitute House Bill No. 1022.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources and Parks striking amendment to Substitute House Bill No. 1022, as amended.

Debate ensued.

The Committee on Natural Resources and Parks striking amendment, as amended, was adopted.

## MOTIONS

On motion of Senator Rossi, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "resources;" strike the remainder of the title and insert "creating new sections; and declaring an emergency." On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 1022, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1022, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1022, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 34. Voting nay: Senators Fairley, Finkbeiner, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Oke, Patterson, Prentice, Spanel,

Thibaudeau and Wojahn - 14. Excused: Senator Roach - 1. SUBSTITUTE HOUSE BILL NO. 1022, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### APPOINTMENT OF CONFERENCE COMMITTEE TO SUBSTITUTE SENATE BILL NO. 6063

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6063 and the House amendment thereto: Senators Strannigan, Fraser and Rossi.

#### CONFIRMATION

On motion of Senator Johnson, the conferees were confirmed.

EDITOR'S NOTE: The Conference was granted on Substitute Senate Bill No. 6063 on April 15, 1997.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1726, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Robertson, Linville, L. Thomas, Regala, Benson, Kastama, Smith, Hatfield, Koster, Sullivan, McDonald, Chandler, Zellinsky, DeBolt, B. Thomas, Cairnes, Johnson, Cooke, Clements, Kessler and Mulliken)

Allowing outdoor burning of storm and flood-related debris.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1726.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1726 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 38. Voting nay: Senators Brown, Fairley, Fraser, Jacobsen, Kline, Kohl, McAuliffe, Prentice, Spanel, Thibaudeau and Wojahn - 11. SUBSTITUTE HOUSE BILL NO. 1726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1111, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Koster, Delvin, Mulliken, Johnson, B. Thomas and Honeyford)

Granting water rights to certain persons who were water users before January 1, 1993.

The bill was read the second time.

#### MOTION

Senator Anderson moved that the following Committee on Agriculture and Environment amendment not be adopted: Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 90.03 RCW to read as follows: If a person placed surface or ground water to beneficial use for irrigation, stock watering, or rural domestic water supply purposes before January 1, 1993, for which a permit or certificate was not issued by the department or its predecessors, the person or the person's successor holds a water right in the amount beneficially used and with a priority date that is the date a statement of claim is filed for the right under this section if: (1) The person or the person's successor files with the department of ecology a statement of claim for the right during the period beginning September 1, 1997, and ending midnight June 30, 1998, using the standard form prescribed by RCW 90.14.051; and (2) The person or the person's successor files with the statement of claim evidence that the water described in the claim

was used beneficially before January 1, 1993, and during each of the five years preceding the date the statement is filed, in the form of any two of the following: (a) A statement signed by two persons other than the person filing the statement of claim verifying that the water was beneficially used by the claimant before January 1, 1993, as described in the statement of claim; (b) A copy of a dated photograph clearly demonstrating the presence of a crop requiring irrigation in the amounts asserted in the statement of claim or of livestock requiring water in such amounts; or records of receipts of the sale of crops by the person or the person's successor indicating that irrigation in the amount claimed was required to produce the crops; (c) Receipts or records of equipment purchases or repairs associated with the water use specified in the statement of claim; (d) Water well construction records identifying the date the well specified in the statement of claim as the point of withdrawal was constructed; (e) Records of electricity bills directly associated with the withdrawal of water as specified in the statement of claim; (f) Personal records such as photographs, journals, or correspondence indicating the use of water as asserted in the statement of claim; (g) Records of a water district or association indicating construction of a water delivery system or of water use. A right granted under this section shall not affect or impair in any respect whatsoever a water right existing prior to September 1, 1997. A right granted under this section shall be junior in every respect to a right with a more senior date of priority. The filing of a statement of claim under this section does not constitute an adjudication of any claim to the right to the use of waters as between the claimant and the state, or as between one or more water use claimants and another or others. A statement of claim filed under this section shall be admissible in a general adjudication of water rights as prima facie evidence of the times of use and the quantity of water the claimant was withdrawing or diverting to the same extent as is provided by RCW 90.14.081 for a statement of claim in the water rights claims registry on the effective date of this section. This section does not apply to ground water withdrawn in an area that is, during the period established by subsection (2) of this section, the subject of a general adjudication proceeding for water rights in superior court under RCW 90.03.110 through 90.03.245 and the proceeding applies to ground water rights. This section does not apply to surface water withdrawn in an area that is, during the period established by subsection (2) of this section, the subject of a general adjudication proceeding for water rights in superior court under RCW 90.03.110 through 90.03.245 and the proceeding applies to surface water rights. This section does not apply to rights embodied in a water right permit or certificate issued by the department of ecology or its predecessors, a water right represented by a claim in the water rights claims registry, created under RCW 90.14.111, prior to September 1, 1997, or a water right exempted from permit and application requirements by RCW 90.44.050." The President declared the question before the Senate to be the motion by Senator Anderson to not adopt the Committee on Agriculture and Environment striking amendment to Engrossed Substitute House Bill No. 1111.

The motion by Senator Anderson carried and the Committee on Agriculture and Environment striking amendment was not adopted.

#### MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Spanel be adopted:  
Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) If a person placed surface or ground water to beneficial use before January 1, 1993, for irrigation, stock watering, or domestic use supplied by a public water supply system with one hundred fifty or fewer service connections for which a permit or certificate was not issued by the department or its predecessors, the person or the public water supply system, or their respective successors may continue to use water in the amount that has been beneficially used as provided in subsection (3) of this section if: (a) The person or the public water supply system files with the department a statement of claim during the period beginning September 1, 1997, and ending midnight June 30, 1998, using the standard form prescribed by RCW 90.14.051; and (b) The person or public water supply system has applied the water to beneficial use to the full extent stated in the statement of claim during at least one of the five years preceding the date the statement is filed and the person attests to having done so on the statement. (2) The person or public water supply system must file with the statement of claim evidence that the quantity of water described in the claim was used beneficially before January 1, 1993, and during one of the five years preceding the date the statement was filed in the form of any two of the following: (a) A statement signed by two persons other than the person filing the statement of claim verifying that the claimant beneficially used the water before January 1, 1993, and during one of the five years preceding the date the statement was filed as described in the statement of claim; (b) A copy of a dated photograph clearly demonstrating the presence of grass or a crop requiring irrigation in the amounts asserted in the statement of claim or of livestock requiring water in such amounts; or records of receipts of the sale of crops by the person or the person's successor indicating that irrigation in the amount claimed was required to produce the crops; (c) Receipts or records of irrigation or stockwatering equipment purchases or repairs associated with the water use specified in the statement of claim; (d) Water well construction records identifying the date the well specified in the statement of claim as the point of withdrawal was constructed; (e) Records of electricity bills directly associated with the withdrawal of water as specified in the statement of claim; (f) Personal records such as photographs, journals, or correspondence indicating the use of water as asserted in the statement of claim. (3) Public water supply systems must, in addition to the requirements of subsection (2) of this section, provide evidence of service connections existing and using water as of January 1, 1993, including documentation that the homes were built and occupied. **NEW SECTION. Sec. 2.** If the claimant has not already filed an application for a water right under RCW 90.30.250 or 90.44.060 for the water use stated in the statement of claim, the claimant shall file such an application with the claimant's statement of claim. A claimant who has filed both a statement of claim and an application for a water right has standing to assert a claim of a water right in a general adjudication under RCW 90.03.110 for the water use stated in the statement of claim. The statement of claim shall be reviewed by the court as provided in section 4 of this act. **NEW SECTION. Sec. 3.** A person may continue to use water described in the statement of claim until one of the following occurs: (1) The department makes its final decision granting or denying the water right application filed by the applicant as provided in section 2 of this act; or (2) If the department has not made a final decision on the water right application, a court of competent jurisdiction issues a decree pursuant to a general adjudication under RCW 90.03.200 that defines or denies the claimant's right to appropriate water as provided in section 4 of this act. **NEW SECTION. Sec. 4.** The department or the court may authorize the continued use of water under section 3 of this act only if

the claimant meets the requirements of RCW 90.03.247 through 90.03.330, chapter 90.44 RCW, and RCW 90.54.020. If the department finds that the applicable requirements are met, it shall grant the water right application and issue a certificate under RCW 90.03.330 authorizing the person to use that quantity of water that had been put to beneficial use, not to exceed that quantity requested in the application or documented in the statement of claim under section 1 of this act, whichever is less. If in a general adjudication the court finds that the requirements are met, it shall confirm such use of water in a decree issued under RCW 90.03.200 and the department shall issue a certificate under RCW 90.03.240. The court may not confirm a right in excess of the quantity of water that was applied to beneficial use as documented in the statement of claim under section 1 of this act or the quantity requested in the application for a water right, whichever is less. The priority date of any right issued by the department or confirmed by a court shall be the date a water right application authorizing the use of water was filed with the department. **NEW SECTION. Sec. 5.** If the department or the court denies the claimant's use of water under section 4 of this act, the claimant must cease the use of the water. A decision by the department or a court limiting or denying a claimant's right to continue using water does not constitute a compensable taking under state or federal law because such claimants have no continuing legal right to use water. **NEW SECTION. Sec. 6.** Sections 1 through 8 of this act do not apply to or authorize any use of water that was the subject of a water right application filed with the department, where the department denied such application. **NEW SECTION. Sec. 7.** A continuing use of water authorized under sections 1 through 8 of this act do not affect or impair in any respect whatsoever a water right existing before September 1, 1997. Sections 1 through 8 of this act do not limit the ability of a senior water right holder to take legal action against any other water user to prevent impairment of his or her water right. A right granted under sections 1 through 8 of this act may be junior in every respect to a right with a more senior date of priority. Any right granted under sections 1 through 8 of this act may only be exercised in a manner that does not impair or interfere with a water right that is senior to it. The filing of a statement of claim under this section does not constitute an adjudication of any claim to the right to the use of waters as between the claimant and the state, or as between one or more water use claimants. A statement of claim filed under this section shall be admissible in a general adjudication of water rights as prima facie evidence of the times of use and the quantity of water the claimant was withdrawing or diverting to the same extent as is provided by RCW 90.14.081 for a statement of claim in the water rights claims registry on the effective date of this section. **NEW SECTION. Sec. 8.** This section does not apply to ground water in an area that is, during the period established by section 1(2) of this act, the subject of a general adjudication proceeding for water rights in superior court under RCW 90.03.110 through 90.03.245 and the proceeding applies to ground water rights. This section does not apply to surface water in an area that is, during the period established by section 1(2) of this act, the subject of a general adjudication proceeding for water rights in superior court under RCW 90.03.110 through 90.03.245 and the proceeding applies to surface water rights. **NEW SECTION. Sec. 9.** Sections 1 through 8 of this act do not apply to rights embodied in a water right permit or certificate issued by the department of ecology or its predecessors, a water right represented by a claim in the water rights claims registry, created under RCW 90.14.111, before September 1, 1997, or a water right exempted from permit and application requirements by RCW 90.44.050. **NEW SECTION. Sec. 10.** Sections 1 through 8 of this act do not apply to claims for the use of water in a ground water area or subarea for which a management program adopted by the department by rule and in effect on the effective date of this section establishes acreage expansion limitations for the use of ground water. **NEW SECTION. Sec. 11.** Sections 1 through 10 of this act are each added to chapter 90.03 RCW." Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Anderson and Spanel to Engrossed Substitute House Bill No. 1111.

The motion by Senator Anderson carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 90.03 RCW." On motion of Senator Anderson, the rules were suspended, Engrossed Substitute House Bill No. 1111, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1111, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1111, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Brown, Fairley, Franklin, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Swanson, Thibaudeau and Wojahn - 12. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1111, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:45 a.m., on motion of Senator Johnson, the Senate recessed until 2:00 p.m.

The Senate was called to order at 4:09 p.m. by President Owen.

## SECOND READING

SENATE BILL NO. 6061, by Senators Prince, Haugen and Wood (by request of Governor Locke)

Funding transportation for 1997-1999.

## MOTIONS

On motion of Senator Prince, Substitute Senate Bill No. 6061 was substituted for Senate Bill No. 6061 and the substitute bill was placed on second reading and read the second time.

Senator Prince moved that the following amendment by Senators Prince, Haugen, Wood, Rasmussen, Hale, Patterson and Prentice be adopted:

On page 3, after line 31, insert the following: "**NEW SECTION. Sec. 104. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**Transportation Fund--State Appropriation \$ 514,000(1) The joint legislative audit and review committee shall conduct a performance audit of the department of transportation focused on its responsibilities for the highway and ferry systems. The performance audit shall be an objective and systematic assessment of the programs administered by the department, including each program's effectiveness, efficiency, and accountability. The joint legislative audit and review committee shall contract with independent evaluators as needed. (2) Consistent with the procedures established in chapter 44.28 RCW, the committee shall, as appropriate, consult the department's frontline employees, department and program managers, customers of the department's programs and services, other taxpayers, legislators, legislative staff, office of financial management staff, and other external public and private sector experts as deemed appropriate in conducting the performance audit. On behalf of the committee, the independent evaluator shall be provided direct and unrestricted access to information held by the department, which shall submit all data and other information requested by the committee. (3) The performance audit shall identify those activities and programs of the department that should be strengthened, those that should be abandoned, and those that need to be redirected or other alternatives explored. In conducting the audit, the following objectives shall be addressed as appropriate: (a) Identify each of the department's discrete functions or activities, along with associated costs and full-time equivalent staff; (b) Determine the extent to which the particular activity or function is specifically authorized in statute or is consistent with statutory direction and intent; (c) Establish the relative priority of the program among the department's functions; (d) Consider whether or not the purpose for which the program was created is still valid based on the circumstances under which the program was created versus those that exist at the time of the audit; (e) Recommend organizations or programs in the public or private sector to be used as benchmarks against which to measure the performance of the program or function; (f) Determine whether or not the program or function is achieving the results for which it was established; (g) Identify alternatives for delivering the program or service, either in the public or private sector; (h) Identify any duplication of services with other government programs or private enterprises or gaps in services; (i) Identify the costs or implications of not performing the function; (j) Determine the frequency with which other states perform similar functions, as well as their relative funding levels and performance; (k) In the event of inadequate performance by the program, identify the potential for a workable, affordable plan to improve performance;

(l) Identify, to the extent possible, the causes of any program's failure to achieve the desired results and identify alternatives for reducing costs or improving service delivery, including transferring functions to other public or private sector organizations; and (m) Develop recommendations relating to statutes that inhibit or do not contribute to the department's ability to perform its functions effectively and efficiently and whether specific statutes, activities, or programs should be continued, abandoned, or restructured. (4) The performance audit shall be conducted under the procedures established in chapter 44.28 RCW, including the preparation of preliminary and final audit reports under RCW 44.28.088 and a follow-up compliance report under RCW 44.28.091. The preliminary audit report shall be completed by August 1, 1998, and the final audit report shall be published by November 1, 1998. (5) In conducting the performance audit, the joint legislative audit and review committee shall work cooperatively with the legislative transportation committee and its staff. (6) The joint legislative audit and review committee shall create a temporary advisory committee to assist the committee in conducting this performance audit. The advisory committee shall assist the committee in the following matters: (a) Identifying stakeholders; (b) Developing the audit scope and objectives; (c) Reviewing progress reports provided by the joint legislative audit and review committee; (d) Reviewing preliminary and final audit reports; and (e) Facilitating communication of audit findings to other members of the legislature. (7) The advisory committee shall be comprised of representatives of the joint legislative audit and review committee, the legislative transportation committee, and other stakeholders as determined by the joint legislative audit and review committee. (8) The advisory committee shall be chaired by the chair of the joint legislative audit and review committee." Renumber the remaining sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Prince, Haugen, Wood, Rasmussen, Hale, Patterson and Prentice on page 3, after line 31, to Substitute Senate Bill No. 6061.

The motion by Senator Prince carried and the amendment was adopted.

## MOTION

Senator Jacobsen moved that the following amendment be adopted:

On page 48, after line 21, insert the following: "**PART VIINEW REVENUE BUDGET NEW SECTION. Sec.**

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The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 48, after line 21, to Substitute Senate Bill No. 6061.

The motion by Senator Jacobsen failed and the amendment was not adopted.

#### MOTION

On motion of Senator Prince, the rules were suspended, Engrossed Substitute Senate Bill No. 6061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6061.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6061 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Sellar, Spanel, Stevens, Strannigan, Swecker, West, Winsley and Wood - 30. Voting nay: Senators Bauer, Benton, Finkbeiner, Fraser, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, Roach, Rossi, Schow, Sheldon, Snyder, Swanson, Thibaudeau, Wojahn and Zarelli - 19. ENGROSSED SUBSTITUTE SENATE BILL NO. 6061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced former Senator "Pat" Patterson, and now a member of the Transportation Commission, who was seated on the rostrum.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1474, by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Cairnes, Lisk, Sherstad, Sheldon, Sheahan, Pennington, Hatfield, Koster, Dunn, Doumit, McMorris, Alexander, Thompson, Bush, McDonald, Delvin, Wensman and Mulliken)

Increasing categorical exemptions from SEPA.

The bill was read the second time.

#### MOTIONS

Senator Swecker moved that the following Committee on Agriculture and Environment amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 43.21C RCW to read as follows: (1) Within urban growth areas designated under RCW 36.70A.110, decisions pertaining to the following activities are exempt from threshold determination and environmental impact statement requirements: (a) Construction of or location of any residential structures of ten or fewer dwelling units; (b) construction of an office, school, commercial, recreational, service, or storage building with eight thousand or fewer square feet of gross floor area, and with associated parking for forty or fewer automobiles; (c) construction of a parking lot designed for forty or fewer automobiles; (d) division of land into nine or fewer lots or parcels; and (e) any landfill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation. (2) The legislative authority of a county or city that is planning under RCW 36.70A.040 may raise the exemption levels specified in subsection (1)(a) or (b) of this section by ordinance or resolution to the following maximum levels within urban growth areas: (a) Construction of or location of any residential structures of a maximum of twenty or fewer dwelling units; and (b) construction of an office, school, commercial, recreational, service, or storage building with a maximum of twelve thousand or fewer square feet of gross floor area, and with associated parking for forty or fewer automobiles. (3) The exemption in subsection (1) or (2) of this section shall not preclude a city or county from administratively applying substantive protection measures for critical areas regulations required under chapter 36.70A RCW, or from assessing fees for roads, schools, or other impacts under this chapter or chapter 82.02 RCW." On motion of Senator Swecker, the following amendment to the Committee on Agriculture and Environment striking amendment was adopted:

On page 1, beginning on line 30 of the amendment, strike subsection (3) The President declared the question before the Senate to be the adoption of the Committee on Agriculture and Environment striking amendment, as amended, to Substitute House Bill No. 1474.

The Committee on Agriculture and Environment striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Swecker, the following title amendment was adopted:  
On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "and adding a new section to chapter 43.21C RCW." On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1474, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe the Senator has already spoken."

#### REPLY BY THE PRESIDENT

President Owen: "I believe Senator Swecker is the maker of the motion and can open and close debate."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1474, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1474, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 31. Voting nay: Senators Brown, Fairley, Fraser, Haugen, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 18. SUBSTITUTE HOUSE BILL NO. 1474, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2089, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler and Honeyford)

Identifying livestock.

The bill was read the second time.

#### MOTION

Senator Morton moved that the following Committee on Agriculture and Environment striking amendment not be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 16.57.220 and 1995 c 374 s 49 are each amended to read as follows: The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be ~~((sixty))~~ seventy-five cents per head for cattle and not more than ~~((two))~~ three dollars ~~((and forty cents))~~ per head for horses as prescribed by the director subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management. **Sec. 2.** RCW 16.57.220 and 1997 c ... s 1 (section 1 of this act) are each amended to read as follows: The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be ~~((seventy-five))~~ sixty cents per head for cattle and not more than ~~((three))~~ two dollars and forty cents per head for horses as

prescribed by the director subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management. NEW SECTION. Sec. 3. (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997. (2) Section 2 of this act takes effect February 1, 1998." Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton to not adopt the Committee on Agriculture and Environment striking amendment to Substitute House Bill No. 2089.

The motion by Senator Morton carried and the committee striking amendment was not adopted.

## MOTIONS

On motion of Senator Morton, the following amendment by Senators Morton, Rasmussen and Fraser was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 16.57.015 and 1993 c 354 s 10 are each amended to read as follows: (1) The director shall establish a livestock identification advisory board. The board shall be composed of six members appointed by the director. One member shall represent each of the following groups: Beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. In making appointments, the director shall solicit nominations from organizations representing these groups state-wide. (2) The purpose of the board is to provide oversight of the livestock identification programs and advice to the director regarding livestock identification programs administered under this chapter and regarding brand inspection fees and related licensing fees. The board shall meet at least once every two months to receive a program status briefing from the department, including a financial update and any other financial information requested by the board, in order to provide guidance to the department on the operation of the programs. The director shall consult the board before hiring or dismissing supervisory personnel, adopting, amending, or repealing a rule under this chapter or altering a fee under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director publishes in the state register a proposed rule to be adopted under the authority of this chapter or a proposed rule setting a fee under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not received the approval of the advisory board, the director shall file with the board a written statement setting forth the director's reasons for proposing the rule without the board's approval. (3) The members of the advisory board serve three-year terms. However, the director shall by rule provide shorter initial terms for some of the members of the board to stagger the expiration of the initial terms. The members serve without compensation. The director may authorize the expenses of a member to be reimbursed if the member is selected to attend a regional or national conference or meeting regarding livestock identification. Any such reimbursement shall be in accordance with RCW 43.03.050 and 43.03.060. **Sec. 2.** RCW 16.57.220 and 1995 c 374 s 49 are each amended to read as follows: The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be ~~((sixty))~~ seventy-five cents per head for cattle and not more than ~~((two))~~ three dollars ~~((and forty cents))~~ per head for horses as prescribed by the director subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management.

**Sec. 3.** RCW 16.57.220 and 1997 c ... s 2 (section 2 of this act) are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be ~~((seventy-five))~~ sixty cents per head for cattle and not more than ~~((three))~~ two dollars and forty cents per head for horses as prescribed by the director subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management. **Sec. 4.** RCW 16.58.050 and 1994 c 46 s 23 are each amended to read as follows: The application for an annual license to engage in the business of operating one or more certified feed lots shall be accompanied by a license fee of ~~((six))~~ seven hundred fifty dollars. Upon approval of the application by the director and compliance with the provisions of this chapter and rules adopted hereunder, the applicant shall be issued a license or a renewal thereof. **Sec. 5.** RCW 16.58.050 and 1997 c . . . s 4 (section 4 of this act) are each amended to read as follows: The application for an annual license to engage in the business of operating one or more certified feed lots shall be accompanied by a license fee of ~~((seven))~~ six hundred ~~((fifty))~~ dollars. Upon approval of the

application by the director and compliance with the provisions of this chapter and rules adopted hereunder, the applicant shall be issued a license or a renewal thereof. **Sec. 6.** RCW 16.58.130 and 1994 c 46 s 24 are each amended to read as follows: Each licensee shall pay to the director a fee of ~~((twelve))~~ fifteen cents for each head of cattle handled through the licensee's feed lot. Payment of such fee shall be made by the licensee on a monthly basis. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if a licensee has failed to make prompt and timely payments. **Sec. 7.** RCW 16.58.130 and 1997 c . . . s 6 (section 6 of this act) are each amended to read as follows: Each licensee shall pay to the director a fee of ~~((fifteen))~~ twelve cents for each head of cattle handled through the licensee's feed lot. Payment of such fee shall be made by the licensee on a monthly basis. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if a licensee has failed to make prompt and timely payments. **Sec. 8.** RCW 16.65.037 and 1995 c 374 s 57 are each amended to read as follows: (1) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued. (2) The license fee shall be based on the average gross sales volume per official sales day of that market: (a) Markets with an average gross sales volume up to and including ten thousand dollars, a one hundred ~~((twenty))~~ fifty dollar fee; (b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a ~~((two))~~ three hundred ~~((forty))~~ fifty dollar fee; and (c) Markets with an average gross sales volume over fifty thousand dollars, a ~~((three))~~ four hundred ~~((sixty))~~ fifty dollar fee. The fees for public market licenses shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. (3) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate application fee. **Sec. 9.** RCW 16.65.037 and 1997 c . . . s 8 (section 8 of this act) are each amended to read as follows: (1) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued. (2) The license fee shall be based on the average gross sales volume per official sales day of that market: (a) Markets with an average gross sales volume up to and including ten thousand dollars, a one hundred ~~((fifty))~~ twenty dollar fee; (b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a ~~((three))~~ two hundred ~~((fifty))~~ forty dollar fee; and (c) Markets with an average gross sales volume over fifty thousand dollars, a ~~((four))~~ three hundred ~~((fifty))~~ sixty dollar fee. The fees for public market licenses shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. (3) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate application fee. **Sec. 10.** RCW 16.65.090 and 1994 c 46 s 22 are each amended to read as follows: The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market or special open consignment horse sale ~~((= PROVIDED, That))~~. However, if in any one sale day the total fees collected for brand inspection do not exceed ~~((seventy-two))~~ ninety dollars, then such licensee shall pay ~~((seventy-two))~~ ninety dollars for such brand inspection or as much thereof as the director may prescribe. **Sec. 11.** RCW 16.65.090 and 1997 c . . . s 10 (section 10 of this act) are each amended to read as follows: The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market or special open consignment horse sale. However, if in any one sale day the total fees collected for brand inspection do not exceed ~~((ninety))~~ seventy-two dollars, then such licensee shall pay ~~((ninety))~~ seventy-two dollars for such brand inspection or as much thereof as the director may prescribe. **NEW SECTION. Sec. 12.** (1) Sections 2, 4, 6, 8, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997. (2) Sections 3, 5, 7, 9, and 11 of this act take effect July 1, 1998." On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 1 of the title, after "livestock;" strike the remainder of the title and insert "amending RCW 16.57.015, 16.57.220, 16.57.220, 16.58.050, 16.58.050, 16.58.130, 16.58.130, 16.65.037, 16.65.037, 16.65.090, and 16.65.090; providing effective dates; and declaring an emergency."

#### MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 2089, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### POINT OF INQUIRY

Senator Loveland: "Senator Morton, this has been in a state of flux and we had a number of amendments and I would like to ask, has the Washington State Cattlemen's Association accepted this striking amendment?"

Senator Morton: "This was given to the Cattlemen's Association yesterday and I talked with the Cattlemen's president yesterday. She had wished to bring it before her board, which she was not able to convene until later in the week. I felt that we needed to move this along and so we have done that. I have talked with the other entities involved and they are all agreed upon it. I did talk with a representative today from the Cattlemen's Association and she did not agree or disagree."

Senator Loveland: "Thank you very much."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2089, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2089, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Voting nay: Senator Kline - 1. SUBSTITUTE HOUSE BILL NO. 2089, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MOTIONS

On motion of Senator Johnson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6098.

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6098 was advanced to second reading and placed on the second reading calendar.

#### MOTIONS

On motion of Senator Johnson, the Committee on Government Operations was relieved of further consideration of Gubernatorial Appointment No. 9199, Marilyn G. Sayan, as Chair of the Public Employment Relations Commission.

On motion of Senator Johnson, Gubernatorial Appointment No. 9199, Marilyn G. Sayan, as Chair of the Public Employment Relations Commission, was referred to the Committee on Commerce and Labor.

#### MOTION FOR RECONSIDERATION

Prior notice having been served, Senator Johnson moved to reconsider the vote by which House Bill No. 1458, as amended by the Senate, passed the Senate on April 15, 1997.

The President declared the question before the Senate to be the motion by Senator Johnson to reconsider the vote by which House Bill No. 1458, as amended by the Senate, passed the Senate.

The motion by Senator Johnson carried and the Senate will reconsider the vote by which House Bill No. 1458, as amended by the Senate, passed the Senate.

#### MOTION

On motion of Senator Johnson, further consideration of House Bill No. 1458, as amended by the Senate, on reconsideration, was deferred.

#### MOTION FOR RECONSIDERATION

Prior notice having been served, Senator Johnson moved to reconsider the vote by which Substitute House Bill No. 1008, as amended by the Senate, failed to pass the Senate on April 15, 1997.

The President declared the question before the Senate to be the motion by Senator Johnson to reconsider the vote by which Substitute House Bill No. 1008, as amended by the Senate, failed to pass the Senate.

The motion by Senator Johnson carried and the Senate will reconsider the vote by which Substitute House Bill No. 1008, as amended by the Senate, failed to pass the Senate.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1008, as amended by the Senate, on reconsideration, was deferred.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### MOTION

On motion of Senator Goings, Senator Hargrove was excused.

#### SECOND READING



SENATE BILL NO. 6098, by Senator West

Relating to human services.

The bill was read the second time.

#### MOTION

Senator Deccio moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. IMMIGRANTS--ELIGIBILITY. The state shall exercise its option under P.L. 104-193 to continue services to legal immigrants under temporary assistance for needy families, medicaid, and social services block grant programs. Eligibility for these benefits for legal immigrants arriving after August 21, 1996, is limited to those families where the parent, parents, or legal guardians have been in residence in Washington state for a period of twelve consecutive months before making their application for assistance. Legal immigrants who lose benefits under the supplemental security income program as a result of P.L. 104-193 are immediately eligible for benefits under the state's general assistance-unemployable program. The department shall redetermine income and resource eligibility at least annually, in accordance with existing state policy. NEW SECTION. Sec. 2. SPONSOR DEEMING. (1) Except as provided in subsection (4) of this section, qualified aliens and aliens permanently residing under color of law shall have their eligibility for assistance redetermined. (2) In determining the eligibility and the amount of benefits of a qualified alien or an alien permanently residing under color of law for public assistance under this title, the income and resources of the alien shall be deemed to include the income and resources of any person and his or her spouse who executed an affidavit of support pursuant to section 213A of the federal immigration and naturalization act on behalf of the alien for a period of five years following the execution of that affidavit of support. The deeming provisions of this subsection shall be waived if the sponsor dies or is permanently incapacitated during the period the affidavit of support is valid. (3) As used in this section, "qualified alien" has the meaning provided it in P.L. 104-183. (4)(a) Qualified aliens specified under sections 403, 412, and 552 (e) and (f), subtitle B, Title IV, of P.L. 104-193 and in P.L. 104-208, are exempt from this section. (b) Qualified aliens who served in the armed forces of an allied country, or were employed by an agency of the federal government, during a military conflict between the United States of America and a military adversary are exempt from the provisions of this section. (c) Qualified aliens who are victims of domestic violence and petition for legal status under the federal violence against women act are exempt from the provisions of this section. NEW SECTION. Sec. 3. FOOD ASSISTANCE. (1) The department may establish a food assistance program for persons whose immigrant status meets the eligibility requirements of the federal food stamp program, but who are no longer eligible solely due to their immigrant status under P.L. 104-193. (2) The rules for the state food assistance program shall follow exactly the rules of the federal food stamp program except for the provisions pertaining to immigrant status under P.L. 104-193. (3) The benefit under the state food assistance program shall be established by the legislature in the biennial operating budget. (4) The department may enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program. (5) In the event the department is unable to enter into a contract with the United States department of agriculture, the department may issue vouchers to eligible households for the purchase of eligible foods at participating retailers. NEW SECTION. Sec. 4. CAPTIONS NOT LAW. Captions used in this act are not any part of the law. NEW SECTION. Sec. 5. Sections 1 through 3 of this act are each added to the chapter created in section 1010, chapter . . . (Engrossed House Bill No. 3901), Laws of 1997." Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Deccio to Substitute Senate Bill No. 6098.

The motion by Senator Deccio carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Johnson, the following title amendment was adopted:

On page 1, line 1 of the title, after "services" insert "; adding new sections to chapter 74.-- RCW; and creating a new section" On motion of Senator Johnson, the rules were suspended, Engrossed Senate Bill No. 6098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6098.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6098 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Hargrove - 1. ENGROSSED SENATE BILL NO. 6098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Engrossed Senate Bill No. 6098 was immediately transmitted to the House of Representatives.

#### MOTION

At 5:38 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 7:24 p.m. by President Owen.

#### SECOND READING GUBERNATORIAL APPOINTMENT

#### MOTION

On motion of Senator Long, Gubernatorial Appointment No. 9220, Fran Lewis, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

#### APPOINTMENT OF FRAN LEWIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senators Benton and West - 2.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1425, as amended by the Senate, deferred on third reading April 10, 1997.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1425, as amended by the Senate.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1425, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 39. Voting nay: Senators Bauer, Franklin, Goings, Heavey, Kline, Loveland, Patterson, Snyder, Spanel and Wojahn - 10. SUBSTITUTE HOUSE BILL NO. 1425, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1269, by Representatives Robertson, Costa, Scott, Tokuda, Delvin and L. Thomas

Providing moneys for the death investigations' account.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1269.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1269 and the bill passed the Senate by the following vote:

Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 40. Voting nay: Senators Benton, Hochstatter, Johnson, Morton, Roach, Rossi, Schow, Stevens and Zarelli - 9. HOUSE BILL NO. 1269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1780, by House Committee on Law and Justice (originally sponsored by Representatives Sheahan, L. Thomas, Pennington, Delvin, Sherstad, Hickel and Kessler)

Modifying service of process.

The bill was read the second time.

## MOTIONS

On motion of Senator Johnson, the following Committee on Law and Justice amendment was adopted:

On page 3, beginning on line 26, strike all of section 2. On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1780, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1780, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1780, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE HOUSE BILL NO. 1780, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1118, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, Johnson, Boldt and Honeyford)

Reopening the water rights claim filing period.

The bill was read the second time.

## MOTIONS

On motion of Senator Morton, the following amendment was adopted:

On page 5, at the beginning of line 35, strike all material through "at" and insert "Between the effective date of this section and" On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1118, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1118, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1118, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 41. Voting nay: Senators Fairley, Fraser, Kline, Kohl, Patterson, Prentice, Swanson and Thibaudeau - 8. SUBSTITUTE HOUSE BILL NO. 1118, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900, by House Committee on Appropriations (originally sponsored by Representatives Sheahan, Ballasiotes, Schoesler, Bush, Honeyford, Carrell, Chandler, Mitchell, Clements, Huff, Thompson, Hankins, Mulliken, Koster, Carlson, Cairnes, Cooke, Johnson, Skinner, Mastin, Smith, Crouse, Benson, Alexander, Talcott, Robertson, Lisk, Zellinsky, Boldt, Delvin, Sterk, Lambert, Hickel, Backlund and Pennington)

Revising the Juvenile Code (Introduced with Senate sponsors).

The bill was read the second time.

### MOTION

Senator Roach moved that the following amendment by Senators Roach and Johnson be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 5.60.060 and 1996 c 156 s 1 are each amended to read as follows: (1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness. (2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment. (b) A parent shall not be examined as to a communication made by that parent's minor child to the child's attorney after the filing of juvenile offender or adult criminal charges, if the parent was present at the time of the communication. This privilege does not extend to communications made prior to filing of charges. (3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs. (4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows: (a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and (b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules. (5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure. (6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer. (b) For purposes of this section, "peer support group counselor" means a: (i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or (ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity. (7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate. (a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings. (b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed. **Sec. 2.** RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are each reenacted and amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account. (2) "Commission" means the sentencing guidelines commission. (3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions. (4)

"Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections. (5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two. (6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. (7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states. (8) "Confinement" means total or partial confinement as defined in this section. (9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty. (10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430. (11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. (12)((a)) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction ((a)) (a) whether the defendant has been placed on probation and the length and terms thereof; and ((b)) (b) whether the defendant has been incarcerated and the length of incarceration. ((b)) "Criminal history" shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty three years of age at the time the offense for which he or she is being sentenced was committed.) (13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents. (14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge. (15) "Department" means the department of corrections. (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence. (17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW. (18) "Drug offense" means: (a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403); (b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or (c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection. (19) "Escape" means: (a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection. (20) "Felony traffic offense" means: (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection. (21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court. (22)((a)) "First-time offender" means any person who is convicted of a felony ((a)) (a) not classified as a violent offense or a sex offense under this chapter, or ((b)) (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, ((and except as provided in (b) of this subsection,)) who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense. ((b)) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses and

serious violent offenses--)) (23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended: (a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony; (b) Assault in the second degree; (c) Assault of a child in the second degree; (d) Child molestation in the second degree; (e) Controlled substance homicide; (f) Drive-by shooting; (g) Extortion in the first degree; ((#)) (h) Incest when committed against a child under age fourteen; ((##)) (i) Indecent liberties; ((#)) (j) Kidnapping in the second degree; ((##)) (k) Leading organized crime; ((##)) (l) Manslaughter in the first degree; ((##)) (m) Manslaughter in the second degree; ((##)) (n) Promoting prostitution in the first degree; ((##)) (o) Rape in the third degree; ((##)) (p) Robbery in the second degree; ((##)) (q) Sexual exploitation; ((##)) (r) Vehicular assault; ((##)) (s) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; ((##)) (t) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section; ((##)) (u) Any other felony with a deadly weapon verdict under RCW 9.94A.125; ((##)) (v) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection. (24) "Nonviolent offense" means an offense which is not a violent offense. (25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably. (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section. (27) "Persistent offender" is an offender who: (a)(i) Has been convicted in this state of any felony considered a most serious offense; and (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or (b)(i) Has been convicted of (A) rape in the first degree, rape in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. (28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody. (29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress. (30) "Serious traffic offense" means: (a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection. (31) "Serious violent offense" is a subcategory of violent offense and means: (a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection. (32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence. (33) "Sex offense" means: (a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; (b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection. (34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification. (35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060. (36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody. (37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. (38) "Violent offense" means: (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection. (39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing

private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program. (40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education. (41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility. (42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. **Sec. 3.** RCW 9.94A.040 and 1996 c 232 s 1 are each amended to read as follows: (1) A sentencing guidelines commission is established as an agency of state government. (2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall: (a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further: (i) The purposes of this chapter as defined in RCW 9.94A.010; and (ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter; (b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity; (c) Study the existing criminal code and from time to time make recommendations to the legislature for modification; (d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system; (e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996; (f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth; (g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards (~~in accordance with RCW 9.94A.045~~). The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and (h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on: (i) Racial disproportionality in juvenile and adult sentencing; (ii) The capacity of state and local juvenile and adult facilities and resources; and (iii) Recidivism information on adult and juvenile offenders. (3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine. (4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations: (a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum; (b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and (c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021. (5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW. **Sec. 4.** RCW 9.94A.120 and 1996 c 275 s 2, 1996 c 215 s 5, 1996 c 199 s 1, and 1996 c 93 s 1 are each reenacted and amended to read as follows: When a person is convicted of a felony, the court shall impose punishment as provided in this section. (1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense. (2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. (3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence. (4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of

authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree. (5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following: (a) Devote time to a specific employment or occupation; (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense; (c) Pursue a prescribed, secular course of study or vocational training; (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (e) Report as directed to the court and a community corrections officer; or (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work. (6)(a) An offender is eligible for the special drug offender sentencing alternative if: (i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4); (ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and (iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance. (b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternative to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions: (i) Devote time to a specific employment or training; (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment; (iii) Report as directed to a community corrections officer; (iv) Pay all court-ordered legal financial obligations; (v) Perform community service work; (vi) Stay out of areas designated by the sentencing judge. (c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court. (d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission. (7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. (8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment. The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information. The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (A) Frequency and type of contact between offender and therapist; (B) Specific issues to be addressed in the treatment and description of planned treatment modalities; (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; (D) Anticipated length of treatment; and (E) Recommended crime-related prohibitions. The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. (ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing



alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension: (A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section; and (B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following: (I) Devote time to a specific employment or occupation; (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (III) Report as directed to the court and a community corrections officer; (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime. (iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing. (iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody. (v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection. (vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked. (vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. (viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health. (ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense. (x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment. (b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department. Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following: (i) Devote time to a specific employment or occupation; (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (iii) Report as directed to the court and a community corrections officer; (iv) Undergo available outpatient treatment. If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections. Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990. (c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds. (9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement

beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. (b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions: (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed; (ii) The offender shall work at department of corrections-approved education, employment, and/or community service; (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions; (iv) An offender in community custody shall not unlawfully possess controlled substances; (v) The offender shall pay supervision fees as determined by the department of corrections; and (vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement. (c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions: (i) The offender shall remain within, or outside of, a specified geographical boundary; (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals; (iii) The offender shall participate in crime-related treatment or counseling services; (iv) The offender shall not consume alcohol; (v) The offender shall comply with any crime-related prohibitions; or (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim. (d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections. (10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). (b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section. (c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. (11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits. (12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. (13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW. (14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. (a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. (b) For sex offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not

limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during a sex offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay. (15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder. (16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced. (17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6). (18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution. (19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement. (20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention. (21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations. **Sec. 5.** RCW 9.94A.360 and 1995 c 316 s 1 and 1995 c 101 s 1 are each reenacted and amended to read as follows: The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows: The offender score is the sum of points accrued under this section rounded down to the nearest whole number. (1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400. (2) ~~(Except as provided in subsection (4) of this section,)~~ Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions. (3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute. (4) ~~((Always include juvenile convictions for sex offenses and serious violent offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.))~~ Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses. ~~((6))~~ (5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except: (i) Prior ~~(adult)~~ offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior ~~(adult)~~ offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations; and (ii) ~~(Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and (iii))~~ In the case of multiple prior convictions for

offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score. (b) As used in this subsection ~~((6))~~ (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense. ~~((7))~~ (6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. ~~((8))~~ (7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) ~~((13))~~ of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction. ~~((9))~~ (8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) ~~((13))~~ of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction. ~~((10))~~ (9) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction. ~~((11))~~ (10) If the present conviction is for Burglary 1, count prior convictions as in subsection ~~((9))~~ (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction. ~~((12))~~ (11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and ½ point for each juvenile prior conviction. ~~((13))~~ (12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection ~~((9))~~ (8) of this section if the current drug offense is violent, or as in subsection ~~((8))~~ (7) of this section if the current drug offense is nonviolent. ~~((14))~~ (13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point. ~~((15))~~ (14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point. ~~((16))~~ (15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection ~~((8))~~ (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction. ~~((17))~~ (16) If the present conviction is for a sex offense, count priors as in subsections ~~((8))~~ (7) through ~~((16))~~ (15) of this section; however count three points for each adult and juvenile prior sex offense conviction. ~~((18))~~ (17) If the present conviction is for an offense committed while the offender was under community placement, add one point. **Sec. 6.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are each reenacted and amended to read as follows: (1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings: (a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW; (b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170; (c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210; (d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170; (e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless: (i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or (ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or (iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or (iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 or burglary in the first degree if the juvenile has been previously adjudicated of a criminal offense, or robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, but before the effective date of this act, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or (C) a violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this act and the offender was armed with a deadly weapon during the commission of the offense. In such a case the adult criminal court shall have exclusive original jurisdiction. If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea; (f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW; (g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diveree has attained eighteen years of age; (h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises

exclusive jurisdiction; and (i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042. (2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010. (3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal. **Sec. 7.** RCW 13.40.010 and 1992 c 205 s 101 are each amended to read as follows: (1) This chapter shall be known and cited as the Juvenile Justice Act of 1977. (2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that ~~((both))~~ communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter: (a) Protect the citizenry from criminal behavior; (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter; (c) Make the juvenile offender accountable for his or her criminal behavior; (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender; (e) Provide due process for juveniles alleged to have committed an offense; (f) Provide necessary treatment, supervision, and custody for juvenile offenders; (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety; (h) Provide for restitution to victims of crime; (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; ~~((and))~~ (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; and (k) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process. **Sec. 8.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are each reenacted and amended to read as follows: For the purposes of this chapter: (1) ("Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be: (a) A class A felony, or an attempt to commit a class A felony; (b) Manslaughter in the first degree; or (c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon; (2)) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews; ~~((3))~~ (2) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred ~~((adjudication))~~ disposition pursuant to RCW 13.40.125. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following: (a) Community-based sanctions; (b) Community-based rehabilitation; (c) Monitoring and reporting requirements; (d) Posting of a probation bond ~~((imposed pursuant to RCW 13.40.0357))~~; ~~((4))~~ (3) Community-based sanctions may include one or more of the following: (a) A fine, not to exceed ~~((one))~~ five hundred dollars; (b) Community service not to exceed one hundred fifty hours of service; ~~((5))~~ (4) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds; ~~((6))~~ (5) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement; ~~((7))~~ (6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court; ~~((8))~~ (7) "Court," ~~((=))~~ when used without further qualification, means the juvenile court judge(s) or commissioner(s); ~~((9))~~ (8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense: (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before the effective date of this act or a deferred disposition shall not be considered part of the respondent's criminal history; ~~((10))~~ (9) "Department" means the department of social and health services; ~~((11))~~ (10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring; ~~((12))~~ (11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For

purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community; ~~((13))~~ (12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW; ~~((14))~~ (13) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction; ~~((15))~~ (14) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300; (15) "Local sanctions" mean one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine; (16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter; (17) ("Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender; (18) "Minor or first offender" means a person whose current offense(s) and criminal history fall entirely within one of the following categories: (a) Four misdemeanors; (b) Two misdemeanors and one gross misdemeanor; (c) One misdemeanor and two gross misdemeanors; and (d) Three gross misdemeanors. For purposes of this definition, current violations shall be counted as misdemeanors; ~~(19))~~ "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state; ~~((20))~~ (18) "Respondent" means a juvenile who is alleged or proven to have committed an offense; ~~((21))~~ (19) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender; ~~((22))~~ (20) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department; ~~((23))~~ (21) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter; ~~((24))~~ (22) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030; ~~((25))~~ (23) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification; ~~((26))~~ (24) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care; ~~((27))~~ (25) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration; ~~((28))~~ (26) "Violent offense" means a violent offense as defined in RCW 9.94A.030; ~~((29))~~ (27) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court; ~~((30))~~ (28) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case. **Sec. 9.** RCW 13.40.0357 and 1996 c 205 s 6 are each amended to read as follows:

**(1) ((SCHEDULE A))DESCRIPTION AND OFFENSE CATEGORY**

**JUVENILE JUVENILE DISPOSITIONDISPOSITIONCATEGORY FOR ATTEMPT,OFFENSEBAILJUMP, CONSPIRACY,CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION**

**Arson and Malicious**

**Mischief** A Arson 1 (9A.48.020) B+ B Arson 2 (9A.48.030) C C Reckless Burning 1 (9A.48.040) D D Reckless Burning 2 (9A.48.050) E B Malicious Mischief 1 (9A.48.070) C C Malicious Mischief 2 (9A.48.080) D D Malicious Mischief 3 (< \$50 is E class) (9A.48.090) E E Tampering with Fire Alarm Apparatus (9.40.100) E A Possession of Incendiary Device (9.40.120) B+

**Assault and Other**

**Crimes Involving Physical Harm** A Assault 1 (9A.36.011) B+ B+ Assault 2 (9A.36.021) C+ C+ Assault 3 (9A.36.031) D+ D+ Assault 4 (9A.36.041) E B+ Drive-By Shooting (9A.36.045) C+ D+ Reckless Endangerment (9A.36.050) E C+ Promoting Suicide Attempt (9A.36.060) D+ D+ Coercion (9A.36.070) E C+ Custodial Assault (9A.36.100) D+

**Burglary and**

**Trespass** B+ Burglary 1 (9A.52.020) C+ B Residential Burglary (9A.52.025) C B Burglary 2

(9A.52.030) C D Burglary Tools (Possession of) (9A.52.060) E D Criminal Trespass 1  
(9A.52.070) E E Criminal Trespass 2  
(9A.52.080) E C Vehicle Prowling 1  
(9A.52.095) D D Vehicle Prowling 2 (9A.52.100) E

**Drugs** E Possession/Consumption of Alcohol (66.44.270) E C Illegally Obtaining Legend Drug (69.41.020) D C+ Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030) D+ E Possession of Legend Drug (69.41.030) E B+ Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Sale (69.50.401(a)(1)(i) or (ii)) B+ C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii)) C E Possession of Marihuana < 40 grams (69.50.401(e)) E C Fraudulently Obtaining Controlled Substance (69.50.403) C C+ Sale of Controlled Substance for Profit (69.50.410) C+ E Unlawful Inhalation (9.47A.020) E B Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Counterfeit Substances (69.50.401(b)(1)(i) or (ii)) B C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1)(iii), (iv), (v)) C C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d)) C C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c)) C

**Firearms and Weapons** B Theft of Firearm (9A.56.300) C B Possession of Stolen Firearm (9A.56.310) C E Carrying Loaded Pistol Without Permit (9.41.050) E C Possession of Firearms by Minor (< 18) (9.41.040(1) (b)((iv))) (iii) C D+ Possession of Dangerous Weapon (9.41.250) E D Intimidating Another Person by use of Weapon (9.41.270) E

**Homicide** A+ Murder 1 (9A.32.030) A A+ Murder 2 (9A.32.050) B+ B+ Manslaughter 1 (9A.32.060) C+ C+ Manslaughter 2 (9A.32.070) D+ B+ Vehicular Homicide (46.61.520) C+

**Kidnapping** A Kidnap 1 (9A.40.020) B+ B+ Kidnap 2 (9A.40.030) C+ C+ Unlawful Imprisonment (9A.40.040) D+

**Obstructing Governmental Operation** ((E)) D Obstructing a Law Enforcement Officer (9A.76.020) E E Resisting Arrest (9A.76.040) E B Introducing Contraband 1 (9A.76.140) C C Introducing Contraband 2 (9A.76.150) D E Introducing Contraband 3 (9A.76.160) E B+ Intimidating a Public Servant (9A.76.180) C+ B+ Intimidating a Witness (9A.72.110) C+

**Public Disturbance** C+ Riot with Weapon (9A.84.010) D+ D+ Riot Without Weapon (9A.84.010) E E Failure to Disperse (9A.84.020) E E Disorderly Conduct (9A.84.030) E

**Sex Crimes** A Rape 1 (9A.44.040) B+ A- Rape 2 (9A.44.050) B+ C+ Rape 3 (9A.44.060) D+ A- Rape of a Child 1 (9A.44.073) B+ B+ Rape of a Child 2 (9A.44.076) C+ B Incest 1 (9A.64.020(1)) C C Incest 2 (9A.64.020(2)) D D+ Indecent Exposure (Victim < 14) (9A.88.010) E E Indecent Exposure (Victim 14

or over) (9A.88.010) E B+ Promoting Prostitution  
 1 (9A.88.070) C+ C+ Promoting Prostitution  
 2 (9A.88.080) D+ E O & A (Prostitution)  
 (9A.88.030) E B+ Indecent Liberties  
 (9A.44.100) C+ ((B+)) ((C+)) A- Child Molestation  
 1 (9A.44.083) B+ ((C+)) B Child Molestation 2  
 (9A.44.086) C+

**Theft, Robbery, Extortion, and  
 Forgery** B Theft 1 (9A.56.030) C C Theft 2  
 (9A.56.040) D D Theft 3 (9A.56.050) E B Theft of  
 Livestock (9A.56.080) C C Forgery  
 (9A.60.020) D A Robbery 1  
 (9A.56.200) B+ B+ Robbery 2  
 (9A.56.210) C+ B+ Extortion 1  
 (9A.56.120) C+ C+ Extortion 2  
 (9A.56.130) D+ B Possession of Stolen Property  
 1 (9A.56.150) C C Possession of Stolen Property  
 2 (9A.56.160) D D Possession of Stolen Property  
 3 (9A.56.170) E C Taking Motor Vehicle  
 Without Owner's Permission (9A.56.070) D

**Motor Vehicle Related  
 Crimes** E Driving Without a  
 License (46.20.021) E C Hit and Run -  
 Injury (46.52.020(4)) D D Hit and Run-  
 Attended (46.52.020(5)) E E Hit and Run-  
 Unattended (46.52.010) E C Vehicular Assault  
 (46.61.522) D C Attempting to Elude Pursuing Police  
 Vehicle (46.61.024) D E Reckless Driving  
 (46.61.500) E D Driving While Under the  
 Influence (46.61.502 and 46.61.504) E ((D-Vehiele  
 Prowling (9A.52.100) E C Taking Motor Vehicle  
 Without Owner's Permission (9A.56.070) D))

**Other** B Bomb Threat  
 (9.61.160) C C Escape 1<sup>1</sup> (9A.76.110) C C Escape 2<sup>1</sup>  
 (9A.76.120) C D Escape 3 (9A.76.130) E E Obscene,  
 Harassing, Etc., Phone Calls (9.61.230) E A Other  
 Offense Equivalent to an Adult Class A  
 Felony B+ B Other Offense Equivalent to an Adult  
 Class B Felony C C Other Offense Equivalent to  
 an Adult Class C Felony D D Other Offense  
 Equivalent to an Adult Gross Misdemeanor E E Other  
 Offense Equivalent to an Adult  
 Misdemeanor E V Violation of Order of  
 Restitution, Community Supervision, or Confinement  
 (13.40.200)<sup>2</sup> V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement  
 2nd escape or attempted escape during 12-month period - 8 weeks confinement  
 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**~~((SCHEDULE B) PRIOR OFFENSE INCREASE FACTOR~~**

~~For use with all CURRENT OFFENSES occurring on or after July 1, 1989.~~

~~TIME SPAN~~

~~OFFENSE 0 12 13 24 25 Months CATEGORY Months Months or More A+ .9 .9 A .9 .8 .6 A .9 .8 .5 B+ .9 .7 .4 B .9 .6 .3 C+ .6 .3 .2 C .5 .2 .2 D+ .3 .2 .1 D .2 .1 .1 E .1 .1 .1~~

~~Prior history Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).~~

**~~SCHEDULE C) CURRENT OFFENSE POINTS~~**

~~For use with all CURRENT OFFENSES occurring on or after July 1, 1989.~~

~~AGE~~

~~OFFENSE 12 & CATEGORY Under 13 14 15 16 17 A+ STANDARD RANGE 180 224 WEEKS A 250 300 350 375 375 375 A- 150 150 150 200 200 200 B+ 110 110 120 130 140 150 B 45 45 50 50 57 57 C+ 44 44 49 49 55 55 C 40 40 45 45 50 50 D+ 16 18 20 22 24 26 D 14 16 18 20 22 24 E 4 4 4 6 8 10))~~

**(2) JUVENILE SENTENCING STANDARDS**



**((SCHEDULE D-1))**

This schedule ((may only)) must be used for ((minor/first)) juvenile offenders. ((After the determination is made that a youth is a minor/first offender,)) The court ((has the discretion to)) may select sentencing option A, B, or C.

**((MINOR/FIRST OFFENDER  
OPTION A STANDARD RANGE**

~~Community Service Points Supervision Hours Fine  
1-9 0-3 months and/or 0-8 and/or 0-\$10 10-19 0-3 months and/or 0-8 and/or 0-\$10 20-29 0-3 months and/or 0-16 and/or 0-\$10  
30-39 0-3 months and/or 8-24 and/or 0-\$25 40-49 3-6 months and/or 16-32 and/or 0-\$25 50-59 3-6 months and/or 24-40 and/or 0-\$25  
60-69 6-9 months and/or 32-48 and/or 0-\$50 70-79 6-9 months and/or 40-56 and/or 0-\$50 80-89 9-12 months and/or 48-64 and/or 10-\$100  
90-109 9-12 months and/or 56-72 and/or 10-\$100~~

**OR**

**OPTION B STATUTORY OPTION**

~~0-12 Months Community Supervision 0-150 Hours Community Service 0-100 Fine Posting of a Probation Bond  
A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.~~

**OR**

**OPTION C MANIFEST INJUSTICE**

~~When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.~~

**JUVENILE SENTENCING STANDARD SCHEDULE D-2**

~~This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.~~

**MIDDLE OFFENDER**

**OPTION A STANDARD RANGE**

~~Community Service Confinement Points Supervision Hours Fine Days Weeks  
1-90-3 months and/or 0-8 and/or 0-\$10 and/or 0-10-190-3 months and/or 0-8 and/or 0-\$10 and/or 0-20-29 0-3 months and/or 0-16 and/or 0-\$10 and/or 0-30-39 0-3 months and/or 8-24 and/or 0-\$25 and/or 2-40-49 3-6 months and/or 16-32 and/or 0-\$25 and/or 2-450-59 3-6 months and/or 24-40 and/or 0-\$25 and/or 5-1060-69 6-9 months and/or 32-48 and/or 0-\$50 and/or 5-1070-79 6-9 months and/or 40-56 and/or 0-\$50 and/or 10-2080-89 9-12 months and/or 48-64 and/or 0-\$100 and/or 10-2090-109 9-12 months and/or 56-72 and/or 0-\$100 and/or 15-30110-129 8-12130-149 13-16150-199 21-28200-249 30-40250-299 52-65300-374 80-100375+ 103-129~~

~~Middle offenders with 110 points or more do not have to be committed. They may be assigned community supervision under option B. All A+ offenses 180-224 weeks)~~

**OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE**

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NOTE: References in the grid to days or weeks mean periods of confinement.

(a) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication. (b)(i) The horizontal axis of the grid is the number of prior felony adjudications included in the juvenile's criminal history. (ii) Prior adjudications for violations, misdemeanors, and gross misdemeanors are not included in the grid but may be considered by the court in determining whether a disposition within the standard range would effectuate a manifest injustice. (c) The standard range disposition for each offense is determined by the intersection of the column defined by the prior felony adjudications and the row defined by the current offense category. (d) RCW 13.40.180 applies if the offender is being sentenced for more than one offense. (e) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B((STATUTORY OPTION))CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

~~((0-12 Months Community Supervision 0-150 Hours Community Service 0-100 Fine Posting of a Probation Bond If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.)) If the ((middle)) juvenile offender ((has 110 points or more)) is subject to a standard range disposition of local sanctions or 24 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under ((option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150)) RCW 13.40.160(5) and section 24 of this act.~~

**OR**

**OPTION C MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall ((sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range)) impose a disposition outside the standard range under RCW 13.40.160(2).

**((JUVENILE SENTENCING STANDARD SCHEDULE D-3**

~~This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.~~

**SERIOUS OFFENDER OPTION A STANDARD RANGE**

~~Points Institution Time~~

~~0-129 8-12 weeks 130-149 13-16 weeks 150-199 21-28 weeks 200-249 30-40 weeks 250-299 52-65 weeks 300-374 80-100 weeks 375+ 103-129 weeks All A+ Offenses 180-224 weeks~~

**OR**

**OPTION B MANIFEST INJUSTICE**

~~A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range.)) Sec. 10. RCW 13.40.040 and 1995 c 395 s 4 are each amended to read as follows: (1) A juvenile may be taken into custody: (a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or (c) Pursuant to a court order that the juvenile be held as a material witness; or (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender. (2) A juvenile may not be held in detention unless there is probable cause to believe that: (a) The juvenile has committed an offense or has violated the terms of a disposition order; and (i) The juvenile will likely fail to appear for further proceedings; or (ii) Detention is required to protect the juvenile from himself or herself; or (iii) The juvenile is a threat to community safety; or (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or (v) The juvenile has committed a crime while another case was pending; or (b) The juvenile is a fugitive from justice; or (c) The juvenile's parole has been suspended or modified; or (d) The juvenile is a material witness. (3) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court. (4) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping. Sec. 11. RCW 13.40.045 and 1994 sp.s. c 7 s 518 are each amended to read as follows: The secretary, assistant secretary, or the secretary's designee shall issue arrest warrants for juveniles who escape from department residential custody. The secretary, assistant secretary, or the secretary's designee may issue arrest warrants for juveniles who abscond from parole supervision or fail to meet conditions of~~

parole. These arrest warrants shall authorize any law enforcement, probation and parole, or peace officer of this state, or any other state where the juvenile is located, to arrest the juvenile and to place the juvenile in physical custody pending the juvenile's return to confinement in a state juvenile rehabilitation facility. **Sec. 12.** RCW 13.40.050 and 1995 c 395 s 5 are each amended to read as follows: (1) When a juvenile taken into custody is held in detention: (a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and (b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040. (2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, ~~((and))~~ stating the right to counsel, and requiring attendance shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age. (3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter. (4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released. (5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 ~~((as now or hereafter amended))~~. (6) If detention is not necessary under RCW 13.40.040, ~~((as now or hereafter amended,))~~ the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions: (a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile; (b) Place restrictions on the travel of the juvenile during the period of release; (c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court; (d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; (e) Require that the juvenile return to detention during specified hours; or (f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in RCW 13.40.040(4). (7) A juvenile may be released only to a responsible adult or the department of social and health services. (8) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080. (9) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. **Sec. 13.** RCW 13.40.060 and 1989 c 71 s 1 are each amended to read as follows: (1) All actions under this chapter shall be commenced and tried in the county where any element of the offense was committed except as otherwise specially provided by statute. In cases in which diversion is provided by statute, venue is in the county in which the juvenile resides or in the county in which any element of the offense was committed. (2) ~~((The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county where the juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree. (3)))~~ The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county in which the juvenile resides for supervision and enforcement of the disposition order. The court of the receiving county has jurisdiction to modify and enforce the disposition order. ~~((4))~~ (3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when there is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun. **Sec. 14.** RCW 13.40.070 and 1994 sp.s. c 7 s 543 are each amended to read as follows: (1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether: (a) The alleged facts bring the case within the jurisdiction of the court; and (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense. (2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases. (3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision. (4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW. (5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if: (a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or ((9.41.040(1)(e), or any other offense listed in RCW 13.40.020(1) (b) or (e)) 9.41.040(1)(b)(iii); or (b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or (c) An alleged offender has previously been committed to the department; or (d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or (e) An alleged offender has two or more diversion contracts on the alleged offender's criminal history; or (f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed. (6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed. (7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense. (8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a

diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversionary unit, the victim shall be notified of the referral and informed how to contact the unit. (9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints. (10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims. **Sec. 15.** RCW 13.40.077 and 1996 c 9 s 1 are each amended to read as follows: **RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS**

**INTRODUCTION:** These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state. Evidentiary sufficiency. (1) Decision not to prosecute. **STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. The decision not to prosecute or divert shall not be influenced by the race, gender, religion, or creed of the suspect. **GUIDELINES/COMMENTARY:** Examples The following are examples of reasons not to prosecute which could satisfy the standard. (a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute. (b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that: (i) It has not been enforced for many years; (ii) Most members of society act as if it were no longer in existence; (iii) It serves no deterrent or protective purpose in today's society; and (iv) The statute has not been recently reconsidered by the legislature. This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce. (c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution. (d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and (i) Conviction of the new offense would not merit any additional direct or collateral punishment; (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and (iii) Conviction of the new offense would not serve any significant deterrent purpose. (e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and (i) Conviction of the new offense would not merit any additional direct or collateral punishment; (ii) Conviction in the pending prosecution is imminent; (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and (iv) Conviction of the new offense would not serve any significant deterrent purpose. (f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. The reason should be limited to minor cases and should not be relied upon in serious cases. (g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. (h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest. (i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations: (i) Assault cases where the victim has suffered little or no injury; (ii) Crimes against property, not involving violence, where no major loss was suffered; (iii) Where doing so would not jeopardize the safety of society. Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused. The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced. Notification The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute. (2) Decision to prosecute. **STANDARD:** Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be proved under RCW 13.40.160((5)) (4). Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised. The categorization of crimes for these charging standards shall be the same as found in RCW 9A.440(2). The decision to prosecute or use diversion shall not be influenced by the race, gender, religion, or creed of the respondent. (3) Selection of Charges/Degree of Charge (a) The prosecutor should file charges which adequately describe the nature of the respondent's conduct. Other offenses may be charged only if they are necessary to ensure that the charges: (i) Will significantly enhance the strength of the state's case at trial; or (ii) Will result in restitution to all victims. (b) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes: (i) Charging a higher degree; (ii) Charging additional counts. This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a respondent's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged. (4) Police Investigation A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following: (a) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible; (b) The completion of necessary laboratory tests; and (c) The obtaining, in accordance with constitutional requirements, of the suspect's version of the

events. If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include. (5) Exceptions In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if: (a) Probable cause exists to believe the suspect is guilty; and (b) The suspect presents a danger to the community or is likely to flee if not apprehended; or (c) The arrest of the suspect is necessary to complete the investigation of the crime. In the event that the exception ((that to)) to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed. (6) Investigation Techniques The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including: (a) Polygraph testing; (b) Hypnosis; (c) Electronic surveillance; (d) Use of informants. (7) Prefiling Discussions with Defendant Discussions with the defendant or his or her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached. (8) Plea dispositions: STANDARD (a) Except as provided in subsection (2) of this section, a respondent will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial. (b) In certain circumstances, a plea agreement with a respondent in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following: (i) Evidentiary problems which make conviction of the original charges doubtful; (ii) The respondent's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat; (iii) A request by the victim when it is not the result of pressure from the respondent; (iv) The discovery of facts which mitigate the seriousness of the respondent's conduct; (v) The correction of errors in the initial charging decision; (vi) The respondent's history with respect to criminal activity; (vii) The nature and seriousness of the offense or offenses charged; (viii) The probable effect of witnesses. (c) No plea agreement shall be influenced by the race, gender, religion, or creed of the respondent. This includes but is not limited to the prosecutor's decision to utilize such disposition alternatives as "Option B," the Special Sex Offender Disposition Alternative, and manifest injustice. (9) Disposition recommendations: STANDARD The prosecutor may reach an agreement regarding disposition recommendations. The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement. **Sec. 16.** RCW 13.40.080 and 1996 c 124 s 1 are each amended to read as follows: (1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible. (2) A diversion agreement shall be limited to one or more of the following: (a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school; (b) Restitution limited to the amount of actual loss incurred by the victim; (c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions; (d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and (e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas. (3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms. (4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee. (b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months. (c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order. (5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement. (6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following: (a) A written diversion agreement shall be executed stating all conditions in clearly understandable language; (b) Violation of the terms of the agreement shall be the only grounds for termination; (c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by: (i) Written notice of alleged violations of the conditions of the diversion program; and (ii) Disclosure of all evidence to be offered against the divertee; (d) The hearing shall be conducted by the juvenile court and shall include: (i) Opportunity to be heard in person and to present evidence; (ii) The right to confront and cross-examine all adverse witnesses; (iii) A written statement by the court as to the evidence relied on and the

reasons for termination, should that be the decision; and (iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement. (e) The prosecutor may file an information on the offense for which the divertee was diverted: (i) In juvenile court if the divertee is under eighteen years of age; or (ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older. (7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations. (8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter. (9) The diversion unit may refer a juvenile to community-based counseling or treatment programs. (10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process. The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history (~~as defined by RCW 13.40.020(9)~~). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. (11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes: (a) The fact that a charge or charges were made; (b) The fact that a diversion agreement was entered into; (c) The juvenile's obligations under such agreement; (d) Whether the alleged offender performed his or her obligations under such agreement; and (e) The facts of the alleged offense. (12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement. (13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history (~~as defined by RCW 13.40.020(9)~~). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit. (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday. (15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour. (16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section. **Sec. 17.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to read as follows: (1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance. (2) If notice is by summons, the clerk of the court shall issue a summons directed to the juvenile, if the juvenile is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. (3) A copy of the information shall be attached to each summons. (4) The summons shall advise the parties of the right to counsel. (5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the juvenile to bring the juvenile to the hearing. (6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the juvenile into custody and take the juvenile to the place of detention or shelter designated by the court. (7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor. (8) If the person summoned as herein provided fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. **Sec. 18.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read as follows: (1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held (~~where~~) when: (a) The respondent is fifteen(~~, sixteen, or seventeen~~) years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; or (b) The respondent is seventeen years of age and the information alleges (~~assault in the second degree, extortion in the first degree,~~) indecent liberties(~~,~~) without forcible compulsion or child molestation in the second degree(~~, kidnapping in the second degree, or~~

robbery in the second degree)). (2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel. (3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing. **Sec. 19.** RCW 13.40.125 and 1995 c 395 s 6 are each amended to read as follows: (1) Upon motion at least fourteen days before commencement of trial, the juvenile court has the power, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, to continue the case for ~~((adjudication))~~ disposition for a period not to exceed one year from the date ~~((the motion is granted))~~ of entry of a plea of guilty or a finding of guilt following a hearing under subsection (5) of this section. The court may continue the case for an additional one-year period for good cause. (2) Any juvenile granted a deferral of ~~((adjudication))~~ disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution, as provided in RCW 13.40.190 shall also be a condition of community supervision under this section. (3) Upon full compliance with conditions of supervision, the respondent's adjudication shall be vacated and the court shall dismiss the case with prejudice. (4) If the juvenile fails to comply with the terms of supervision, the court shall enter an order of ~~((adjudication and proceed to))~~ disposition. The juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. A parent who signed for a probation bond or deposited cash may notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove by a preponderance of the evidence that the juvenile has failed to comply with the terms of community supervision. (5) If the juvenile agrees to a deferral of ~~((adjudication))~~ disposition, the juvenile shall waive all rights: (a) To a speedy trial and disposition; (b) To call and confront witnesses; and (c) To a hearing on the record. The adjudicatory hearing shall be limited to a reading of the court's record. (6) A juvenile is not eligible for a deferred ~~((adjudication))~~ disposition if: (a) The juvenile's current offense is a sex or violent offense; (b) The juvenile's criminal history includes any felony; (c) The juvenile has a prior deferred ~~((adjudication))~~ disposition; or (d) The juvenile has had more than two diversions. **Sec. 20.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to read as follows: (1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea. (2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set. The court shall notify the parent, guardian, or custodian who has custody of a juvenile described in the charging document of the dispositional or adjudicatory hearing and shall require attendance. (3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt. (4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision. (5) If the respondent is found not guilty he or she shall be released from detention. (6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party and the parent, guardian, or custodian who has custody of the juvenile shall be notified by mail of the time and place of the continued hearing. (7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case. (8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay. (9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense. (10) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. **Sec. 21.** RCW 13.40.135 and 1990 c 3 s 604 are each amended to read as follows: (1) The prosecuting attorney shall file a special allegation of sexual motivation in every juvenile offense other than sex offenses as defined in RCW 9.94A.030~~((29))~~ (33) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably consistent defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact-finder. (2) In a juvenile case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the juvenile committed the offense with a sexual motivation. The court shall make a finding of fact of whether or not the sexual motivation was present at the time of the commission of the offense. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030~~((29))~~ (33) (a) or (c). (3) The prosecuting attorney shall not withdraw the special allegation of "sexual motivation" without approval of the court through an order of dismissal. The court shall not dismiss the special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful. **Sec. 22.** RCW 13.40.150 and 1995 c 268 s 5 are each amended to read as follows: (1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition. (2) For purposes of disposition: (a) Violations which are current offenses count as misdemeanors; (b) Violations may not count as part of the offender's criminal history; (c) In no event may a disposition for a violation include confinement. (3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall: (a) Consider the facts supporting the allegations of criminal conduct by the respondent; (b) Consider information and arguments offered by parties and their counsel; (c) Consider any predisposition reports; (d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf; (e) Allow the victim or a representative of the victim and an investigative law enforcement officer to

speak; (f) Determine the amount of restitution owing to the victim, if any, or set a hearing for a later date to determine that amount; (g) ~~((Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender; (h)))~~ Consider whether or not any of the following mitigating factors exist: (i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury; (ii) The respondent acted under strong and immediate provocation; (iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense; (iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and (v) There has been at least one year between the respondent's current offense and any prior criminal offense; ~~((h))~~ (h) Consider whether or not any of the following aggravating factors exist: (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another; (ii) The offense was committed in an especially heinous, cruel, or depraved manner; (iii) The victim or victims were particularly vulnerable; (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; (v) The current offense included a finding of sexual motivation pursuant to RCW 13.40.135; (vi) The respondent was the leader of a criminal enterprise involving several persons; ~~((and))~~ (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history; and (viii) The standard range disposition is clearly too lenient considering the seriousness of the juvenile's prior adjudications. (4) The following factors may not be considered in determining the punishment to be imposed: (a) The sex of the respondent; (b) The race or color of the respondent or the respondent's family; (c) The creed or religion of the respondent or the respondent's family; (d) The economic or social class of the respondent or the respondent's family; and (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter. (5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community. **Sec. 23.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read as follows: (1) ~~((When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.))~~ The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357. (a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 Option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions. (b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 Option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section. (2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ((B)) C of ((schedule D-3,)) RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence. A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230. ~~((2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence. Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230.))~~ (3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2). (4) ~~((If a respondent is found to be a middle offender: (a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or (b) If the middle offender has less than 110 points, the court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. (c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence. (d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230. (5)))~~ When a ~~((serious, middle, or minor first))~~ juvenile offender is found to have committed a sex offense, other than a sex offense



that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment. The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information. The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (a)(i) Frequency and type of contact between the offender and therapist; (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities; (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others; (iv) Anticipated length of treatment; and (v) Recommended crime-related prohibitions. The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for ~~((up to))~~ at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following: (b)(i) Devote time to a specific education, employment, or occupation; (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change; (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment; (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court; (v) Report as directed to the court and a probation counselor; (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or (viii) Comply with the conditions of any court-ordered probation bond. The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition. At the time of the disposition, the court may set treatment review hearings as the court considers appropriate. Except as provided in this subsection ~~((§))~~ (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection ~~((§))~~ (4) and the rules adopted by the department of health. If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense. ~~((§))~~ A disposition entered under this subsection (4) is not appealable under RCW 13.40.230. (5) If the juvenile offender is subject to a standard range disposition of local sanctions or 24 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under section 24 of this act. (6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)((e)) (b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm. (7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served. (8) Except as provided ((for it)) under subsection 4)((b)) or (5) of this section or RCW 13.40.125, the court shall not suspend or defer the imposition or the execution of the disposition. (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense. NEW SECTION.

**Sec. 24.** A new section is added to chapter 13.40 RCW to read as follows: (1) When a juvenile offender is subject to a standard range disposition of local sanctions or 24 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment. (2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report

shall set forth the sources of the examiner's information. (3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (a) Whether inpatient and/or outpatient treatment is recommended; (b) Availability of appropriate treatment; (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others; (d) Anticipated length of treatment; (e) Recommended crime-related prohibitions; and (f) Whether the respondent is amenable to treatment. (4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost. (5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. (b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community service, and payment of legal financial obligations and restitution. (6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition. At the time of the disposition, the court may set treatment review hearings as the court considers appropriate. If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. (7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. (8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served. (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense. (10) A disposition under this section is not appealable under RCW 13.40.230. **Sec. 25.** RCW 13.40.190 and 1996 c 124 s 2 are each amended to read as follows: (1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years after the respondent's eighteenth birthday if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. ~~((The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period.))~~ (2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order. (3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. (4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order. **Sec. 26.** RCW 13.40.193 and 1994 sp.s. c 7 s 525 are each amended to read as follows: (1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(1)~~((e))~~ (b)(iii), the court shall impose a ~~((determinate))~~ minimum disposition of ten days of confinement ~~((and up to twelve months of community supervision))~~. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement. (2) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. ~~((Ninety days of confinement shall be added to the entire standard range disposition of confinement))~~ If the offender or an accomplice was armed with a firearm when the offender committed ~~((: (a) Any violent offense; or (b) escape in the first degree; burglary in the second degree; theft of livestock in the first or second degree; or any felony drug offense. If the offender or an accomplice was armed with a firearm and the offender is being adjudicated for an anticipatory felony offense under chapter 9A.28 RCW to commit one of the offenses listed in this subsection, ninety days shall be added to the entire standard range disposition of confinement))~~ any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The ~~((ninety-days))~~ additional time shall be imposed regardless of the offense's juvenile

disposition offense category as designated in RCW 13.40.0357. ~~((The department shall not release the offender until the offender has served a minimum of ninety days in confinement, unless the juvenile is committed to and successfully completes the juvenile offender basic training camp disposition option.))~~ (3) ~~((Option B of schedule D-2, RCW 13.40.0357, shall not be available for middle offenders who receive a disposition under this section.))~~ When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both. (4) Any term of confinement ordered pursuant to this section ~~((may))~~ shall run ~~((concurrently))~~ consecutively to any term of confinement imposed in the same disposition for other offenses. **Sec. 27.** RCW 13.40.200 and 1995 c 395 s 8 are each amended to read as follows: (1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation. (2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service. (3) ~~((a))~~ If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense. ~~((b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.))~~ (4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section. (5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054. **Sec. 28.** RCW 13.40.210 and 1994 sp.s. c 7 s 527 are each amended to read as follows: (1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee. (2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection. (3) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary believes that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (a) undergo available medical ~~((or))~~ psychiatric ~~((treatment))~~, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (b) report as directed to a parole officer and/or designee; (c) pursue a course of study ~~((or))~~ vocational training, or employment; ~~((and))~~ (d) notify the parole officer of the current address where he or she resides; (e) be present at a particular address during specified hours; (f) remain within prescribed geographical boundaries ~~((and notify the department of any change in his or her address));~~ (g) submit to electronic monitoring; (h) refrain from using illegal drugs and alcohol and submit to random urinalysis when requested by the assigned

parole officer; (i) refrain from contact with specific individuals or a specified group of individuals; (j) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (k) pay any court-ordered fines or restitution; and (l) perform community service. Community service for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community service may be performed through public or private organizations or through work crews. After termination of the parole period, the juvenile shall be discharged from the department's supervision. (4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement (~~in an institution~~) for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030. (b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county. (5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person. (6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section. **Sec. 29.** RCW 13.40.230 and 1981 c 299 s 16 are each amended to read as follows: (1) Dispositions reviewed pursuant to RCW 13.40.160, as now or hereafter amended, shall be reviewed in the appropriate division of the court of appeals. An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section. (2) To uphold a disposition outside the standard range, (~~or which imposes confinement for a minor or first offender,~~) the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range (~~or nonconfinement for a minor or first offender,~~) would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient. (3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range (~~or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter~~). (4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter. (5) (~~Pending appeal, a respondent may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed or sixty days, whichever is longer.~~) The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6). (~~Upon the expiration of the period of commitment or detention specified in this subsection, the court may also impose such conditions on the respondent's release pending disposition of the appeal.~~) (6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt. **Sec. 30.** RCW 13.40.250 and 1980 c 128 s 16 are each amended to read as follows: A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court. (1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases. (2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour. (3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions. (4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2). **Sec. 31.** RCW 13.40.265 and 1994 sp.s. c 7 s 435 are each amended to read as follows: (1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(1)((e)) (b)(iii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment. (b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated. (c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later. (2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed. (b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement. **Sec. 32.** RCW 13.40.320 and 1995 c 40 s 1 are each amended to read as follows: (1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training

camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility. (2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp, notwithstanding the provisions of RCW 41.06.380. Requests for proposals from possible contractors shall not call for payment on a per diem basis. (3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities. (4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, prevocational training, work-based learning, live work, work ethic skills, conflict resolution counseling, substance abuse intervention, anger management counseling, and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these or other rehabilitation and training components for no less than sixteen hours per day, six days a week. The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program. (5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than ~~((seventy-eight))~~ sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program. (6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program. (7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, or if the offender cannot complete the juvenile offender basic training camp program due to medical problems, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition, less the amount of time already served in the juvenile offender basic training camp program. (8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services. (9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program. ~~((The department shall produce an outcome evaluation report on the progress of the juvenile offender basic training camp program to the appropriate committees of the legislature no later than December 12, 1996.))~~ **Sec. 33.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read as follows: (1) For purposes of this chapter: (a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody; (b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders; (c) "Social file" means the juvenile court file containing the records and reports of the probation counselor; (d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case. (2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file. (3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end: (a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency; (b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and (c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files. (4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records. (5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential. (6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed. (7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion. (8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment.

The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential. (9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW ~~((13.40.025 and))~~ 9.94A.040 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission. **Sec. 34.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows: (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions. (2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section. (3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550. (4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile. (5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family. (6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions. (7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion. (8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family. (9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system. (10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((24))~~ (22) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. (11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that: (a) ~~((Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense))~~ For class B felonies other than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent ten consecutive years in the community without committing any crime that subsequently results in conviction. For class C felonies other than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent five consecutive years in the community without committing any crime that subsequently results in conviction; (b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; ~~((and))~~ (c) No proceeding is pending seeking the formation of a diversion agreement with that person; and (d) Full restitution has been paid. (12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed. (13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. (14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((24))~~ (22) of this section. (15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any ~~((conviction for any))~~ charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW ((for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030)). (16) ~~((In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.))~~ (17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds: (a) ~~The person making the motion is at least twenty-three years of age;~~ (b) ~~The person has not subsequently been convicted of a~~

felony; (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and (d) The person has never been found guilty of a serious offense. (18)) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ((24)) (22) of this section, if the court finds that two years have elapsed since completion of the diversion agreement. ((19)) (17) If the court grants the motion to destroy records made pursuant to subsection (16) ((or (18))) of this section, it shall, subject to subsection ((24)) (22) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed. ((20)) (18) The person making the motion pursuant to subsection (16) ((or (18))) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed. ((21)) (19) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process. ((22)) (20) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding. ((23)) (21) Any juvenile justice or care agency may, subject to the limitations in subsection ((24)) (22) of this section and ((subparagraphs)) (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions. (a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement. (b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings. ((24)) (22) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior. ((25)) (23) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault. **Sec. 35.** RCW 72.01.410 and 1994 c 220 s 1 are each amended to read as follows: (1) Whenever any child under the age of eighteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the secretary of corrections, after making an independent assessment and evaluation of the child and determining that the needs and correctional goals for the child could better be met by the programs and housing environment provided by the juvenile correctional institution, with the consent of the secretary of social and health services, may transfer such child to a juvenile correctional institution, or to such other institution as is now, or may hereafter be authorized by law to receive such child, until such time as the child arrives at the age of twenty-one years, whereupon the child shall be returned to the institution of original commitment. Retention within a juvenile detention facility or return to an adult correctional facility shall regularly be reviewed by the secretary of corrections and the secretary of social and health services with a determination made based on the level of maturity and sophistication of the individual, the behavior and progress while within the juvenile detention facility, security needs, and the program/treatment alternatives which would best prepare the individual for a successful return to the community. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known. (2)(a) Except as provided in (b) of this subsection, an offender under the age of eighteen who is convicted in adult criminal court and who is committed to a term of confinement at the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from offenders eighteen years of age or older, until the offender reaches the age of eighteen. (b) An offender under the age of eighteen may be housed in an intensive management unit or administrative segregation unit containing offenders eighteen years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender shall be kept physically separate from other offenders at all times. **NEW SECTION. Sec. 36.** A new section is added to chapter 72.01 RCW to read as follows: No later than January 1, 1999, all units of local government that own or operate adult correctional facilities shall adopt standards relating to the housing of offenders under the age of eighteen who are convicted in the adult criminal court. The standards must take into account the housing and security needs appropriate for juvenile offenders and must be the minimums necessary to meet federal and state statutory and constitutional requirements relating to health, safety, and welfare of offenders and staff. **Sec. 37.** RCW 72.09.460 and 1995 1st sp.s. c 19 s 5 are each amended to read as follows: (1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection ((3)) (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs. (2) The department shall provide a program of education to all inmates who are under the age of eighteen and who have not met high school graduation requirements as established by the state board of education. The program of education established by the department for inmates under the age of eighteen must consist of curriculum that will enable the inmate to achieve a high school diploma. The department shall extend the program of education required under this subsection to an inmate who is over the age of eighteen but less than twenty-one if the inmate was incarcerated prior to his or her eighteenth birthday and failed to obtain a high school diploma before reaching the age of eighteen. (3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed: (a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release; (b) Additional work and education programs based on assessments and placements under

subsection ~~((4))~~ (5) of this section; and (c) Other work and education programs as appropriate. ~~((3))~~ (4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming. ~~((4))~~ (5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas: (a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming; (b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors: (i) An inmate's release date and custody level, except an inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date; (ii) An inmate's education history and basic academic skills; (iii) An inmate's work history and vocational or work skills; (iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and (v) Where applicable, an inmate's prior performance in department-approved education or work programs; (c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals; (d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in: (A) Second and subsequent vocational programs associated with an inmate's work programs; and (B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection; (ii) Inmates shall pay all costs and tuition for participation in: (A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and (B) Second and subsequent vocational programs not associated with an inmate's work program. Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and (e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release: (i) Shall not be required to participate in education programming; and (ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers. If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section. ~~((5))~~ (6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns. ~~((6))~~ (7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release. ~~((7))~~ (8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction. ~~((8))~~ (9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release. **Sec. 38.** RCW 9A.36.045 and 1995 c 129 s 8 are each amended to read as follows: (1) A person is guilty of ~~((reckless endangerment in the first degree))~~ drive-by shooting when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge. (2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness. (3) ~~((Reckless endangerment in the first degree))~~ Drive-by shooting is a class B felony. **Sec. 39.** RCW 9A.36.050 and 1989 c 271 s 110 are each amended to read as follows: (1) A person is guilty of reckless endangerment ~~((in the second degree))~~ when he or she recklessly engages in conduct not amounting to ~~((reckless endangerment in the first degree but which))~~ drive-by shooting but that creates a substantial risk of death or serious physical injury to another person. (2) Reckless endangerment ~~((in the second degree))~~ is a gross misdemeanor. **Sec. 40.** RCW 9.41.010 and 1996 c 295 s 1 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an



explosive such as gunpowder. (2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand. (3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. (4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches. (5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. (6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches. (7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second. (8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. (9) "Loaded" means: (a) There is a cartridge in the chamber of the firearm; (b) Cartridges are in a clip that is locked in place in the firearm; (c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; (d) There is a cartridge in the tube or magazine that is inserted in the action; or (e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader. (10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms. (11) "Crime of violence" means: (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree; (b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and (c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection. (12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended: (a) Any crime of violence; (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years; (c) Child molestation in the second degree; (d) Incest when committed against a child under age fourteen; (e) Indecent liberties; (f) Leading organized crime; (g) Promoting prostitution in the first degree; (h) Rape in the third degree; (i) ~~(Reckless endangerment in the first degree)~~ Drive-by shooting; (j) Sexual exploitation; (k) Vehicular assault; (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030; (n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or (o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense. (13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol. (14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state. (15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money. (16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle. (17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020. **Sec. 41.** RCW 9.41.040 and 1996 c 295 s 2 are each amended to read as follows: (1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter. (b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm: (i) After having previously been convicted in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under (a) of this subsection, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment (~~in the second degree~~), criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040); (ii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047; (iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or (iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW

9.41.010. (2)(a) Unlawful possession of a firearm in the first degree is a class B felony, punishable under chapter 9A.20 RCW. (b) Unlawful possession of a firearm in the second degree is a class C felony, punishable under chapter 9A.20 RCW. (3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge. (4) Notwithstanding subsection (1) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) of this section and has not previously been convicted of a sex offense prohibiting firearm ownership under subsection (1) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored: (a) Under RCW 9.41.047; and/or (b)(i) If the conviction was for a felony offense, after five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360; or (ii) If the conviction was for a nonfelony offense, after three or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360 and the individual has completed all conditions of the sentence. (5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265. (6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection. (7) Each firearm unlawfully possessed under this section shall be a separate offense. **Sec. 42.** RCW 9.94A.103 and 1995 c 129 s 5 are each amended to read as follows: Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves: (1) Any violent offense as defined in this chapter; (2) Any most serious offense as defined in this chapter; (3) Any felony with a deadly weapon special verdict under RCW 9.94A.125; (4) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or (5) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony. **Sec. 43.** RCW 9.94A.105 and 1995 c 129 s 6 are each amended to read as follows: (1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.103 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.103. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records. (2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving: (a) Any violent offense as defined in this chapter; (b) Any most serious offense as defined in this chapter; (c) Any felony with any deadly weapon special verdict under RCW 9.94A.125; (d) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or (e) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony. (3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.320, offender score as defined in RCW 9.94A.360, and any applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission. (4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option. (5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines

commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission. **Sec. 44.** RCW 9.94A.310 and 1996 c 205 s 5 are each amended to read as follows:

(1) TABLE 1

SERIOUSNESS SCORE	OFFENDER SCORE	Sentencing Grid																																																																																
		9	0	1	2	3	4	5	6	7	8	more	XV	Life Sentence without Parole/Death Penalty																																																																				
175-195-216-257-298-164	178	192	205	219	233	260	288	342	397	XII	9y	11m	10y	9m	11y	8m	12y	6m	13y	5m	15y	9m	17y	3m	20y	3m	23y	3m	93-	102-	111-	120-	129-	138-	162-	178-	209-																																													
240-123-136-147-160-171-184-216-236-277-318	112	126	140	154	168	182	196	210	224	XI	7y	6m	8y	4m	9y	2m	9y	11m	10y	9m	11y	7m	14y	2m	15y	5m	17y	11m	20y	5m	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-	102	114	125	136	147	158	194	211	245																																	
280-68-75-82-89-96-102-130-144-171-198	104	118	132	146	160	174	188	202	216	X	3y	6m	4y	4y	6m	5y	6m	7y	6m	8y	6m	10y	6m	12y	6m	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-	41	48	54	61	68	75	102	116	144	171	VIII	2y	6m	3y	3y	6m	4y	4y	6m	6y	6m	7y	6m	8y	6m	10y	6m	21-	26-	31-	36-	41-	46-	67-	77-												
77-87-108-27-34-41-48-54-61-84	102	116	130	144	158	172	186	200	214	VII	18m	2y	6m	3y	3y	6m	4y	6m	5y	6m	6y	6m	7y	6m	15-	21-	26-	31-	36-	41-	57-	77-	87-	20	27	34	41	48	54	75	89	102	116	144	VII	13m	18m	2y	2y	6m	3y	3y	6m	4y	6m	5y	6m	6y	6m	7y	6m	12+	-	15-	21-	26-	31-	36-	46-													
57-67-77-14	20	27	34	41	48	61	75	89	102	V	9m	13m	15m	18m	2y	2m	3y	2m	4y	2m	5y	2m	6y	2m	3-	6-	12+	-	13-	15-	22-	33-	41-	51-	62-	72-	12	14	17	20	29	43	54	68	82	96	102	130	144	171	198	IX	3y	3y	6m	4y	4y	6m	5y	6m	7y	6m	8y	6m	10y	6m	12y	6m	31-	36-	41-	46-	51-	57-	77-	87-	108-					
12-14-17-20-29-43-57-70-84	112	126	140	154	168	182	196	210	224	IV	6m	9m	13m	15m	18m	2y	2m	3y	2m	4y	2m	5y	2m	6y	2m	3-	6-	12+	-	13-	15-	22-	33-	43-	53-	63-	9	12	14	17	20	29	43	57	70	84	112	126	140	154	168	182	196	210	224	238	XIII	2y	2y	6m	3y	3y	6m	4y	4y	6m	5y	6m	7y	6m	8y	6m	10y	6m	15-	21-	26-	31-	36-	41-	57-	67-
12-12-16-22-29-43-57-68	114	128	142	156	170	184	198	212	226	III	4m	6m	8m	13m	16m	20m	2y	2m	3y	2m	4y	2m	0-90	2-	3-	4-	12+	-	14-	17-	22-	33-	43-	Days	6	9	12	14	18	22	29	43	57	70	84	114	128	142	156	170	184	198	212	226	240	XIV	2y	2y	6m	3y	3y	6m	4y	4y	6m	5y	6m	7y	6m	8y	6m	10y	6m	15-	21-	26-	31-	36-	41-	57-	67-	
12-14-18-22-29-43-57	13m	4m	5m	8m	13m	16m	20m	2y	2m	0-60	0-90	2-	2-	3-	4-	12+	-	14-	17-	22-	33-	43-	Days	5	6	8	12	14	18	22	29	43	57	70	84	114	128	142	156	170	184	198	212	226	240	XIV	2y	2y	6m	3y	3y	6m	4y	4y	6m	5y	6m	7y	6m	8y	6m	10y	6m	15-	21-	26-	31-	36-	41-	57-	67-											

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent. (3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020: (a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection. (b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection. (c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection. (d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed. (e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions. (f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony. (g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. (4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020: (a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection. (b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection. (c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection. (d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed. (e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions. (f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first

and second degree, and use of a machine gun in a felony. (g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. (5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section: (a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410; (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v); (c) Twelve months for offenses committed under RCW 69.50.401(d). For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail. (6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435. **Sec. 45.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996 c 36 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

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Assault of a Child 1 (RCW 9A.36.120) XI Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) X Kidnapping 1 (RCW 9A.40.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone

under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a) I X Assault of a Child 2 (RCW 9A.36.130) Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Controlled Substance Homicide (RCW 69.50.415) Sexual Exploitation (RCW 9.68A.040) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) VIII Arson 1 (RCW 9A.48.020) Promoting Prostitution 1 (RCW 9A.88.070) Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410) Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

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9A.76.120) Perju  
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9A.72.030) Bail  
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9A.76.170(2)(c) Intimidating a Public Servant (RCW 9A.76.180) Tampering with a Witness (RCW 9A.72.120) Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii)) Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c)) Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

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POINT OF INQUIRY

Senator Wood: "Senator Roach, can you tell on what pages and what section in the bill is your information about automatic decline?"

Senator Roach: "I can't tell you exactly what section and page, but if you like, I will look it up for you."

Senator Wood: "Thank you very much."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Jacobsen, what year was that that you were talking about?"

Senator Jacobsen: "This is about eleven hundred or twelve hundred A.D."

Senator Deccio: "Things never change, do they?"

MOTION

Senator Zarelli moved that the following amendments by Senators Zarelli, Long and Roach to the striking amendment by Senators Roach and Johnson be considered simultaneously and be adopted:

On page 52, after line 8 of the amendment, insert the following: "**Sec. 10.** RCW 13.40.038 and 1992 c 205 s 105 are each amended to read as follows: It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment ~~((and that adjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW))~~. It is the policy of this state that a juvenile suspect be removed from a confrontational situation as soon as possible. Counties should emphasize immediate enforcement by arrest, booking, and release to a responsible adult or the department of social and health services as provided in RCW 13.40.040. The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted and if so whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section. Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community. The detention and risk assessment standards shall be developed and implemented no later than December 31, 1992." Renumber the remaining sections consecutively and correct any internal references accordingly. Beginning on page 52, after line 8, strike all of section 10 and insert the following: "**Sec. 10.** RCW 13.40.040 and 1995 c 395 s 4 are each amended to read as follows: (1) A juvenile may be taken into custody: (a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection ~~((2))~~ (3) of this section; or (c) Pursuant to a court order that the juvenile be held as a material witness; or (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender. (2) A juvenile taken into custody may be held in detention until the juvenile can be released to a responsible adult. (3) Except as provided in subsection (2) of this section, a juvenile may not be held in detention unless there is probable cause to believe that: (a) The juvenile has committed an offense or has violated the terms of a disposition order; and (i) The

juvenile will likely fail to appear for further proceedings; or (ii) Detention is required to protect the juvenile from himself or herself; or (iii) The juvenile is a threat to community safety; or (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or (v) The juvenile has committed a crime while another case was pending; or (b) The juvenile is a fugitive from justice; or (c) The juvenile's parole has been suspended or modified; or (d) The juvenile is a material witness. ~~((3))~~ (4) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court. ~~((4))~~ (5) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping." On page 55, line 12 of the amendment, after "13.40.040" strike "(4)" and insert "~~((4))~~ (5)" Beginning on page 63, after line 27 of the amendment, strike all of section 16 and insert the following: "**Sec. 16.** RCW 13.40.080 and 1996 c 124 s 1 are each amended to read as follows: (1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible. (2) A diversion agreement shall be limited to one or more of the following: (a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school; (b) Restitution limited to the amount of actual loss incurred by the victim; (c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions; (d) A fine, not to exceed one hundred dollars. ~~((In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed));~~ and (e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas. (3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms. (4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee. (b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months. (c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years or longer after the juvenile's eighteenth birthday~~((The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period))~~ or longer if necessary to recover the full amount of restitution. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order. (5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement. (6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following: (a) A written diversion agreement shall be executed stating all conditions in clearly understandable language; (b) Violation of the terms of the agreement shall be the only grounds for termination; (c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by: (i) Written notice of alleged violations of the conditions of the diversion program; and (ii) Disclosure of all evidence to be offered against the divertee; (d) The hearing shall be conducted by the juvenile court and shall include: (i) Opportunity to be heard in person and to present evidence; (ii) The right to confront and cross-examine all adverse witnesses; (iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and (iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement. (e) The prosecutor may file an information on the offense for which the divertee was diverted: (i) In juvenile court if the divertee is under eighteen years of age; or (ii) In superior court or the appropriate court of limited jurisdiction if the diverge is eighteen years of age or older. (7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations. (8) The diversion unit shall be responsible for advising a diverge of his or her rights as



provided in this chapter. (9) The diversion unit may refer a juvenile to community-based counseling or treatment programs. (10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process. The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history ((as defined by RCW 13.40.020(9))). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. (11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes: (a) The fact that a charge or charges were made; (b) The fact that a diversion agreement was entered into; (c) The juvenile's obligations under such agreement; (d) Whether the alleged offender performed his or her obligations under such agreement; and (e) The facts of the alleged offense. (12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement. (13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history ((as defined by RCW 13.40.020(9))). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit. (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the juvenile's eighteenth birthday. (15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the juvenile and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the juvenile and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour. (16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section." Beginning on page 83, after line 12 of the amendment, strike all of section 25 and insert the following: "**Sec. 25.** RCW 13.40.190 and 1996 c 124 s 2 are each amended to read as follows: (1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution ((may)) shall be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years after the respondent's eighteenth birthday if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. ((The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period.)) (2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order. (3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. (4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order." On page 90, line 34 of the amendment, after "13.40.040" strike "(4)" and insert "(((4))) (5)" Beginning on page 92, after line 21 of the amendment, strike all of section 32 and insert the following: "**Sec. 32.** RCW 13.40.320 and 1995 c 40 s 1 are each amended to read as follows: (1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility. (2) The department may contract under this chapter with private

companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp, notwithstanding the provisions of RCW 41.06.380. Requests for proposals from possible contractors shall not call for payment on a per diem basis. (3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities. (4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, (~~prevocational training,~~) work-based learning, live work, work ethic skills, (~~conflict resolution counseling, substance abuse intervention, anger management counseling,~~) and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these (~~or other rehabilitation and training~~) components for no less than sixteen hours per day, six days a week. The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program. (5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than (~~seventy-eight~~) sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program. (6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program. (7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, (~~or if the offender cannot complete the juvenile offender basic training camp program due to medical problems,~~) the secretary shall require that the offender be committed to a juvenile institution to serve the entire (~~remainder~~) standard range of his or her disposition (~~, less the amount of time already served in the juvenile offender basic training camp program~~). If the offender cannot complete the juvenile offender basic training camp program due to a medical problem, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition. (8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The program shall make available prevocational training, conflict resolution, anger management counseling, and substance abuse intervention and treatment. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services. (9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program. (~~The department shall produce an outcome evaluation report on the progress of the juvenile offender basic training camp program to the appropriate committees of the legislature no later than December 12, 1996.~~)" Beginning on page 96, after line 36 of the amendment, strike all of section 34 and insert the following: "**Sec. 34.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows: (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions. (2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section. (3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550. (4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile. (5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family. (6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions. (7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion. (8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family. (9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections

system shall be released upon request to the adult corrections system. (10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((24))~~ (22) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. However, the official juvenile court file, the social file, and the records of the court and any other agency in the case of any person convicted of a sex offense may not be sealed. (11) Except as otherwise provided in subsection (10) of this section, the court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that: (a) ~~((Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense))~~ For class B felonies other than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent ten consecutive years in the community without committing any crime that subsequently results in conviction. For class C felonies other than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent five consecutive years in the community without committing any crime that subsequently results in conviction; (b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; ~~((and))~~ (c) No proceeding is pending seeking the formation of a diversion agreement with that person; and (d) Full restitution has been paid. (12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed. (13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. (14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((24))~~ (22) of this section. (15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any ~~((conviction for any))~~ charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW ~~((for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030)).~~ (16) ~~((In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case. (17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds: (a) The person making the motion is at least twenty-three years of age; (b) The person has not subsequently been convicted of a felony; (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and (d) The person has never been found guilty of a serious offense. (18)))~~ A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((24))~~ (22) of this section, if the court finds that two years have elapsed since completion of the diversion agreement. ~~((19))~~ (17) If the court grants the motion to destroy records made pursuant to subsection (16) ~~((or (18)))~~ of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed. ~~((20))~~ (18) The person making the motion pursuant to subsection (16) ~~((or (18)))~~ of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed. ~~((21))~~ (19) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process. ~~((22))~~ (20) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding. ~~((23))~~ (21) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((24))~~ (22) of this section and ~~((subparagraphs))~~ (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions. (a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement. (b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings. ~~((24))~~ (22) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior. ~~((25))~~ (23) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Zarelli, Long and Roach on pages 52, (2), 55, 63, 83, 90, 92 and 96, to the striking amendment by Senators Roach and Johnson to Engrossed Third Substitute House Bill No. 3900.

The motion by Senator Zarelli carried and the amendments to the striking amendment were adopted.

## MOTION

Senator Long moved that the following amendment by Senators Long and Hargrove to the striking amendment by Senators Roach and Johnson be adopted:

On page 1, beginning on line 29 of the amendment, after "(b)" strike the remainder of the amendment and insert "No parent or guardian of a minor child arrested on a criminal charge may be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest." (3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs. (4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows: (a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and (b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules. (5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure. (6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer. (b) For purposes of this section, "peer support group counselor" means a: (i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or (ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity. (7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate. (a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings. (b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed. **Sec. 2.** RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are each reenacted and amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account. (2) "Commission" means the sentencing guidelines commission. (3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions. (4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections. (5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two. (6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. (7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states. (8) "Confinement" means total or partial confinement as defined in this section. (9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty. (10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject

to the provisions in RCW 38.52.430. (11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. (12)~~((a))~~ "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction ~~((i))~~ (a) whether the defendant has been placed on probation and the length and terms thereof; and ~~((ii))~~ (b) whether the defendant has been incarcerated and the length of incarceration. ~~((b) "Criminal history" shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty three years of age at the time the offense for which he or she is being sentenced was committed.))~~ (13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents. (14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge. (15) "Department" means the department of corrections. (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence. (17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW. (18) "Drug offense" means: (a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403); (b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or (c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection. (19) "Escape" means: (a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection. (20) "Felony traffic offense" means: (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection. (21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court. (22)~~((a))~~ "First-time offender" means any person who is convicted of a felony ~~((i))~~ (a) not classified as a violent offense or a sex offense under this chapter, or ~~((ii))~~ (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, ~~((and except as provided in (b) of this subsection,))~~ who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense. ~~((b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses and serious violent offenses.))~~ (23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended: (a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony; (b) Assault in the second degree; (c) Assault of a child in the second degree; (d) Child molestation in the second degree; (e) Controlled substance homicide; (f) Extortion in the first degree; (g) Incest when committed against a child under age fourteen; (h) Indecent liberties; (i) Kidnapping in the second degree; (j) Leading organized crime; (k) Manslaughter in the first degree; (l) Manslaughter in the second degree; (m) Promoting prostitution in the first degree; (n) Rape in the third degree; (o) Robbery in the second degree; (p) Sexual exploitation; (q) Vehicular assault; (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section; (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125; (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection. (24) "Nonviolent offense" means an offense which is not a violent offense. (25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably. (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section. (27) "Persistent offender" is an offender who: (a)(i)

Has been convicted in this state of any felony considered a most serious offense; and (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or (b)(i) Has been convicted of (A) rape in the first degree, rape in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. (28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody. (29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress. (30) "Serious traffic offense" means: (a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection. (31) "Serious violent offense" is a subcategory of violent offense and means: (a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection. (32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence. (33) "Sex offense" means: (a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; (b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection. (34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification. (35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060. (36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody. (37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. (38) "Violent offense" means: (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection. (39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program. (40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education. (41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility. (42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. **Sec. 3.** RCW 9.94A.040 and 1996 c 232 s 1 are each amended to read as follows: (1) A sentencing guidelines commission is established as an agency of state government. (2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall: (a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further: (i) The purposes of this chapter as defined in RCW 9.94A.010; and (ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter; (b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity; (c) Study the existing criminal code and from time to time make

recommendations to the legislature for modification; (d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system; (e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996; (f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth; (g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards (~~in accordance with RCW 9.94A.045~~). The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and (h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on: (i) Racial disproportionality in juvenile and adult sentencing; (ii) The capacity of state and local juvenile and adult facilities and resources; and (iii) Recidivism information on adult and juvenile offenders. (3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine. (4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations: (a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum; (b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and (c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021. (5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW. **Sec. 4.** RCW 9.94A.120 and 1996 c 275 s 2, 1996 c 215 s 5, 1996 c 199 s 1, and 1996 c 93 s 1 are each reenacted and amended to read as follows: When a person is convicted of a felony, the court shall impose punishment as provided in this section. (1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense. (2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. (3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence. (4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree. (5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following: (a) Devote time to a specific employment or occupation; (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense; (c) Pursue a prescribed, secular course of study or vocational training; (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (e) Report as directed to the court and a community corrections officer; or (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work. (6)(a) An offender is eligible for the special drug offender sentencing alternative if: (i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4); (ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and (iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance. (b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility

for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions: (i) Devote time to a specific employment or training; (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment; (iii) Report as directed to a community corrections officer; (iv) Pay all court-ordered legal financial obligations; (v) Perform community service work; (vi) Stay out of areas designated by the sentencing judge. (c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court. (d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission. (7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. (8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment. The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information. The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (A) Frequency and type of contact between offender and therapist; (B) Specific issues to be addressed in the treatment and description of planned treatment modalities; (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; (D) Anticipated length of treatment; and (E) Recommended crime-related prohibitions. The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. (ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension: (A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section; and (B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following: (I) Devote time to a specific employment or occupation; (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (III) Report as directed to the court and a community corrections officer; (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime. (iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing. (iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and



parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody. (v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection. (vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked. (vii) Except as provided in (a) (viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. (viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health. (ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense. (x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment. (b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department. Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following: (i) Devote time to a specific employment or occupation; (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment; (iii) Report as directed to the court and a community corrections officer; (iv) Undergo available outpatient treatment. If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections. Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990. (c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds. (9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. (b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions: (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed; (ii) The offender shall work at department of corrections-approved education, employment, and/or community service; (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions; (iv) An offender in community custody shall not unlawfully possess controlled substances; (v) The offender shall pay supervision fees as determined by the department of corrections; and (vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement. (c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the

following special conditions: (i) The offender shall remain within, or outside of, a specified geographical boundary; (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals; (iii) The offender shall participate in crime-related treatment or counseling services; (iv) The offender shall not consume alcohol; (v) The offender shall comply with any crime-related prohibitions; or (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim. (d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections. (10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). (b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section. (c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. (11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits. (12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. (13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW. (14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. (a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. (b) For sex offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during a sex offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay. (15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder. (16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced. (17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6). (18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution

inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution. (19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement. (20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention. (21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations. **Sec. 5.** RCW 9.94A.360 and 1995 c 316 s 1 and 1995 c 101 s 1 are each reenacted and amended to read as follows: The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows: The offender score is the sum of points accrued under this section rounded down to the nearest whole number. (1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400. (2) ~~(Except as provided in subsection (4) of this section,)~~ Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions. (3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute. (4) ~~(Always include juvenile convictions for sex offenses and serious violent offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed. (5))~~ Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses. ~~((6))~~ (5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except: (i) Prior ~~(adult)~~ offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior ~~(adult)~~ offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations; (ii) ~~(Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and (iii))~~ In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score. (b) As used in this subsection ~~((6))~~ (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense. ~~((7))~~ (6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. ~~((8))~~ (7) If the present conviction is for a nonviolent offense and not covered by subsection ~~((12))~~ (11) or ~~((13))~~ (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction. ~~((9))~~ (8) If the present conviction is for a violent offense and not covered in subsection ~~((10), (11), (12), or (13))~~ (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction. ~~((10))~~ (9) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction. ~~((11))~~ (10) If the present conviction is for Burglary 1, count prior convictions as in subsection ~~((9))~~ (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction. ~~((12))~~ (11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and ½ point for each juvenile prior conviction. ~~((13))~~ (12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection ~~((9))~~ (8) of this section if the current drug offense is

violent, or as in subsection ~~((8))~~ (7) of this section if the current drug offense is nonviolent. ~~((14))~~ (13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point. ~~((15))~~ (14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point. ~~((16))~~ (15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection ~~((8))~~ (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction. ~~((17))~~ (16) If the present conviction is for a sex offense, count priors as in subsections ~~((8))~~ (7) through ~~((16))~~ (15) of this section; however count three points for each adult and juvenile prior sex offense conviction. ~~((18))~~ (17) If the present conviction is for an offense committed while the offender was under community placement, add one point. **Sec. 6.** RCW 13.04.011 and 1992 c 205 s 119 are each amended to read as follows: For purposes of this title: (1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, and the terms must be construed identically and used interchangeably; (2) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, ~~((as now or hereafter amended,))~~ "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years; ~~((2))~~ (3) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020; ~~((3))~~ (4) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s); ~~((4))~~ (5) "Parent" or "parents," except as used in chapter 13.34 RCW, ~~((as now or hereafter amended,))~~ means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings; ~~((5))~~ (6) "Custodian" means that person who has the legal right to custody of the child. **Sec. 7.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are each reenacted and amended to read as follows: (1) Except as provided in ~~((subsection (2) of))~~ this section, the juvenile courts in ~~((the several counties of))~~ this state~~((,))~~ shall have exclusive original jurisdiction over all proceedings: (a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW; (b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170; (c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210; (d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170; (e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless: (i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or (ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or (iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age; PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters; PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection; PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or (iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 ~~((committed on or after June 13, 1994; or))~~; (B) A violent offense as defined in RCW 9.94A.030 ~~((committed on or after June 13, 1994,))~~ and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; (C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after the effective date of this section; (D) Burglary in the first degree committed on or after the effective date of this section, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or (E) Any violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this section, and the juvenile is alleged to have been armed with a firearm. In such a case the adult criminal court shall have exclusive original jurisdiction. If the juvenile challenges the state's determination of the juvenile's criminal history under ~~((e)(iv))~~ (e)(iv) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea; (f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW; (g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diverge has attained eighteen years of age; (h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and (i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042. (2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010. (3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (iv) of this section, who is detained pending trial, may be detained in a ~~((county))~~ detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal. **Sec. 8.** RCW 13.40.010 and 1992 c 205 s 101 are each amended to read as follows: (1) This chapter shall be known and cited as the Juvenile Justice Act of 1977. (2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that ~~((both))~~ communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter: (a) Protect the citizenry from criminal behavior; (b) Provide for determining whether accused juveniles have committed offenses

as defined by this chapter; (c) Make the juvenile offender accountable for his or her criminal behavior; (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender; (e) Provide due process for juveniles alleged to have committed an offense; (f) Provide necessary treatment, supervision, and custody for juvenile offenders; (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety; (h) Provide for restitution to victims of crime; (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; ~~((and))~~ (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; and (k) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process. **Sec. 9.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are each reenacted and amended to read as follows: For the purposes of this chapter: (1) ~~("Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be: (a) A class A felony, or an attempt to commit a class A felony; (b) Manslaughter in the first degree; or (c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon;~~ (2)) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews; ~~((3))~~ (2) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred ~~(adjudication))~~ disposition pursuant to RCW 13.40.125. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following: (a) Community-based sanctions; (b) Community-based rehabilitation; (c) Monitoring and reporting requirements; (d) Posting of a probation bond ~~((imposed pursuant to RCW 13.40.0357));~~ ~~((4))~~ (3) Community-based sanctions may include one or more of the following: (a) A fine, not to exceed ~~((one))~~ five hundred dollars; (b) Community service not to exceed one hundred fifty hours of service; ~~((5))~~ (4) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds; ~~((6))~~ (5) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement; ~~((7))~~ (6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court; ~~((8))~~ (7) "Court," ~~((;))~~ when used without further qualification, means the juvenile court judge(s) or commissioner(s); ~~((9))~~ (8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense: (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before the effective date of this section or a deferred disposition shall not be considered part of the respondent's criminal history; ~~((10))~~ (9) "Department" means the department of social and health services; ~~((11))~~ (10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring; ~~((12))~~ (11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community; ~~((13))~~ (12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW; ~~((14))~~ (13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses; (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction; (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under

RCW 13.40.300; (16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine; ~~((16))~~ (17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter; ~~((17))~~ "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender; (18) "Minor or first offender" means a person whose current offense(s) and criminal history fall entirely within one of the following categories: (a) Four misdemeanors; (b) Two misdemeanors and one gross misdemeanor; (c) One misdemeanor and two gross misdemeanors; and (d) Three gross misdemeanors. For purposes of this definition, current violations shall be counted as misdemeanors; ~~((19))~~ (18) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state; ~~((20))~~ (19) "Respondent" means a juvenile who is alleged or proven to have committed an offense; ~~((21))~~ (20) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender; ~~((22))~~ (21) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department; ~~((23))~~ (22) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter; ~~((24))~~ (23) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030; ~~((25))~~ (24) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification; ~~((26))~~ (25) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care; ~~((27))~~ (26) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration; ~~((28))~~ (27) "Violent offense" means a violent offense as defined in RCW 9.94A.030; ~~((29))~~ (28) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court; ~~((30))~~ (29) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case. **Sec. 10.** RCW 13.40.0357 and 1996 c 205 s 6 are each amended to read as follows:

(1) ~~((SCHEDULE A))~~

**DESCRIPTION AND OFFENSE CATEGORY**

**JUVENILE JUVENILE DISPOSITIONDISPOSITIONCATEGORY FOR ATTEMPT,OFFENSEBAILJUMP, CONSPIRACY,CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION**

**Arson and Malicious Mischief** A Arson 1 (9A.48.020) B+ B Arson 2 (9A.48.030) C C Reckless Burning 1 (9A.48.040) D D Reckless Burning 2 (9A.48.050) E B Malicious Mischief 1 (9A.48.070) C C Malicious Mischief 2 (9A.48.080) D D Malicious Mischief 3 (< \$50 is E class) (9A.48.090) E E Tampering with Fire Alarm Apparatus (9.40.100) E A Possession of Incendiary Device (9.40.120) B+

**Assault and Other Crimes Involving Physical Harm** A Assault 1 (9A.36.011) B+ B+ Assault 2 (9A.36.021) C+ C+ Assault 3 (9A.36.031) D+ D+ Assault 4 (9A.36.041) E B+ Drive-By Shooting (9A.36.045) C+ D+ Reckless Endangerment (9A.36.050) E C+ Promoting Suicide Attempt (9A.36.060) D+ D+ Coercion (9A.36.070) E C+ Custodial Assault (9A.36.100) D+

**Burglary and Trespass** B+ Burglary 1 (9A.52.020) C+ B Residential Burglary (9A.52.025) C B Burglary 2 (9A.52.030) C D Burglary Tools (Possession of) (9A.52.060) E D Criminal Trespass 1 (9A.52.070) E E Criminal Trespass 2 (9A.52.080) E C Vehicle Prowling 1 (9A.52.095) D D Vehicle Prowling 2 (9A.52.100) E

**Drugs** E Possession/Consumption of Alcohol (66.44.270) E C Illegally Obtaining Legend Drug (69.41.020) D C+ Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030) D+ E Possession of Legend Drug (69.41.030) E B+ Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Sale (69.50.401(a)(1)(i) or (ii)) B+ C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii)) C E Possession of Marihuana < 40 grams (69.50.401(e)) E C Fraudulently Obtaining Controlled Substance (69.50.403) C C+ Sale of Controlled Substance for Profit (69.50.410) C+ E Unlawful Inhalation (9.47A.020) E B Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Counterfeit Substances (69.50.401(b)(1)(i) or (ii)) B C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v)) C C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d)) C C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c)) C

**Firearms and Weapons** B Theft of Firearm (9A.56.300) C B Possession of Stolen Firearm (9A.56.310) C E Carrying Loaded Pistol Without Permit (9.41.050) E C Possession of Firearms by Minor (< 18) (9.41.040(1) (b)((+))) (iii) C D+ Possession of Dangerous Weapon (9.41.250) E D Intimidating Another Person by use of Weapon (9.41.270) E

**Homicide** A+ Murder 1 (9A.32.030) A A+ Murder 2 (9A.32.050) B+ B+ Manslaughter 1 (9A.32.060) C+ C+ Manslaughter 2 (9A.32.070) D+ B+ Vehicular Homicide (46.61.520) C+

**Kidnapping** A Kidnap 1 (9A.40.020) B+ B+ Kidnap 2 (9A.40.030) C+ C+ Unlawful Imprisonment (9A.40.040) D+

**Obstructing Governmental Operation** ((E)) D Obstructing a Law Enforcement Officer (9A.76.020) E E Resisting Arrest (9A.76.040) E B Introducing Contraband 1 (9A.76.140) C C Introducing Contraband

2 (9A.76.150) D E Introducing Contraband 3 (9A.76.160) E B+ Intimidating a Public  
 Servant (9A.76.180) C+ B+ Intimidating a Witness (9A.72.110) C+  
**Public Disturbance** C+ Riot with Weapon (9A.84.010) D+ D+ Riot Without  
 Weapon (9A.84.010) E E Failure to Disperse (9A.84.020) E E Disorderly Conduct (9A.84.030) E  
**Sex Crimes** A Rape 1 (9A.44.040) B+ A- Rape 2 (9A.44.050) B+ C+ Rape 3 (9A.44.060) D+ A- Rape  
 of a Child 1 (9A.44.073) B+ B+ Rape of a Child 2 (9A.44.076) C+ B Incest 1 (9A.64.020(1)) C C Incest 2  
 (9A.64.020(2)) D D+ Indecent Exposure (Victim < 14) (9A.88.010) E E Indecent Exposure (Victim 14 or over)  
 (9A.88.010) E B+ Promoting Prostitution 1 (9A.88.070) C+ C+ Promoting Prostitution 2 (9A.88.080) D+ E O & A  
 (Prostitution) (9A.88.030) E B+ Indecent Liberties (9A.44.100) C+ ((B+)) ((C+)) A- Child Molestation 1  
 (9A.44.083) B+ ((C+)) B Child Molestation 2 (9A.44.086) C+  
**Theft, Robbery, Extortion, and Forgery** B Theft 1 (9A.56.030) C C Theft 2 (9A.56.040) D D Theft 3  
 (9A.56.050) E B Theft of Livestock (9A.56.080) C C Forgery (9A.60.020) D A Robbery 1 (9A.56.200) B+ B+ Robbery 2  
 (9A.56.210) C+ B+ Extortion 1 (9A.56.120) C+ C+ Extortion 2 (9A.56.130) D+ B Possession of Stolen Property  
 1 (9A.56.150) C C Possession of Stolen Property 2 (9A.56.160) D D Possession of Stolen Property  
 3 (9A.56.170) E C Taking Motor Vehicle Without Owner's Permission (9A.56.070) D  
**Motor Vehicle Related Crimes** E Driving Without a License (46.20.021) E C Hit and Run -  
 Injury (46.52.020(4)) D D Hit and Run-Attended (46.52.020(5)) E E Hit and Run-Unattended (46.52.010) E C Vehicular  
 Assault (46.61.522) D C Attempting to Elude Pursuing Police Vehicle (46.61.024) D E  
 Reckless Driving (46.61.500) E D Driving While Under the Influence (46.61.502 and 46.61.504) E ((~~D Vehicle Prowling~~  
 (9A.52.100) E C Taking Motor Vehicle Without Owner's Permission (9A.56.070) D))  
**Other** B Bomb Threat (9.61.160) C C Escape 1<sup>1</sup> (9A.76.110) C C Escape 2<sup>1</sup> (9A.76.120) C D Escape 3  
 (9A.76.130) E E Obscene, Harassing, Etc., Phone Calls (9.61.230) E A Other Offense Equivalent to an Adult Class A  
 Felony B+ B Other Offense Equivalent to an Adult Class B Felony C C Other Offense Equivalent to an Adult Class C  
 Felony D D Other Offense Equivalent to an Adult Gross Misdemeanor E E Other Offense Equivalent to an Adult  
 Misdemeanor E V Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)<sup>2</sup> V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement 2nd escape or attempted escape  
 during 12-month period - 8 weeks confinement 3rd and subsequent escape or attempted escape during 12-month period - 12  
 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**((SCHEDULE B PRIOR OFFENSE INCREASE FACTOR**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989-

**TIME SPAN**

OFFENSE 0 12 13 24 25 \_\_\_\_\_ Months CATEGORY Months Months or \_\_\_\_\_ More A+ .9 .9 A .9 .8 6 A  
 .9 .8 .5 B+ .9 .7 .4 B .9 .6 .3 C+ .6 .3 .2 C .5 .2 .2 D+ .3 .2 .1 D .2 .1 .1 E .1 .1 .1

Prior history — Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been  
 adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989-

**AGE**

OFFENSE 12 & CATEGORY Under 13 14 15 16 17 A+ STANDARD RANGE 180 224 WEEKS A 250 300 350 375 375 A-  
 150 150 150 200 200 200 B+ 110 110 120 130 140 150 B 45 45 50 50 57 57 C+ 44 44 49 49 55 55 C 40 40 45 45 50 50  
 D+ 16 18 20 22 24 26 D 14 16 18 20 22 24 E 4 4 4 6 8 10))

**(2) JUVENILE SENTENCING STANDARDS**

**((SCHEDULE D-1))**

This schedule ((may only)) must be used for ((minor/first)) juvenile offenders. ((After the determination is made that a youth  
 is a minor/first offender,)) The court ((has the discretion to)) may select sentencing option A, B, or C.

**((MINOR/FIRST OFFENDER**

**OPTION A STANDARD RANGE**

Community Community Service Points Supervision Hours Fine  
 1-9 0-3 months and/or 0-8 and/or 0-\$1010 19 0-3 months and/or 0-8 and/or 0-\$1020 29 0-3 months and/or 0-16 and/or 0-  
 \$1030 39 0-3 months and/or 8-24 and/or 0-\$2540 49 3-6 months and/or 16-32 and/or 0-\$2550 59 3-6 months and/or 24-  
 40 and/or 0-\$2560 69 6-9 months and/or 32-48 and/or 0-\$5070 79 6-9 months and/or 40-56 and/or 0-\$5080 89 9-12  
 months and/or 48-64 and/or 10-\$10090 109 9-12 months and/or 56-72 and/or 10-\$100

**OR**

**OPTION B STATUTORY OPTION**

0-12 Months Community Supervision 0-150 Hours Community Service 0-100 Fine Posting of a Probation Bond  
 A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

**OR**

**OPTION C MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARD SCHEDULE D-2**

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

**MIDDLE OFFENDER  
OPTION A STANDARD RANGE**

~~Community Community Service Confinement Points Supervision Hours Fine Days Weeks~~  
~~1-90-3 months and/or 0-8 and/or 0-\$10 and/or 0-10-190-3 months and/or 0-8 and/or 0-\$10 and/or 0-20-29 0-3 months and/or 0-16 and/or 0-\$10 and/or 0-30-39 0-3 months and/or 8-24 and/or 0-\$25 and/or 2-440-49 3-6 months and/or 16-32 and/or 0-\$25 and/or 2-450-59 3-6 months and/or 24-40 and/or 0-\$25 and/or 5-1060-69 6-9 months and/or 32-48 and/or 0-\$50 and/or 5-1070-79 6-9 months and/or 40-56 and/or 0-\$50 and/or 10-2080-89 9-12 months and/or 48-64 and/or 0-\$100 and/or 10-2090-109 9-12 months and/or 56-72 and/or 0-\$100 and/or 15-30110-129 8-12130-149 13-16150-199 21-28200-249 30-40250-299 52-65300-374 80-100375+ 103-129~~

Middle offenders with 110 points or more do not have to be committed. They may be assigned community supervision under option B. All A+ offenses 180-224 weeks))

**OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE**

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C+ LS		15-36	WEEKS	C LS		15-36	WEEKS		Local Sanctions: 0 to 30
Days	D+ LS	0 to 12	Months	Community Supervision	0 to 150	Hours	Community Service	D LS	\$0 to \$500
Fine	E LS	0	1	2	3	4	or more	PRIOR ADJUDICATIONS	

NOTE: References in the grid to days or weeks mean periods of confinement.

(a) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication. (b) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down. (c) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category. (d) RCW 13.40.180 applies if the offender is being sentenced for more than one offense. (e) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

**OPTION B((STATUTORY OPTION))CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

((0-12 Months Community Supervision 0-150 Hours Community Service 0-100 Fine Posting of a Probation Bond  
If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.)) If the ((middle)) juvenile offender ((has 110 points or more)) is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under ((option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150)) RCW 13.40.160(5) and section 25 of this act.

OR

**OPTION C MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall ((sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range)) impose a disposition outside the standard range under RCW 13.40.160(2).

**((JUVENILE SENTENCING STANDARD SCHEDULE D-3**

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

**SERIOUS OFFENDER OPTION A STANDARD RANGE**

Points Institution Time  
0-129 8-12 weeks 130-149 13-16 weeks 150-199 21-28 weeks 200-249 30-40 weeks 250-299 52-65 weeks 300-374 80-100 weeks 375+ 103-129 weeks All A+ Offenses 180-224 weeks

OR

**OPTION B MANIFEST INJUSTICE**

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. (3) Upon a juvenile offender's conviction for a third or subsequent offense, the court shall refer the juvenile to a community-based intervention program funded under sections 64 through 68 of this act. Sec. 11. RCW 13.40.040 and 1995 c 395 s 4 are each amended to read as follows: (1) A juvenile may be taken into custody: (a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or (c) Pursuant to a court order that the juvenile be held as a material witness; or (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender. (2) A juvenile may not be held in detention unless there is probable cause to believe that: (a) The juvenile has committed an offense or has violated the terms of a disposition order; and (i) The juvenile will likely fail to appear for further proceedings; or (ii) Detention is required to protect the juvenile from himself or herself; or (iii) The juvenile is a threat to community safety; or (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or (v) The juvenile has committed a crime while another case was pending; or (b) The juvenile is a fugitive from justice; or (c) The juvenile's parole has been suspended or modified; or (d) The juvenile is a material witness. (3) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court. (4) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In

addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping. **Sec. 12.** RCW 13.40.045 and 1994 sp.s. c 7 s 518 are each amended to read as follows: The secretary, assistant secretary, or the secretary's designee shall issue arrest warrants for juveniles who escape from department residential custody. The secretary, assistant secretary, or the secretary's designee may issue arrest warrants for juveniles who abscond from parole supervision or fail to meet conditions of parole. These arrest warrants shall authorize any law enforcement, probation and parole, or peace officer of this state, or any other state where the juvenile is located, to arrest the juvenile and to place the juvenile in physical custody pending the juvenile's return to confinement in a state juvenile rehabilitation facility. **Sec. 13.** RCW 13.40.050 and 1995 c 395 s 5 are each amended to read as follows: (1) When a juvenile taken into custody is held in detention: (a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and (b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040. (2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, ~~((and))~~ stating the right to counsel, and requiring attendance shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age. (3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter. (4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released. (5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 ~~((as now or hereafter amended)).~~ (6) If detention is not necessary under RCW 13.40.040, ~~((as now or hereafter amended,))~~ the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions: (a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile; (b) Place restrictions on the travel of the juvenile during the period of release; (c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court; (d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; (e) Require that the juvenile return to detention during specified hours; or (f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in RCW 13.40.040(4). (7) A juvenile may be released only to a responsible adult or the department of social and health services. (8) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080. (9) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. **Sec. 14.** RCW 13.40.060 and 1989 c 71 s 1 are each amended to read as follows: (1) All actions under this chapter shall be commenced and tried in the county where any element of the offense was committed except as otherwise specially provided by statute. In cases in which diversion is provided by statute, venue is in the county in which the juvenile resides or in the county in which any element of the offense was committed. (2) ~~((The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county where the juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree. (3)))~~ The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county in which the juvenile resides for supervision and enforcement of the disposition order. The court of the receiving county has jurisdiction to modify and enforce the disposition order. ~~((4))~~ (3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when there is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun. **Sec. 15.** RCW 13.40.070 and 1994 sp.s. c 7 s 543 are each amended to read as follows: (1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether: (a) The alleged facts bring the case within the jurisdiction of the court; and (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense. (2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases. (3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision. (4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW. (5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if: (a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or ~~((9.41.040(1)(e), or any other offense listed in RCW 13.40.020(1) (b) or (e)))~~ 9.41.040(1)(b)(iii); or (b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or (c) An alleged offender has previously been committed to the department; or (d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of

diversion; or (e) An alleged offender has two or more diversion contracts on the alleged offender's criminal history; or (f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed. (6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed. (7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense. (8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversionary unit, the victim shall be notified of the referral and informed how to contact the unit. (9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints. (10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims. **Sec. 16.** RCW 13.40.077 and 1996 c 9 s 1 are each amended to read as follows: **RECOMMENDED PROSECUTING STANDARDS FOR CHARGING AND PLEA DISPOSITIONS**

**INTRODUCTION:** These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state. Evidentiary sufficiency. (1) Decision not to prosecute. **STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. The decision not to prosecute or divert shall not be influenced by the race, gender, religion, or creed of the suspect. **GUIDELINES/COMMENTARY:** Examples The following are examples of reasons not to prosecute which could satisfy the standard. (a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute. (b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that: (i) It has not been enforced for many years; (ii) Most members of society act as if it were no longer in existence; (iii) It serves no deterrent or protective purpose in today's society; and (iv) The statute has not been recently reconsidered by the legislature. This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce. (c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution. (d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and (i) Conviction of the new offense would not merit any additional direct or collateral punishment; (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and (iii) Conviction of the new offense would not serve any significant deterrent purpose. (e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and (i) Conviction of the new offense would not merit any additional direct or collateral punishment; (ii) Conviction in the pending prosecution is imminent; (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and (iv) Conviction of the new offense would not serve any significant deterrent purpose. (f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. The reason should be limited to minor cases and should not be relied upon in serious cases. (g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. (h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest. (i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations: (i) Assault cases where the victim has suffered little or no injury; (ii) Crimes against property, not involving violence, where no major loss was suffered; (iii) Where doing so would not jeopardize the safety of society. Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused. The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced. Notification The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute. (2) Decision to prosecute. **STANDARD:** Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefilng agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be proved under RCW 13.40.160((5)) (4). Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised. The categorization of crimes for these charging standards shall be the same as found in RCW 9.94A.440(2). The decision to prosecute or use diversion shall not be influenced by the race, gender, religion, or creed of the respondent. (3) Selection of Charges/Degree of Charge (a) The prosecutor should file charges which adequately describe the nature of the respondent's conduct. Other offenses may be charged only if they are necessary to ensure that the charges: (i) Will significantly enhance the strength of the state's case at trial; or (ii) Will result in restitution to all victims. (b) The prosecutor should not overcharge to obtain a guilty



plea. Overcharging includes: (i) Charging a higher degree; (ii) Charging additional counts. This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a respondent's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged. (4) Police Investigation A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following: (a) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible; (b) The completion of necessary laboratory tests; and (c) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events. If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include. (5) Exceptions In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if: (a) Probable cause exists to believe the suspect is guilty; and (b) The suspect presents a danger to the community or is likely to flee if not apprehended; or (c) The arrest of the suspect is necessary to complete the investigation of the crime. In the event that the exception ~~((that to))~~ to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed. (6) Investigation Techniques The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including: (a) Polygraph testing; (b) Hypnosis; (c) Electronic surveillance; (d) Use of informants. (7) Prefiling Discussions with Defendant Discussions with the defendant or his or her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached. (8) Plea dispositions: STANDARD (a) Except as provided in subsection (2) of this section, a respondent will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial. (b) In certain circumstances, a plea agreement with a respondent in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following: (i) Evidentiary problems which make conviction of the original charges doubtful; (ii) The respondent's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat; (iii) A request by the victim when it is not the result of pressure from the respondent; (iv) The discovery of facts which mitigate the seriousness of the respondent's conduct; (v) The correction of errors in the initial charging decision; (vi) The respondent's history with respect to criminal activity; (vii) The nature and seriousness of the offense or offenses charged; (viii) The probable effect of witnesses. (c) No plea agreement shall be influenced by the race, gender, religion, or creed of the respondent. This includes but is not limited to the prosecutor's decision to utilize such disposition alternatives as ("~~Option B,~~") the Special Sex Offender Disposition Alternative, the Chemical Dependency Disposition Alternative, and manifest injustice. (9) Disposition recommendations: STANDARD The prosecutor may reach an agreement regarding disposition recommendations. The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement. **Sec. 17.** RCW 13.40.080 and 1996 c 124 s 1 are each amended to read as follows: (1) A diversion agreement shall be a contract between a juvenile accused of an offense and a ~~((diversionary))~~ diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible. (2) A diversion agreement shall be limited to one or more of the following: (a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school; (b) Restitution limited to the amount of actual loss incurred by the victim; (c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the ~~((diversionary))~~ diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions; (d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and (e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas. (3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the ~~((diversionary))~~ diversion unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms. (4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diverge. (b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months. (c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for

modification of the restitution order. (5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement. (6) Divertees and potential divertees shall be afforded due process in all contacts with a ((diversionary)) diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following: (a) A written diversion agreement shall be executed stating all conditions in clearly understandable language; (b) Violation of the terms of the agreement shall be the only grounds for termination; (c) No diverge may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by: (i) Written notice of alleged violations of the conditions of the diversion program; and (ii) Disclosure of all evidence to be offered against the diverge; (d) The hearing shall be conducted by the juvenile court and shall include: (i) Opportunity to be heard in person and to present evidence; (ii) The right to confront and cross-examine all adverse witnesses; (iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and (iv) Demonstration by evidence that the diverge has substantially violated the terms of his or her diversion agreement. (e) The prosecutor may file an information on the offense for which the diverge was diverted: (i) In juvenile court if the diverge is under eighteen years of age; or (ii) In superior court or the appropriate court of limited jurisdiction if the diverge is eighteen years of age or older. (7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations. (8) The diversion unit shall be responsible for advising a diverge of his or her rights as provided in this chapter. (9) The diversion unit may refer a juvenile to community-based counseling or treatment programs. (10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process. The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history ((as defined by RCW 13.40.020(9))). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the ((diversionary)) diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. (11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes: (a) The fact that a charge or charges were made; (b) The fact that a diversion agreement was entered into; (c) The juvenile's obligations under such agreement; (d) Whether the alleged offender performed his or her obligations under such agreement; and (e) The facts of the alleged offense. (12) A ((diversionary)) diversion unit may refuse to enter into a diversion agreement with a juvenile. When a ((diversionary)) diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The ((diversionary)) diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement. (13) A ((diversionary)) diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history ((as defined by RCW 13.40.020(9))). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a ((diversionary)) diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit. (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diverge's eighteenth birthday. (15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diverge and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diverge and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour. (16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section. **Sec. 18.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to read as follows: (1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance. (2) If notice is by summons, the clerk of the court shall issue a summons directed to the juvenile, if the juvenile is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. (3) A copy of the information shall be attached to each summons. (4) The summons shall advise the parties of the right to counsel. (5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the juvenile to bring the juvenile to the hearing. (6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the juvenile into custody and take the juvenile to the place of detention or shelter designated by the court. (7) Service of summons may be made under the direction of the court by any law

enforcement officer or probation counselor. (8) If the person summoned as herein provided fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. **Sec. 19.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read as follows: (1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held ~~((where))~~ when: (a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; ~~((or))~~ (b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or (c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one. (2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel. (3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing. **NEW SECTION. Sec. 20.** A new section is added to chapter 13.40 RCW to read as follows: (1) A juvenile is eligible for deferred disposition unless he or she: (a) Is charged with a sex or violent offense; (b) Has a criminal history which includes any felony; (c) Has a prior deferred disposition or deferred adjudication; or (d) Has two or more diversions. (2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition. (3) Any juvenile who agrees to a deferral of disposition shall: (a) Stipulate to the admissibility of the facts contained in the written police report; (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses. The adjudicatory hearing shall be limited to a reading of the court's record. (4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile. (5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section. (6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision. (7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition. (8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause. (9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice. **Sec. 21.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to read as follows: (1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea. (2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set. The court shall notify the parent, guardian, or custodian who has custody of a juvenile described in the charging document of the dispositional or adjudicatory hearing and shall require attendance. (3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt. (4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision. (5) If the respondent is found not guilty he or she shall be released from detention. (6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party and the parent, guardian, or custodian who has custody of the juvenile shall be notified by mail of the time and place of the continued hearing. (7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case. (8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay. (9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense. (10) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned. **Sec. 22.** RCW 13.40.135 and 1990 c 3 s 604 are each amended to read as follows: (1) The prosecuting attorney shall file a special allegation of sexual motivation in every juvenile offense other than sex offenses as defined in RCW 9.94A.030~~((29))~~ (33) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably consistent defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact-finder. (2) In a juvenile case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the juvenile committed the offense with a sexual motivation. The court shall make a finding of fact of whether or not the sexual motivation was present at the time of the commission of the offense. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030~~((29))~~ (33) (a) or (c). (3) The prosecuting attorney shall not withdraw the special allegation of "sexual motivation" without approval of the court through an order of dismissal. The court shall not dismiss the special allegation unless it finds that such an order is necessary to correct

an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful. **Sec. 23.** RCW 13.40.150 and 1995 c 268 s 5 are each amended to read as follows: (1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition. (2) For purposes of disposition: (a) Violations which are current offenses count as misdemeanors; (b) Violations may not count as part of the offender's criminal history; (c) In no event may a disposition for a violation include confinement. (3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall: (a) Consider the facts supporting the allegations of criminal conduct by the respondent; (b) Consider information and arguments offered by parties and their counsel; (c) Consider any predisposition reports; (d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf; (e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak; (f) Determine the amount of restitution owing to the victim, if any, or set a hearing for a later date to determine the amount; (g) Determine ~~((whether the respondent is a serious offender, a middle offender, or a minor or first offender))~~ the respondent's offender score; (h) Consider whether or not any of the following mitigating factors exist: (i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury; (ii) The respondent acted under strong and immediate provocation; (iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense; (iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and (v) There has been at least one year between the respondent's current offense and any prior criminal offense; (i) Consider whether or not any of the following aggravating factors exist: (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another; (ii) The offense was committed in an especially heinous, cruel, or depraved manner; (iii) The victim or victims were particularly vulnerable; (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement; (v) The current offense included a finding of sexual motivation pursuant to RCW 13.40.135; (vi) The respondent was the leader of a criminal enterprise involving several persons; ~~((and))~~ (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history; and (viii) The standard range disposition is clearly too lenient considering the seriousness of the juvenile's prior adjudications. (4) The following factors may not be considered in determining the punishment to be imposed: (a) The sex of the respondent; (b) The race or color of the respondent or the respondent's family; (c) The creed or religion of the respondent or the respondent's family; (d) The economic or social class of the respondent or the respondent's family; and (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter. (5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community. **Sec. 24.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read as follows: (1) ~~((When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.))~~ The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357. (a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 Option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions. (b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 Option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section. (2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ((B)) C of ((schedule D-3,)) RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence. A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230. ~~((2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence. Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230.))~~ (3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2). (4) ~~((If a respondent is found to be a middle offender: (a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the standard range includes a term of confinement exceeding thirty days,~~

commitment shall be to the department for the standard range of confinement; or (b) If the middle offender has less than 110 points, the court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. (c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence. (d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230. (5)) When a ((serious, middle, or minor first)) juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment. The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information. The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (a)(i) Frequency and type of contact between the offender and therapist; (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities; (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others; (iv) Anticipated length of treatment; and (v) Recommended crime-related prohibitions. The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for ((up to)) at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following: (b)(i) Devote time to a specific education, employment, or occupation; (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change; (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment; (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court; (v) Report as directed to the court and a probation counselor; (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or (viii) Comply with the conditions of any court-ordered probation bond. The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition. At the time of the disposition, the court may set treatment review hearings as the court considers appropriate. Except as provided in this subsection ((5)) (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection ((5)) (4) and the rules adopted by the department of health. If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense. ((6)) A disposition entered under this subsection (4) is not appealable under RCW 13.40.230. (5) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court

may impose the disposition alternative under section 25 of this act. (6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(~~(e)~~) ~~(b)(iii)~~ or any crime in which a special finding is entered that the juvenile was armed with a firearm. (7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served. (8) Except as provided (~~(for it)~~) under subsection (4)(~~(b)~~) or (5) of this section or RCW 13.40.125, the court shall not suspend or defer the imposition or the execution of the disposition. (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense. **NEW SECTION.**

**Sec. 25.** A new section is added to chapter 13.40 RCW to read as follows: (1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment. (2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information. (3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (a) Whether inpatient and/or outpatient treatment is recommended; (b) Availability of appropriate treatment; (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others; (d) Anticipated length of treatment; (e) Recommended crime-related prohibitions; and (f) Whether the respondent is amenable to treatment. (4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost. (5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. (b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community service, and payment of legal financial obligations and restitution. (6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition. At the time of the disposition, the court may set treatment review hearings as the court considers appropriate. If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. (7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. (8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served. (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense. (10) A disposition under this section is not appealable under RCW 13.40.230. **NEW SECTION.**

**Sec. 26.** The University of Washington shall develop standards for measuring effectiveness of treatment programs established under section 25 of this act. The standards shall be developed and presented to the governor and legislature not later than January 1, 1998. The standards shall include methods for measuring success factors following treatment. Success factors shall include, but need not be limited to, continued use of alcohol or controlled substances, arrests, violations of terms of community supervision, and convictions for subsequent offenses. **NEW SECTION.**

**Sec. 27.** A new section is added to chapter 70.96A RCW to read as follows: The department shall prioritize expenditures for treatment provided under section 25 of this act. The department shall provide funds for inpatient and outpatient treatment providers that are the most successful, using the standards developed by the University of Washington under section 26, chapter . . . , Laws of 1997 (section 26 of this act). The department may consider variations between the nature of the programs provided and clients served but must provide funds first for those programs that demonstrate the greatest success in treatment within categories of treatment and the nature of the persons receiving treatment. The department shall, not later than January 1st of each year, provide a report to the governor and the legislature on the success rates of programs funded under this section. **Sec. 28.** RCW 13.40.190 and 1996 c 124 s 2 are each amended to read as follows: (1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years after the respondent's eighteenth birthday if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. (~~The court may not require the~~

respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period.) (2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order. (3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. (4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order. **Sec. 29.** RCW 13.40.193 and 1994 sp.s. c 7 s 525 are each amended to read as follows: (1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(1)((e)) ~~(b)(iii)~~, the court shall impose a ~~(determinate)~~ minimum disposition of ten days of confinement ~~((and up to twelve months of community supervision))~~. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement. (2) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. ~~((Ninety days of confinement shall be added to the entire standard range disposition of confinement))~~ If the offender or an accomplice was armed with a firearm when the offender committed ~~((a) Any violent offense; or (b) escape in the first degree; burglary in the second degree; theft of livestock in the first or second degree; or any felony drug offense. If the offender or an accomplice was armed with a firearm and the offender is being adjudicated for an anticipatory felony offense under chapter 9A.28 RCW to commit one of the offenses listed in this subsection, ninety days shall be added to the entire standard range disposition of confinement))~~ any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The ((ninety days)) additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357. ((The department shall not release the offender until the offender has served a minimum of ninety days in confinement, unless the juvenile is committed to and successfully completes the juvenile offender basic training camp disposition option.)) (3) ~~((Option B of schedule D-2, RCW 13.40.0357, shall not be available for middle offenders who receive a disposition under this section.))~~ When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both. (4) Any term of confinement ordered pursuant to this section ~~((may))~~ shall run ((concurrently)) consecutively to any term of confinement imposed in the same disposition for other offenses. **Sec. 30.** RCW 13.40.200 and 1995 c 395 s 8 are each amended to read as follows: (1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation. (2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service. (3) ~~((a))~~ If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense. ~~((b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty five dollars or eight hours owed.))~~ (4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section. (5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054. **Sec. 31.** RCW 13.40.210 and 1994 sp.s. c 77 s 527 are each amended to read as follows: (1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the

custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee. (2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection. (3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending. (b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: ((a)) (i) Undergo available medical ((e)), psychiatric ((treatment)), drug and alcohol, sex offender, mental health, and other offense-related treatment services; ((b)) (ii) report as directed to a parole officer and/or designee; ((c)) (iii) pursue a course of study ((e)), vocational training, or employment; ((and-d)) (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries ((and notify the department of any change in his or her address)); (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community service. Community service for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community service may be performed through public or private organizations or through work crews. (c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting. (d) After termination of the parole period, the juvenile shall be discharged from the department's supervision. (4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement ((in an institution)) for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030. (b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county. (5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person. (6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section. **NEW SECTION. Sec. 32.** The legislature finds the present system of transitioning youths from residential status to parole status to discharge is insufficient to provide adequate rehabilitation and public safety in many instances, particularly in cases of offenders at highest risk of reoffending. The legislature further finds that an intensive supervision program based on the following principles holds much promise for positively impacting recidivism rates for juvenile offenders: (1) Progressive increase in responsibility and freedom in the community; (2) facilitation of youths' interaction and involvement with their communities; (3) involvement of both the youth and targeted community support systems such as family, peers, schools, and employers, on the qualities needed for constructive interaction and successful adjustment with the community; (4) development of new resources, supports, and opportunities where necessary; and (5) ongoing monitoring and testing of youth on their ability to abide by community rules and standards. The legislature intends for the department to create an intensive supervision program based on the principles stated in this section that will be available to



the highest risk juvenile offenders placed on parole. **NEW SECTION. Sec. 33.** A new section is added to chapter 13.40 RCW to read as follows: (1) The department shall, no later than January 1, 1999, implement an intensive supervision program as a part of its parole services that includes, at a minimum, the following program elements: (a) A process of case management involving coordinated and comprehensive planning, information exchange, continuity and consistency, service provision and referral, and monitoring. The components of the case management system shall include assessment, classification, and selection criteria; individual case planning that incorporates a family and community perspective; a mixture of intensive surveillance and services; a balance of incentives and graduated consequences coupled with the imposition of realistic, enforceable conditions; and service brokerage with community resources and linkage with social networks; (b) Administration of transition services that transcend traditional agency boundaries and professional interests and include courts, institutions, aftercare, education, social and mental health services, substance abuse treatment, and employment and vocational training; and (c) A plan for information management and program evaluation that maintains close oversight over implementation and quality control, and determines the effectiveness of both the processes and outcomes of the program. (2) The department shall report annually to the legislature, beginning December 1, 1999, on the department's progress in meeting the intensive supervision program evaluation goals required under subsection (1)(c) of this section. **Sec. 34.** RCW 13.40.230 and 1981 c 299 s 16 are each amended to read as follows: (1) Dispositions reviewed pursuant to RCW 13.40.160, as now or hereafter amended, shall be reviewed in the appropriate division of the court of appeals. An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section. (2) To uphold a disposition outside the standard range, ~~((or which imposes confinement for a minor or first offender,))~~ the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range ~~((or nonconfinement for a minor or first offender,))~~ would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient. (3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range ~~((or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter)).~~ (4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter. (5) ~~((Pending appeal, a respondent may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed or sixty days, whichever is longer.))~~ The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6). ~~((Upon the expiration of the period of commitment or detention specified in this subsection, the court may also impose such conditions on the respondent's release pending disposition of the appeal.))~~ (6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt. **Sec. 35.** RCW 13.40.250 and 1980 c 128 s 16 are each amended to read as follows: A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court. (1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases. (2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour. (3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions. (4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2). **Sec. 36.** RCW 13.40.265 and 1994 sp.s. c 7 s 435 are each amended to read as follows: (1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(1)((+)) ~~(b)(iii)~~ or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment. (b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated. (c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later. (2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed. (b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement. **Sec. 37.** RCW 13.40.320 and 1995 c 40 s 1 are each amended to read as follows: (1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility. (2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp, notwithstanding the provisions of RCW 41.06.380. Requests for proposals from possible contractors shall not call for payment on a per diem basis. (3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities. (4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, prevocational training, work-

based learning, live work, work ethic skills, conflict resolution counseling, substance abuse intervention, anger management counseling, and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these or other rehabilitation and training components for no less than sixteen hours per day, six days a week. The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program. (5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than ~~((seventy-eight))~~ ~~sixty-five~~ weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program. (6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program. (7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, or if the offender cannot complete the juvenile offender basic training camp program due to medical problems, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition, less the amount of time already served in the juvenile offender basic training camp program. (8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services. (9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program. ~~((The department shall produce an outcome evaluation report on the progress of the juvenile offender basic training camp program to the appropriate committees of the legislature no later than December 12, 1996.))~~ **NEW SECTION. Sec. 38.** A new section is added to chapter 13.40 RCW to read as follows: (1) A program for the provision of community-based volunteer mentoring services for juvenile offenders is created in the department. The department shall adopt funding criteria and program guidelines for the mentoring services which shall be provided through contracts with private nonprofit agencies. (2) The funding criteria shall give priority to communities that have identified youth violence as a problem behavior in their community public health and safety network plans. (3) The program guidelines shall include, at a minimum, the following: (a) Minimum qualifications and background screening for volunteer mentors and case managers. Programs should encourage recruitment of volunteers who have prior education, professional experience, or personal experience in working with at-risk or adjudicated youth; (b) Appropriate orientation and training; (c) A commitment to provide an average of four hours of contact with the youth per week for a period of at least twelve consecutive months; (d) Reimbursement rates and procedures. Volunteer mentors may be reimbursed for expenses consistent with the reimbursement policies established in RCW 43.03.050 and 43.03.060; (e) Services to youth who are between ages twelve and fifteen years of age at the time of entry into the program, who have at least: (i) Two convictions or diversions for misdemeanor or gross misdemeanor offenses, or any combination thereof; (ii) one conviction for a felony offense; or (iii) one conviction or diversion and have been evaluated and referred by a probation officer who has determined the youth is at high risk of reoffending; (f) One-to-one ratio for mentors and juvenile offenders; and (g) Will collect and transmit to the department data as necessary for evaluation of the program. (4) The program shall begin no later than January 1, 1998. **NEW SECTION. Sec. 39.** A new section is added to chapter 13.40 RCW to read as follows: (1) A juvenile meeting the criteria listed in subsection (2) of this section shall be referred to the department for determination of whether: (a) He or she is a child in need of services as defined in chapter 13.32A RCW; or (b) A petition should be filed under chapter 13.34 RCW. (2) A mandatory referral shall be made for any juvenile upon: (a) The conviction of a juvenile for three misdemeanors or gross misdemeanors or a combination of three misdemeanors and gross misdemeanors; (b) The conviction of two felonies; (c) A felony committed when he or she was under fifteen years of age; or (d) A recommendation of a county probation officer who exercised supervisory authority over the juvenile. (3) The referral shall take place before the juvenile's release from confinement or termination of probation, whichever is later, and all information about the juvenile that is in the possession of the government agency that confined the juvenile shall be forwarded to the department except as prohibited by federal law. **NEW SECTION. Sec. 40.** A new section is added to chapter 13.40 RCW to read as follows: (1) In the event a prosecuting attorney is unable to file or elects not to file a criminal charge against a juvenile as a result of the provisions of RCW 9A.04.050, the prosecutor shall forward the name of the juvenile and the alleged facts of the incident to the department. (2) In the event a law enforcement officer investigating an alleged offense has reasonable cause to believe the offense was committed by a juvenile under the age of eight, the officer, or the law enforcement agency for which the officer works, shall forward the name of the juvenile and the alleged facts of the incident to the department. (3) The department shall, upon receipt of the information under this section, investigate the circumstances of the juvenile to determine whether it is appropriate for the department to file a child in need of services petition under chapter 13.32A RCW or a dependency proceeding under chapter 13.34 RCW. (4) The department shall prepare a biennial report to the governor and the legislature on the referrals made under this section. The report shall include: (a) The number of referrals received by the department; (b) The number of petitions filed or proceedings initiated as a result of the referrals; and (c) The outcome of the petitions or proceedings. **Sec. 41.** RCW 13.32A.140 and 1996 c 133 s 19 are each amended to read as follows: Unless the department

files a dependency petition, the department shall file a child in need of services petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances: (1) The child has been admitted to a crisis residential center or has been placed by the department in an out-of-home placement, and: (a) The parent has been notified that the child was so admitted or placed; (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification; (c) No agreement between the parent and the child as to where the child shall live has been reached; (d) No child in need of services petition has been filed by either the child or parent; (e) The parent has not filed an at-risk youth petition; and (f) The child has no suitable place to live other than the home of his or her parent. (2) The child has been admitted to a crisis residential center and: (a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement; (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and (c) The child has no suitable place to live other than the home of his or her parent. (3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and: (a) The party to whom the arrangement is no longer acceptable has so notified the department; (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification; (c) No new agreement between parent and child as to where the child shall live has been reached; (d) No child in need of services petition has been filed by either the child or the parent; (e) The parent has not filed an at-risk youth petition; and (f) The child has no suitable place to live other than the home of his or her parent. (4) A referral to the department has been made under section 39 or 40 of this act and the department reasonably concludes the child is a child in need of services. (5) Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in an out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by the court. (6) The department may authorize emergency medical or dental care for a child admitted to a crisis residential center or placed in an out-of-home placement by the department. The state, when the department files a child in need of services petition under this section, shall be represented as provided for in RCW 13.04.093. **Sec. 42.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read as follows: (1) For purposes of this chapter: (a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody; (b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders; (c) "Social file" means the juvenile court file containing the records and reports of the probation counselor; (d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case. (2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file. (3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end: (a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency; (b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and (c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files. (4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records. (5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential. (6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed. (7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion. (8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential. (9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW (~~13.40.025 and~~) 9.94A.040 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission. **Sec. 43.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows: (1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions. (2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section. (3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550. (4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile. (5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family. (6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law

enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions. (7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion. (8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family. (9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system. (10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((24))~~ (22) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case. (11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that: (a) ~~((Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense))~~ For class B felonies other than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent ten consecutive years in the community without committing any crime that subsequently results in conviction. For class C felonies other than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent five consecutive years in the community without committing any crime that subsequently results in conviction; (b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; ~~(and)~~ (c) No proceeding is pending seeking the formation of a diversion agreement with that person; (d) The person making the motion is not under an obligation to register as a sex offender under chapter 9A.44 RCW; (e) Treatment has been successfully completed if the person was ordered into treatment under RCW 13.40.160(4) or section 25 of this act; and (f) Full restitution has been paid. (12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed. (13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. (14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((24))~~ (22) of this section. (15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. The existence of an obligation to register as a sex offender under chapter 9A.44 RCW regardless of when the obligation arose, or any adjudication of a juvenile offense or a conviction of a crime that creates the obligation to register as a sex offender under chapter 9A.44 RCW subsequent to sealing, has the effect of nullifying the sealing order. Any ~~((conviction for any))~~ charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW ~~((for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030)).~~ (16) ~~((In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case. (17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds: (a) The person making the motion is at least twenty-three years of age; (b) The person has not subsequently been convicted of a felony; (c) No proceeding is pending against that person seeking the conviction of a criminal offense; and (d) The person has never been found guilty of a serious offense. (18))~~ A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((24))~~ (22) of this section, if the court finds that two years have elapsed since completion of the diversion agreement. ~~((19))~~ (17) If the court grants the motion to destroy records made pursuant to subsection (16) ~~((or (18))~~ of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed. ~~((20))~~ (18) The person making the motion pursuant to subsection (16) ~~((or (18))~~ of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed. ~~((21))~~ (19) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process. ~~((22))~~ (20) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding. ~~((23))~~ (21) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((24))~~ (22) of this section and ~~((subparagraphs))~~ (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions. (a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her

criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement. (b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings. ~~((24))~~ (22) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior. ~~((25))~~ (23) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault. **Sec. 44.** RCW 72.01.410 and 1994 c 220 s 1 are each amended to read as follows: (1) Whenever any child under the age of eighteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the secretary of corrections, after making an independent assessment and evaluation of the child and determining that the needs and correctional goals for the child could better be met by the programs and housing environment provided by the juvenile correctional institution, with the consent of the secretary of social and health services, may transfer such child to a juvenile correctional institution, or to such other institution as is now, or may hereafter be authorized by law to receive such child, until such time as the child arrives at the age of twenty-one years, whereupon the child shall be returned to the institution of original commitment. Retention within a juvenile detention facility or return to an adult correctional facility shall regularly be reviewed by the secretary of corrections and the secretary of social and health services with a determination made based on the level of maturity and sophistication of the individual, the behavior and progress while within the juvenile detention facility, security needs, and the program/treatment alternatives which would best prepare the individual for a successful return to the community. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known. (2)(a) Except as provided in (b) of this subsection, an offender under the age of eighteen who is convicted in adult criminal court and who is committed to a term of confinement at the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from offenders eighteen years of age or older, until the offender reaches the age of eighteen. (b) An offender under the age of eighteen may be housed in an intensive management unit or administrative segregation unit containing offenders eighteen years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender shall be kept physically separate from other offenders at all times. **NEW SECTION. Sec. 45.** A new section is added to chapter 72.01 RCW to read as follows: An offender under the age of eighteen who is convicted in adult criminal court of a crime and who is committed for a term of confinement in a jail as defined in RCW 70.48.020, must be housed in a jail cell that does not contain adult offenders, until the offender reaches the age of eighteen. **Sec. 46.** RCW 72.09.460 and 1995 1st sp.s. c 19 s 5 are each amended to read as follows: (1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection ~~((3))~~ (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs. (2) The department shall provide a program of education to all inmates who are under the age of eighteen and who have not met high school graduation requirements as established by the state board of education. The program of education established by the department for inmates under the age of eighteen must consist of curriculum that will enable the inmate to achieve a high school diploma. The department shall extend the program of education required under this subsection to an inmate who is over the age of eighteen but less than twenty-one if the inmate was incarcerated prior to his or her eighteenth birthday and failed to obtain a high school diploma before reaching the age of eighteen. (3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed: (a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release; (b) Additional work and education programs based on assessments and placements under subsection ~~((4))~~ (5) of this section; and (c) Other work and education programs as appropriate. ~~((3))~~ (4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming. ~~((4))~~ (5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas: (a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming; (b)

Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors: (i) An inmate's release date and custody level, except an inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date; (ii) An inmate's education history and basic academic skills; (iii) An inmate's work history and vocational or work skills; (iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and (v) Where applicable, an inmate's prior performance in department-approved education or work programs; (c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals; (d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in: (A) Second and subsequent vocational programs associated with an inmate's work programs; and (B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection; (ii) Inmates shall pay all costs and tuition for participation in: (A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and (B) Second and subsequent vocational programs not associated with an inmate's work program. Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and (e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release: (i) Shall not be required to participate in education programming; and (ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers. If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section. ~~((5))~~ (6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns. ~~((6))~~ (7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release. ~~((7))~~ (8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction. ~~((8))~~ (9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release. **Sec. 47.** RCW 9A.36.045 and 1995 c 129 s 8 are each amended to read as follows: (1) A person is guilty of ~~(reckless endangerment in the first degree)~~ drive-by shooting when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge. (2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness. (3) ~~(Reckless endangerment in the first degree)~~ Drive-by shooting is a class B felony. **Sec. 48.** RCW 9A.36.050 and 1989 c 271 s 110 are each amended to read as follows: (1) A person is guilty of reckless endangerment ~~((in the second degree))~~ when he or she recklessly engages in conduct not amounting to ~~(reckless endangerment in the first degree but which)~~ drive-by shooting but that creates a substantial risk of death or serious physical injury to another person. (2) Reckless endangerment ~~((in the second degree))~~ is a gross misdemeanor. **Sec. 49.** RCW 9.41.010 and 1996 c 295 s 1 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. (2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand. (3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. (4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches. (5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. (6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches. (7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second. (8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no

longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. (9) "Loaded" means: (a) There is a cartridge in the chamber of the firearm; (b) Cartridges are in a clip that is locked in place in the firearm; (c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; (d) There is a cartridge in the tube or magazine that is inserted in the action; or (e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader. (10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms. (11) "Crime of violence" means: (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree; (b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and (c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection. (12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended: (a) Any crime of violence; (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years; (c) Child molestation in the second degree; (d) Incest when committed against a child under age fourteen; (e) Indecent liberties; (f) Leading organized crime; (g) Promoting prostitution in the first degree; (h) Rape in the third degree; (i) (~~Reckless endangerment in the first degree~~) Drive-by shooting; (j) Sexual exploitation; (k) Vehicular assault; (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030; (n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or (o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense. (13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol. (14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state. (15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money. (16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle. (17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020. **Sec. 50.** RCW 9.41.040 and 1996 c 295 s 2 are each amended to read as follows: (1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter. (b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm: (i) After having previously been convicted in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under (a) of this subsection, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment (~~in the second degree~~), criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040); (ii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047; (iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or (iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010. (2)(a) Unlawful possession of a firearm in the first degree is a class B felony, punishable under chapter 9A.20 RCW. (b) Unlawful possession of a firearm in the second degree is a class C felony, punishable under chapter 9A.20 RCW. (3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge. (4) Notwithstanding subsection (1) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) of this section and has not previously been convicted of a sex offense prohibiting firearm

ownership under subsection (1) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored: (a) Under RCW 9.41.047; and/or (b)(i) If the conviction was for a felony offense, after five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360; or (ii) If the conviction was for a nonfelony offense, after three or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360 and the individual has completed all conditions of the sentence. (5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265. (6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection. (7) Each firearm unlawfully possessed under this section shall be a separate offense. **Sec. 51.** RCW 9.94A.103 and 1995 c 129 s 5 are each amended to read as follows: Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves: (1) Any violent offense as defined in this chapter; (2) Any most serious offense as defined in this chapter; (3) Any felony with a deadly weapon special verdict under RCW 9.94A.125; (4) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or (5) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony. **Sec. 52.** RCW 9.94A.105 and 1995 c 129 s 6 are each amended to read as follows: (1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.103 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.103. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records. (2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving: (a) Any violent offense as defined in this chapter; (b) Any most serious offense as defined in this chapter; (c) Any felony with any deadly weapon special verdict under RCW 9.94A.125; (d) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or (e) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony. (3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.320, offender score as defined in RCW 9.94A.360, and any applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission. (4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option. (5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission. **Sec. 53.** RCW 9.94A.310 and 1996 c 205 s 5 are each amended to read as follows: (1) TABLE 1

SERIOUSNESS SCORE		OFFENDER SCORE		9 or 0		1 2 3 4 5 6 7 8		more		XV		Life Sentence without Parole/Death Penalty	
XIV	23y4m24y4m25y4m26y4m27y4m28y4m30y4m32y10m	36y40y240-250-261-271-281-291-312-338-370-411-320-333-347-361-374-388-416-450-493-548	XIII	12y13y14y15y16y17y19y21y25y29y123-134-144-154-165-175-195-216-257-298-164	178	192	205	219	233	260	288		
XII	9y9y11m10y9m11y8m12y6m13y5m15y9m17y3m20y3m23y3m93-102-111-120-129-138-162-178-209-240-123-136-147-160-171-184-216-236-277-318	XI	7y6m8y4m9y2m9y11m10y9m11y7m14y2m15y5m17y11m20y5m78-86-95-102-111-120-146-159-185-210-102	114	125	136	147	158	194	211	245		
X	5y5y6m6y6y6m7y7y6m9y6m10y6m12y6m14y6m51-57-62-67-72-77-98-108-129-149-68-75-82-89-96-102-130-144-171-198	IX	3y3y6m4y4y6m5y5y6m7y6m8y6m10y6m12y6m31-36-41-46-51-57-77-87-108-129-41-48-54-61-68-75-102-116-144-171	VIII	2y2y6m3y3y6m4y4y6m6y6m7y6m8y6m15-21-26-31-36-41-57-67-77-87-108-2734414854-61-89-102-116-144	VII	18m2y2y6m3y3y6m4y4y6m6y6m7y6m8y6m15-21-26-31-36-41-57-67-77-87-20-27-34-41-48-54-75-89-102-116	VI	13m18m2y2y6m3y3y6m4y4y6m5y6m6y6m7y6m12+-15-21-26-31-36-46-57-67-77-14	V	13m15m18m2y2m3y2m4y5y6y7y6-12+-13-15-22-33-41-51-62-72-		



12 14 17 20 29 43 54 68 82 96\_IV6m9m13m15m18m2y2m3y2m4y2m5y2m6y2m3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63- 9 12 14 17  
 20 29 43 57 70 84\_III2m5m8m11m14m20m2y2m3y2m4y2m5y1-3-4-9-12+ -17-22-33-43-51-3 8  
 12121622 29 43 57 68\_II4m6m8m13m16m20m2y2m3y2m4y2m0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43- Days 6 9  
 12 14 18 22 29 43 57\_I3m4m5m8m13m16m20m2y2m0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22- Days Days 5 6 8 12 14  
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NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent. (3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020: (a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection. (b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection. (c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection. (d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed. (e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions. (f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony. (g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. (4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020: (a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection. (b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection. (c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection. (d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed. (e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions. (f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony. (g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. (5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section: (a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410; (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v); (c) Twelve months for offenses committed under RCW 69.50.401(d). For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail. (6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435. **Sec. 54.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996 c 36 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020) XIV Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055) XIII Murder 2 (RCW 9A.32.050) XII Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) XI Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) X Kidnapping 1 (RCW 9A.40.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))

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NEW SECTION. Sec. 71. Sections 64 through 68 and 70 of this act are added to chapter 13.40 RCW. NEW SECTION. Sec. 72. The code reviser shall alphabetize the definitions in RCW 13.40.020 and correct any references. NEW SECTION. Sec. 73. The following acts or parts of acts are each repealed: (1) RCW 9.94A.045 and 1996 c 232 s 2; (2) RCW 13.40.025 and 1996 c 232 s 4, 1995 c 269 s 302, 1986 c 288 s 8, 1984 c 287 s 11, & 1981 c 299 s 3; (3) RCW 13.40.0354 and 1994 sp.s. c 7 s 521 & 1989 c 407 s 6; (4) RCW 13.40.075 and 1994 sp.s. c 7 s 546; and (5) RCW 13.40.125 and 1995 c 395 s 6 & 1994 sp.s. c 7 s 545. NEW SECTION. Sec. 74. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 75. Sections 10, 24, 25, and 29 of this act take effect July 1, 1998." Debate ensued.

#### MOTION

Senator Zarelli moved that the following amendments by Senators Zarelli, Long and Roach to the amendment by Senators Long and Hargrove to the striking amendment by Senators Roach and Johnson be considered simultaneously and be adopted:

On page 52, after line 12 of the amendment, insert the following: "**Sec. 11.** RCW 13.40.038 and 1992 c 205 s 105 are each amended to read as follows: It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment (~~and that adjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW~~). It is the policy of this state that a juvenile suspect be removed from a confrontational situation as soon as possible. Counties should emphasize immediate enforcement by arrest, booking, and release to a responsible adult or the department of social and health services as provided in RCW 13.40.040. The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted and if so whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section. Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community. The detention and risk assessment standards shall be developed and implemented no later than December 31, 1992." Renumber the remaining sections consecutively and correct any internal references accordingly. Beginning on page 52, after line 12 of the amendment, strike all of section 11 and insert the following: "**Sec. 11.** RCW 13.40.040 and 1995 c 395 s 4 are each amended to read as follows: (1) A juvenile may be taken into custody: (a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection ~~((2))~~ (3) of this section; or (c) Pursuant to a court order that the juvenile be held as a material witness; or (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender. (2) A juvenile taken into custody may be held in detention until the juvenile can be released to a responsible adult. (3) Except as provided in subsection (2) of this section, a juvenile may not be held in detention unless there is probable cause to believe that: (a) The juvenile has committed an offense or has violated the terms of a disposition order; and (i) The juvenile will likely fail to appear for further proceedings; or (ii) Detention is required to protect the juvenile from himself or herself; or (iii) The juvenile is a threat to community safety; or (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or (v) The juvenile has committed a crime while another case was pending; or (b) The juvenile is a fugitive from justice; or (c) The juvenile's parole has been suspended or modified; or (d) The juvenile is a material witness. ~~((3))~~ (4) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court. ~~((4))~~ (5) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping." Renumber the sections consecutively and correct any internal references accordingly. Beginning on page 63, after line 28, strike all of section 17 and insert the following: "**Sec. 17.** RCW 13.40.080 and 1996 c 124 s 1 are each amended to read as follows: (1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible. (2) A diversion agreement shall be limited to one or more of the following: (a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school; (b) Restitution limited to the amount of actual loss incurred by the victim; (c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics;

good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions; (d) A fine, not to exceed one hundred dollars. ~~((In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed));~~ and (e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas. (3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms. (4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diverge. (b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months. (c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years or longer after the juvenile's eighteenth birthday~~((The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period))~~ or longer if necessary to recover the full amount of restitution. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order. (5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement. (6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following: (a) A written diversion agreement shall be executed stating all conditions in clearly understandable language; (b) Violation of the terms of the agreement shall be the only grounds for termination; (c) No diverge may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by: (i) Written notice of alleged violations of the conditions of the diversion program; and (ii) Disclosure of all evidence to be offered against the diverge; (d) The hearing shall be conducted by the juvenile court and shall include: (i) Opportunity to be heard in person and to present evidence; (ii) The right to confront and cross-examine all adverse witnesses; (iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and (iv) Demonstration by evidence that the diverge has substantially violated the terms of his or her diversion agreement. (e) The prosecutor may file an information on the offense for which the diverge was diverted: (i) In juvenile court if the diverge is under eighteen years of age; or (ii) In superior court or the appropriate court of limited jurisdiction if the diverge is eighteen years of age or older. (7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations. (8) The diversion unit shall be responsible for advising a diverge of his or her rights as provided in this chapter. (9) The diversion unit may refer a juvenile to community-based counseling or treatment programs. (10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process. The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((9))~~ (8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. (11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes: (a) The fact that a charge or charges were made; (b) The fact that a diversion agreement was entered into; (c) The juvenile's obligations under such agreement; (d) Whether the alleged offender performed his or her obligations under such agreement; and (e) The facts of the alleged offense. (12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement. (13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((9))~~ (8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content



of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit. (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diverge's eighteenth birthday. (15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diverge and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diverge and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour. (16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section." Renumber the sections consecutively and correct any internal references accordingly. On page 84, line 21, after "restitution" strike "may" and insert "~~(may)~~ shall" Renumber the sections consecutively and correct any internal references accordingly. Beginning on page 95, after line 11 of the amendment, strike all of section 37 and insert the following: "**Sec. 37.** RCW 13.40.320 and 1995 c 40 s 1 are each amended to read as follows: (1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility. (2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp, notwithstanding the provisions of RCW 41.06.380. Requests for proposals from possible contractors shall not call for payment on a per diem basis. (3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities. (4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, ~~((pre-vocational training,))~~ work-based learning, live work, work ethic skills, ~~((conflict resolution counseling, substance abuse intervention, anger management counseling,))~~ and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these ~~((or other rehabilitation and training))~~ components for no less than sixteen hours per day, six days a week. The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program. (5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than ~~((seventy-eight))~~ sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program. (6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program. (7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, ~~((or if the offender cannot complete the juvenile offender basic training camp program due to medical problems,))~~ the secretary shall require that the offender be committed to a juvenile institution to serve the entire ~~((remainder))~~ standard range of his or her disposition~~((, less the amount of time already served in the juvenile offender basic training camp program))~~. If the offender cannot complete the juvenile offender basic training camp program due to a medical problem, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition. (8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The program shall make available prevocational training, conflict resolution, anger management counseling, and substance abuse intervention and treatment. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services. (9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program. ~~((The department shall produce an outcome evaluation report on the progress of the juvenile offender basic training camp program to the appropriate committees of the legislature no later than December 12, 1996.))~~ Renumber the sections consecutively and correct any internal references accordingly. On page 105, line 17, after "(d)", strike all material through "RCW" on line 18, and insert "The person has not been convicted of a sex offense"

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry. Mr. President, I'm a little confused, I guess. Is this an amendment to the amendment to the amendment?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, I think I almost had an answer. Yes, that is what it is."

The President declared the question before the Senate to be the adoption of the amendments by Senators Zarelli, Long and Roach on page 52 (2), 63, 84, 95, and 105 to the amendment by Senators Long and Hargrove to the striking amendment by Senators Roach and Johnson to Engrossed Third Substitute House Bill No. 3900.

The motion by Senator Zarelli carried and the amendments to the amendment by Senators Long and Hargrove to the striking amendment by Senators Roach and Johnson were adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators Long and Hargrove on page 1, beginning on line 29, as amended, to the striking amendment by Senators Roach and Johnson.

The motion by Senator Long carried and the amendment to the striking amendment, as amended, was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Roach and Johnson, as amended, to Engrossed Third Substitute House Bill No. 3900.

## POINT OF INQUIRY

Senator Benton asked Senator Long to yield to a question, but Senator Long would not yield to a question.

Further debate ensued.

The striking amendment by Senators Roach and Johnson, as amended, was adopted.

## MOTIONS

On motion of Senator Roach, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 5.60.060, 9.94A.040, 13.04.011, 13.40.010, 13.40.0357, 13.40.040, 13.40.045, 13.40.050, 13.40.060, 13.40.070, 13.40.077, 13.40.080, 13.40.100, 13.40.110, 13.40.130, 13.40.135, 13.40.150, 13.40.160, 13.40.190, 13.40.193, 13.40.200, 13.40.210, 13.40.230, 13.40.250, 13.40.265, 13.40.320, 13.32A.140, 13.50.010, 13.50.050, 72.01.410, 72.09.460, 9A.36.045, 9A.36.050, 9.41.010, 9.41.040, 9.94A.103, 9.94A.105, 9.94A.310, 10.99.020, 10.99.040, 10.99.050, and 43.43.735; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.360, 13.04.030, 13.40.020, 9.94A.320, and 9A.46.060; adding new sections to chapter 13.40 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 72.01 RCW; adding a new section to chapter 43.121 RCW; creating new sections; repealing RCW 9.94A.045, 13.40.025, 13.40.0354, 13.40.075, and 13.40.125; prescribing penalties; and providing an effective date." On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 5.60.060, 9.94A.040, 13.40.010, 13.40.0357, 13.40.040, 13.40.045, 13.40.050, 13.40.060, 13.40.070, 13.40.077, 13.40.080, 13.40.100, 13.40.110, 13.40.125, 13.40.130, 13.40.135, 13.40.150, 13.40.160, 13.40.190, 13.40.193, 13.40.200, 13.40.210, 13.40.230, 13.40.250, 13.40.265, 13.40.320, 13.50.010, 13.50.050, 72.01.410, 72.09.460, 9A.36.045, 9A.36.050, 9.41.010, 9.41.040, 9.94A.103, 9.94A.105, 9.94A.310, 10.99.020, 10.99.040, and 10.99.050; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.360, 13.04.030, 13.40.020, 9.94A.320, and 9A.46.060; adding new sections to chapter 13.40 RCW; adding a new section to chapter 72.01 RCW; adding a new section to chapter 43.121 RCW; creating new sections; repealing RCW 9.94A.045, 13.40.025, 13.40.0354, and 13.40.075; and prescribing penalties." On page 146, line 10, of the title amendment, after "13.40.0357," insert "13.40.038," On motion of Senator Roach, the rules were suspended, Engrossed Third Substitute House Bill No. 3900, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Third Substitute House Bill No. 3900, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 3900, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 39. Voting nay: Senators Anderson, Benton, Finkbeiner, Hochstatter, Rossi, Schow, Sellar, Stevens, Strannigan and Zarelli - 10. ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Johnson, the Senate reverted to the third order of business.

## MESSAGE FROM THE GOVERNOR

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

April 15, 1997

I have the honor to advise you that on April 15, 1997, Governor Locke approved the following Senate Bills entitled:  
Senate Bill No. 5085  
Relating to criminal conspiracy.  
Substitute Senate Bill No. 5100  
Relating to professional service corporations.  
Substitute Senate Bill No. 5107  
Relating to consent provisions under the Washington business corporation act.  
Senate Bill No. 5108  
Relating to the transfer of a community property interest in an individual retirement account at death.  
Senate Bill No. 5109  
Relating to the dissolution of limited liability companies caused by the loss of members.  
Senate Bill No. 5113  
Relating to license fees.  
Senate Bill No. 5132  
Relating to school bus route stops as drug-free zones.  
Substitute Senate Bill No. 5142  
Relating to the collection of judgments.  
Substitute Senate Bill No. 5183  
Relating to a municipal court defendant incarcerated at a jail facility in the county but outside the city limits.  
Substitute Senate Bill No. 5254  
Relating to the limitation of liability of owners or others in possession of land and water areas for injuries to recreational users.  
Substitute Senate Bill No. 5308  
Relating to electronic signatures.  
Substitute Senate Bill No. 5401  
Relating to compensation for public utility district commissioners.  
Senate Bill No. 5520  
Relating to intimidation of witnesses.  
Senate Bill No. 5672  
Relating to drug-free zones in public housing projects.

Sincerely  
EVERETT H. BILLINGSLEA, General Counsel

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fourth order of business.

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT: April 15, 1997  
The House passed:  
SENATE BILL NO. 5047,  
SENATE BILL NO. 5871, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk  
April 15, 1997

MR. PRESIDENT:  
The House passed:  
SENATE BILL NO. 5093,  
SUBSTITUTE SENATE BILL NO. 5102,  
SUBSTITUTE SENATE BILL NO. 5325,  
SENATE BILL NO. 5754, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk  
April 16, 1997

MR. PRESIDENT:  
The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5005,  
SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5541,  
ENGROSSED SENATE BILL NO. 5600,  
SUBSTITUTE SENATE BILL NO. 5782,  
SENATE CONCURRENT RESOLUTION NO. 8410, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk  
April 16, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6063. The Speaker has appointed the following members as conferees: Representatives Sehlin, Honeyford and Ogden.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5286.

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5047,  
SENATE BILL NO. 5093,  
SUBSTITUTE SENATE BILL NO. 5102,  
SUBSTITUTE SENATE BILL NO. 5325,  
SENATE BILL NO. 5754,  
SENATE BILL NO. 5871.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2272, by House Committee on Appropriations (originally sponsored by Representatives Huff, Clements, Alexander, Wensman, Sehlin and Mitchell)

Transferring enforcement of cigarette and tobacco taxes to the liquor control board.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 82.24 RCW to read as follows: In transferring the enforcement of existing cigarette and tobacco taxes from the department of revenue to the liquor control board, it is the intent of the legislature that the cigarette and tobacco tax laws of the state of Washington be actively enforced. Enforcement officers of the liquor control board appointed under section 10 or 11 of this act shall pursue all necessary means within their statutory authority in order to ensure compliance with chapters 82.24 and 82.26 RCW. Sec. 2. RCW 66.44.010 and 1987 c 202 s 224 are each amended to read as follows: (1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor shall belong to the county, city or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. (2) In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. (3)(a) In addition to the other duties under this section, the board shall enforce chapters 82.24 and 82.26 RCW. (b) Through active enforcement of chapters 82.24 and 82.26 RCW and negotiation of cooperative agreements as authorized under section 12 of this act, the board shall reduce the ninety million dollars in lost cigarette and tobacco tax revenue due to tax evasion. The board shall achieve a net decrease in lost cigarette and tobacco revenue according to the following schedules: (i) By June 30, 1998, at least five percent; (ii) By June 30, 1999, at least twelve and one-half percent; (iii) By June 30, 2000, at least thirty percent; (iv) By June 30, 2001, at least thirty-seven and one-half percent; and (v) By June 30, 2002, at least fifty percent. The board shall sustain the fifty percent net decrease in lost revenue due to cigarette and tobacco tax evasion after June 30, 2002. (4) The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 and 82.26 RCW. Sec. 3. RCW 82.24.010 and 1995 c 278 s 1 are each amended to read as follows: Unless the

context clearly requires otherwise, the definitions in this section apply throughout this chapter: (1) "Board" means the liquor control board. (2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. ((2)) (3) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151. ((3)) (4) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer. ((4)) (5) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate. ((5)) (6) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state. ((6)) (7) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed. ((7)) (8) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein for the purpose of resale only. ((8)) (9) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter. **Sec. 4.** RCW 82.24.110 and 1995 c 278 s 7 are each amended to read as follows: (1) Each of the following acts is a gross misdemeanor and punishable as such: (a) To sell, except as a licensed wholesaler engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed; (b) To sell in Washington as a wholesaler to a retailer who does not possess and is required to possess a current cigarette retailer's license; (c) To use or have in possession knowingly or intentionally any forged or counterfeit stamps; (d) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit; (e) To violate any of the provisions of this chapter; (f) To violate any lawful rule made and published by the department of revenue or the board; (g) To use any stamps more than once; (h) To refuse to allow the department of revenue or its duly authorized agent, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection; (i) Except as provided in this chapter, for any retailer to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached; (j) For any person to make, use, or present or exhibit to the department of revenue or its duly authorized agent, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced; (k) For any wholesaler or retailer or his or her agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or her or received in his or her place of business within five years prior to such demand unless he or she can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his or her control; (l) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein; (m) For any person to possess or transport in this state a quantity of sixty thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless: (i) Notice of the possession or transportation has been given as required by RCW 82.24.250; (ii) the person transporting the cigarettes has in actual possession invoices or delivery tickets which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by any person in this state who is authorized by this chapter to possess unstamped cigarettes in this state. (2) It is unlawful for any person knowingly or intentionally to possess or to transport in this state a quantity in excess of sixty thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (a) Proper notice as required by RCW 82.24.250 has been given; (b) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (c) the cigarettes are consigned to or purchased by a person in this state who is authorized by this chapter to possess unstamped cigarettes in this state. Violation of this section shall be punished as a class C felony under Title 9A RCW. (3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating this chapter. **Sec. 5.** RCW 82.24.130 and 1990 c 216 s 5 are each amended to read as follows: (1) The following are subject to seizure and forfeiture: (a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers. (b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except: (i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter; (ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent; (iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission. (c) Any vending machine used for the purpose of violating the provisions of this chapter. (2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if: (a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or (b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable. (3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler or retailer, licensed under Washington state law, for a period of time necessary to

affix the stamps after receipt of the articles, shall not be considered contraband. **Sec. 6.** RCW 82.24.190 and 1987 c 202 s 244 are each amended to read as follows: When the department of revenue or the board has good reason to believe that any of the articles taxed herein are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter or regulations issued under authority hereof, it may make affidavit of such fact, describing the place or thing to be searched, before any judge of any court in this state, and such judge shall issue a search warrant directed to the sheriff, any deputy, police officer, or duly authorized agent of the department of revenue commanding him or her diligently to search any building, room in a building, place or vehicle as may be designated in the affidavit and search warrant, and to seize such tobacco so possessed and to hold the same until disposed of by law, and to arrest the person in possession or control thereof. If upon the return of such warrant, it shall appear that any of the articles taxed herein, unlawfully possessed, were seized, the same shall be sold as provided in this chapter. **Sec. 7.** RCW 82.24.250 and 1995 c 278 s 10 are each amended to read as follows: (1) No person other than: (a) A licensed wholesaler in the wholesaler's own vehicle; or (b) a person who has given notice to the ~~((department))~~ the board in advance of the commencement of transportation shall transport or cause to be transported in this state cigarettes not having the stamps affixed to the packages or containers. (2) When transporting unstamped cigarettes, such persons shall have in their actual possession or cause to have in the actual possession of those persons transporting such cigarettes on their behalf invoices or delivery tickets for such cigarettes, which shall show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. (3) If the cigarettes are consigned to or purchased by any person in this state such purchaser or consignee must be a person who is authorized by chapter 82.24 RCW to possess unstamped cigarettes in this state. (4) In the absence of the notice of transportation required by this section or in the absence of such invoices or delivery tickets, or, if the name or address of the consignee or purchaser is falsified or if the purchaser or consignee is not a person authorized by chapter 82.24 RCW to possess unstamped cigarettes, the cigarettes so transported shall be deemed contraband subject to seizure and sale under the provisions of RCW 82.24.130. (5) Transportation of cigarettes from a point outside this state to a point in some other state will not be considered a violation of this section provided that the person so transporting such cigarettes has in his possession adequate invoices or delivery tickets which give the true name and address of such out-of-state seller or consignor and such out-of-state purchaser or consignee. (6) In any case where the department or its duly authorized agent, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this section, the department, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes. (7) For purposes of this section, the term "person authorized by chapter 82.24 RCW to possess unstamped cigarettes" means: (a) A wholesaler or retailer, licensed under Washington state law; (b) The United States or an agency thereof; and (c) Any person, including an Indian tribal organization, who, after notice has been given to the ~~((department))~~ board as provided in this section, brings or causes to be brought into the state unstamped cigarettes, if within a period of time after receipt of the cigarettes as the department determines by rule to be reasonably necessary for the purpose the person has caused stamps to be affixed in accordance with RCW 82.24.030 or otherwise made payment of the tax required by this chapter in the manner set forth in rules adopted by the department. **Sec. 8.** RCW 82.24.550 and 1993 c 507 s 17 are each amended to read as follows: (1) The ~~((department of revenue))~~ board shall enforce the provisions of this chapter ~~((except RCW 82.24.500, which will be enforced by the liquor control board)).~~ The board may adopt, amend, and repeal rules necessary to enforce the provisions of this chapter. (2) The department of revenue may adopt, amend, and repeal rules necessary to ~~((enforce and))~~ administer the provisions of this chapter. The department of revenue has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter. ~~((2))~~ (3) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the department of revenue. The department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the department of revenue finds the offender has been guilty of willful and persistent violations, it may revoke the license or licenses. ~~((3))~~ (4) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department of revenue if it appears to the satisfaction of the department of revenue that the licensee may comply with the provisions of this chapter and the rules promulgated thereunder. ~~((4))~~ (5) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever. ~~((5))~~ (6) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the department of revenue and the board. **Sec. 9.** RCW 82.32.300 and 1983 c 3 s 222 are each amended to read as follows: The administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department of revenue which shall prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder. The department of revenue shall make and publish rules and regulations, not inconsistent therewith, necessary to enforce ~~((the))~~ provisions of this chapter and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor control board shall make and publish rules necessary to enforce chapters 82.24 and 82.26 RCW, which shall have the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from. The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees shall be fixed by the department and shall be charged to the proper appropriation for the department. The department shall exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper. **NEW SECTION. Sec. 10.** A new section is added to chapter 82.24 RCW to read as follows: The department shall appoint, as duly authorized agents, enforcement officers of the liquor control board to enforce provisions of this chapter. These officers shall not be

considered employees of the department. NEW SECTION. Sec. 11. A new section is added to chapter 82.26 RCW to read as follows: The department shall appoint, as duly authorized agents, enforcement officers of the liquor control board to enforce provisions of this chapter. These officers shall not be considered employees of the department. NEW SECTION. Sec. 12. A new section is added to chapter 43.06 RCW to read as follows: (1) The governor is authorized and empowered to execute cooperative agreements with federally recognized Indian tribes or nations in the state of Washington concerning the sales of cigarettes and tobacco. The liquor control board shall negotiate the cooperative agreements with the federally recognized Indian tribes or nations. The rate of tax imposed and collected on cigarettes and tobacco products under cooperative agreements shall be at the same rate as the taxes imposed on cigarettes and tobacco products under chapters 82.24 and 82.26 RCW, but the amount of taxes collected that may be retained by the Indian tribes or nations shall be as provided in the cooperative agreements. (2) A cooperative agreement under this section shall be designed to contribute to the achievement of a net decrease in the ninety million dollars in cigarette and tobacco tax revenues that are lost annually, balancing the contribution of voluntary compliance, enforcement, and the cooperative agreement. In conjunction with active enforcement of chapters 82.24 and 82.26 RCW under RCW 66.44.010, cooperative agreements shall be designed to achieve a net decrease in lost cigarette and tobacco revenue according to the following schedules: (a) By June 30, 1998, at least five percent; (b) By June 30, 1999, at least twelve and one-half percent; (c) By June 30, 2000, at least thirty percent; (d) By June 30, 2001, at least thirty-seven and one-half percent; and (e) By June 30, 2002, at least fifty percent. The board shall sustain the fifty percent net decrease in lost revenue due to cigarette and tobacco tax evasion after June 30, 2002. (3) Of the revenues received by the state under cooperative agreements negotiated under this section, fifty percent shall be deposited in the violence reduction and drug enforcement account and fifty percent shall be deposited in the health services account. (4) For the purposes of this section, "federally recognized Indian tribes or nations" means an Indian entity that is recognized as an Indian tribe or a self-governing dependent Indian community by the United States secretary of the interior. NEW SECTION. Sec. 13. A new section is added to chapter 82.08 RCW to read as follows: The tax levied by RCW 82.08.020 does not apply to sales of cigarettes or tobacco made by a federally recognized Indian tribe or nation or its licensees during the effective period of a cooperative agreement entered into between the state and the federally recognized Indian tribe or nation under section 12 of this act. NEW SECTION. Sec. 14. A new section is added to chapter 82.12 RCW to read as follows: The provisions of this chapter do not apply in respect to the use of cigarettes or tobacco sold by a federally recognized Indian tribe or nation or its licensees during the effective period of a cooperative agreement entered into between the state and the federally recognized Indian tribe or nation under section 12 of this act. NEW SECTION. Sec. 15. A new section is added to chapter 82.24 RCW to read as follows: This chapter does not apply to the sale, use, consumption, handling, possession, or distribution of cigarettes by a federally recognized Indian tribe or nation or its licensees during the effective period of a cooperative agreement entered into between the state and the federally recognized Indian tribe or nation under section 12 of this act. NEW SECTION. Sec. 16. A new section is added to chapter 82.26 RCW to read as follows: This chapter does not apply to the sale, use, consumption, handling, possession, or distribution of tobacco by a federally recognized Indian tribe or nation or its licensees during the effective period of a cooperative agreement entered into between the state and the federally recognized Indian tribe or nation under section 12 of this act. NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." On motion of Senator West, the following title amendment was adopted:

On page 1, line 3 of the title, after "board;" strike the remainder of the title and insert "amending RCW 66.44.010, 82.24.010, 82.24.110, 82.24.130, 82.24.190, 82.24.250, 82.24.550, and 82.32.300; adding new sections to chapter 82.24 RCW; adding new sections to chapter 82.26 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; prescribing penalties; and declaring an emergency."

#### MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 2272, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2272, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2272, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Stevens, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Brown, Fairley, Fraser, Hargrove, Haugen, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 16. Absent: Senator Strannigan - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2272, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6084, by Senators West and McDonald

Transferring enforcement of cigarette and tobacco taxes to the liquor control board.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6084 was substituted for Senate Bill No. 6084 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6084.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6084 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. SUBSTITUTE SENATE BILL NO. 6084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8413 with the following amendment:

On page 1, line 7 after "apply to" strike the remainder of the resolution and insert "measures which reduce revenue

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TIMOTHY A MARTIN, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment to Engrossed Senate Concurrent Resolution No. 8413.

MOTION

Senator Snyder moved, pursuant to Rule 31, that the question be divided and a vote taken on each bill that's listed for exemption from the cutoff.

QUESTION BY THE PRESIDENT

President Owen: "Senator Snyder, your motion was that, pursuant to Rule 31, the question be divided and that each item be taken separately. Is that correct--how you stated your motion?"

REPLY BY SENATOR

Senator Snyder: "That is correct, Mr. President, and we would like to have each one voted on separately, some of them by voice vote and some by oral recorded vote."

President Owen: "What I am getting at is that you mean each bill?"

Senator Snyder: "Correct."

**EDITOR'S NOTE:** Senate Rule 31 states, 'Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.'

MOTION

On motion of Senator Johnson, the cutoff date established in Engrossed Senate Concurrent Resolution No. 8413 shall apply to Senate Bill No. 6094.

MOTION

On motion of Senator Johnson, the cutoff date established in Engrossed Senate Concurrent Resolution No. 8413 shall apply to Senate Bill No. 5480.

MOTION

On motion of Senator Johnson, the cutoff date established in Engrossed Senate Concurrent Resolution No. 8413 shall apply to House Bill No. 1398.

MOTION

On motion of Senator Johnson, further consideration of Engrossed Senate Concurrent Resolution No. 8413 was deferred.

MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5762 with the following amendment:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The legislature finds that Washington's equine racing industry creates economic, environmental, and recreational impacts across the state affecting agriculture, horse breeding, the horse training industry, agricultural fairs and youth programs, and tourism and employment opportunities. The Washington equine industry has incurred a financial decline coinciding with increased competition from the gaming industry in the state and from the lack of a class 1 racing facility in western Washington from 1993 through 1995. This act is necessary to preserve, restore, and revitalize the equine breeding and racing industries and to preserve in Washington the economic and social impacts associated with these industries. Preserving Washington's equine breeding and racing industries, and in particular those sectors of the industries that are dependent upon live horse racing, is in the public interest of the state. The purpose of this act is to preserve Washington's equine breeding and racing industries and to protect these industries from adverse economic impacts. This act does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before the effective date of this act. Therefore, this act does not allow gaming of any nature or scope that was prohibited before the effective date of this act. **Sec. 2.** RCW 67.16.050 and 1985 c 146 s 3 are each amended to read as follows: Every person making application for license to hold a race meet, under the provisions of this chapter shall file an application with the commission which shall set forth the time, the place, the number of days such meet will continue, and such other information as the commission may require. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue. No person who has been convicted of any crime involving moral turpitude shall be issued a license, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules and regulations of the commission made pursuant thereto, or who has failed to pay to the commission any or all sums required under the provisions of this chapter. The license shall specify the number of days the race meet shall continue and the number of races per day, which shall ~~((be))~~ include not less than six nor more than eleven live races per day, and for which a fee shall be paid daily in advance of five hundred dollars for each live race day for those ~~((meets))~~ licensees which had gross receipts from parimutuel machines in excess of fifty million dollars in the previous year and two hundred dollars for each day for meets which had gross receipts from parimutuel machines at or below fifty million dollars in the previous year; in addition any newly authorized live race meets shall pay two hundred dollars per day for the first year: PROVIDED, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee for the meet, or for a portion which cannot be held may be refunded the licensee, if the commission deems the reasons for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, or any of the rules or regulations of the commission made pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to

cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three days' notice, in writing, shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation. **Sec. 3.** RCW 67.16.105 and 1995 c 173 s 2 are each amended to read as follows: (1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less shall withhold and pay to the commission daily for each authorized day of racing one-half percent of the daily gross receipts from all parimutuel machines at each race meet. (2) Licensees ((of race meets)) that do not fall under subsection (1) of this section shall withhold and pay to the commission ((daily for each authorized day of racing)) the following applicable percentage of all daily gross receipts from ((all) its in-state parimutuel machines ((at each race meet)): (a) If the daily gross receipts of all its in-state parimutuel machines are more than two hundred fifty thousand dollars, the licensee shall withhold and pay to the commission daily two and one-half percent of the daily gross receipts; and (b) If the daily gross receipts of all its in-state parimutuel machines are two hundred fifty thousand dollars or less, the licensee shall withhold and pay to the commission daily one percent of the daily gross receipts. (3) In addition to those amounts in subsections (1) and (2) of this section, ((all) a licensee(s)) shall forward one-tenth of one percent of the daily gross receipts of all its in-state parimutuel machines to the commission ((daily)) for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but said percentage shall not be charged against the licensee(s. ~~The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund.~~). Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 and subsection (1) of this section for the five consecutive years immediately preceding the year of payment. ((4) In addition to those sums paid to the commission in subsection (2) of this section, licensees who are nonprofit corporations and have race meets of thirty days or more shall retain and dedicate: (a) An amount equal to one and one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet to be used solely for the purpose of increasing purses; and (b) an amount equal to one and one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet to be deposited in an escrow or trust account and used solely for construction of a new thoroughbred race track facility in western Washington. Said percentages shall come from that amount the licensee is authorized to retain under RCW 67.16.170(2). The commission shall adopt such rules as may be necessary to enforce this subsection. (5) In the event the new race track is not constructed before January 1, 2001, all funds including interest, remaining in the escrow or trust account established in subsection (4) of this section, shall revert to the state general fund.)) **Sec. 4.** RCW 67.16.200 and 1991 c 270 s 10 are each amended to read as follows: (1) A racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering on its program at a satellite location or locations within the state of Washington. The sale of parimutuel pools at satellite locations shall be conducted only during the licensee's race meet and simultaneous to all parimutuel wagering activity conducted at the licensee's live racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations: (a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location. ~~(b) The commission shall not allow a licensee to conduct satellite wagering at a satellite location within twenty ground miles of the licensee's racing facility. For purposes of this section, "ground miles" means miles measured from point to point in a straight line. (c)(i) The commission may allow a licensee to conduct satellite wagering at a satellite location within fifty ground miles of the racing facility of another licensee who conducts race meets of thirty days or more, but only if the satellite location is the racing facility of another licensee who conducts race meets of thirty days or more and only if the licensee seeking to conduct satellite wagering suspends its program during the conduct of the meets of all licensees within fifty ground miles; except that the commission may allow a licensee that conducts satellite wagering at another track, pursuant to this subsection, to use other satellite locations, used by that track with the approval of the owner of that track, even though those satellite locations are within a fifty ground mile radius.~~

(ii) Subject to subsection (1)(c)(i) of this section, the commission may allow a licensee to conduct satellite wagering at a satellite location within fifty ground miles of the racing facility of another licensee who conducts race meets of under thirty days, but only if the licensee seeking to conduct satellite wagering suspends its satellite program during the conduct of the meets of all licensees within fifty ground miles). A satellite location shall not be operated within twenty driving miles of any class 1 racing facility. For the purposes of this section, "driving miles" means miles measured by the most direct route as determined by the commission; and (b) A licensee shall not conduct satellite wagering at any satellite location within sixty driving miles of any other racing facility conducting a live race meet. (2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted. (3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and 67.16.175. A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility. (4) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to locations outside of the state of Washington approved by the commission and in accordance with the interstate horse racing act of 1978 (15 U.S.C. Sec. 3001 to 3007) or any other applicable laws. The commission may permit parimutuel pools on the simulcast races to be combined in a common pool. A racing association that transmits simulcasts of its races to locations outside this state shall pay at least fifty percent of the fee that it receives for sale of the simulcast signal to the horsemen's purse account for its live races after first deducting the actual cost of sending the signal out of state. (5) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to licensed racing associations located within the state of Washington and approved by the commission for the receipt of the simulcasts. The commission shall permit parimutuel pools on the simulcast races to be combined in a common pool. The fee for in-state, track-to-track simulcasts shall be five and one-half percent of the gross parimutuel receipts generated at the receiving location and payable to the sending racing association. A racing association that transmits simulcasts of its races to other licensed racing associations shall pay at least fifty percent of the fee that it receives for the simulcast signal to the horsemen's purse

account for its live race meet after first deducting the actual cost of sending the simulcast signal. A racing association that receives races simulcast from class 1 racing associations within the state shall pay at least fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price and the actual direct costs of importing the race. (6) A class 1 racing association may be allowed to import simulcasts of horse races from out-of-state racing facilities. With the prior approval of the commission, the class 1 racing association may participate in an interstate common pool and may change its commission and breakage rates to achieve a common rate with other participants in the common pool. (a) The class 1 racing association shall make written application with the commission for permission to import simulcast horse races for the purpose of parimutuel wagering. Subject to the terms of this section, the commission is the sole authority in determining whether to grant approval for an imported simulcast race. (b) During the conduct of its race meeting, a class 1 racing association may be allowed to import no more than one simulcast race card program during each live race day. A licensed racing association may also be approved to import one simulcast race of regional or national interest on each live race day. A class 1 racing association may be permitted to import two simulcast programs on two nonlive race days per each week during its live meet. A licensee shall not operate parimutuel wagering on more than five days per week. Parimutuel wagering on imported simulcast programs shall only be conducted at the live racing facility of a class 1 racing association. (c) The commission may allow simulcast races of regional or national interest to be sent to satellite locations. The simulcasts shall be limited to one per day except for Breeder's Cup special events day. (d) When open for parimutuel wagering, a class 1 racing association which imports simulcast races shall also conduct simulcast parimutuel wagering within its licensed racing enclosure on all races simulcast from other class 1 racing associations within the state of Washington. (e) When not conducting a live race meeting, a class 1 racing association may be approved to conduct simulcast parimutuel wagering on imported simulcast races. The conduct of simulcast parimutuel wagering on the simulcast races shall be for not more than twelve hours during any twenty-four hour period, for not more than five days per week and only at its live racing facility. (f) On any imported simulcast race, the class 1 racing association shall pay fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price of the imported race and the actual costs of importing the race. (7) For purposes of this section, a class 1 racing association is defined as a licensee approved by the commission which conducts during each twelve-month period at least forty days of live racing within four successive calendar months. The commission may by rule increase the number of live racing days required to maintain class 1 racing association status. (8) This section does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before the effective date of this act. Therefore, this section does not allow gaming of any nature or scope that was prohibited before the effective date of this act. This section is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of this section is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live racing facility of the class 1 racing association and a class 1 racing association is strictly prohibited from simulcasting imported race card programs to any location outside its live racing facility. **NEW SECTION. Sec. 5.** (1) The joint legislative audit and review committee shall conduct an evaluation to determine the extent to which this act has achieved the following outcomes: (a) The extent to which purses at Emerald Downs, Playfair, and Yakima Meadows have increased as a result of the provisions of this act; (b) The extent to which attendance at Emerald Downs, Playfair, and Yakima Meadows has increased specifically as a result of the provisions of this act; (c) The extent to which the breeding of horses in this state has increased specifically related to the provisions of this act; (d) The extent to which the number of horses running at Emerald Downs, Playfair, and Yakima Meadows has increased specifically as a result of the provisions of this act; (e) The extent to which nonprofit racetracks in this state have benefitted from this act including the removal of the cap on the nonprofit race meet purse fund; and (f) The extent to which Emerald Downs, Playfair, and Yakima Meadows are capable of remaining economically viable given the provisions of this act and the increase in competition for gambling or entertainment dollars. (2) The joint legislative audit and review committee may provide recommendations to the legislature concerning modifications that could be made to existing state laws to improve the ability of this act to meet the above intended goals. (3) The joint legislative audit and review committee shall complete a report on its finding by June 30, 2000. The report shall be provided to the appropriate committees of the legislature by December 1, 2000. **NEW SECTION. Sec. 6.** The following acts or parts of acts are each repealed: (1) RCW 67.16.190 and 1985 c 146 s 12 & 1981 c 70 s 3; and (2) RCW 67.16.250 and 1994 c 159 s 3 & 1991 c 270 s 12. **NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title. and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Johnson moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5762.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5762.

The motion by Senator Johnson carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5762.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5762, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5762, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, McAuliffe, McDonald, Morton, Newhouse, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Brown, Fairley, Hale, Hargrove, Haugen, Kline, Kohl, Loveland, McCaslin, Oke, Prentice, Sellar, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 17. ENGROSSED SUBSTITUTE SENATE BILL NO. 5762, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act

## NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Franklin served notice that she would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5762, as amended by the House, passed the Senate.

## MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1685,  
SUBSTITUTE HOUSE BILL NO. 1833,  
HOUSE BILL NO. 2011,  
SUBSTITUTE HOUSE BILL NO. 2108,  
SUBSTITUTE HOUSE BILL NO. 2281,  
HOUSE BILL NO. 2284,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT RESOLUTION NO. 4208, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

## MOTION

On motion of Senator Johnson, the Senate reverted to the first order of business.

## REPORTS OF STANDING COMMITTEES

April 16, 1997

HB 1420 Prime Sponsor, Representative McDonald: Modifying local public health financing. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

HOLD.

April 16, 1997

SHB 2240 Prime Sponsor, House Committee on Appropriations: Creating the savings incentive account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

HOLD.

April 16, 1997

ESHB 2258 Prime Sponsor, House on Appropriations: Making appropriations for the fiscal biennium ending June 30, 1997. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Fraser, Hochstatter, Long, McDonald, Rossi, Snyder, Swecker and Winsley.

HOLD.

## MOTION

On motion of Senator Johnson, the rules were suspended, House Bill No. 1420, Substitute House Bill No. 2240 and Engrossed Substitute House Bill No. 2258 were advanced to second reading and placed on the second reading calendar.

#### POINT OF INQUIRY

Senator Wojahn: "Senator Johnson, is that the supplemental that you are moving to the second reading calendar?"

Senator Johnson: "The one that you are holding in your hand is the supplemental standing committee report."

Senator Wojahn: "Three bills?"

Senator Johnson: "Yes, three bills voted out of Ways and Means, I think, today."

Senator Wojahn: "And they are going to be moved to the calendar, then. Is that correct?"

Senator Johnson: "They will be on the floor calendar, that is correct."

Senator Wojahn: "Thank you very much."

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SCR 8414 by Senators Snyder, Loveland, Thibaudeau, Franklin, Bauer, Wojahn, Kline, Prentice, Haugen, Rasmussen, Kohl, McAuliffe, Spanel, Goings, Sheldon and Swanson

Adopting joint rules for the fifty-fifth legislature.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1685 by House Committee on Capital Budget (originally sponsored by Representatives Hankins, Mitchell, Sehlin, Ogden, Carlson, Johnson, Talcott, K. Schmidt, Radcliff, Parlette, Dyer, Skinner, Honeyford, Zellinsky, Keiser, Dickerson, O'Brien, Blalock, Chopp, Hatfield, Regala, Conway, Lantz, Kenney, Wood, Doumit, Morris, Kessler and Cooke)

Creating a school construction endowment and providing property tax reductions.

Referred to Committee on Ways and Means.

SHB 1833 by House Committee on Capital Budget (originally sponsored by Representatives Van Luven, Sheldon, Dunn and Kessler) (by request of Department of Community, Trade, and Economic Development)

Assisting existing economic development revolving loan funds.

Referred to Committee on Ways and Means.

HB 2011 by Representatives Wensman, Cole, H. Sommers, Talcott, B. Thomas, Regala, Constantine, Ballasiotes, Radcliff, D. Schmidt, Carlson, Clements, Dyer, Bush, Johnson, Cairnes, Quall, Morris, Keiser, Linville, Veloria, L. Thomas, Backlund, Cooke, Kenney, Poulsen, Hatfield, Dickerson, Ogden, Kessler, Blalock, Tokuda, Conway, Costa and Honeyford

Authorizing school levies for periods not exceeding four years.

HOLD.

SHB 2108 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Mitchell, Hankins and Radcliff)

Constructing a fourth jumbo ferry.

Referred to Committee on Transportation.

SHB 2281 by House Committee on Transportation Policy and Budget (originally sponsored by Representatives K. Schmidt, Hankins, Mitchell, Skinner, Robertson, Radcliff, Fisher, Backlund, Cooper, Chandler, Cairnes, Blalock, Buck, Scott, Johnson, Murray, Mielke, Hatfield, D. Schmidt, Wensman, Bush, McMorris, Thompson, Gardner and Wood)



Funding transportation.

Referred to Committee on Transportation.

HB 2284 by Representatives B. Thomas, Kastama, Pennington, Dunshee, Sterk, Boldt, Carrell, DeBolt, Alexander, Van Luven, Schoesler, Mulliken and Backlund

Consolidating business and occupation tax rates into fewer categories.

Referred to Committee on Ways and Means.

HJM 4011 by Representatives Boldt and Dunn

Requesting Congress to review the impact of the Columbia River Gorge National Scenic Area Act.

Referred to Committee on Natural Resources and Parks.

HJR 4208 by Representatives Wensman, B. Thomas, H. Sommers, Talcott, Cole, Regala, Constantine, Ballasiotes, Radcliff, D. Schmidt, Carlson, Clements, Dyer, Bush, Johnson, Cairnes, Quall, Morris, Keiser, Linville, Sterk, Dunn, Blalock, Hatfield, Dickerson, Conway, Thompson, Scott, Wood, O'Brien, Backlund, Cooke, Costa, Ogden, Cody, Kessler, Kenney, Cooper and Gardner

Allowing school levies for four-year periods.

HOLD.

#### MOTIONS

On motion of Senator Johnson, Senate Concurrent Resolution No. 8414 was referred to the Committee on Rules.

On motion of Senator Johnson, Substitute House Bill No. 1685, Substitute House Bill No. 1833 and House Bill No. 2284 were referred to the Committee on Ways and Means.

#### MOTIONS

On motion of Senator Johnson, Substitute House Bill No. 2108 and Substitute House Bill No. 2281 were referred to the Committee on Transportation.

On motion of Senator Johnson, House Joint Memorial No. 4011 was referred to the Committee on Natural Resources and Parks.

#### MOTIONS

On motion of Senator Johnson, the rules were suspended, House Bill No. 2011 and House Joint Resolution No. 4208 were advanced to second reading and placed on the second reading calendar.

#### MOTION

At 9:55 p.m., on motion of Senator Johnson, the Senate adjourned until 8:30 a.m., Thursday, April 17, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

### ***JOURNAL OF THE SENATE***

***NINETY-FOURTH DAY, APRIL 16, 1997***

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETY-FIFTH DAY**

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**MORNING SESSION**

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Senate Chamber, Olympia, Thursday, April 17, 1997

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Hargrove, Patterson and Strannigan. On motion of Senator Franklin, Senators Hargrove and Patterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Robert Bawell and Anna Bazzi, presented the Colors. Reverend Tammy Leiter, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MOTION

At 8:36 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 9:36 a.m. by Vice President Pro Tempore Morton.

MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,  
SUBSTITUTE HOUSE BILL NO. 1024,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1419,  
HOUSE BILL NO. 1615,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678,  
SUBSTITUTE HOUSE BILL NO. 1776,  
SUBSTITUTE HOUSE BILL NO. 1985,  
HOUSE BILL NO. 2163,  
HOUSE BILL NO. 2197, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,  
SUBSTITUTE HOUSE BILL NO. 1024,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1419,  
HOUSE BILL NO. 1615,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678,  
SUBSTITUTE HOUSE BILL NO. 1776,  
SUBSTITUTE HOUSE BILL NO. 1985,  
HOUSE BILL NO. 2163,  
HOUSE BILL NO. 2197.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Mulliken, Chandler, Hankins, Sheahan, Skinner, Lisk, Delvin, Clements, Honeyford, Schoesler, Mastin, Grant, Mielke and McMorris

Returning land within the Hanford control zone to agricultural and wildlife uses.

The joint memorial was read the second time.

MOTION

On motion of Senator Hochstatter, the rules were suspended, House Joint Memorial No. 4005 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage. Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4005.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4005 and the joint memorial passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Franklin, Hale, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Swecker, West, Winsley, Wood and Zarelli - 31. Voting nay: Senators Brown, Fairley, Finkbeiner, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 15. Absent: Senator Strannigan - 1. Excused: Senators Hargrove and Patterson - 2. HOUSE JOINT MEMORIAL NO. 4005, having received the constitutional majority, was declared passed.

#### INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced the FFA State Executive Officers who were seated in the gallery.

#### WITHDRAWAL OF NOTICE TO RECONSIDER ENGROSSED SUBSTITUTE SENATE BILL NO. 5762

On motion of Senator Franklin, and there being no objection, the notice for reconsideration was withdrawn to reconsider the vote by which Engrossed Substitute Senate Bill No. 5762 passed the Senate.

#### SECOND READING

SENATE BILL NO. 5355, by Senators Benton, Brown, Swecker, Finkbeiner, Patterson, Rossi and Winsley

Extending the use tax exemption for donated property.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5355 was substituted for Senate Bill No. 5355 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### MOTION

On motion of Senator Goings, Senator Swanson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5355.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Hargrove, Patterson and Swanson - 3. SUBSTITUTE SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2165, by Representatives K. Schmidt, Zellinsky, Fisher, Morris, Radcliff, Sehlin, Sheldon and Hatfield

Paying interest on retroactive raises for ferry workers

The bill was read the second time.

#### MOTIONS

On motion of Senator Prince, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 47.64.120 and 1983 c 15 s 3 are each amended to read as follows: (1) Ferry system management and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times, to negotiate in good faith with respect to wages, hours, working conditions, insurance, and health care benefits as limited by RCW 47.64.270, and other matters mutually agreed upon. Employer funded retirement benefits shall be provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining. (2) Upon ratification of bargaining agreements, ferry employees are entitled to an amount equivalent to the interest earned on retroactive compensation increases. For purposes of this section, the interest earned on retroactive compensation increases is the same monthly rate of interest that was earned on the amount of the compensation increases while held in the state treasury. The interest will be computed for each employee until the date the retroactive compensation is paid, and must be allocated in accordance with appropriation authority. The interest earned on retroactive compensation is not considered part of the ongoing compensation obligation of the state and is not compensation earnable for the purposes of chapter 41.40 RCW. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties." On motion of Senator Prince, the following title amendment was adopted:

On line 2 of the title, after "employees;" strike the remainder of the title and insert "and amending RCW 47.64.120."

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 2165, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2165, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2165, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Sellar - 1. Absent: Senator Kline - 1. Excused: Senators Hargrove and Patterson - 2. HOUSE BILL NO. 2165, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1202, by Representatives Quall, Dickerson, Poulsen, Smith, O'Brien, Costa, Ogden and Mason

Adopting the recommendations of the task force examining high school credit equivalencies.

The bill was read the second time.

#### MOTION

On motion of Senator Hochstatter, the rules were suspended, House Bill No. 1202, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1202.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1202 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Hargrove and Patterson - 2. HOUSE BILL NO. 1202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2046, by House Committee on Appropriations  
(originally sponsored by Representatives Cooke, Kessler and Boldt)

Creating foster parent liaison positions.

The bill was read the second time.

#### MOTION

Senator West moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read as follows: The department shall have the duty to provide child welfare services (~~as defined in RCW 74.13.020,~~) and shall: (1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children. (2) (~~Develop a recruiting plan for recruiting~~) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually (~~submit the plan for review to the house and senate committees on social and health services~~) report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by section 5 of this act. The (~~plan~~) report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations." (3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: **PROVIDED,** That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency. (4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict. (5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report (~~delineating the results~~) measuring the extent to which the department achieved the specified goals to the (~~house and senate committees on social and health services~~) governor and the legislature. (6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption. (7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers. (8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department. (9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community. (10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program. (11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care. Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974. **NEW SECTION. Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows: Within available resources, the department shall provide a foster parent liaison position in each department region. The department shall contract with a private nonprofit organization to provide the foster parent liaison function. The foster parent liaison shall enhance the working relationship between department case workers and foster parents. The foster parent liaison shall provide expedited assistance for the unique needs and requirements posed by special needs foster children in out-of-home care. Any contract entered into under this section for a foster parent liaison shall include a requirement that the contractor substantially reduce the turnover rate of foster parents in the region by an agreed upon percentage. The department shall evaluate whether an organization that has a contract under this section has reduced the turnover rate by the agreed upon amount or more when determining whether to extend or renew a contract under this section. **NEW SECTION. Sec. 3.** A new section is added to chapter 74.13 RCW to read as follows: Within available resources, the department shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. The department shall contract with a private agency to coordinate foster care and adoptive home recruitment activities for the department and private agencies. **NEW SECTION. Sec. 4.** A new section is added to chapter 43.20A RCW to read as follows: The secretary or the secretary's designee may purchase services from nonprofit agencies for the purpose of conducting home studies for legally free children who have been awaiting adoption finalization for more than ninety days. The home studies selected to be done under this section shall be for the children who have been legally free and awaiting adoption finalization the longest period of time. **NEW SECTION. Sec. 5.** A new section is added to chapter 74.13 RCW to read as follows: (1) Within available resources, the department shall prepare a passport

containing all known and available information concerning the mental, physical, legal, health, and educational status of the child for any child who has been in foster care for ninety consecutive days or more. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW. For any child in foster care on the effective date of this act, no time spent in foster care before the effective date of this act shall be included in the computation of the ninety days. (2) In addition to the requirements of subsection (1) of this section, the department shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others. **NEW SECTION. Sec. 6.** A new section is added to chapter 74.13 RCW to read as follows: The department may provide child care for all foster parents who are required to attend department-sponsored meetings or training sessions. If the department does not provide such child care, the department, where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent. **Sec. 7.** RCW 74.13.280 and 1995 c 311 s 21 are each amended to read as follows: (1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency (~~may~~) shall, within available resources, share information about the child and the child's family with the care provider and (~~may~~) shall, within available resources, consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child. (2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. (3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law. **NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." On motion of Senator Long, the following amendment by Senators Long and Hargrove to the Committee on Ways and Means striking amendment was adopted:

On page 4 of the amendment, beginning on line 13, after "(1)", strike all material through "days." on line 23 and insert "Within available resources, the department shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW. New placements after the effective date of this act shall have first priority in the preparation of passports. Within available resources, the department may prepare passports for any child in a foster home on the effective date of this act, provided that no time spent in a foster home before the effective date of this act shall be included in the computation of the ninety days." The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Second Substitute House Bill No. 2046.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.13.031 and 74.13.280; adding new sections to chapter 74.13 RCW; adding a new section to chapter 43.20A RCW; providing an effective date; and declaring an emergency." On motion of Senator West, the rules were suspended, Engrossed Second Substitute House Bill No. 2046, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Senator Hale, Senator Strannigan was excused.

On motion of Senator Franklin, Senator Loveland was excused..

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 2046, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2046, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senators Deccio and Finkbeiner - 2. Excused: Senators Hargrove, Loveland and Strannigan - 3.. **ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2046**, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Heavey was excused.

#### SECOND READING

SENATE BILL NO. 5622, by Senators Long, Strannigan and Winsley

Removing the expiration of tax exemptions for new construction of alternative housing for youth in crisis.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5622, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5622.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5622 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Hargrove, Heavey and Strannigan - 3. SENATE BILL NO. 5622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5074, by Senators Sellar and Snyder

Increasing interstate trade through tax incentives for warehouse and grain operations.

#### MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5074 was substituted for Senate Bill No. 5074 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the following amendment was adopted: On page 8, line 2, strike "July 1, 1997" and insert "immediately"

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 5 of the title, strike "providing an effective date" On motion of Senator West, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5074, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5074.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Benton and Goings - 2. Excused: Senators Hargrove and Strannigan - 2. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5196, by Senators Strannigan, West, Bauer, Heavey, Prentice and Wood

Allowing a business and occupation tax deduction for certain amusement devices.

#### MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5196 was substituted for Senate Bill No. 5196 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5196.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5196 and the bill passed the Senate by the following vote:

Yeas, 40; Nays, 6; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 40. Voting nay: Senators Fairley, Fraser, Snyder, Spanel, Swanson and Thibaudeau - 6. Absent: Senator Haugen - 1. Excused: Senators Hargrove and Strannigan - 2. SUBSTITUTE SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1191, by House Committee on Appropriations (originally sponsored by Representatives Backlund, Dyer, Skinner and Sherstad)

Providing for review of mandated health insurance benefits.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted: On page 6, beginning on line 12, strike all material down through and including line 15

On motion of Senator West, the rules were suspended, Second Substitute House Bill No. 1191, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1191, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1191, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 17. Excused: Senators Hargrove and Strannigan - 2. SECOND SUBSTITUTE HOUSE BILL NO. 1191, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2080, by House Committee on Government Reform and Land Use (originally sponsored by Representatives Parlette, Reams, Mulliken, Chandler and Boldt)

Regulating classification of lands with long-term commercial significance.

The bill was read the second time.

#### MOTION

Senator West moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 84.34 RCW to read as follows: (1) An additional type of current use valuation is established in this section for agricultural lands that is called agricultural lands with long-term commercial significance. (2) Lands shall be classified as agricultural lands with long-term commercial significance if: (a) The lands are designated as agricultural lands under RCW 36.70A.170(1) by a county, city, or town planning under RCW 36.70A.040; (b) the lands are devoted primarily to agricultural uses specified under RCW 36.70A.030(2) and not used for residential purposes, industrial purposes, or other



commercial purposes; (c) the county, city, or town has adopted its comprehensive plan and development regulations under RCW 36.70A.070 and 36.70A.040; and (d) the owner files an application for this status with the county assessor. The assessed valuation of agricultural lands with long-term commercial significance shall be one-half of the value of such lands established under RCW 84.40.030 or the value established under RCW 84.34.065, whichever is lower. (3) The classification of any lands as agricultural lands with long-term commercial significance shall be removed if either: (a) The county, city, or town removes the designation of these lands under RCW 36.70A.170(1); or (b) the use of such lands changes to a use not permitted for designation as agricultural lands with long-term commercial significance under subsection (2) of this section. After the removal of the classification of agricultural lands with long-term commercial significance, the lands shall be valued at their full market value unless the lands are reclassified under another current use classification under this chapter. Lands removed from classification as agricultural lands with long-term commercial significance shall not be subject to an additional tax, penalties, or interest under RCW 84.34.070 through 84.34.108. **Sec. 2.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read as follows: As used in this chapter, unless a different meaning is required by the context: (1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands. (2) "Farm and agricultural land" means either (a) any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres (i) devoted primarily to the production of livestock or agricultural commodities for commercial purposes, (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture, or (iii) other similar commercial activities as may be established by rule (~~following consultation with the advisory committee established in section 19 of this act~~); (b) any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993, (i) one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993, and (ii) on or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of (i) one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993, and (ii) on or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Parcels of land described in (b)(i) and (c)(i) of this subsection shall, upon any transfer of the property excluding a transfer to a surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of this subsection. Agricultural lands shall also include such incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands"; or (d) the land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification as timber land pursuant to this chapter or (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed. Timber land means the land only. (4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor. (5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee. (6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous. (7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter. (8) "Farm and agricultural conservation land" means either: (a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or (b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture. (9) "Agricultural lands of long-term commercial significance" means lands designated by a county, city, or town under RCW 36.70A.170(1) that have been classified as agricultural lands with long-term commercial significance under section 1 of this act. **Sec. 3.** RCW 84.34.070 and 1992 c 69 s 10 are each amended to read as follows: (1) When land has once been classified under this chapter as open space land, farm and agricultural land, or timber land, it shall remain under such classification and shall not be applied to other use except as provided by subsection (2) of this section for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial ten-year classification period have

elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter unless the remaining parcel has different income criteria. Within seven days the assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The assessor or assessors, as the case may be, shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification and the land shall be subject to the additional tax and applicable interest due under RCW 84.34.108. Agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the legislature in which event no additional tax or penalty shall be imposed. (2) The following reclassifications are not considered withdrawals or removals and are not subject to additional tax under RCW 84.34.108: (a) Reclassification between lands under RCW 84.34.020 (2) and (3); (b) Reclassification of land classified under RCW 84.34.020 (2) or (3) or chapter 84.33 RCW to open space land under RCW 84.34.020(1); (c) Reclassification of land classified under RCW 84.34.020 (2) or (3) to forest land classified under chapter 84.33 RCW; and (d) Reclassification of land classified as open space land under RCW 84.34.020(1)(c) and reclassified to farm and agricultural land under RCW 84.34.020(2) if the land had been previously classified as farm and agricultural land under RCW 84.34.020(2). (3) Applications for reclassification shall be subject to applicable provisions of RCW 84.34.037, 84.34.035, 84.34.041, and chapter 84.33 RCW. (4) The income criteria for land classified under RCW 84.34.020(2) (b) and (c) may be deferred for land being reclassified from land classified under RCW 84.34.020 (1)(c) or (3), or chapter 84.33 RCW into RCW 84.34.020(2) (b) or (c) for a period of up to five years from the date of reclassification. **Sec. 4.** RCW 84.34.108 and 1992 c 69 s 12 are each amended to read as follows: (1) When land has once been classified under as open space land, farm and agricultural land, or timber land, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following: (a) Receipt of notice from the owner to remove all or a portion of such classification; (b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation; (c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. ~~((The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended.))~~ The signed notice of classification continuance shall be part of the real estate excise tax affidavit provided for in RCW 82.45.120 or attached as a separate document to the real estate excise tax affidavit. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals; (d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted. The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request. (2) Within thirty days after such removal of all or a portion of such land from current use classification as open space land, farm and agricultural land, or timber land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization. (3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows: (a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; (b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter; (c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070. (4) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes. (5) The additional tax, applicable interest, and penalty specified in subsection (3) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from: (a) Transfer to a government entity in exchange for other land located within the state of Washington; (b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action; (c) A natural disaster such as a flood, windstorm,

earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property; (d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land; (e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020; (f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) of this section shall be imposed; or (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d)."

#### MOTION

On motion of Senator West, further consideration of Second Substitute House Bill No. 2080 was deferred.

President Owen assumed the Chair.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Chandler, Mastin, McMorris, Koster, Delvin, Mulliken, Johnson, Schoesler and Honeyford)

Authorizing a change in the use of water made surplus by certain activities and modifying transfer provisions.

The bill was read the second time.

#### MOTION

Senator Swecker moved that the following Committee on Agriculture and Environment amendment not be adopted: Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that there is a significant number of high-value horticultural crops that can be grown utilizing water-efficient irrigation systems. The legislature finds that over a period of several years, existing orchard plantings will be revitalized and replaced with new plantings, and that additional orchards will be planted which provide opportunities for improved water efficiency. The legislature finds that significant water savings could be realized through the installation of more efficient irrigation systems such as trickle irrigation systems where climatically and economically suitable. The legislature also finds that positive economic incentives, establishment of necessary legal procedures, and removal of legal barriers are needed to stimulate the development of workable technologies and farming systems that rely on lesser quantities of water. The purpose of this act is to stimulate the use of water-efficient irrigation systems by allowing the saved water to be voluntarily transferred by the water right holder to other uses or other places of use. Additionally, the purpose is to establish incentives through enabling self-funded, private capital or public funds to provide improved market-based incentives for adopting water saving technologies and to allow the benefits of the conserved water to be fully realized. It is the intent of this act that sufficient protections be provided to assure that existing water users are not adversely affected by transfers approved under this act. NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Contract" means a written legal instrument that provides for the transfer of a portion of a water right from an existing water right holder to another person for consideration. (2) "Department" means the department of ecology. (3) "Net water savings" has the same meaning as defined in RCW 90.42.020. (4) "Person" means a person, corporation, quasi-municipal corporation, municipal corporation, or state agency. (5) "Reduction in evaporative loss" means the amount of water that is no longer lost to further use as a result of changing from a conventional irrigation system to a water-efficient irrigation system. "Reduction in evaporative loss" includes the reduction in the amount of water consumed through evaporation or through transpiration by nonproductive plants such as cover crops, but does not include any water that contributed to return flows used to satisfy existing rights. (6) "Trust water right" means a water right transferred to and managed by the department for the benefit of instream flows or for the allocation to new uses as provided in chapter 90.38 or 90.42 RCW. (7) "Water-efficient irrigation system" means a system that, through technological modifications, results in water savings. NEW SECTION. Sec. 3. A person holding a valid water right or contractual right to use water, who finances the installation of a water-efficient irrigation system, may enter into a contract with another person for the transfer of water saved through installation of the water-efficient irrigation system. In determining the amount that is transferrable, the department shall allow the transfer of an amount equal to the reduction in the evaporative loss. The reduction in evaporative loss is a readily transferrable component of net water savings. In addition, the department shall evaluate whether there are additional net water savings that result directly from installation of the water-efficient irrigation system that could be transferred to the purchaser without detriment to other existing water users. The department may not delay because of decisions on the determination of additional net water savings the approval of the transfer of the water that constitutes the reduction in evaporative loss. The use of water supplied by an irrigation district that is saved through installation of a qualifying water-efficient irrigation system as provided in this section shall be regulated solely as provided by the board of directors of the irrigation district. A person wishing to make application for a transfer of a water right under this chapter shall comply with RCW 90.03.380. A contract may allow for a permanent transfer of a portion of the original water right, or for lease agreements with set expiration dates. The applicant shall state that the contract is not permanent in the application if the contract is not permanent. The transferred portion has the same date of priority as the water right from which it originated, but between them the transferred portion of the right is inferior in priority unless otherwise provided by the parties in the contract. The department shall maintain a record of contracts with the certificate of water right for the transferred water. NEW SECTION. Sec. 4. The department may adopt rules, in accordance with chapter 34.05 RCW, for procedures to be used to facilitate the processing of requests for water right transfers made under this chapter and to establish a streamlined procedure to quantify the reduction in the evaporative loss. In

developing streamlined procedures, the department may use data from the United States natural resource conservation service or the Washington state cooperative extension service to base calculations of reduction in evaporative loss in various regions of the state. The rules may establish procedures for the department to make preliminary findings that can be used as an initial basis for developing contracts by applicants. NEW SECTION. Sec. 5. An applicant shall accompany an application for a water right transfer under this chapter with a fee established in RCW 90.03.470. NEW SECTION. Sec. 6. In processing applications for transfers of portions of water rights under this chapter, if the department is unable to conclusively determine the validity of the original water right, the department may include a presumption of validity in the certificate of water rights. The presumption must provide to the contract purchaser the same right to the use of water embodied in the original water right. The presumption of validity may not be used as evidence as to the existence or nonexistence in a water right adjudication conducted under chapter 90.03 RCW. NEW SECTION. Sec. 7. A holder of a water right may voluntarily enter into a contract with the department. The department may utilize funds that are now or hereafter authorized for the purchase of water savings made available under this chapter. The department shall utilize the same methods of calculating water that is transferrable to another party under this chapter in determining the amount of water that is transferrable to the state. If additional net water saved is available for the benefit of only a stream segment, the calculations may be made on a case-by-case basis while assuring no detriment to existing water users occurs. NEW SECTION. Sec. 8. A valid water right user who installs a water-efficient irrigation system may apply for a transfer of the reduction in evaporative loss, plus any additional net water savings, for the irrigation of an additional parcel of previously unirrigated land, to land with less senior water rights, or that lacks a full and sufficient supply. The application must be processed based upon the same criteria as if the transfer were to be made to another person. NEW SECTION. Sec. 9. This chapter may be known and cited as the agricultural water conservation incentives act. Sec. 10. RCW 90.03.380 and 1996 c 320 s 19 are each amended to read as follows: (1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used (~~PROVIDED, HOWEVER, That said~~). However, all or a portion of a right may be transferred to another or to others and become appurtenant to any other land or additional place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant an authorization to make the change or transfer. When the applicant has completed the change or transfer, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. (2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts. (3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights. The board of directors of an irrigation district may approve such a change if the board determines that the change: Will not adversely affect the district's ability to deliver water to other landowners; will not require the construction by the district of diversion or drainage facilities unless the board finds that the construction by the district is in the interest of the district; will not impair the financial or operational integrity of the district; and is consistent with the contractual obligations of the district. (4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070. Sec. 11. RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows: After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water: PROVIDED, HOWEVER, That such amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (1) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit. An amendment to a permit or certificate to change the place of use, point of withdrawal, and/or purpose of use of a ground water right to enable irrigation of additional acreage or the addition of new uses may be issued if such change results in no increase in the annual consumptive quantity of water used or authorized for use under the ground water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water withdrawn or authorized for withdrawal pursuant to the ground water right reduced by the estimated annual amount of return flows. For permits or certificates under which actual amounts of water have been withdrawn, withdrawals and return flows shall be averaged over the most recent five-year period of continuous beneficial use of the ground water right or, if the period of actual continuous

beneficial use is less than five years, such lesser period. NEW SECTION. Sec. 12. Sections 2 through 9 of this act constitute a new chapter in Title 90 RCW. NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Debate ensued.

The President declared the question before the Senate to be the motion by Senator Swecker that the Committee on Agriculture and Environment striking amendment to Engrossed Substitute House Bill No. 1113 not be adopted.

The motion by Senator Swecker carried on a rising vote and the committee striking amendment was not adopted.

## MOTIONS

Senator Swecker moved that the following amendment by Senators Swecker and Morton be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that incentives need to be established to encourage the installation of more efficient irrigation conveyance and on-farm application systems and that significant benefits can accrue including water quantity and water quality benefits. The legislature finds that increasing the amount of lands that may be irrigated under an existing water right can impact the amount of return flow water available to meet the needs of other existing water rights. Further, that adherence to a strict nonimpairment standard has slowed efforts to make irrigation water delivery systems more efficient. The legislature finds that reliance on public funds to provide incentives to install efficient irrigation systems is less reliable and more costly to the public than providing economic incentives together with establishing compensating mechanisms to protect existing rights from impairment. The purpose of this act is to establish mechanisms that will provide a means to test incentives for improving the efficiency of irrigation water use. NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows: RCW 90.03.380 does not apply to a change regarding a portion of the water governed by a water right to appropriate surface water used for agricultural purposes that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies that are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. If a portion of the water governed by a water right to surface water is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected, the right to use the surplus water may be changed to use on other lands owned by the holder of the water right that are contiguous to the lands upon which the use of the water was authorized by the right before such a change in accordance with the following: (1) For the purpose of calculating the amount of surplus water that may be allocated to irrigate additional lands, the water right holder shall assume that the amount of water per acre that is to be used to irrigate the additional land is equal to the revised amount of water per acre that the lands previously allowed to be irrigated under the original right would receive. Once the amount of surplus water is calculated in accordance with this section, the allowable quantity of water that may be used to irrigate each parcel may be used on either the original parcel or on the additional land without differentiation; (2) Of the waters determined to be surplus to the beneficial uses exercised under the right: (a) Fifty percent shall be available to be used on additional land and shall retain the date of priority of the original right; and (b) Fifty percent shall be available to be used on additional land and shall have a date of priority that is subordinate to other water rights that were established as of the date the water was applied to the additional land. The holder of the water right shall notify the department of such a change. The department may prescribe a form upon which notification is to be made. The department shall establish procedures to verify the information contained in the notification and may require the submission of additional information to assure general compliance with the provisions of this section. Such notification constitutes a change in the holder's water right and, upon receiving the notification, the department shall revise its records for the water right to reflect the change. This section does not apply to water supplied by an irrigation district. This section does not apply to surplus water resulting from water efficiency improvements that were financed in whole or in part with state funds. Any person who uses this section shall not impair any existing right unless compensation or mitigation for such impairment or injury is agreed to by the holder of the affected water right. NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Contract" means a written legal instrument that provides for the transfer of a portion of a water right from an existing water right holder to another person for consideration. (2) "Department" means the department of ecology. (3) "Net water savings" has the same meaning as defined in RCW 90.42.020. (4) "Person" means a person, corporation, quasi-municipal corporation, municipal corporation, or state agency. (5) "Reduction in evaporative loss" means the amount of water that is no longer lost to further use as a result of changing from a conventional irrigation system to a water-efficient irrigation system. "Reduction in evaporative loss" includes the reduction in the amount of water consumed through evaporation or through transpiration by nonproductive plants such as cover crops, but does not include any water that contributed to return flows used to satisfy existing rights. (6) "Trust water right" means a water right transferred to and managed by the department for the benefit of instream flows or for the allocation to new uses as provided in chapter 90.38 or 90.42 RCW. (7) "Water-efficient irrigation system" means a system that, through technological modifications, results in water savings. NEW SECTION. Sec. 4. A person holding a valid water right or contractual right to use water, who finances the installation of a water-efficient irrigation system, may enter into a contract with another person for the transfer of water saved through installation of the water-efficient irrigation system. In determining the amount that is transferrable, the department shall allow the transfer of an amount equal to the reduction in the evaporative loss. The reduction in evaporative loss is a readily transferrable component of net water savings. In addition, the department shall evaluate whether there are additional net water savings that result directly from installation of the water-efficient irrigation system that could be transferred to the purchaser without detriment to other existing water users. The department may not delay because of decisions on the determination of additional net water savings the approval of the transfer of the water that constitutes the reduction in evaporative loss. The use of water supplied by an irrigation district that is saved through installation of a qualifying water-efficient irrigation system as provided in this section shall be regulated solely as provided by the board of directors of the irrigation district. A person wishing to make application for a transfer of a water right under this chapter shall comply with RCW 90.03.380. A contract may allow for a permanent transfer of a portion of the original water right, or for lease agreements with set expiration dates. The applicant shall state that the contract is not permanent in the application if the

contract is not permanent. The transferred portion has the same date of priority as the water right from which it originated, but between them the transferred portion of the right is inferior in priority unless otherwise provided by the parties in the contract. The department shall maintain a record of contracts with the certificate of water right for the transferred water. NEW SECTION. Sec. 5. The department may adopt rules, in accordance with chapter 34.05 RCW, for procedures to be used to facilitate the processing of requests for water right transfers made under this chapter and to establish a streamlined procedure to quantify the reduction in the evaporative loss. In developing streamlined procedures, the department may use data from the United States natural resource conservation service or the Washington state cooperative extension service to base calculations of reduction in evaporative loss in various regions of the state. The rules may establish procedures for the department to make preliminary findings that can be used as an initial basis for developing contracts by applicants. NEW SECTION. Sec. 6. An applicant shall accompany an application for a water right transfer under this chapter with a fee established in RCW 90.03.470. NEW SECTION. Sec. 7. In processing applications for transfers of portions of water rights under this chapter, if the department is unable to conclusively determine the validity of the original water right, the department may include a presumption of validity in the certificate of water rights. The presumption must provide to the contract purchaser the same right to the use of water embodied in the original water right. The presumption of validity may not be used as evidence as to the existence or nonexistence in a water right adjudication conducted under chapter 90.03 RCW. NEW SECTION. Sec. 8. A holder of a water right may voluntarily enter into a contract with the department. The department may utilize funds that are now or hereafter authorized for the purchase of water savings made available under this chapter. The department shall utilize the same methods of calculating water that is transferrable to another party under this chapter in determining the amount of water that is transferrable to the state. If additional net water saved is available for the benefit of only a stream segment, the calculations may be made on a case-by-case basis while assuring no detriment to existing water users occurs. NEW SECTION. Sec. 9. A valid water right user who installs a water-efficient irrigation system may apply for a transfer of the reduction in evaporative loss, plus any additional net water savings, for the irrigation of an additional parcel of previously unirrigated land, to land with less senior water rights, or that lacks a full and sufficient supply. The application must be processed based upon the same criteria as if the transfer were to be made to another person. NEW SECTION. Sec. 10. This chapter may be known and cited as the agricultural water conservation incentives act. Sec. 11. RCW 90.03.380 and 1996 c 320 s 19 are each amended to read as follows: (1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used (PROVIDED, HOWEVER, That said)). However, all or a portion of a right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant an authorization to make the change or transfer. When the applicant has completed the change or transfer, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. (2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts. (3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights. The board of directors of an irrigation district may approve such a change if the board determines that the change: Will not adversely affect the district's ability to deliver water to other landowners; will not require the construction by the district of diversion or drainage facilities unless the board finds that the construction by the district is in the interest of the district; will not impair the financial or operational integrity of the district; and is consistent with the contractual obligations of the district. (4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070. Sec. 12. RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows: After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water: PROVIDED, HOWEVER, That such amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (1) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit. An amendment to a permit or certificate to change the place of use, point of withdrawal, and/or purpose of use of a ground

water right to enable irrigation of additional acreage or the addition of new uses may be issued if such change results in no increase in the annual consumptive quantity of water used or authorized for use under the ground water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water withdrawn or authorized for withdrawal pursuant to the ground water right reduced by the estimated annual amount of return flows. For permits or certificates under which actual amounts of water have been withdrawn, withdrawals and return flows shall be averaged over the most recent five-year period of continuous beneficial use of the ground water right or, if the period of actual continuous beneficial use is less than five years, such lesser period. NEW SECTION. Sec. 13. The department of ecology shall submit a report to the legislature by December 1, 2000, containing the results of activities authorized under this act. NEW SECTION. Sec. 14. Sections 3 through 10 of this act constitute a new chapter in Title 90 RCW. NEW SECTION. Sec. 15. Sections 1 through 10 of this act expire June 30, 2001." On motion of Senator Swecker, the following amendments to the striking amendment by Senators Swecker and Morton was adopted:

On page 8, line 5, after "used ", delete "or authorized for use under the ground water right" and insert "under a certificate or authorized for use under a permit" On page 8, beginning on line 8, after "withdrawn" delete "or authorized for withdrawal pursuant to the ground water right" and insert "under a certificate or the amount authorized for use under a permit" The President declared the question before the Senate to be the adoption of the striking amendment by Senators Swecker and Morton, as amended, to Engrossed Substitute House Bill No. 1113.

Debate ensued.

The striking amendment by Senators Swecker and Morton, as amended, was adopted.

#### MOTIONS

On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 1 of the title, after "changes;" strike the remainder of the title and insert "amending RCW 90.03.380 and 90.44.100; adding a new section to chapter 90.03 RCW; adding a new chapter to Title 90 RCW; creating new sections; and providing an expiration date." On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 1113, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1113, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1113, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 33. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 15. Excused: Senator Hargrove - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 2080, deferred on second reading earlier today after Senator West had moved that the Committee on Ways and Means striking amendment be adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Second Substitute House Bill No. 2080.

Debate ensued.

The committee striking amendment was adopted.

#### MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 84.34.020, 84.34.070, and 84.34.108; and adding a new section to chapter 84.34 RCW." On motion of Senator West, the rules were suspended, Second Substitute House Bill No. 2080, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2080, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2080, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senators Fairley and Kohl - 2. Excused: Senators Bauer and Hargrove - 2. SECOND SUBSTITUTE HOUSE BILL NO. 2080, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### WITHDRAWAL OF NOTICE TO RECONSIDER HOUSE BILL NO. 1458

On motion of Senator Wojahn, and there being no objection, the notice was withdrawn to reconsider the vote by which House Bill No. 1458, as amended by the Senate, passed the Senate.

EDITOR'S NOTE: Motion for reconsideration of House Bill No. 1458, as amended by the Senate, was made by Senator Johnson on April 16. The motion for reconsideration carried and further consideration of the bill was deferred. House Bill No. 1458, as amended by the Senate, was transmitted to the House of Representatives on April 17, 1997.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Finance (originally sponsored by Representatives Bush, Kastama, Mulliken, Regala, K. Schmidt, McDonald, Lantz, Robertson, Chandler, Poulsen, Talcott, Backlund, McMorris, Thompson, O'Brien, Linville, Dunn and Sheldon)

Providing tax exemptions for small water districts and systems.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that encouraging water districts to better manage state water resources and encouraging satellite management of failing water systems is in the best interests of the people of Washington state. Continual updates of water quantity and quality, as mandated by federal and state agencies, have revealed that degradation of water quality exists in small water systems throughout the state and that satellite management and consolidation of small systems under a centralized management structure can best utilize existing resources available to assure safe, clean drinking water. The legislature further finds that costs involved in upgrading these small systems can be extremely burdensome to water customers and public water purveyors. With diminishing resources available to these small systems, the legislature finds that granting business and occupation and excise tax relief, under certain conditions, will assist smaller water districts to meet state and federal standards. NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows: (1) This chapter does not apply to amounts received for water services supplied by a water-sewer district established under Title 57 RCW that has been certified by the department of health as: (a) Having less than one thousand five hundred connections; and (b) Charging residential water rates that exceed one hundred twenty-five percent of the state-wide average water rate. (2) This chapter does not apply to amounts received for water services supplied by a water system that has been certified by the department of health as: (a) Being operated or owned by a qualified satellite management agency under RCW 70.116.134; (b) Having less than two hundred connections; and (c) Charging residential water rates that exceed one hundred twenty-five percent of the state-wide average water rate. (3) To receive an exemption under this section, the water system shall supply to the department of health proof that an amount equal to at least 90 percent of the value of the exemption shall be expended to repair, equip, maintain, and upgrade the water system. (4) The department of health shall certify to the department of revenue the eligibility of water districts and water systems under this section. In order to determine eligibility, the department of health may use rate information provided in surveys and reports produced by the association of Washington cities, an association of elected officials, or other municipal association to estimate a state-wide average residential water rate. The department of health shall update the estimated state-wide average residential water rate by July 1 of each year that this section remains in effect. (5) This section expires July 1, 2003. NEW SECTION. Sec. 3. A new section is added to chapter 82.16 RCW to read as follows: (1) This chapter does not apply to amounts received for water services supplied by a water-sewer district established under Title 57 RCW that has been certified by the department of health as: (a) Having less than one thousand five hundred connections; and (b) Charging residential water rates that exceed one hundred twenty-five percent of the state-wide average water rate. (2) This chapter does not apply to amounts received for water services supplied by a water system that has been certified by the department of health as: (a) Being operated or owned by a qualified satellite management agency under RCW 70.116.134; (b) Having less than two hundred connections; and (c) Charging residential water rates that exceed one hundred twenty-five percent of the state-wide average water rate. (3) To receive an exemption under this section, the water system shall supply to the department of health proof that an amount equal to at least 90 percent of the value of the exemption shall be expended to repair, equip, maintain, and upgrade the water system. (4) The department of health shall certify to the department of revenue the eligibility of water districts and water systems under this section. In order to determine eligibility, the department of health may use rate information provided in surveys and reports produced by the association of Washington cities, an association of elected officials, or other municipal association to estimate a state-wide average residential water rate.



The department of health shall update the estimated state-wide average residential water rate by July 1 of each year that this section remains in effect. (5) This section expires July 1, 2003." On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates."

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1592, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1592, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1592, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Bauer and Hargrove - 2. SUBSTITUTE HOUSE BILL NO. 1592, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1588, by Representatives Mulliken, Dickerson, Kastama, Thompson, Boldt, Clements, Romero, Mason, Conway, Blalock, Hatfield, Scott, O'Brien, Costa, Ogden, Dunn, Kessler, Kenney and Cooper

Exempting hearing instruments from sales and use tax.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1588 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1588.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1588 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Fairley - 1. Excused: Senators Bauer and Hargrove - 2. HOUSE BILL NO. 1588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1076, by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Poulsen, Mastin, Hatfield, Skinner, Linville, Dyer, Kessler, Sherstad, Grant, Pennington, Mielke, Thompson, Carlson, Boldt, Bush, Smith and D. Schmidt)

Reforming regulatory activities.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 34.05.328 and 1995 c 403 s 201 are each amended to read as follows: (1) Before adopting a rule described in subsection (5) of this section, an agency shall: (a)

Clearly state in detail the general goals and specific objectives of the statute that the rule implements; (b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule; (c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented; (d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection; (e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law; (f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law; (g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following: (i) A state statute that explicitly allows the agency to differ from federal standards; or (ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and (h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. (2) In making its determinations pursuant to subsection (1)(b) through (g) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified. (3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to: (a) Implement and enforce the rule, including a description of the resources the agency intends to use; (b) Inform and educate affected persons about the rule; (c) Promote and assist voluntary compliance; and (d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes. (4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following: (a) Provide to the business assistance center a list citing by reference the other federal and state laws that regulate the same activity or subject matter; (b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following: (i) Deferring to the other entity; (ii) Designating a lead agency; or (iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement. If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection; (c) Report to the joint administrative rules review committee: (i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and (ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference. (5)(a) Except as provided in (b) of this subsection, this section applies to: (i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, social and health services, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and (ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. (b) This section does not apply to: (i) Emergency rules adopted under RCW 34.05.350; (ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party; (iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (v) Rules the content of which is explicitly and specifically dictated by statute; ~~((€))~~ (vi) Rules that set or adjust fees or rates pursuant to legislative standards ; or (vii) Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents. (c) For purposes of this subsection: (i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency. (ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers. (iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegation legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program. (d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily. (6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document: (a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted; (b) The costs incurred by state agencies in complying with this section; (c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result; (d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission; (e) The extent to which this section has improved the acceptability of state rules to those regulated; and (f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section. **NEW SECTION. Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows: A committee or council required by federal law, within the department of social and health services, that makes policy recommendations

regarding reimbursement for drugs under the requirements of federal law or regulations is subject to chapters 42.30 and 42.32 RCW." On motion of Senator McCaslin, the following title amendment was adopted:

On line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 34.05.328; and adding a new section to chapter 43.20A RCW."

#### MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1076, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1076, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1076, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 45. Voting nay: Senators Thibaudeau and Wojahn - 2. Excused: Senators Bauer and Hargrove - 2. SUBSTITUTE HOUSE BILL NO. 1076, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1924, by Representatives Ballasiotes, Sheahan, Dickerson, Radcliff, Sheldon, Chopp, Mason, Conway, Costa, Mitchell, K. Schmidt, Buck, Wensman, Schoesler, Parlette, Hankins, Backlund, Johnson, D. Schmidt, Sterk, Sump, Cooke, Mastin, Scott, O'Brien, Cooper, Hatfield, Blalock, Kessler, Mulliken, Cole, Kenney, Gardner, McMorris and Tokuda

Changing the sentencing for sex offenses.

The bill was read the second time.

#### MOTION

Senator Roach moved that the following amendment by Senators Goings, Long and Hargrove be adopted:

On page 21, after line 31, insert the following: "**Sec. 3.** RCW 9A.44.130 and 1996 c 275 s 11 are each amended to read as follows: (1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense, shall register with the county sheriff for the county of the person's residence. (2) The person shall provide the county sheriff with the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; and (h) social security number. (3)(a) Sex offenders shall register within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses: (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the sex offender of the duty to register. Failure to register within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (7) of this section. (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140. (iii) SEX OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(iii) as of July 23, 1995, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140. (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of

a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced. (v) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990. Sex offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington. (vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released prior to July 23, 1995, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify offenders who were released prior to July 23, 1995. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (7) of this section. (b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (7) of this section. The county sheriff shall not be required to determine whether the person is living within the county. (c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge. (d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991. (4)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff at least fourteen days before moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. (b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address. (5) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints. (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030. (7) A person who knowingly fails to register or who moves without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a ((class A)) felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a((class A)) felony. If the crime was other than a ((class A)) felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a ((class A)) felony, violation of this section is a gross misdemeanor." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Goings, Long and Hargrove on page 21, after line 31, to House Bill No. 1924.

The motion by Senator Roach carried and the amendment was adopted.

#### MOTION

Senator Roach moved that the following amendment by Senators Rossi, Hargrove, Fairley and Roach be adopted:

On page 21, after line 31, insert the following: "Sec. 3 RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are each reenacted and amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account. (2) "Commission" means the sentencing guidelines commission. (3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions. (4) "Community custody" means that portion of an inmate's sentence of confinement in

lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections. (5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two. (6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender. (7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states. (8) "Confinement" means total or partial confinement as defined in this section. (9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty. (10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430. (11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. (12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration. (b) "Criminal history" shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed. (13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents. (14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge. (15) "Department" means the department of corrections. (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence. (17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW. (18) "Drug offense" means: (a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403); (b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or (c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection. (19) "Escape" means: (a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection. (20) "Felony traffic offense" means: (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection. (21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court. (22)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense. (b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses and serious violent offenses. (23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended: (a) Any felony

defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony; (b) Assault in the second degree; (c) Assault of a child in the second degree; (d) Child molestation in the second degree; (e) Controlled substance homicide; (f) Extortion in the first degree; (g) Incest when committed against a child under age fourteen; (h) Indecent liberties; (i) Kidnapping in the second degree; (j) Leading organized crime; (k) Manslaughter in the first degree; (l) Manslaughter in the second degree; (m) Promoting prostitution in the first degree; (n) Rape in the third degree; (o) Robbery in the second degree; (p) Sexual exploitation; (q) Vehicular assault; (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section; (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125; (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection; (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988; (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through the effective date of this section or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through the effective date of this section. (24) "Nonviolent offense" means an offense which is not a violent offense. (25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably. (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section. (27) "Persistent offender" is an offender who: (a)(i) Has been convicted in this state of any felony considered a most serious offense; and (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or (b)(i) Has been convicted of (A) rape in the first degree, rape in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. (28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody. (29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress. (30) "Serious traffic offense" means: (a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection. (31) "Serious violent offense" is a subcategory of violent offense and means: (a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection. (32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence. (33) "Sex offense" means: (a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; (b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection. (34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification. (35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060. (36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody. (37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. (38) "Violent offense" means: (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner; (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this

subsection; and (c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection. (39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program. (40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education. (41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility. (42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rossi, Hargrove, Fairley and Roach on page 21, after line 31, to House Bill No. 1924.

The motion by Senator Roach carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Roach, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "9.94A.320" strike "and 9.94A.120" and insert ", 9.94A.120, and 9.94A.030" On page 1, line 2 of the title, after ".320" strike all material through "120" and insert ", 9.94A.120, and 9.94A.130"

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1924, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1924, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1924, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Bauer and Hargrove - 2. HOUSE BILL NO. 1924, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I was off the floor before the final gavel and I wish to record my support of Substitute House Bill No. 1190. I would have voted 'yes' had I been present.

SENATOR PAM ROACH, Thirty-first District

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1190, by House Committee on Government Administration (originally sponsored by Representatives Backlund, Huff, Lambert, McMorris, Cairnes, Honeyford, Sherstad, McDonald, D. Schmidt and Wensman)

Requiring preliminary compliance reviews of performance audits and consideration of performance audit recommendations in budget preparation.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.88.090 and 1996 c 317 s 10 are each amended to read as follows: (1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management. The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates must reflect that the agency considered any alternatives to reduce costs or improve service delivery identified in the findings of a performance audit of the agency by the joint legislative audit and review committee. Nothing in this subsection requires performance audit findings to be published as part of the budget. (2) Each state agency shall define its mission and establish measurable goals for achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations. (3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems. (4) Each state agency shall adopt procedures for continuous self-assessment of each program and activity, using the mission, goals, objectives, and measurements required under subsections (2) and (3) of this section. (5) It is the policy of the legislature that each agency's budget proposals must be directly linked to the agency's stated mission and program goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of a program's success in achieving its goals. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996. (6) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate. **Sec. 2.** RCW 44.28.091 and 1996 c 288 s 14 are each amended to read as follows: (1) No later than nine months after the final performance audit has been transmitted by the joint committee to the appropriate standing committees of the house of representatives and the senate, ~~the ((joint committee in consultation with the standing committees may))~~ agency or local government shall produce a preliminary compliance report on ((the agency's or local government's)) its compliance with the final performance audit recommendations and submit it to the joint committee. ((The agency or local government may attach its comments to the joint committee's preliminary compliance report as a separate addendum.)) At the request of the joint committee, the agency or local government shall periodically provide updates to the preliminary compliance report until the joint committee determines that the agency or local government has complied with the final performance audit recommendations to the joint committee's satisfaction. (2) ~~((Within three months after the issuance of the preliminary compliance report,))~~ The joint committee may hold ((at least one)) public hearings and receive public testimony ((regarding the findings and recommendations contained in the preliminary compliance report. The joint committee may waive the public hearing requirement if the preliminary compliance report demonstrates that the agency or local government is in compliance with the audit recommendations)) if the agency or local government is not making satisfactory progress in achieving compliance. The joint committee shall issue any final compliance report ((within four weeks after the public hearing or hearings)) after an agency or local government has satisfactorily complied with the final audit recommendations. The legislative auditor shall transmit the final compliance report in the same manner as a final performance audit is transmitted under RCW 44.28.088." On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "audits;" strike the remainder of the title and insert "and amending RCW 43.88.090 and 44.28.091."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1190, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION



On motion of Senator Swecker, Senator Rossi was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1190, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1190, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senators Anderson and Roach - 2. Excused: Senators Bauer, Hargrove and Rossi - 3. SUBSTITUTE HOUSE BILL NO. 1190, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1102, by Representatives Lambert, H. Sommers, Cooke, Carlson, Conway, Ogden and Mason (by request of Joint Committee on Pension Policy)

Retirement benefits based on excess compensation.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1102.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1102 and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senators Finkbeiner and McDonald - 2. Excused: Senators Bauer, Hargrove and Rossi - 3. HOUSE BILL NO. 1102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:58 a.m., on motion of Senator Johnson, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Owen.

#### SECOND READING GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9145, Gregory Costello, as a member of the Forest Practices Appeals Board, was confirmed.

#### APPOINTMENT OF GREGORY COSTELLO

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 33; Nays, 1; Absent, 13; Excused, 2.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, Morton, Newhouse, Patterson, Prentice, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, Wojahn, Wood and Zarelli - 33. Voting nay: Senator Benton - 1. Absent: Senators Finkbeiner, Hale, Haugen, Heavey, Horn, Loveland, McDonald, Oke, Prince, Schow, Strannigan, West and Winsley - 13. Excused: Senators Bauer and Hargrove - 2.

## MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9195, William Robinson, as a member of the Spokane Joint Center for Higher Education, was confirmed.

## APPOINTMENT OF WILLIAM ROBINSON

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 39; Nays, 1; Absent, 7; Excused, 2.

Voting yea: Senators Anderson, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 39. Voting nay: Senator Benton - 1. Absent: Senators Finkbeiner, Haugen, Heavey, Roach, Schow, Strannigan and Winsley - 7. Excused: Senators Bauer and Hargrove - 2.

## MOTION

On motion of Senator Franklin, Senator Heavey was excused.

## MOTION

On motion of Senator Long, Gubernatorial Appointment No. 9177, Pam Lucas, as a member of the State Hospital, Eastern Washington Advisory Board, was confirmed.

## APPOINTMENT OF PAM LUCAS

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senator Finkbeiner - 1. Absent: Senator Strannigan - 1. Excused: Senators Bauer, Hargrove and Heavey - 3.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1277, by House Committee on Finance (originally sponsored by Representatives B. Thomas, Dunshee, Carrell, Thompson and D. Schmidt) (by request of Department of Revenue)

Providing for confidentiality of property tax information.

The bill was read the second time.

## MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 84.08 RCW to read as follows: (1) For purposes of this section, "tax information" means confidential income data and proprietary business information obtained by the department in the course of carrying out the duties now or hereafter imposed upon it in this title that has been communicated in confidence in connection with the assessment of property and that has not been publicly disseminated by the taxpayer, the disclosure of which would be either highly offensive to a reasonable person and not a legitimate concern to the public or would result in an unfair competitive disadvantage to the taxpayer. (2) Tax information is confidential and privileged, and except as authorized by this section, neither the department nor any other person may disclose tax information. (3) Subsection (2) of this section, however, does not prohibit the department from: (a) Disclosing tax information to any county assessor or county treasurer; (b) Disclosing tax information in a civil or criminal judicial proceeding or an administrative proceeding in respect to taxes or penalties imposed under this title or Title 82 RCW or in respect to assessment or valuation for tax purposes of the property to which the information or facts relate; (c) Disclosing tax information with the written permission of the taxpayer; (d) Disclosing tax information to the proper officer of the tax department of any state responsible for the imposition or collection of property taxes, or for the valuation of property for tax purposes, if the other state grants substantially similar privileges to the proper officers of this state; (e) Disclosing tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under chapter 42.17 RCW or is a document maintained by a court of record not otherwise prohibited from disclosure; (f) Disclosing tax information to a peace officer as defined in RCW 9A.04.110 or county prosecutor, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecutor who receives the tax information may disclose the tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the tax information originally was sought; or (g) Disclosing information otherwise available under chapter 42.17 RCW. (4) A violation of this section constitutes a gross misdemeanor. **Sec. 2.** RCW 84.40.020 and 1973 c 69 s

I are each amended to read as follows: All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed. Such listing and all supporting documents and records shall be open to public inspection during the regular office hours of the assessor's office: PROVIDED, That confidential income data is hereby exempted from public inspection (~~pursuant to RCW 42.17.310~~) as noted in RCW 42.17.260 and 42.17.310. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: PROVIDED, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business. **Sec. 3.** RCW 84.40.340 and 1973 1st ex.s. c 74 s 1 are each amended to read as follows: For the purpose of verifying any list, statement, or schedule required to be furnished to the assessor by any taxpayer, any assessor or his trained and qualified deputy at any reasonable time may visit, investigate and examine any personal property, and for this purpose the records, accounts and inventories also shall be subject to any such visitation, investigation and examination which shall aid in determining the amount and valuation of such property. Such powers and duties may be performed at any office of the taxpayer in this state, and the taxpayer shall furnish or make available all such information pertaining to property in this state to the assessor although the records may be maintained at any office outside this state. Any information or facts obtained pursuant to this section shall be used by the assessor only for the purpose of determining the assessed valuation of the taxpayer's property: PROVIDED, That such information or facts shall also be made available to the department of revenue upon request for the purpose of determining any sales or use tax liability with respect to personal property, and except in a (~~court action pertaining~~) civil or criminal judicial proceeding or an administrative proceeding in respect to penalties imposed pursuant to RCW 84.40.130, to such sales or use taxes, or to the assessment or valuation for tax purposes of the property to which such information and facts relate, shall not be disclosed by the assessor or the department of revenue without the permission of the taxpayer to any person other than public officers or employees whose duties relate to valuation of property for tax purposes or to the imposition and collection of sales and use taxes, and any violation of this secrecy provision shall constitute a gross misdemeanor. **Sec. 4.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows: (1) The following are exempt from public inspection and copying: (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients. (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by section 1 of this act, RCW 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer. (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath. (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination. (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal. (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss. (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action. (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user. (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070. (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter. (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035. (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW. (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095. (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency. (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department. (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant. (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the

agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers. (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9). (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090. (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420. (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW. (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information. (bb) Financial and valuable trade information under RCW 51.36.120. (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030. (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. (ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. (ff) Business related information protected from public inspection and copying under RCW 15.86.110. (gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW. (hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents. (ii) Personal information in files maintained in a data base created under RCW 43.07.360. (jj) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043. (2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function. (4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld." On motion of Senator West, the rules were suspended, Substitute House Bill No. 1277, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1277, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1277, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Strannigan - 1. Excused: Senators Bauer, Hargrove and Heavey - 3. SUBSTITUTE HOUSE BILL NO. 1277, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1819, by Representatives Benson, Grant, L. Thomas and Zellinsky

Establishing the confidentiality of voluntary compliance efforts by financial institutions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Prentice, the following amendment was adopted:

On page 2, line 33, strike "federal or" On motion of Senator Winsley, the rules were suspended, House Bill No. 1819, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1819, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1819, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Bauer and Hargrove - 2. HOUSE BILL NO. 1819, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6094, by Senators McCaslin and Haugen (by request of Governor Locke)

Changing growth management provisions.

The bill was read the second time.

## MOTION

Senator Anderson moved that the following amendments by Senators McCaslin, Haugen, Anderson, Patterson and Fraser be considered simultaneously and be adopted:

On page 1, line 8, after "1." insert "A new section is added to chapter 36.70A RCW to read as follows:" On page 1, line 11, after "importance of" insert "agriculture, forestry, and" On page 1, line 13, after "economies" insert "and forest uses that are located outside of designated resource lands" On page 1, line 19, after "lifestyles;" insert "will encourage the economic prosperity of rural residents;" On page 2, line 7, after "life" insert "The legislature recognizes that there will be a variety of interpretations by counties of how best to implement a rural element, reflecting the diverse needs and local circumstances found across the state. RCW 36.70A.070(5) provides a framework for local elected officials to make these determinations. References to both wildlife and water are intended in RCW 36.70A.030 and 36.70A.070 to acknowledge their importance as features or components of rural character. It is expected that these matters will be addressed in comprehensive plans, but that counties may not necessarily need to adopt new regulations to account adequately for them in establishing a pattern of land use and development for rural areas." On page 2, line 24, after "planning" insert ", harmonizing the planning goals of this chapter," On page 4, line 20, after "county" insert "in the rural element of its comprehensive plan" On page 4, line 23, after "lifestyles" strike "and" and insert "," On page 4, line 24, after "economies," strike all material through "handicrafts" on line 25, and insert "and opportunities to both live and work in rural areas" On page 5, line 3, after "element," insert "Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas" On page 7, line 22, after "Rural" strike "development" and insert "element" On page 7, line 34, after "sueh" strike all material through "development" and insert "lands and) rural development, forestry, and agriculture in rural areas. The rural element shall" On page 7, line 39, strike "and nonresidential uses" and insert "and nonresidential rural development, other than cottage industries" On page 8, line 1, after "serve" insert "and provide jobs for" On page 8, line 1, after "population" strike "and" and insert "or serve" On page 8, at the beginning of line 31, strike all material through "and" On page 8, line 33, after "subsection" insert ". An industrial area is not required to be principally designed to serve the existing and protected rural population as required by (b) of this subsection" On page 8, line 38, after "development," insert "A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population as required by (b) of this subsection." On page 9, line 4, after "uses" insert "or new development of isolated cottage industries" On page 9, beginning on line 5, after "uses" strike all material through "36.70A.040" on line 7 and insert ", but do provide job opportunities for rural residents" On page 9, line 16, after "that" strike ", as of July 1, 1990," On page 9, line 28, after "sprawl" insert ";(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence: (A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter; (B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or (C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5)" On page 9, line 29, strike "(f)" and insert "(e)" On page 24, beginning on line 22, after "goals of" strike all material through "act" on line 23 and insert "this chapter" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators McCaslin, Haugen, Anderson, Patterson and Fraser on pages 1, 2, 4, 5, 7, 8, 9, and 24, to Senate Bill No. 6094.

The motion by Senator Anderson carried and the amendments were adopted.

## MOTIONS

On motion of Senator McCaslin, the following amendments by Senators McCaslin and Haugen were considered simultaneously and were adopted:

On page 1, line 8, after "**Sec. 1.**" insert "A new section is added to chapter 36.70A RCW to read as follows:" On page 9, at the beginning of line 29, strike "(f)" and insert "(e)" On page 22, line 3, after "receipt" insert "of the board's order" On page 22, line 7, after "in" insert "subsection (2) of this section and" On page 22, line 13, after "though" strike "it" and insert "the application" On page 22, line 24, after "receipt" insert "of the board's order" On page 22, line 26, after "receipt" insert "of the board's order" On page 24, line 22, after "goals of" insert "this" On page 24, at the beginning of line 23, strike all material through "act)" On page 28, line 29, after "activity" strike ":" On page 34, line 24, after "nonagricultural" insert ", nonforest." Senator McCaslin moved that the following amendments by Senators McCaslin and Haugen be considered simultaneously and be adopted:

On page 21, beginning on line 24, after "decision" strike all material through "board" on line 25, and insert "(to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board) directly to the court of appeals for assignment by the chief presiding judge" On page 39, after line 39, insert the following: "**Sec. 32.** RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows: (1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision. (2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that: (a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination; (b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest; (c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and (d) The appellate court's determination in the proceeding would have significant precedential value. Procedures for certification shall be established by court rule. (3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 (~~and growth management hearings boards as identified in RCW 36.70A.250~~). (b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either: (i) Fundamental and urgent state-wide or regional issues are raised; or (ii) The proceeding is likely to have significant precedential value. (4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision. (5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section. (6) The procedures for direct review of final decisions of environmental boards include: (a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability. (b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue. (c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record. (d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision. (e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record. (f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals." Renumber the remaining sections consecutively. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McCaslin and Haugen on page 21, beginning on line 24, and page 39, after line 39, to Senate Bill No. 6094.

The motion by Senator McCaslin carried and the amendments were adopted.

#### MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, beginning on line 4 of the title, after "36.93.170," strike "and 84.14.010" and insert "84.14.010, and 34.05.518" On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 6094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6094.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6094 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Fairley - 1. Excused: Senator Bauer - 1. ENGROSSED SENATE BILL NO. 6094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 1997

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6062 and has passed the bill as recommended by the Conference Committee., and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk,

REPORT OF CONFERENCE COMMITTEE

SSB 6062 April 16, 1997

Includes "New Items": YES

An Act relating to fiscal matters

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6062, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and that the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1997, and ending June 30, 1999, except as otherwise provided, out of the several funds of the state hereinafter named. (2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act. (a) "Fiscal year 1998" or "FY 1998" means the fiscal year ending June 30, 1998. (b) "Fiscal year 1999" or "FY 1999" means the fiscal year ending June 30, 1999. (c) "FTE" means full time equivalent. (d) "Lapse" or "revert" means the amount shall return to an unappropriated status. (e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse. **PART I GENERAL**

**GOVERNMENT NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES** General Fund Appropriation (FY 1998) \$ 24,241,000 General Fund Appropriation (FY 1999) \$25,637,000 TOTAL APPROPRIATION \$49,878,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$75,000 of the general fund fiscal year 1998 appropriation and \$75,000 of the general fund fiscal year 1999 appropriation are provided solely for the independent operations of the legislative ethics board. Expenditure decisions of the board, including employment of staff, shall be independent of the senate and house of representatives. (2) \$25,000 of the general fund fiscal year 1998 appropriation is provided solely to implement Substitute Senate Concurrent Resolution No. 8408 (water policy report). If the concurrent resolution is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. **NEW SECTION. Sec. 102. FOR THE SENATE** General Fund Appropriation (FY 1998) \$ 19,357,000 General Fund Appropriation (FY 1999) \$20,663,000 TOTAL APPROPRIATION \$40,020,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$75,000 of the general fund fiscal year 1998 appropriation and \$75,000 of the general fund fiscal year 1999 appropriation are provided solely for the independent operations of the legislative ethics board. Expenditure decisions of the board, including employment of staff, shall be independent of the senate and house of representatives. (2) \$25,000 of the general fund fiscal year 1998 appropriation is provided solely to implement Substitute Senate Concurrent Resolution No. 8408 (water policy report). If the concurrent resolution is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (3) \$100,000 of the general fund appropriation for fiscal year 1998 is provided solely for a study of financial aid and tuition by the senate committee on ways and means and the house of representatives committee on appropriations. (a) The study shall report on the current usage and distribution of financial aid, investigate other resources available to financial aid recipients, and shall compare alternative methods of financial aid distribution and their impacts on the sectors of higher education and students served within each sector. (b) The study shall also provide comparative data from other states on methods of establishing tuition rates and the relationship of tuition to state funding. **NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE** General Fund Appropriation (FY 1998) \$ 1,524,000 General Fund Appropriation (FY 1999) \$1,837,000 TOTAL APPROPRIATION \$3,361,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$103,000 of the general fund fiscal year 1998 appropriation and \$412,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5633 (performance audit of the department of transportation). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (2) \$50,000 of the general fund appropriation for fiscal year 1998 is provided solely to implement Substitute Senate Bill No. 5071 (school district territory). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. **NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE** General Fund Appropriation (FY 1998) \$ 1,263,000 General Fund Appropriation (FY 1999) \$1,332,000 TOTAL APPROPRIATION \$2,595,000

The appropriations in this section are subject to the following conditions and limitations: The committee shall conduct an inventory and examination of state data processing projects funded in this act and make recommendations to improve the accountability and legislative evaluation and oversight of these projects. **NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY** Department of Retirement Systems Expense Account Appropriation 1,681,000 **NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS**

**COMMITTEE** General Fund Appropriation (FY 1998) \$ 5,430,000 General Fund Appropriation (FY 1999) \$5,430,000 TOTAL APPROPRIATION \$10,860,000

The appropriations in this section are subject to the following conditions and limitations: \$800,000 of the general fund fiscal year 1998 appropriation and \$800,000 of the general fund fiscal year 1999 appropriation are provided solely for purchasing computers and related equipment on behalf of the senate, house of representatives, and statute law committee. Equipment shall be purchased only at the request of the customer agencies. **NEW SECTION. Sec. 107. FOR THE**

**STATUTE LAW COMMITTEE** General Fund Appropriation (FY 1998) \$ 3,226,000 General Fund Appropriation (FY 1999) \$3,559,000 TOTAL APPROPRIATION \$6,785,000

The appropriations in this section are subject to the following conditions and limitations: \$35,000 of the general fund fiscal year 1998 appropriation and \$36,000 of the general fund fiscal year 1999 appropriation are provided solely for the uniform legislation commission. **NEW SECTION. Sec. 108. FOR THE SUPREME COURT** General Fund Appropriation (FY 1998) \$ 4,640,000 General Fund Appropriation (FY 1999) \$4,813,000 TOTAL APPROPRIATION \$9,453,000 **NEW SECTION. Sec. 109. FOR THE LAW LIBRARY** General Fund Appropriation (FY 1998) \$ 1,769,000 General Fund Appropriation (FY 1999) \$1,785,000 TOTAL APPROPRIATION \$3,554,000 **NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS** General Fund Appropriation (FY 1998) \$ 10,225,000 General Fund Appropriation (FY 1999) \$10,133,000 TOTAL APPROPRIATION \$20,358,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$271,000 of the general fund fiscal year 1999 appropriation is provided solely for an additional judge position and related support staff in division I, effective July 1, 1998. (2) \$490,000 of the general fund fiscal year 1998 appropriation is provided solely for remodeling existing space in division I court facilities to house additional staff. **NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT** General Fund Appropriation (FY 1998) \$ 652,000 General Fund Appropriation (FY 1999) \$653,000 TOTAL APPROPRIATION \$1,305,000 **NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS** General Fund Appropriation (FY 1998) \$ 12,723,000 General Fund Appropriation (FY 1999) \$12,595,000 Public Safety and Education Account Appropriation \$31,134,000 Judicial Information Systems Account Appropriation \$ 16,305,000 TOTAL APPROPRIATION \$72,757,000

The appropriations in this section are subject to the following conditions and limitations: (1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems



that improve services provided by the supreme court, the court of appeals, the office of public defense, and the office of the administrator for the courts. \$400,000 of the judicial information systems account appropriation is provided solely for the year 2000 date conversion. (2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior courts judges for insurance and health care plans and federal social security and medicare and

medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. (3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuati

on of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4)  
\$125,000 of the public safety and education account appropriation is provided solely for the workload associated with the increase in state cases filed in Thurston county superior court. (5)

\$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission. (6)

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The appropriation in this section is subject to the following conditions and limitations: (1) The cost of defending indigent offenders in death penalty cases has escalated significantly over the last four years. The office of public defense advisory committee shall analyze the current methods for reimbursing private attorneys and shall develop appropriate standards and criteria designed to control costs and still provide indigent defendants their constitutional right to representation at public expense. The office of public defense advisory committee shall report its findings and recommendations to the supreme court and the appropriate legislative committees by September 30, 1998. (2) \$688,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases. NEW SECTION. Sec. 114.

**FOR THE OFFICE OF THE GOVERNOR** General Fund--State  
 Appropriation (FY 1998) \$ 5,047,000 General Fund--State Appropriation  
 (FY 1999)\$4,963,000 General Fund--Federal Appropriation\$188,000 Water  
 Quality Account Appropriation \$ 700,000 TOTAL  
 APPROPRIATION\$10,898,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,618,000 of the general fund--state appropriation for fiscal year 1998, \$1,520,000 of the general fund--state appropriation for fiscal year 1999, \$700,000 of the water quality account appropriation, and \$188,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-06. (2) \$12,000 of the general fund--state appropriation for fiscal year 1998 and \$13,000 of the general fund--state appropriation for fiscal year 1999 are provided for the state law enforcement medal of honor committee for the purposes of recognizing qualified law enforcement officers as provided by chapter 41.72 RCW. **NEW SECTION. Sec. 115. FOR THE LIEUTENANT GOVERNOR** General Fund Appropriation (FY 1998) \$ 282,000 General Fund Appropriation (FY 1999)\$283,000 TOTAL APPROPRIATION\$565,000 **NEW SECTION. Sec. 116. FOR THE PUBLIC DISCLOSURE COMMISSION** General Fund Appropriation (FY 1998) \$ 1,457,000 General Fund Appropriation (FY 1999)\$1,206,000 TOTAL APPROPRIATION\$2,663,000

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The appropriations in this section are subject to the following conditions and limitations: (1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding. (2) \$420,000 of the general fund appropriation for fiscal year 1998 and \$420,000 of the general fund

appropriation for  
fiscal year 1999  
are provided solely  
for staff and  
related costs to  
audit special  
education  
programs that  
exhibit unusual  
rates of growth,  
extraordinarily  
high costs, or other  
characteristics  
requiring attention  
of the state safety  
net committee.  
The auditor shall  
consult with the  
superintendent of  
public instruction  
regarding training  
and other staffing  
assistance needed  
to provide  
expertise to the  
audit staff. (3)  
\$250,000 of the  
general fund fiscal  
year 1998  
appropriation and  
\$250,000 of the  
general fund fiscal  
year 1999  
appropriation are  
provided solely for  
the budget and  
reporting system  
(BARS) to improve  
the reporting of  
local government  
fiscal data. Audits  
of counties and  
cities by the  
division of  
municipal  
corporations shall  
include findings  
regarding the  
completeness,  
accuracy, and  
timeliness of  
BARS data  
reported to the  
state auditor's  
office. NEW  
**SECTION. Sec.**  
**122. FOR THE**  
**CITIZENS'**  
**COMMISSION**  
**ON SALARIES**  
**FOR ELECTED**  
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1998) \$ 4,000G  
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**123. FOR THE**  
**ATTORNEY**  
**GENERAL**Genera  
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 000General Fund--  
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 Safety and  
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The appropriations in this section are subject to the following conditions and limitations: (1) \$3,282,500 of the general fund--state appropriation for fiscal year 1998 and \$3,282,500 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium. (2) \$155,000 of the general fund--state appropriation for fiscal year 1998 and \$155,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the Washington manufacturing extension partnership. (3) \$9,964,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1998 as follows: (a) \$3,603,250 to local units of governments to continue the multi-jurisdictional narcotics task forces; (b) \$500,000 to the department to continue the state-wide drug prosecution assistance program in support of multijurisdictional narcotics task forces; (c) \$1,306,075 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response; (d) \$240,000 to the department for grants to support tribal law enforcement needs; (e) \$900,000 to drug courts in eastern and western Washington; (f) \$300,000 to the department for grants to provide sentencing alternatives training programs to defenders; (g) \$200,000 for grants to support substance-abuse treatment in county jails; (h) \$517,075 to the department for legal advocacy for victims of domestic violence and for training of local law enforcement officers and



prosecutors on domestic violence laws and procedures; (i) \$903,000 to the department to continue youth violence prevention and intervention projects; (j) \$91,000 for the governor's council on substance abuse; (k) \$99,000 for program evaluation and monitoring; (l) \$100,000 for the department of corrections for a feasibility study of replacing or updating the offender based tracking system. (m) \$498,200 for development of a state-wide system to track criminal history records; and (n) No more than \$706,400 to the department for grant administration and reporting. These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this section. If moneys in excess of those appropriated in this section become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without a specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding fiscal year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection. (4) \$1,000,000 of the general fund fiscal year 1998 appropriation and \$1,000,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Engrossed Substitute House Bill No. 1576 (buildable lands) or Senate Bill No. 6094 (growth management). If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (5) \$4,800,000 of the public safety and education account appropriation is provided solely for indigent civil legal representation services contracts and contracts administration. The amount provided in this subsection is contingent upon enactment of section 2 of Engrossed Substitute House Bill No. 2276 (civil legal services for indigent persons). If section 2 of the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (6) \$643,000 of the general fund--state fiscal year 1998 appropriation and \$643,000 of the general fund--state fiscal year 1999 appropriation are provided solely to increase payment rates for contracted early childhood education assistance program providers. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. (7) \$75,000 of the general fund--state fiscal year 1998 appropriation and \$75,000 of the general fund--state fiscal year 1999 appropriation are provided solely as a grant for the community connections program in Walla Walla county. (8) \$300,000 of the general fund--state fiscal year 1998 appropriation and \$300,000 of the general fund--state fiscal year 1999 appropriation are provided solely to contract with the Washington state association of court-appointed special advocates/guardians ad litem (CASA/GAL) to establish pilot programs in three counties to recruit additional community volunteers to represent the interests of children in dependency proceedings. Of this amount, a maximum of \$30,000 shall be used by the department to contract for an evaluation of the effectiveness of CASA/GAL in improving outcomes for dependent children. The evaluation shall address the cost-effectiveness of CASA/GAL and to the extent possible, identify savings in other programs of the state budget where the savings resulted from the efforts of the CASA/GAL volunteers. The department shall report to the governor and legislature by October 15, 1998. (9) \$75,000 of the general fund--state appropriation for fiscal year 1999 is provided solely for state sponsorship of the "BIO 99" international biotechnology conference and exhibition in the Seattle area in 1999. (10) \$698,000 of the general fund--state appropriation for fiscal year 1998, \$697,000 of the general fund--state appropriation for fiscal year 1999, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations. (11) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to expand the long-term care ombudsman program. (12) \$60,000 of the general fund--state appropriation for fiscal year 1998 and \$60,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of the Puget Sound work plan action item DCTED-01. (13) \$555,000 of the state toxics control account appropriation is provided solely for the public participation grant program pursuant to RCW 70.105D.070. In administering the grant program, the department shall award grants based upon a state-wide competitive process each year. Priority is to be given to applicants that demonstrate the ability to provide accurate technical information on complex waste management issues. Amounts provided in this subsection may not be spent on lobbying activities. (14) \$20,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a task force on tourism promotion and development. The task force shall report to the legislature on its findings and recommendations by January 31, 1998. (15) \$71,000 of the general fund--state appropriation for fiscal year 1998 and \$60,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the pacific northwest economic region (PNWER). (16) \$123,000 of the general fund--state appropriation for fiscal year 1998 and \$124,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the community development finance program. (17) Within the appropriations provided in this section, the department shall conduct a study of possible financial incentives to assist in revitalization of commercial areas and report its findings and recommendations to the appropriate committees of the legislature by November 15, 1997.

**NEW SECTION. Sec. 126. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL** General Fund Appropriation (FY 1998) \$ 452,000 General Fund Appropriation (FY 1999) \$453,000 TOTAL APPROPRIATION \$905,000

**NEW SECTION. Sec. 127. FOR THE OFFICE OF FINANCIAL MANAGEMENT** General Fund--State Appropriation (FY 1998) \$ 10,178,000 General Fund--State Appropriation (FY 1999) \$9,916,000 General Fund--Federal Appropriation \$23,331,000 TOTAL APPROPRIATION \$43,425,000

The appropriations in this section are subject to the following conditions and limitations: \$125,000 of the general

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The appropriations in this section are subject to the following conditions and limitations: (1) The department shall reduce its charge for personnel services to the lowest rate possible. (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees. (3) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan. (4) \$500,000 of the department of personnel service account appropriation is provided solely for the career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force. Services shall include employee retraining and career counseling. (5) \$800,000 of the department of personnel service account appropriation is provided solely for the human resource data warehouse to: Expand the type and amount of information available on the state-wide work force; and to provide the office of financial management, legislature, and state agencies with direct access to the data for policy and planning purposes. The department of personnel shall establish uniform reporting procedures, applicable to all state agencies and higher education institutions, for reporting data to the data warehouse by June 30, 1998. The department of personnel will report quarterly to the legislative fiscal committees, the office of financial management, the information services board, and the office of information technology oversight of the department of information services the following items: (a) The number of state agencies that have received access to the data warehouse (it is anticipated that approximately 40 agencies will receive access during the 1997-99 biennium); (b) the change in requests for downloads from the mainframe computer by agencies with access to the data warehouse, to reflect transferring customers use of the mainframe computer to the more economical use of data warehouse information; and (c) a summary of customer feedback from agencies with access to the data warehouse. Authority to expend this amount is conditioned on compliance with section 902 of this act. (6) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan. (7) The department of personnel shall charge all administrative services costs incurred by the department of retirement systems for the deferred compensation program. The billings to the department of retirement systems shall be for actual costs only. **NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY Industrial Insurance Premium Refund Appropriation \$ 9,000 Lottery Administrative Account Appropriation \$**

Appropriation \$ 19,966,000 TOTAL APPROPRIATION \$ 19,975,000 **NEW SECTION. Sec. 131. FOR THE**



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**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**  
Dependent Care Administrative Account Appropriation \$ 357,000Department of Retirement Systems Expense  
AccountAppropriation\$31,415,000TOTAL APPROPRIATION\$31,772,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,373,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act. (2) \$1,259,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the receivables management system. Authority to expend this amount is conditioned on compliance with section 902 of this act. (3) The department of retirement systems shall complete a study examining whether it would be cost-effective to contract out the administration functions for the dependent care assistance program and shall report to the fiscal committees of the legislature by December 15, 1997.

**NEW SECTION. Sec. 135. FOR THE STATE INVESTMENT BOARD**  
State Investment Board Expense Account Appropriation \$ 10,303,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF REVENUE**  
General Fund Appropriation (FY 1998) \$ 65,033,000General Fund Appropriation (FY 1999)\$65,320,000Timber Tax  
Distribution AccountAppropriation\$4,778,000Waste Reduction/Recycling/Litter Control Appropriation \$ 100,000State  
Toxics Control Account Appropriation\$67,000Solid Waste Management AccountAppropriation\$92,000Oil Spill  
Administration Account Appropriation \$ 14,000TOTAL APPROPRIATION\$135,404,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,540,000 of the general fund appropriation for fiscal year 1998 and \$1,710,000 of the general fund appropriation for fiscal year 1999 are provided solely for senior citizen property tax deferral distribution. (2) Within the amounts appropriated in this section the department shall conduct a study identifying the impacts of exempting all shellfish species from the tax imposed on enhanced food fish under chapter

82.27 RCW. The study shall include an estimate of the fiscal impacts to state revenues as well as an examination of how such an exemption would impact shellfish-based industries and communities where shellfish-based industries are located. The department shall complete this study and report its findings to the legislature by December 1, 1997.

**NEW SECTION. Sec. 137. FOR THE BOARD OF TAX APPEALS**

General Fund Appropriation (FY 1998) \$ 885,000 General Fund Appropriation (FY 1999) \$889,000 TOTAL APPROPRIATIONS \$1,774,000

**NEW SECTION. Sec. 138. FOR THE MUNICIPAL RESEARCH COUNCIL**

General Fund Appropriation (FY 1998) \$ 1,651,000 General Fund Appropriation (FY 1999) \$1,743,000 County Research Services Account Appropriation \$625,000 TOTAL APPROPRIATIONS \$4,019,000

The appropriations in this section are subject to the following conditions and limitations: The county research services account appropriation is provided solely to implement Substitute Senate Bill No. 5521 (county research services). If the bill is not enacted by June 30, 1997, the appropriation shall lapse.

**NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

OMWBE Enterprises Account Appropriation \$ 2,357,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 1998) \$ 1,302,000 General Fund--State Appropriation (FY 1999) \$1,278,000 General Fund--Federal Appropriation \$2,402,000 General Fund--Private/Local Appropriation \$ 400,000 Motor Transport Account Appropriation \$14,120,000 Air Pollution Control Account Appropriation \$391,000 General Administration Facilities and Services Revolving Account Appropriation \$ 22,299,000 Central Stores Revolving Account Appropriation \$3,306,000 Energy Efficiency Services Account Appropriation \$180,000 Risk Management Account Appropriation \$ 2,328,000 TOTAL APPROPRIATIONS \$48,006,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,200,000 of the general fund--state appropriation for fiscal year 1998 and \$1,200,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the purchase of food for distribution to the state's food assistance network and related expenses. (2) \$25,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the World War II memorial on the condition that the currently approved design for the World War II memorial be sited on the location selected by the World War II advisory committee and approved and recommended by the capitol campus design advisory committee. This site is immediately south of the Columbia street and 11th avenue axial on the west capitol campus. (3) Except for the World War II memorial, no additional monuments may be placed on the capitol campus until the completion of the capitol campus monuments and memorial policy by the department of general administration, adoption of the policy by the state capitol committee, and inclusion of the policy in the department of general administration's administrative code. (4) The department shall not purchase any travel product for any state employee or state official from a vendor who is not a Washington-based seller of travel licensed under chapter 19.138 RCW. (5) The department shall study the state motor pool vehicle fleet to develop a plan for meeting and exceeding the minimum vehicle mileage standards established by the federal government. The department shall report its findings and conclusions to the appropriate legislative committees by December 1, 1997. (6) The department shall sell or contract for sale all surplus motor pool fleet vehicles and shall, when cost effective, contract out for the reconditioning, transport, and delivery of the vehicles prior to their sale at auction.

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account Appropriation \$ 3,577,000 K-20 Technology Account Appropriation \$44,028,000 TOTAL APPROPRIATIONS \$47,605,000

The appropriation in this section is subject to the following conditions and limitations: (1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis. (2) \$44,028,000 of the K-20 technology account appropriation shall be expended in accordance with the expenditures authorized by the K-20 telecommunications oversight and policy committee as currently existing or as modified by Substitute House Bill No. 1698, Substitute Senate Bill No. 5002, or substantially similar legislation (K-20 telecommunications network).

**NEW SECTION. Sec. 142. FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$ 106,000 Insurance Commissioners Regulatory Account Appropriation \$22,431,000 TOTAL APPROPRIATIONS \$22,537,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$532,000 of the insurance commissioner's regulatory account appropriation is provided solely for the expenditure of funds received under the consent order with the Prudential insurance company. These funds are provided solely for implementing the Prudential remediation process and for examinations of the Prudential company. (2) \$206,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute House Bill No. 1387 (basic health plan benefits). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (3) \$298,000 of the insurance commissioner's regulatory account appropriation is provided solely for technology improvements that will support the electronic filing of insurance rates and contracts and enable regulators and the industry to share information about licensed agents to protect the public from fraudulent sales practices.

**NEW SECTION. Sec. 143. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account Appropriation \$ 978,000

The appropriation in this section is subject to the following conditions and limitations: \$22,000 of the certified public accountants' account appropriation is provided solely for the implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amount provided shall lapse.

**NEW SECTION. Sec. 144. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account Appropriation \$ 12,000

**NEW SECTION. Sec. 145. FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account Appropriation \$ 4,828,000

**NEW SECTION. Sec. 146. FOR THE LIQUOR CONTROL BOARD**

General Fund Appropriation (FY 1998) \$ 1,603,000 General Fund Appropriation (FY 1999) \$1,242,000 Liquor Control Board Construction and



Maintenance Account Appropriation \$9,919,000 Liquor Revolving Account Appropriation \$ 121,391,000 TOTAL APPROPRIATION \$134,155,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,250,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This item is conditioned on satisfying the requirements of section 902 of this act, including the development of a project management plan, a project schedule, a project budget, a project agreement, and incremental funding based on completion of key milestones. (2) \$1,603,000 of the general fund fiscal year 1998 appropriation and \$1,242,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Substitute Senate Bill No. 6084 or Engrossed Substitute House Bill No. 2272 (transferring enforcement provisions regarding cigarette and tobacco taxes to the liquor control board). If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (3) \$459,000 of the liquor revolving account appropriation is provided solely for implementation of Substitute Senate Bill No. 5664 (credit and debit cards purchases in state liquor stores). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (4) \$154,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. **NEW SECTION. Sec. 147. FOR THE UTILITIES AND TRANSPORTATION COMMISSION** Public Service Revolving Account--State Appropriation \$ 24,313,000 Public Service Revolving Account--Federal Appropriation \$ 292,000 TOTAL APPROPRIATION \$24,605,000 **NEW SECTION. Sec. 148. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS** Volunteer Firefighters' Relief & Pension Administrative Account Appropriation \$ 529,000 **NEW SECTION. Sec. 149. FOR THE MILITARY DEPARTMENT** General Fund--State Appropriation (FY 1998) \$8,151,000 General Fund--State Appropriation (FY 1999) \$ 11,735,000 General Fund--Federal Appropriation \$34,314,000 General Fund--Private/Local Appropriation \$238,000 Flood Control Assistance Account Appropriation \$ 3,000,000 Enhanced 911 Account Appropriation \$26,782,000 Disaster Response Account--State Appropriation \$23,977,000 Disaster Response Account--Federal Appropriation \$ 95,419,000 TOTAL APPROPRIATION \$203,616,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$3,581,000 of the general fund--state appropriation for fiscal year 1999, \$3,000,000 of the flood control assistance account appropriation, and \$6,197,000 of the general fund--federal appropriation are provided solely for deposit in the disaster response account to cover costs pursuant to subsection (2) of this section. (2) \$23,977,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster number 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods) and to assist local governmental entities with the matching funds necessary to earn FEMA funds for FEMA disaster 1100 (February 1996 floods). (3) \$100,000 of the general fund--state fiscal year 1998 appropriation and \$100,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of a conditional scholarship program pursuant to chapter 28B.103 RCW. (4) \$35,000 of the general fund--state fiscal year 1998 appropriation and \$35,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the north county emergency medical service. **NEW SECTION. Sec. 150. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION** General Fund Appropriation (FY 1998) \$ 1,768,000 General Fund Appropriation (FY 1999) \$1,764,000 TOTAL APPROPRIATION \$3,532,000 **NEW SECTION. Sec. 151. FOR THE GROWTH PLANNING HEARINGS BOARD** General Fund Appropriation (FY 1998) \$ 1,247,000 General Fund Appropriation (FY 1999) \$1,252,000 TOTAL APPROPRIATION \$2,499,000 **NEW SECTION. Sec. 152. FOR THE STATE CONVENTION AND TRADE CENTER** State Convention and Trade Center Operating Account Appropriation \$ 27,175,000 **NEW SECTION. Sec. 153. FOR THE CASELOAD FORECAST COUNCIL** General Fund Appropriation (FY 1998) \$489,000 General Fund Appropriation (FY 1999) \$ 390,000 TOTAL APPROPRIATION \$879,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely to implement Substitute Senate Bill No. 5472 (caseload forecast council). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

## PART II HUMAN SERVICES

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds. (3) The appropriations in sections 202 through 213 of this act shall be expended for the programs and in the amounts listed in those sections.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM** General Fund--State Appropriation (FY 1998) \$ 191,716,000 General Fund--State Appropriation (FY 1999) \$201,581,000 General Fund--Federal Appropriation \$247,553,000 General Fund--Private/Local Appropriation \$ 400,000 Violence Reduction and Drug Enforcement Account Appropriation \$4,230,000 TOTAL APPROPRIATION \$645,480,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$16,510,000 of the general fund--state appropriation for fiscal year 1998 and \$17,508,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for purposes consistent with the maintenance of effort requirements under the federal temporary assistance for needy families program established under P.L. 104-193. (2) \$837,000 of the violence reduction and drug enforcement account appropriation and \$7,228,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Within the funds provided, the family policy council shall contract for an evaluation of the community networks with the institute for public policy and shall provide for audits of ten networks. Within the funds provided, the family policy council may build and maintain a geographic information system database tied to community network geography. (3) \$577,000 of the general fund--state fiscal year 1998 appropriation and \$577,000 of the general fund--state fiscal year 1999 appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. (4) \$481,000 of the general fund--state fiscal year 1998 appropriation and \$481,000 of the general fund--state fiscal year 1999 appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program. (5) \$640,000 of the general fund--state appropriation for fiscal year 1998 and \$640,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to fund the provisions of Second Substitute House Bill No. 1862 (community-based alternative response system) or Second Substitute Senate Bill No. 5710 (juvenile care and treatment), including section 2 of the bill. Amounts provided in this subsection to implement Second Substitute House Bill No. 1862 or Second Substitute Senate Bill No. 5710 must be used to serve families who are screened from the child protective services risk assessment process. Services shall be provided through contracts with community-based organizations. If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (6) \$594,000 of the general fund--state appropriation for fiscal year 1998, \$556,000 of the general fund--state appropriation for fiscal year 1999, and \$290,000 of the general fund--federal appropriation are provided solely to fund the provisions of Engrossed Second Substitute House Bill No. 2046 (foster parent liaison). The department shall establish a foster parent liaison in each department of social and health services region of the state and contract with a private provider to implement a recruitment and retention program for foster parents and adoptive families. The department shall provide a minimum of two hundred additional adoptive and foster home placements by June 30, 1998. If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse. (7) \$433,000 of the fiscal year 1998 general fund--state appropriation, \$395,000 of the fiscal year 1999 general fund--state appropriation, and \$894,000 of the general fund--federal appropriation are provided solely to increase the rate paid to private child-placing agencies. (8) \$580,000 of the general fund--state appropriation for fiscal year 1998 and \$580,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for development and expansion of child care training requirements and optional training programs. The department shall adopt rules to require annual training in early childhood development of all directors, supervisors, and lead staff at child care facilities. Directors, supervisors, and lead staff at child care facilities include persons licensed as family child care providers, and persons employed at child care centers or school age child care centers. The department shall establish a program to fund scholarships and grants to assist persons in meeting these training requirements. The department shall also develop criteria for approving training programs and establish a system for tracking who has received the required level of training. In adopting rules, developing curricula, setting up systems, and administering scholarship programs, the department shall consult with the child care coordinating committee and other community stakeholders. (9) The department shall provide a report to the legislature by November 1997 on the growth in additional rates paid to foster parents beyond the basic monthly rate. This report shall explain why exceptional, personal, and special rates are being paid for an increasing number of children and why the amount paid for these rates per child has risen in recent years. This report must also recommend methods by which the legislature may improve the current foster parent compensation system, allow for some method of controlling the growth in costs per case, and improve the department's and the legislature's ability to forecast the program's needs in future years. (10) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for legal costs associated with the defense of vendors operating a secure treatment facility, for actions arising from the good faith performance of treatment services for behavioral difficulties or needs. (11) \$2,745,000 of the fiscal year 1998 general fund--state appropriation, \$2,745,000 of the fiscal year 1999 general fund--state appropriation, and \$1,944,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services." (12) \$2,200,000 of the fiscal year 1998 general fund--state appropriation and \$2,200,000 of the fiscal year 1999 general fund--state appropriation are provided solely to continue existing continuum of care and street youth projects. (13) \$1,456,000 of the general fund--state appropriation for fiscal year 1998, \$1,474,000 of the general fund--state appropriation for fiscal year 1999 and \$1,141,000 of the general fund--federal appropriation are provided solely for the improvement of quality and capacity of the child care system and related consumer education. The activities funded by this appropriation shall include, but not be limited to: Expansion of child care resource and referral network services to serve additional families, to provide technical assistance to child care providers, and to cover currently unserved areas of the state; development of and incentives for child care during nonstandard work hours; and the development of care for infants, toddlers, preschoolers, and school age youth. These amounts are provided in addition to funding for child care training and fire inspections of child care facilities. These activities shall also improve the quality and capacity of the child care system.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES General Fund--State Appropriation (FY 1998) \$ 29,732,000 General Fund--State Appropriation (FY 1999) \$28,764,000 General Fund--Federal Appropriation \$16,127,000 General Fund--Private/Local

Appropriation \$ 378,000Violence Reduction and Drug Enforcement AccountAppropriation\$13,381,000TOTAL  
APPROPRIATION\$88,382,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$445,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account solely for costs to the criminal justice system associated with the implementation of RCW 13.04.030 as amended by Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If RCW 13.04.030 is not amended by Engrossed Third Substitute House Bill No. 3900 by June 30, 1997, the amount provided in this subsection shall lapse. The amount provided in this subsection is intended to provide funding for county adult court and jail costs associated with the implementation of Engrossed Third Substitute House Bill No. 3900 and shall be distributed in accordance with RCW 82.14.310. (b) \$4,913,000 of the violence reduction and drug enforcement account is provided solely for the implementation of Engrossed Third Substitute Senate Bill No. 3900 (revising the juvenile code). The amount provided in this subsection is intended to provide funding for county impacts associated with the implementation of Third Substitute Senate Bill No. 3900 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula. If the bill is not enacted by June 30, 1997, the amounts provided shall lapse. (c) \$2,350,000 of the general fund--state fiscal year 1998 appropriation and \$2,350,000 of the general fund--state fiscal year 1999 appropriation are provided solely for an early intervention program to be administered at the county level. Moneys shall be awarded on a competitive basis to counties that have submitted plans for implementation of an early intervention program consistent with proven methodologies currently in place in the state. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation. (d) \$1,832,000 of the violence reduction and drug enforcement appropriation is provided solely to implement alcohol and substance abuse treatment for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that have submitted a plan for the provision of treatment services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation. If Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions) is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (e) \$50,000 of the general fund--state fiscal year 1998 appropriation and \$100,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the juvenile rehabilitation administration to contract with the institute for public policy for the responsibilities assigned in Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICESGeneral Fund--State Appropriation (FY 1998) \$ 49,823,000General Fund--  
State Appropriation (FY 1999)\$52,373,000General Fund--Private/Local Appropriation\$721,000Violence Reduction and Drug  
Enforcement Account Appropriation \$ 13,156,000TOTAL APPROPRIATION\$116,073,000

The appropriations in this subsection are subject to the following conditions and limitations: \$3,691,000 of the general fund--state fiscal year 1998 appropriation, \$6,679,000 of the general fund--state fiscal year 1999 appropriation, and \$1,555,000 of the violence reduction and drug enforcement account appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORTGeneral Fund--State Appropriation (FY 1998) \$ 1,874,000General Fund--State  
Appropriation (FY 1999)\$1,623,000General Fund--Federal Appropriation\$156,000Violence Reduction and Drug Enforcement  
Account Appropriation \$ 421,000TOTAL APPROPRIATION\$4,074,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$92,000 of the general fund--state fiscal year 1998 appropriation and \$36,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of Substitute Senate Bill No. 5759 (risk classification). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse. (b) \$206,000 of the general fund--state fiscal year 1998 appropriation is provided solely for the implementation of Substitute House Bill No. 1968 (juvenile offender placement). If the bill is not enacted by June 30, 1997, the amount provided shall lapse. (c) \$49,000 of the general fund--state fiscal year 1998 appropriation and \$49,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse. (d) Within the amounts provided in this subsection, the juvenile rehabilitation administration (JRA) shall develop by January 1, 1998, a staffing model for noncustody functions at JRA institutions and work camps. The models should, whenever possible, reflect the most efficient practices currently being used within the system.

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKSGeneral Fund--State Appropriation (FY  
1998) \$ 167,577,000General Fund--State Appropriation (FY 1999)\$170,803,000General Fund--Federal  
Appropriation\$296,006,000General Fund--Private/Local Appropriation \$ 4,000,000TOTAL  
APPROPRIATION\$638,386,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs. (b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability. (c) \$2,413,000 of the general fund--state appropriation for fiscal year 1998 and \$2,393,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare. To be reimbursed, the service must be covered by and provided in accordance with the state medicaid plan. (d) \$1,304,000 of the general fund--state appropriation for fiscal year 1998, \$3,356,000 of the general fund--state appropriation for fiscal year 1999, and \$5,056,000 of the general fund--federal appropriation are provided solely for distribution to those regional support networks whose 1997-99 allocation would otherwise be less than the regional support network would receive if all funding appropriated in this subsection (1) of this section for medicaid outpatient mental health services were distributed among all regional support networks at the state-wide

average per capita rate for each eligibility category. (e) At least thirty days prior to entering contracts that would capitate payments for voluntary psychiatric hospitalizations, the mental health division shall report the proposed capitation rates, and the assumptions and calculations by which they were established, to the budget and forecasting divisions of the office of financial management, the appropriations committee of the house of representatives, and the ways and means committee of the senate.

(2) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 59,496,000 General Fund--State Appropriation (FY 1999) \$59,508,000 General Fund--Federal Appropriation \$127,118,000 General Fund--Private/Local Appropriation \$ 30,940,000 TOTAL APPROPRIATION \$277,062,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so. (b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(3) CIVIL COMMITMENT General Fund Appropriation (FY 1998) \$ 5,423,000 General Fund Appropriation (FY 1999) \$6,082,000 TOTAL APPROPRIATION \$11,505,000

(4) SPECIAL PROJECTS General Fund--State Appropriation (FY 1998) \$ 50,000 General Fund--State Appropriation (FY 1999) \$450,000 General Fund--Federal Appropriation \$3,826,000 TOTAL APPROPRIATION \$4,326,000

The appropriations in this subsection are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$450,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for development and operation of the pilot project for mentally ill offenders described in Substitute Senate Bill No. 6002 (mentally ill offenders). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(5) PROGRAM SUPPORT General Fund--State Appropriation (FY 1998) \$ 2,560,000 General Fund--State Appropriation (FY 1999) \$2,395,000 General Fund--Federal Appropriation \$3,111,000 TOTAL APPROPRIATION \$8,066,000

The appropriations in this subsection are subject to the following conditions and limitations: \$60,000 of the general fund--state appropriation for fiscal year 1998 is provided solely to increase the department's capacity to carry out legislative intent set forth in RCW 71.24.400 through 71.24.415. To facilitate this activity, the secretary shall appoint an oversight committee of project stakeholders including representatives from: Service providers, mental health regional support networks, the department's mental health division, the department's division of alcohol and substance abuse, the department's division of children and family services, and the department's medical assistance administration. The oversight group shall continue to seek ways to streamline service delivery as set forth in RCW 71.24.405 until at least July 1, 1998.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES General Fund--State Appropriation (FY 1998) \$ 140,172,000 General Fund--State Appropriation (FY 1999) \$142,643,000 General Fund--Federal Appropriation \$194,347,000 Health Services Account Appropriation \$ 1,695,000 TOTAL APPROPRIATION \$478,857,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$1,695,000 of the health services account appropriation and \$1,835,000 of the general fund--federal appropriation are provided solely for the enrollment in the basic health plan of home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts. Enrollment in the basic health plan for home care workers with family incomes at or above 200 percent of poverty shall be covered with general fund--state and matching general fund--federal revenues that were identified by the department to have been previously appropriated for health benefits coverage, to the extent that these funds had not been contractually obligated for worker wage increases prior to March 1, 1996. (b) \$365,000 of the general fund--state appropriation for fiscal year 1998 and \$1,543,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1997 or 1998. (c) \$22,974,000 of the general fund--state appropriation for fiscal year 1998 and \$25,111,000 of the general fund--state appropriation for fiscal year 1999, plus any vendor rate increases allotted in accordance with section 213 of this act, are provided solely to deliver personal care services to an average of 6,250 children and adults in fiscal year 1998 and an average of 7,100 children and adults in fiscal year 1999. If the secretary of social and health services determines that total expenditures are likely to exceed these appropriated amounts, the secretary shall take action as required by RCW 74.09.520 to adjust either functional eligibility standards or service levels or both sufficiently to maintain expenditures within appropriated levels. Such action may include the adoption of emergency rules and may not be taken to the extent that projected over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation. (d) \$453,000 of the general fund--state appropriation for fiscal year 1998, \$214,000 of the general fund--state appropriation for fiscal year 1999, and \$719,000 of the general fund--federal appropriation are provided solely to continue operation of the united cerebral palsy residential center during the period in which its residents are phasing into new community residences. (e) \$197,000 of the general fund--state appropriation for fiscal year 1998 and \$197,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with disabilities.

(2) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 63,982,000 General Fund--State Appropriation (FY 1999) \$63,206,000 General Fund--Federal Appropriation \$142,955,000 General Fund--Private/Local Appropriation \$ 9,729,000 TOTAL APPROPRIATION \$279,872,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) With the funds appropriated in this subsection, the secretary of social and health services shall develop an eight-bed program at Yakima valley school specifically for the purpose of providing respite services to all eligible individuals on a state-wide basis, with an emphasis on those residing in central Washington. (b) \$112,000 of the general fund--state appropriation for fiscal year 1998, \$113,000 of the general fund--state appropriation for fiscal year 1999, and \$75,000 of the general fund--federal appropriation are provided solely for a nursing community outreach project at Yakima valley school. Registered nursing staff are to provide nursing assessments, consulting services, training, and quality assurance on behalf of individuals residing in central Washington. (c) \$200,000 of the general fund--state appropriation for fiscal year 1998, \$200,000 of the general fund--state appropriation for fiscal year 1999, and \$400,000 of the general fund--federal appropriation are provided solely for the development of a sixteen-bed program at Yakima valley school specifically for the purpose of providing respite services to all eligible individuals on a state-wide basis, with an emphasis on those residing in central Washington.

(3) PROGRAM SUPPORT General Fund--State Appropriation (FY 1998) \$ 2,543,000 General Fund--State  
Appropriation (FY 1999) \$2,517,000 General Fund--Federal Appropriation \$1,645,000 TOTAL APPROPRIATIONS

(4) SPECIAL PROJECTS General Fund--Federal Appropriation \$ 12,030,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

207.34 General Fund--State Appropriation (FY 1998) \$ 392,045,000

General Fund--State Appropriation (FY 1999) \$ 416,304,000 General Fund--Federal Appropriation \$878,169,000 Health  
Services Account Appropriation \$6,087,000 TOTAL APPROPRIATIONS \$1,692,605,000

The appropriations in this section are subject to the following conditions and limitations: (1) The entire health services account appropriation and \$6,076,000 of the general fund--federal appropriation are provided solely for the enrollment in the basic health plan of home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts. Enrollment in the basic health plan for home care workers with family incomes at or above 200 percent of poverty shall be covered with general fund--state and matching general fund--federal revenues that were identified by the department to have been previously appropriated for health benefits coverage, to the extent that these funds had not been contractually obligated for worker wage increases prior to March 1, 1996. (2) \$1,277,000 of the general fund--state appropriation for fiscal year 1998 and \$1,277,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for operation of the volunteer chore program. (3) \$107,997,000 of the general fund--state appropriation for fiscal year 1998 and \$120,397,000 of the general fund--state appropriation for fiscal year 1999, plus any vendor rate increases allocated to these services in accordance with section 213 of this act, are provided solely to deliver chore, COPEs, and medicaid personal care services. If the secretary of social and health services determines that total expenditures are likely to exceed these amounts, the secretary shall take action as required by RCW 74.09.520, 74.39A.120, and 74.09.530 to adjust functional eligibility standards and/or service levels sufficiently to maintain expenditures within appropriated levels. Such action may include the adoption of emergency rules, and shall not be taken to the extent that projected over-expenditures are offset by under-expenditures resulting from lower than budgeted nursing home caseloads. (4) \$26,000 of the general fund--state appropriation for fiscal year 1998, \$59,000 of the general fund--state appropriation for fiscal year 1999, and \$85,000 of the general fund--federal appropriation are provided solely to employ registered nurses rather than social workers to fill six of the new field positions to be filled in fiscal year 1998 and seven more of the new positions to be filled in fiscal year 1999. These registered nurses shall conduct assessments, develop and monitor service plans, and consult with social work staff to assure that persons with medical needs are placed in and receive the appropriate level of care. (5) \$425,000 of the general fund--state appropriation for fiscal year 1998 and \$882,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Second Substitute Senate Bill No. 5179 (nursing facility reimbursement). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (6) A maximum of \$2,193,000 of the general fund--state appropriation for fiscal year 1998 and \$2,351,000 of the general fund--federal appropriation for fiscal year 1998 are provided to fund the medicaid share of any new prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460. (7) \$242,000 of the general fund--state appropriation for fiscal year 1998, \$212,000 of the general fund--state appropriation for fiscal year 1999, and \$498,000 of the general fund--federal appropriation are provided solely for operation of a system for investigating allegations of staff abuse and neglect in nursing homes, as provided in Second Substitute House Bill No. 1850 (long-term care standards of care). (8) \$350,000 of the general fund--state appropriation for fiscal year 1998 and \$382,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to supplement the incomes of disabled legal immigrants who, because of loss of their federal supplemental security income benefit, would otherwise be at risk of placement into a more expensive long-term care setting. (9)(a) The department shall establish a shadow case mix payment system to educate facilities about payment system alternatives. The department shall provide shadow rates beginning July 1, 1997, based on the following: (i) The direct care portion of the rate, usually called "nursing services," shall be set under a case mix methodology that classifies residents under the Resource Utilization Group III (RUG-III) Version 5.10 (or subsequent revision) 44 group index maximizing model based on the Minimum Data Set (MDS) Version 2.0. (ii) Payment to a facility shall be based on facility weighted average case mix data which provides one rate to a facility reflecting its mix of residents. For purposes of determining the facility's cost per case mix unit, the facility average case mix score will be based on the case mix of all residents. For purposes of determining the facility's payment rate, the facility average case mix score shall be based on the case mix of medicaid residents. (iii) The direct care rates shall be adjusted prospectively each quarter based on the facility's MDS 2.0 data from the quarter commencing six months preceding the rate effective date. For example, the MDSs for 1/1/97 - 3/31/97 shall be used to establish shadow rates for 7/1/97 - 9/30/97. (iv) Those costs which currently comprise nursing services as defined by chapter 74.46 RCW, excluding therapies, shall be included in the direct care component for case mix. (v) Data from 1994 cost reports (allowable and audited costs) shall be used to establish the shadow rates. The costs shall be inflated comparable to fiscal year 1998 payment rates, according to RCW 74.46.420. (vi) Separate prices, ceilings, and corridors shall be established for the peer groups of metropolitan statistical area and nonmetropolitan statistical area. (b) The following methods shall be used to establish the shadow case mix rates: (i) A pricing system in which payment to a facility shall be based on a price multiplied by each facility's medicaid case mix. The price, per peer group, shall be established at the median direct care cost per case mix unit. (ii) A pricing system in which payment to a facility shall be based on a price multiplied by each facility's medicaid case mix. The price, per peer group, shall be based on the cost per case-mix unit of a group of cost-effective benchmark facilities which meet quality standards. (iii) A corridor-based system in which payment to a facility shall be the facility's allowable cost per case-mix unit adjusted for case mix up to a ceiling and no less than a floor. The floor, per peer group, shall be established at 90 percent of the cost per case-mix unit of a group of cost-effective benchmark facilities which meet quality standards. The ceiling, per peer group, shall be established at 110 percent of the cost per case-mix unit of the group of benchmark facilities. (iv) A corridor-based system in which payment to a facility shall be the facility's allowable cost per case-mix unit adjusted for case mix up to a ceiling and no less than a floor. The floor, per peer group, shall be established at 90 percent of the industry-wide median direct care cost per case-mix unit. The ceiling, per peer group, shall be established at 110 percent of the industry-wide median direct care cost per case-mix unit. (c) The department shall provide all data, information, and specifications of the methods used in establishing the shadow case mix rates to the nursing home provider associations. (d) It is the legislature's intent that the average state payment for nursing facility services under the new system increase by no more than 175 percent of the health care financing administration nursing home input price index, excluding capital costs. In designing the new payment system, the department shall develop

and propose options for the combined direct and indirect rate components that assure this. (10) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW. (11) \$546,000 of the general fund--state appropriation for fiscal year 1998, \$583,000 of the general fund--state appropriation for fiscal year 1999, and \$1,220,000 of the general fund--federal appropriation are provided solely for an increase in the state payment rates for adult residential care and enhanced adult residential care.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 543,150,000 General Fund--State Appropriation (FY 1999) \$529,985,000 General Fund--Federal Appropriation \$952,618,000 TOTAL APPROPRIATIONS \$2,025,753,000

The appropriations in this section are subject to the following conditions and limitations: (1) General assistance-unemployable recipients who are assessed as needing alcohol or drug treatment shall be assigned a protective payee to prevent the diversion of cash assistance toward purchasing alcohol or other drugs. (2) The legislature finds that, with the passage of the federal personal responsibility and work opportunity act and Engrossed House Bill No. 3901, the temporary assistance for needy families is no longer an entitlement. The legislature declares that the currently appropriated level for the program is sufficient for the next few budget cycles. To the extent, however, that currently appropriated amounts exceed costs during the 1997-99 biennium, the department is encouraged to set aside excess federal funds for use in future years. (3) \$485,000 of the general fund--state fiscal year 1998 appropriation, \$3,186,000 of the general fund--state fiscal year 1999 appropriation, and \$3,168,000 of the general fund--federal appropriation are provided solely to continue to implement the previously competitively procured electronic benefits transfer system through the western states EBT alliance for distribution of cash grants and food stamps so as to meet the requirements of P.L. 104-193. (4) \$50,000 of the fiscal year 1998 general fund--state appropriation is provided solely for a study of child care affordability as directed in section 403 of Engrossed House Bill No. 3901 (implementing welfare reform). The study shall be performed by the Washington institute for public policy. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (5) \$500,000 of the fiscal year 1998 general fund--state appropriation and \$500,000 of the fiscal year 1999 general fund--state appropriation are provided solely for an evaluation of the WorkFirst program as directed in section 705 of Engrossed House Bill No. 3901 (implementing welfare reform). The study shall be performed by the joint legislative audit and review committee. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (6) \$73,129,000 of the general fund--federal appropriation is provided solely to implement section 402 of Engrossed House Bill No. 3901 (implementing welfare reform). If section 402 of the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (7) \$7,624,000 of the fiscal year 1998 general fund--state appropriation, \$18,489,000 of the fiscal year 1999 general fund--state appropriation, and \$29,781,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform), including sections 404 and 405. If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 14,714,000 General Fund--State Appropriation (FY 1999) \$14,829,000 General Fund--Federal Appropriation \$80,497,000 General Fund--Private/Local Appropriation \$ 630,000 Violence Reduction and Drug Enforcement Account Appropriation \$72,900,000 TOTAL APPROPRIATION \$183,570,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$2,062,000 of the general fund--federal appropriation and \$7,482,000 of the violence reduction and drug enforcement account appropriation are provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction. (2) \$1,902,000 of the general fund--state fiscal year 1998 appropriation, \$1,902,000 of the general fund--state fiscal year 1999 appropriation, and \$1,592,000 of the general fund--federal appropriation are provided solely for alcohol and substance abuse assessment, treatment, including treatment for drug affected infants and toddlers, and child care services for clients of the division of children and family services. Assessment shall be provided by approved chemical dependency treatment programs as requested by child protective services personnel in the division of children and family services. Child care shall be provided as deemed necessary by the division of children and family services while parents requiring alcohol and substance abuse treatment are attending treatment programs. (3) \$760,000 of the fiscal year 1998 general fund--state appropriation and \$760,000 of the fiscal year 1999 general fund--state appropriation are provided solely to fund a program serving mothers of children affected by fetal alcohol syndrome and related conditions, known as the birth-to-three program. The program may be operated in two cities in the state. (4) \$248,000 of the fiscal year 1998 general fund--state appropriation and \$495,000 of the fiscal year 1999 general fund--state appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 684,033,000 General Fund--State Appropriation (FY 1999) \$684,885,000 General Fund--Federal Appropriation \$2,038,101,000 General Fund--Private/Local Appropriation \$ 223,900,000 Health Services Account Appropriation \$253,004,000 Emergency Medical and Trauma Care Services Account Appropriation \$4,600,000 TOTAL APPROPRIATION \$ 3,888,523,000

The appropriations in this section are subject to the following conditions and limitations: (1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. (2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. (3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons. (4) \$1,622,000 of the general fund--state appropriation for fiscal year 1998 and \$1,622,000 of the

general fund--state appropriation for fiscal year 1999 are provided for treatment of low-income kidney dialysis patients. (5) \$80,000 of the general fund--state appropriation for fiscal year 1998, \$80,000 of the general fund--state appropriation for fiscal year 1999, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality. (6) The department shall employ the managed care contracting and negotiation strategies defined in Substitute Senate Bill No. 5125 to assure that the average per-recipient cost of managed care services for temporary assistance to needy families and expansion populations increases by no more than two percent per year in calendar years 1998 and 1999. (7) The department shall seek federal approval to require adult medicaid recipients who are not elderly or disabled to contribute ten dollars per month toward the cost of their medical assistance coverage. The department shall report on the progress of this effort to the house of representatives and senate health care and fiscal committees by September 1 and November 15, 1997. (8) \$325,000 of the general fund--state appropriation for fiscal year 1998 and \$325,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to increase rates paid for air ambulance services.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 8,652,000 General Fund--State Appropriation (FY 1999) \$8,592,000 General Fund--Federal Appropriation \$79,542,000 General Fund--Private/Local Appropriation \$ 2,904,000 TOTAL APPROPRIATION \$99,690,000

The appropriations in this section are subject to the following conditions and limitations: (1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies. (2) \$363,000 of the general fund--state appropriation for fiscal year 1998, \$506,000 of the general fund--state appropriation for fiscal year 1999, and \$3,208,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1997 or 1998.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 24,572,000 General Fund--State Appropriation (FY 1999) \$23,956,000 General Fund--Federal Appropriation \$40,352,000 General Fund--Private/Local Appropriation \$ 270,000 TOTAL APPROPRIATION \$89,150,000

The appropriations in this section are subject to the following conditions and limitations: (1) The department may transfer up to \$1,289,000 of the general fund--state appropriation for fiscal year 1998, \$1,757,000 of the general fund--state appropriation for fiscal year 1999, and \$2,813,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions. (2) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1997, and every six months thereafter on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies. (3) The department shall not expend any funding for staffing or publication of the sexual minority initiative. (4) \$60,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a welfare fraud pilot program as described by House Bill No. 1822 (welfare fraud investigation). (5) \$55,000 of the general fund--state appropriation, \$64,000 of the fiscal year 1999 general fund--state appropriation, and \$231,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 21,122,000 General Fund--State Appropriation (FY 1999) \$20,877,000 General Fund--Federal Appropriation \$145,739,000 General Fund--Private/Local Appropriation \$ 33,207,000 TOTAL APPROPRIATION \$220,945,000

The appropriations provided in this section are subject to the following conditions and limitations: (1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations. (2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes. (3) The amounts appropriated in this section for child support legal services shall be expended only by means of contracts with local prosecutor's offices. (4) \$305,000 of the general fund--state fiscal year 1998 appropriation, \$494,000 of the general fund--state fiscal year 1999 appropriation, and \$1,408,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 47,435,000 General Fund--State Appropriation (FY 1999) \$47,514,000 General Fund--Federal Appropriation \$54,366,000 Health Services Account Appropriation \$ 1,502,000 Violence Reduction and Drug Enforcement Account Appropriation \$2,215,000 TOTAL APPROPRIATION \$153,032,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$22,893,000 of the general fund--state appropriation for fiscal year 1998, \$22,835,000 of the general fund--state appropriation for fiscal year 1999, \$35,431,000 of the general fund--federal appropriation, \$2,215,000 of the violence reduction and drug enforcement account, and \$1,502,000 of the health services account are provided solely to increase the rates of contracted service providers. The department need not provide all vendors with the same percentage rate increase. Rather, the department is encouraged to use these funds to help assure an adequate supply of qualified vendors. Vendors providing services in markets where recruitment and retention of qualified providers is a problem may receive larger rate increases than other vendors. It is

the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. Any rate increases granted as a result of this section must be implemented so that the carry-forward costs into the 1999-01 biennium do not exceed the amounts provided in this subsection. Within thirty days of granting a vendor rate increase under this section, the department shall report the following information to the fiscal committees of the legislature: (1) The amounts and effective dates of any increases granted; (2) the process and criteria used to determine the increases; and (3) any data used in that process. In accordance with RCW 43.88.110(1), the department and the office of financial management shall allot funds appropriated in this section to the programs and budget units from which the funds will be expended. Such allotments shall be completed no later than September 15, 1997. (2) \$263,000 of the fiscal year 1998 general fund--state appropriation, \$349,000 of the fiscal year 1999 general fund--state appropriation, and \$1,186,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY**  
General Fund--State Appropriation (FY 1998) \$ 6,316,000General Fund--State Appropriation (FY 1999)\$6,317,000State Health Care Authority AdministrationAccount Appropriation\$Health Services Account Appropriation \$ 300,796,000TOTAL APPROPRIATION\$328,148,000

The appropriations in this section are subject to the following conditions and limitations: (1) The general fund--state appropriations are provided solely for health care services provided through local community clinics. (2) The health care authority shall utilize competitive contracting strategies, increase co-pay requirements, adjust state subsidy levels, and take other actions it deems necessary to assure that the funds appropriated in this section are sufficient to subsidize basic health plan enrollment for a monthly average of 130,000 persons during fiscal years 1998 and 1999. (3) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded homecare programs. Under this enhanced subsidy option, foster parents and homecare workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month. (4) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services to contribute a minimum of forty-five dollars per enrollee per month if the organization or individual chooses to sponsor an individual's enrollment in the subsidized basic health plan. (5) \$150,000 of the health services account appropriation is provided solely to implement Substitute House Bill No. 1805 (health care savings accounts). If this bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (6) The health care authority shall report to the fiscal committees of the legislature by December 1, 1997, on the number of basic health plan enrollees who are illegal aliens but are not resident citizens, legal aliens, legal refugees, or legal asylees. (7) \$270,000 of the health services account appropriation is provided solely to pay commissions to agents and brokers in accordance with RCW 70.47.015(5) for application assistance provided to persons on the reservation list as of June 30, 1997, who enroll in the subsidized basic health plan on or after July 1, 1997.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**  
General Fund--State Appropriation (FY 1998) \$ 2,019,000General Fund--State Appropriation (FY 1999)\$2,036,000General Fund--Federal Appropriation\$1,444,000General Fund--Private/Local Appropriation \$ 259,000TOTAL APPROPRIATIONS\$5,758,000

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**  
Worker and Community Right-to-Know Account Appropriation \$ 20,000Accident Account Appropriation\$10,785,000Medical Aid Account Appropriation\$10,787,000TOTAL APPROPRIATIONS\$21,592,000

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**  
General Fund--Federal Appropriation \$ 100,000Death Investigations Account Appropriation\$38,000Public Safety and Education AccountAppropriation\$13,434,000Violence Reduction and Drug Enforcement Account Appropriation \$ 346,000TOTAL APPROPRIATIONS\$13,918,000

The appropriations made in this section are subject to the following conditions and limitations: (1) \$80,000 of the public safety and education account appropriation is provided solely to continue the study of law enforcement and corrections training begun in 1996. In conducting the study, the criminal justice training commission shall consult with the appropriate policy and fiscal committees of the legislature. Specific elements to be addressed in the study include: (a) The feasibility and the rationale for increasing basic law enforcement training from 440 to 600 hours; (b) the feasibility and rationale for creating a certification process for law enforcement officers; (c) the feasibility and rationale for expanding the correctional officers academy; (d) the feasibility and rationale for expanding the juvenile service workers academy and/or the adult services academy; and (e) any other items considered relevant by the commission. Any recommendations made shall include a plan and timeline for how they would be implemented. The board on correctional training standards and education and the board on law enforcement training standards and education shall be actively involved in the study effort. Copies of the study shall be provided to the appropriate policy and fiscal committees of the legislature and the director of financial management by October 1, 1997. (2) \$50,000 of the public safety and education account appropriation is provided solely to prepare a cost and fee study of the current and proposed criminal justice course offerings. The analysis shall identify total costs and major cost components for: (a) Any current training classes which are considered mandatory; and (b) any proposed or modified training courses which are considered mandatory. Mandatory classes include, but are not limited to, the following: Basic law enforcement academy, correctional officers academy, supervisory and management training of law enforcement officers, supervisory and management training of correctional officers, juvenile service workers academy, and the adult service academy. The study shall also recommend a methodology for estimating the future demand for these classes. The study shall also estimate the cost of implementing any recommendations made pursuant to subsection (1) of this section. The study shall be conducted by a private sector consultant selected by the office of financial management in consultation with the executive director of the criminal justice training commission. The final report shall be completed by January 1, 1998. (3) \$92,000 of the public safety and education account appropriation is provided solely for the purpose of training law enforcement managers and supervisors. (4) \$40,000 of the public safety and education account appropriation is provided solely to implement the provisions of Substitute House Bill No. 1423 (criminal justice training commission). If this bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**  
General Fund Appropriation (FY 1998) \$ 6,805,000General Fund Appropriation (FY 1999)\$6,848,000Public Safety and Education Account-- State Appropriation \$ 16,246,000Public Safety and Education Account-- Federal



Appropriation \$ 6,002,000 Public Safety and Education Account-- Private/Local Appropriation \$ 2,014,000 Electrical License Account Appropriation \$22,542,000 Farm Labor Revolving Account Appropriation \$28,000 Worker and Community Right-to-Know Account Appropriation \$ 2,187,000 Public Works Administration Account Appropriation \$1,975,000 Accident Account--State Appropriation \$146,849,000 Accident Account--Federal Appropriation \$ 9,112,000 Medical Aid Account--State Appropriation \$155,220,000 Medical Aid Account--Federal Appropriation \$1,592,000 Plumbing Certificate Account Appropriation \$ 846,000 Pressure Systems Safety Account Appropriation \$2,106,000 TOTAL APPROPRIATION \$380,372,000

The appropriations in this section are subject to the following conditions and limitations: (1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims service delivery", "electrical permitting and inspection system", and "credentialing information system" are conditioned upon compliance with section 902 of this act. (2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. (3) \$54,000 of the general fund appropriation for fiscal year 1998 and \$54,000 of the general fund appropriation for fiscal year 1999 are provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals. (4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1997, and every six months thereafter on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies. (5) \$43,000 of the general fund--state appropriation for fiscal year 1998, \$35,000 of the general fund--state appropriation for fiscal year 1999, \$20,000 of the electrical license account appropriation, and \$58,000 of the plumbing certificate account appropriation are provided solely for the implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amount provided shall lapse. (6) The expenditures of the elevator, factory assembled structures, and contractors' registration and compliance programs may not exceed the revenues generated by these programs.

**NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD**  
 General Fund Appropriation (FY 1998) \$ 1,141,000 General Fund Appropriation (FY 1999) \$920,000 TOTAL APPROPRIATION \$2,061,000

The appropriations in this section are subject to the following conditions and limitations: \$920,000 of the general fund appropriation for fiscal year 1999 is provided solely to implement House Bill No. 1646 (indeterminate sentence review) or Senate Bill No. 5410 (indeterminate sentence review board). If neither of these bills is enacted by June 30, 1997, this amount shall lapse.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 (1) HEADQUARTERS General Fund Appropriation (FY 1998) \$ 1,339,000 General Fund Appropriation (FY 1999) \$1,334,000 Industrial Insurance Premium Refund Account Appropriation \$80,000 Charitable, Educational, Penal, and Reformatory Institutions Account Appropriation \$ 4,000 TOTAL APPROPRIATION \$2,757,000

(2) FIELD SERVICES General Fund--State Appropriation (FY 1998) \$ 2,418,000 General Fund--State Appropriation (FY 1999) \$2,420,000 General Fund--Federal Appropriation \$26,000 General Fund--Private/Local Appropriation \$ 85,000 TOTAL APPROPRIATION \$4,949,000

(3) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 6,101,000 General Fund--State Appropriation (FY 1999) \$5,369,000 General Fund--Federal Appropriation \$19,556,000 General Fund--Private/Local Appropriation \$ 14,583,000 TOTAL APPROPRIATION \$45,609,000

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH**  
 General Fund--State Appropriation (FY 1998) \$ 53,955,000 General Fund--State Appropriation (FY 1999) \$57,462,000 General Fund--Federal Appropriation \$259,139,000 General Fund--Private/Local Appropriation \$ 24,351,000 Hospital Commission Account Appropriation \$3,089,000 Health Professions Account Appropriation \$36,038,000 Emergency Medical and Trauma Care Services Account Appropriation \$ 21,042,000 Safe Drinking Water Account Appropriation \$2,494,000 Drinking Water Assistance Account--Federal Appropriation \$ 5,385,000 Waterworks Operator Certification Appropriation \$588,000 Water Quality Account Appropriation \$3,065,000 Violence Reduction and Drug Education Account Appropriation \$ 469,000 State Toxics Control Account Appropriation \$2,854,000 Medical Test Site Licensure Account Appropriation \$1,624,000 Youth Tobacco Prevention Account Appropriation \$ 1,812,000 Health Services Account Appropriation \$24,224,000 TOTAL APPROPRIATION \$497,591,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$2,134,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems. (2) Funding provided in this section for the drinking water program data management system shall not be expended without appropriate project approval by the department of information systems. Expenditures are conditioned upon compliance with section 902 of this act. (3) The department is authorized to raise existing fees charged to the nursing professions and midwives, by the pharmacy board, and for boarding home licenses, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business. (4) \$1,633,000 of the general fund--state fiscal year 1998 appropriation and \$1,634,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, DOH-04, DOH-05, DOH-06, DOH-07, DOH-08, DOH-09, DOH-10, DOH-11, and DOH-12. (5) \$10,000,000 of the health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs. (6) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for operation of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk

and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help. (7) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds. (8) \$259,000 of the health professions account appropriation is provided solely to implement Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (9) \$150,000 of the general fund--state fiscal year 1998 appropriation and \$150,000 of the general fund--state fiscal year 1999 appropriation are provided solely for community-based oral health grants that may fund sealant programs, education, prevention, and other oral health interventions. The grants may be awarded to state or federally funded community and migrant health centers, tribal clinics, or public health jurisdictions. Priority shall be given to communities with established oral health coalitions. Grant applications for oral health education and prevention grants shall include (a) an assessment of the community's oral health education and prevention needs; (b) identification of the population to be served; and (c) a description of the grant program's predicted outcomes. (10) \$21,042,000 of the emergency medical and trauma care services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5127 (trauma care services). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (11) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for family support and provider training services for children with special health care needs. (12) \$300,000 of the general fund--federal appropriation is provided solely for an abstinence education program which complies with P.L. 104-193. \$400,000 of the general fund--federal appropriation is provided solely for abstinence education projects at the office of the superintendent of public instruction and shall be transferred to the office of the superintendent of public instruction for the 1998-99 school year. The department shall apply for abstinence education funds made available by the federal personal responsibility and work opportunity act of 1996 and implement a program that complies with the requirements of that act. (13) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Second Substitute House Bill No. 1191 (mandated health benefit review). If the bill is not enacted by June 30, 1997, the amounts provided in this section shall lapse. (14) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the volunteer retired provider program. Funds shall be used to increase children's access to dental care services in rural and underserved communities by paying malpractice insurance and professional licensing fees for retired dentists participating in the program. (15) \$852,000 of the drinking water assistance account--federal appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to administer, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources. (16) Amounts provided in this section are sufficient to operate the AIDS prescription drug program. To operate the program within the appropriated amount, the department shall limit new enrollments, manage access to the most expensive drug regimens, establish waiting lists and priority rankings, assist clients in accessing drug assistance programs sponsored by drug manufacturers, or pursue other means of managing expenditures by the program. (17) Funding provided in this section is sufficient to implement section 8 of Engrossed Substitute House Bill No. 2264 (eliminating the health care policy board). (18) \$4,150,000 of the health services account appropriation is provided solely for the Washington poison center.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS**

(1) ADMINISTRATION AND PROGRAM SUPPORT General Fund Appropriation (FY 1998) \$ 13,926,000 General Fund Appropriation (FY 1999) \$13,910,000 Violence Reduction and Drug Enforcement Account Appropriation \$500,000 TOTAL APPROPRIATION \$ 28,336,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$187,000 of the general fund fiscal year 1998 appropriation and \$155,000 of the general fund fiscal year 1999 appropriation are provided solely for implementation of Substitute Senate Bill No. 5759 (risk classification). If the bill is not enacted by July 1, 1997, the amounts provided shall lapse. (b) \$500,000 of the violence reduction and drug enforcement account appropriation is provided solely for a feasibility study regarding the replacement of the department's offender based tracking system.

(2) INSTITUTIONAL SERVICES General Fund--State Appropriation (FY 1998) \$ 289,204,000 General Fund--State Appropriation (FY 1999) \$302,933,000 General Fund--Federal Appropriation \$18,097,000 Industrial Insurance Premium Rebate Account Appropriation \$ 673,000 Violence Reduction and Drug Enforcement Account Appropriation \$1,614,000 TOTAL APPROPRIATION \$612,521,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium. (b) \$2,298,000 of the general fund--state fiscal year 1998 appropriation and \$5,414,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the criminal justice costs associated with the implementation of RCW 13.04.030 as amended by Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If RCW 13.04.030 is not amended by Engrossed Third Substitute House Bill No. 3900 by June 30, 1997, the amounts provided shall lapse. (c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders. (d) It is the intent of the legislature that the department reduce health care expenditures in the 1997-99 biennium using the scenario identified in the health services delivery system study which limited health care costs to \$43,000,000 in fiscal year 1998 and \$40,700,000 in fiscal year 1999. The department shall consult with direct health care service providers and health care staff in implementing this scenario. (e) \$296,000 of the general fund--state appropriation for fiscal year 1998 and \$297,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education

providers. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. (f) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(3) COMMUNITY CORRECTIONS General Fund Appropriation (FY 1998) \$ 89,364,000 General Fund Appropriation (FY 1999) \$90,416,000 TOTAL APPROPRIATION \$179,780,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$14,000 of the general fund fiscal year 1998 appropriation and \$106,000 of the general fund fiscal year 1999 appropriation are provided solely for the criminal justice costs associated with the implementation of RCW 13.04.030 as amended by Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If RCW 13.04.030 is not amended by Engrossed Third Substitute House Bill No. 3900 by June 30, 1997, the amounts provided shall lapse. (b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders. (c) \$467,000 of the general fund appropriation for fiscal year 1998 and \$505,000 of the general fund appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) CORRECTIONAL INDUSTRIES General Fund Appropriation (FY 1998) \$ 4,055,000 General Fund Appropriation (FY 1999) \$4,167,000 TOTAL APPROPRIATION \$8,222,000

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$100,000 of the general fund fiscal year 1998 appropriation and \$100,000 of the general fund fiscal year 1999 appropriation are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs. (b) \$50,000 of the general fund appropriation for fiscal year 1998 and \$50,000 of the general fund appropriation for fiscal year 1999 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS General Fund Appropriation (FY 1998) \$ 6,945,000 General Fund Appropriation (FY 1999) \$6,444,000 TOTAL APPROPRIATION \$13,389,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**  
General Fund--State Appropriation (FY 1998) \$ 1,368,000 General Fund--State Appropriation (FY 1999) \$1,411,000 General Fund--Federal Appropriation \$10,454,000 General Fund--Private/Local Appropriation \$ 80,000 TOTAL APPROPRIATION \$13,313,000

**NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION**  
General Fund Appropriation (FY 1998) \$ 714,000 General Fund Appropriation (FY 1999) \$713,000 TOTAL APPROPRIATION \$1,427,000

**NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT**  
General Fund--Federal Appropriation \$ 173,595,000 General Fund--Private/Local Appropriation \$24,842,000 Unemployment Compensation Administration Account-- Federal Appropriation \$ 181,985,000 Administrative Contingency Account Appropriation \$12,579,000 Employment Service Administrative Account Appropriation \$13,176,000 Employment & Training Trust Account Appropriation \$ 600,000 TOTAL APPROPRIATION \$406,777,000

The appropriations in this section are subject to the following conditions and limitations: (1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims and adjudication call centers", "data/wage quality initiative", and "one stop information connectivity" are conditioned upon compliance with section 902 of this act. (2) \$600,000 of the employment and training trust account appropriation is provided solely for the account's share of unemployment insurance tax collection costs. (3) \$1,126,000 of the general fund--federal appropriation is provided solely for the continuation of job placement centers collocated on community and technical college campuses. (4) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project, except that the department may exceed this amount by up to \$2,600,000 to offset the cost associated with any vendor-caused delay. The additional spending authority is contingent upon the department fully recovering these moneys from any project vendors failing to perform in full. Authority to spend the amount provided by this subsection is conditioned on compliance with section 902 of this act. (5) \$114,000 of the administrative contingency account appropriation is provided solely for the King county reemployment support center.

### PART III

#### NATURAL RESOURCES

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**  
General Fund--State Appropriation (FY 1998) \$ 213,000 General Fund--State Appropriation (FY 1999) \$222,000 General Fund--Private/Local Appropriation \$435,000 TOTAL APPROPRIATION \$870,000

The appropriations in this section are subject to the following condition and limitation: \$120,000 of the general fund--state appropriation for fiscal year 1998, \$120,000 of the general fund--state appropriation for fiscal year 1999, and \$240,000 of the general fund--local appropriation are provided solely for each Columbia river gorge county to receive an \$80,000 grant for the purposes of implementing the scenic area management plan. If a Columbia river gorge county has not adopted an ordinance to implement the scenic area management plan in accordance with the national scenic area act (P.L. 99-663), then the grant funds for that county may be used by the commission to implement the plan for that county.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**  
General Fund--State Appropriation (FY 1998) \$ 27,749,000 General Fund--State Appropriation (FY 1999) \$27,794,000 General Fund--Federal Appropriation \$45,315,000 General Fund--Private/Local Appropriation \$ 643,000 Special Grass Seed Burning Research Account Appropriation \$42,000 Reclamation Revolving

Account Appropriation \$2,441,000 Flood Control Assistance Account Appropriation \$ 4,850,000 State Emergency Water Projects Revolving Account Appropriation \$319,000 Waste Reduction/Recycling/Litter Control Appropriation \$10,316,000 State and Local Improvements Revolving Account (Waste Facilities) Appropriation \$ 601,000 State and Local Improvements Revolving Account (Water Supply Facilities) Appropriation \$1,366,000 Basic Data Account Appropriation \$182,000 Vehicle Tire Recycling Account Appropriation \$ 1,194,000 Water Quality Account Appropriation \$2,892,000 Wood Stove Education and Enforcement Account Appropriation \$1,055,000 Worker and Community Right-to-Know Account Appropriation \$ 469,000 State Toxics Control Account Appropriation \$53,160,000 Local Toxics Control Account Appropriation \$4,342,000 Water Quality Permit Account Appropriation \$ 20,378,000 Underground Storage Tank Account Appropriation \$2,443,000 Solid Waste Management Account Appropriation \$1,021,000 Hazardous Waste Assistance Account Appropriation \$ 3,615,000 Air Pollution Control Account Appropriation \$16,224,000 Oil Spill Administration Account Appropriation \$6,958,000 Air Operating Permit Account Appropriation \$ 4,033,000 Freshwater Aquatic Weeds Account Appropriation \$1,829,000 Oil Spill Response Account Appropriation \$7,078,000 Metals Mining Account Appropriation \$ 42,000 Water Pollution Control Revolving Account--State Appropriation \$ 349,000 Water Pollution Control Revolving Account--Federal Appropriation \$ 1,726,000 Biosolids Permit Account Appropriation \$567,000 Environmental Excellence Account Appropriation \$247,000 TOTAL APPROPRIATION \$251,240,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$3,211,000 of the general fund--state appropriation for fiscal year 1998, \$3,211,000 of the general fund--state appropriation for fiscal year 1999, \$394,000 of the general fund--federal appropriation, \$2,017,000 of the oil spill administration account, \$819,000 of the state toxics control account appropriation, and \$3,591,000 of the water quality permit fee account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09. (2) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes: (a) To conduct remedial actions for sites for which there are no potentially liable persons, for which potentially liable persons cannot be found, or for which potentially liable persons are unable to pay for remedial actions; and (b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and (c) To conduct remedial actions for sites for which potentially liable persons have refused to conduct remedial actions required by the department; and (d) To contract for services as necessary to support remedial actions. (3) \$1,500,000 of the general fund--state appropriation for fiscal year 1998 and \$1,900,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the processing of water right permit applications, continued implementation of water resources data management systems, and providing technical and data support to local watershed planning efforts in accordance with sections 101 through 116 of Second Substitute House Bill No. 2054 (water resource management). If any of sections 101 through 116 of Second Substitute House Bill No. 2054 is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (4) \$2,500,000 of the general fund--state appropriation for fiscal year 1998 and \$2,500,000 of the general fund--state appropriation for fiscal year 1999 are appropriated for grants to local WRIA planning units established in accordance with sections 101 through 116 of Second Substitute House Bill No. 2054 (water resource management). If any of sections 101 through 116 of Second Substitute House Bill No. 2054 is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (5) \$200,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the implementation of Engrossed Substitute House Bill No. 1111 (water rights). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (6) \$200,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the implementation of Engrossed Substitute House Bill No. 1118 (reopening a water rights claim filing period). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (7) \$3,600,000 of the general fund--state appropriation for fiscal year 1998 and \$3,600,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the auto emissions inspection and maintenance program. Expenditures of the amounts provided in this subsection are contingent upon a like amount being deposited in the general fund from the auto emission inspection fees in accordance with RCW 70.120.170(4). (8) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's Sea Grant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. (9) The merger of the office of marine safety into the department of ecology shall be accomplished in a manner that will maintain a priority focus on oil spill prevention, as well as maintain a strong oil spill response capability. The merged program shall be established to provide a high level of visibility and ensure that there shall not be a diminution of the existing level of effort from the merged programs. (10) The entire environmental excellence account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1866 (environmental excellence). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. In implementing the bill, the department shall organize the needed expertise to process environmental excellence applications after an application has been received. (11) \$200,000 of the freshwater aquatic weeds account appropriation is provided solely to address saltcedar weed problems. (12) \$4,498,000 of the waste reduction/recycling/litter control account appropriation is provided for fiscal year 1998 to be expended in accordance with Second Substitute Senate Bill No. 5842 (litter control and recycling). From the amount provided for fiscal year 1998, the department shall provide \$352,000 through an interagency agreement to the department of corrections to hire correctional crews to remove litter in areas that are not accessible to youth crews. \$5,818,000 of the waste reduction/recycling/litter control account appropriation is provided for fiscal year 1999. The amount provided for fiscal year 1999 is to remain in unallotted status until the recommendations of the task force established in Second Substitute Senate Bill No. 5842 are acted upon by the legislature during the 1998 legislative session. If Substitute Senate Bill No. 5842 is not enacted by June 30, 1997, the amount provided for fiscal year 1999 shall lapse. (13) The entire biosolids permit account appropriation is provided solely for implementation of Engrossed Senate Bill No. 5590 (biosolids management). If the bill is not enacted by June 30, 1997, the entire appropriation is null and void. (14) \$29,000 of the general fund--state appropriation for fiscal year 1998 and \$99,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (15) \$60,000 of the freshwater aquatic weeds account appropriation is provided solely for a grant to the department of fish and wildlife to control and eradicate purple loosestrife using the most cost-effective methods available, including chemical control where appropriate. (16) \$250,000 of the flood control assistance account appropriation is provided

solely as a reappropriation to complete the Skokomish valley flood reduction plan. The amount provided in this subsection shall be reduced by the amount expended from this account for the Skokomish valley flood reduction plan during the biennium ending June 30, 1997. (17) The number of special purpose vehicles in the department's fleet on July 1, 1997, shall be reduced by fifty percent as of June 30, 1999. Special purpose vehicles may be replaced by fuel efficient economy vehicles or not replaced at all depending on the vehicle requirements of the agency. An exception to this reduction in the number of special purpose vehicles is provided for those special purpose vehicles used by the department's youth corps program. Special purpose vehicle is defined as a four-wheel drive off-road motor vehicle. (18) \$600,000 of the flood control assistance account appropriation is provided solely to complete flood control projects that were awarded funds during the 1995-97 biennium. These funds shall be spent only to complete projects that could not be completed during the 1995-97 biennium due to delays caused by weather or delays in the permitting process. (19) \$113,000 of the general fund--state appropriation for fiscal year 1998 and \$112,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5505 (assistance to water applicants). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (20) \$70,000 of the general fund--state appropriation for fiscal year 1998 and \$70,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5785 (consolidation of groundwater rights). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (21) \$20,000 of the general fund--state appropriation for fiscal year 1998 and \$20,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5276 (water right applications). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (22) \$35,000 of the general fund--state appropriation for fiscal year 1998 and \$35,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5030 (lakewater irrigation). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (23) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the continuation of the southwest Washington coastal erosion study.

**NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1998) \$ 21,026,000 General Fund--State Appropriation (FY 1999) \$20,835,000 General Fund--Federal Appropriation \$2,428,000 General Fund--Private/Local Appropriation \$ 59,000 Winter Recreation Program Account Appropriation \$759,000 Off Road Vehicle Account Appropriation \$251,000 Snowmobile Account Appropriation \$ 2,290,000 Aquatic Lands Enhancement Account Appropriation \$321,000 Public Safety and Education Account Appropriation \$48,000 Industrial Insurance Premium Refund Appropriation \$ 10,000 Waste Reduction/Recycling/Litter Control Appropriation \$34,000 Water Trail Program Account Appropriation \$14,000 Parks Renewal and Stewardship Account Appropriation \$ 25,344,000 TOTAL APPROPRIATION \$73,419,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03. (2) \$264,000 of the general fund--federal appropriation is provided for boater programs state-wide and for implementation of the Puget Sound work plan. (3) \$45,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a feasibility study of a public/private effort to establish a reserve for recreation and environmental studies in southwest Kitsap county. (4) Within the funds provided in this section, the state parks and recreation commission shall provide to the legislature a status report on implementation of the recommendations contained in the 1994 study on the restructuring of Washington state parks. This status report shall include an evaluation of the campsite reservation system including the identification of any incremental changes in revenues associated with implementation of the system and a progress report on other enterprise activities being undertaken by the commission. The report may also include recommendations on other revenue generating options. In preparing the report, the commission is encouraged to work with interested parties to develop a long-term strategy to support the park system. The commission shall provide this report by December 1, 1997. (5) \$85,000 of the general fund--state appropriation for fiscal year 1998 and \$165,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for development of underwater park programs and facilities. The department shall work with the underwater parks program task force to develop specific plans for the use of these funds.

**NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Account Appropriation \$ 46,000 Recreation Resources Account Appropriation \$2,352,000 NOVA Program Account Appropriation \$590,000 TOTAL APPROPRIATION \$2,988,000

The appropriations in this section are subject to the following conditions and limitations: Any proceeds from the sale of the PRISM software system shall be deposited into the recreation resources account.

**NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation (FY 1998) \$ 780,000 General Fund Appropriation (FY 1999) \$773,000 TOTAL APPROPRIATION \$1,553,000

The appropriations in this section are subject to the following conditions and limitations: \$4,000 of the general fund appropriation for fiscal year 1998 and \$4,000 of the general fund appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5119 (forest practices appeals board). If this bill is not enacted by June 30, 1997, \$4,000 of the general fund appropriation for fiscal year 1998 and \$4,000 of the general fund appropriation for fiscal year 1999 shall lapse.

**NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION**

General Fund Appropriation (FY 1998) \$ 838,000 General Fund Appropriation (FY 1999) \$840,000 Water Quality Account Appropriation \$440,000 TOTAL APPROPRIATION \$2,118,000

The appropriations in this section are subject to the following conditions and limitations: \$181,000 of the general fund appropriation for fiscal year 1998, \$181,000 of the general fund appropriation for fiscal year 1999, and \$130,000 of the water quality account appropriation are provided solely for the implementation of the Puget Sound work plan agency action item CC-01.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1998) \$ 36,049,000 General Fund--State Appropriation (FY 1999) \$36,571,000 General Fund--Federal Appropriation \$73,015,000 General Fund--Private/Local Appropriation \$ 26,758,000 Off

Road Vehicle Account  
 Appropriation\$488,000Aquatic Lands  
 Enhancement Account  
 Appropriation\$5,593,000Public Safety  
 and Education Account  
 Appropriation \$ 590,000Industrial  
 Insurance Premium Refund  
 Appropriation\$120,000Recreational  
 Fisheries Enhancement  
 Appropriation\$2,387,000Warm Water  
 Game Fish Account  
 Appropriation \$ 2,419,000Wildlife  
 Account  
 Appropriation\$52,372,000Game  
 Special Wildlife Account--State  
 Appropriation\$1,911,000Game  
 Special Wildlife Account--Federal  
 Appropriation \$ 10,844,000Game  
 Special Wildlife Account--  
 Private/Local Appropriation \$ 3  
 50,000Oil Spill Administration  
 Account  
 Appropriation\$843,000Environmental  
 Excellence Account  
 Appropriation\$20,000Eastern  
 Washington Pheasant Enhancement  
 Account Appropriation \$ 547,00  
 0TOTAL  
 APPROPRIATION\$250,877,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,181,000 of the general fund--state appropriation for fiscal year 1998 and \$1,181,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-03, DFW-04, and DFW-8 through DFW-15. (2) \$188,000 of the general fund--state appropriation for fiscal year 1998 and \$155,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a maintenance and inspection program for department-owned dams. The department shall submit a report to the governor and the appropriate legislative committees by October 1, 1998, on the status of department-owned dams. This report shall provide a recommendation, including a cost estimate, on whether each facility should continue to be maintained or should be decommissioned. (3) \$832,000 of the general fund--state appropriation for fiscal year 1998 and \$825,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement salmon recovery activities and other actions required to respond to federal listings of salmon species under the endangered species act. (4) \$350,000 of the wildlife account appropriation, \$72,000 of the general fund--state appropriation for fiscal year 1998, and \$73,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for control and eradication of class B designate weeds on department owned and managed lands. The amounts from the general fund--state appropriations are provided solely for control of spartina. (5) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands. (6) In controlling weeds on state-owned lands, the department shall use the most cost-effective methods available, including chemical control where appropriate, and the department shall report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs, and acres treated during the previous year. (7) A maximum of \$1,000,000 is provided from the wildlife fund for fiscal year 1998. The amount provided in this subsection is for the emergency feeding of deer and elk that may be starving and that are posing a risk to private property due to severe winter conditions during the winter of 1997-98. The amount expended under this subsection must not exceed the amount raised pursuant to section 3 of Substitute House Bill No. 1478. Of the amount expended under this subsection, not more than fifty percent may be from fee revenue generated pursuant to section 3 of Substitute House Bill No. 1478. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (8) \$193,000 of the general fund--state appropriation for fiscal year 1998, \$194,000 of the general fund--state appropriation for fiscal year 1999, and \$300,000 of the wildlife account appropriation are provided solely for the design and development of an automated license system. (9) The department is directed to offer for sale its Cessna 421 aircraft by June 30, 1998. Proceeds from the sale shall be deposited in the wildlife account. (10) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to continue the department's habitat partnerships program during the 1997-99 biennium. (11) \$350,000 of the general fund--state appropriation for fiscal year 1998 and \$350,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for purchase of monitoring equipment necessary to fully implement mass marking of coho salmon. (12) \$238,000 of the general fund--state appropriation for fiscal year 1998 and \$219,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (13) \$150,000 of the general fund--state appropriation for fiscal year 1998 and \$150,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the United States department of agriculture to carry out animal damage control projects throughout the state related to cougars, bears, and coyotes. (14) \$97,000 of the general fund--state appropriation for fiscal year 1998 and \$98,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement animal damage control programs for Canada geese in the lower Columbia river basin. (15) \$170,000 of the general fund--state appropriation for fiscal year 1998, \$170,000 of the general fund--state appropriation for fiscal year 1999, and \$360,000 of the wildlife account appropriation are provided solely to hire additional

enforcement officers to address problem wildlife throughout the state. (16) \$197,000 of the general fund--state appropriation for fiscal year 1998 and \$196,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5120 (remote site incubators). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (17) \$133,000 of the general fund--state appropriation for fiscal year 1998 and \$133,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5442 (flood control permitting). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (18) \$105,000 of the recreational fisheries enhancement account appropriation is provided solely for implementation of Substitute Senate Bill No. 5886 (regional enhancement groups). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (19) \$100,000 of the aquatic lands enhancement account appropriation is provided solely for grants to the regional fisheries enhancement groups. (20) \$547,000 of the eastern Washington pheasant enhancement account appropriation is provided solely for implementation of Substitute Senate Bill No. 5104 (pheasant enhancement program). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (21) \$150,000 of the general fund--state appropriation for fiscal year 1998 and \$150,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to hire Washington conservation corps crews to maintain department-owned and managed lands. (22) The entire environmental excellence account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1866 (environmental excellence). If the bill is not enacted by June 30, 1997, the entire appropriation is null and void. (23) \$156,000 of the recreational fisheries enhancement appropriation is provided solely for Substitute Senate Bill No. 5102 (fishing license surcharge). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (24) \$25,000 of the general fund--state appropriation for fiscal year 1998 and \$25,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for staffing and operation of the Tenant Lake interpretive center.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1998)	\$ 25,117,000	General Fund--State Appropriation (FY 1999)	\$25,518,000
General Fund--Federal Appropriation	\$1,156,000	General Fund--Private/Local Appropriation	\$ 422,000
Forest Development Account Appropriation	\$49,923,000	Off Road Vehicle Account Appropriation	\$3,628,000
Surveys and Maps Account Appropriation	\$ 2,088,000	Aquatic Lands Enhancement Account Appropriation	\$4,869,000
Resources Management Cost Account Appropriation	\$89,613,000	Waste Reduction/Recycling/Litter Control Appropriation	\$ 450,000
Surface Mining Reclamation Account Appropriation	\$1,420,000	Aquatic Land Dredged Material Disposal Site Account Appropriation	\$751,000
Natural Resources Conservation Areas Stewardship Account Appropriation	\$ 77,000	Air Pollution Control Account Appropriation	\$890,000
Metals Mining Account Appropriation	\$62,000	<b>TOTAL APPROPRIATION</b>	<b>\$205,984,000</b>

The appropriations in this section are subject to the following conditions and limitations: (1) \$7,017,000 of the general fund--state appropriation for fiscal year 1998 and \$6,900,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for emergency fire suppression. (2) \$18,000 of the general fund--state appropriation for fiscal year 1998, \$18,000 of the general fund--state appropriation for fiscal year 1999, and \$957,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan agency action items DNR-01, DNR-02, and DNR-04. (3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs, and acres treated during the previous year. (4) \$2,682,000 of the general fund--state appropriation for fiscal year 1998 and \$3,063,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for fire protection activities. (5) \$541,000 of the general fund--state appropriation for fiscal year 1998 and \$549,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the stewardship of natural area preserves, natural resource conservation areas, and the operation of the natural heritage program. (6) \$2,300,000 of the aquatic lands enhancement account appropriation is provided for the department's portion of the Eagle Harbor settlement. (7) \$195,000 of the general fund--state appropriation for fiscal year 1998 and \$220,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (8) \$600,000 of the general fund--state appropriation for fiscal year 1998 and \$600,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement. (9) \$6,568,000 of the forest development account appropriation is provided solely for silviculture activities on forest board lands. To the extent that forest board counties apply for reconveyance of lands pursuant to Substitute Senate Bill No. 5325 (county land transfers), the amount provided in this subsection shall be reduced by an amount equal to the estimated silvicultural expenditures planned in each county that applies for reconveyance.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1998)	\$ 7,596,000	General Fund--State Appropriation (FY 1999)	\$7,008,000
General Fund--Federal Appropriation	\$4,716,000	General Fund--Private/Local Appropriation	\$ 405,000
Aquatic Lands Enhancement Account Appropriation	\$806,000	Industrial Insurance Premium Refund Appropriation	\$184,000
State Toxics Control Account Appropriation	\$ 1,338,000	<b>TOTAL APPROPRIATION</b>	<b>\$22,053,000</b>

The appropriations in this section are subject to the following conditions and limitations: (1) \$35,000 of the general fund--state appropriation for fiscal year 1998 and \$36,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for technical assistance on pesticide management including the implementation of the Puget Sound work plan agency action item DOA-01. (2) \$461,000 of the general fund--state appropriation for fiscal year 1998 and \$361,000 of the general fund--federal appropriation are provided solely to monitor and eradicate the Asian gypsy moth. (3) \$138,000 of the general fund--state appropriation for fiscal year 1998 and \$138,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for two additional staff positions in the plant protection program. (4) \$12,000 of the general fund--state appropriation for fiscal year 1998 and \$13,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute Senate Bill No. 5077 (integrated pest management). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM**

Pollution Liability Insurance Program Trust Account Appropriation	\$ 909,000
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**PART IV  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING**

General Fund Appropriation (FY 1998) \$ 4,536,000 General Fund Appropriation (FY 1999) \$4,409,000 Architects' License Account Appropriation \$857,000 Cemetery Account Appropriation \$188,000 Professional Engineers' Account Appropriation \$ 2,674,000 Real Estate Commission Account Appropriation \$6,708,000 Master License Account Appropriation \$6,998,000 Uniform Commercial Code Account Appropriation \$ 4,291,000 Real Estate Education Account Appropriation \$606,000 Funeral Directors And Embalmers Account Appropriation \$409,000 TOTAL APPROPRIATION \$ 31,676,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$21,000 of the general fund fiscal year 1998 appropriation and \$22,000 of the general fund fiscal year 1999 appropriation are provided solely to implement House Bill No. 1827 or Senate Bill No. 5754 (boxing, martial arts, wrestling). If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (2) \$40,000 of the master license account appropriation is provided solely to implement Substitute Senate Bill No. 5483 (whitewater river outfitters). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (3) \$229,000 of the general fund fiscal year 1998 appropriation and \$195,000 of the general fund fiscal year 1999 appropriation are provided solely for the implementation of Senate Bill No. 5997 (cosmetology inspections). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (4) \$31,000 of the general fund fiscal year 1998 appropriation, \$1,000 of the general fund fiscal year 1999 appropriation, \$7,000 of the architects' license account appropriation, \$18,000 of the professional engineers' account appropriation, \$14,000 of the real estate commission account appropriation, \$40,000 of the master license account appropriation, and \$3,000 of the funeral directors and embalmers account appropriation are provided solely for the implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (5) \$17,000 of the professional engineers' account appropriation is provided solely to implement Senate Bill No. 5266 (engineers/land surveyors). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (6) \$110,000 of the general fund fiscal year 1998 appropriation is provided solely to implement Senate Bill No. 5998 (cosmetology advisory board). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (7) \$74,000 of the uniform commercial code account appropriation is provided solely to implement Engrossed Senate Bill No. 5163 (UCC filing). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. (8) \$11,000 of the general fund fiscal year 1998 appropriation and \$2,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Substitute House Bill No. 1748 or Substitute Senate Bill No. 5513 (vessel registration). If neither bill is enacted by June 30, 1997, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1998) \$ 7,712,000 General Fund--State Appropriation (FY 1999) \$7,850,000 General Fund--Federal Appropriation \$3,990,000 General Fund--Private/Local Appropriation \$ 341,000 Public Safety and Education Account Appropriation \$4,652,000 County Criminal Justice Assistance Account Appropriation \$3,905,000 Municipal Criminal Justice Assistance Account Appropriation \$ 1,573,000 Fire Service Trust Account Appropriation \$92,000 Fire Service Training Account Appropriation \$1,762,000 State Toxics Control Account Appropriation \$ 439,000 Violence Reduction and Drug Enforcement Account Appropriation \$310,000 Fingerprint Identification Account Appropriation \$3,082,000 TOTAL APPROPRIATION \$ 35,708,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$254,000 of the fingerprint identification account appropriation is provided solely for an automated system that will facilitate the access of criminal history records remotely by computer or telephone for preemployment background checks and other non-law enforcement purposes. The agency shall submit an implementation status report to the office of financial management and the legislature by September 1, 1997. (2) \$264,000 of the general fund--federal appropriation is provided solely for a feasibility study to develop a criminal investigation computer system. The study will report on the feasibility of developing a system that uses incident-based reporting as its foundation, consistent with FBI standards. The system will have the capability of connecting with local law enforcement jurisdictions as well as fire protection agencies conducting arson investigations. The study will report on the system requirements for incorporating case management, intelligence data, imaging, and geographic information. The system will also provide links to existing crime information databases such as WASIS and WACIC. The agency shall submit a copy of the proposed study workplan to the office of financial management and the department of information services for approval prior to expenditure. A final report shall be submitted to the appropriate committees of the legislature, the office of financial management, and the department of information services no later than June 30, 1998.

**PART V  
EDUCATION**

**NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE**

**ADMINISTRATION**

General Fund--State Appropriation (FY 1998) \$ 24,575,000 General Fund--State Appropriation (FY 1999) \$46,152,000 General Fund--Federal Appropriation \$49,439,000 Public Safety and Education Account Appropriation \$ 2,598,000 Health Services Account Appropriation \$400,000 Violence Reduction and Drug Enforcement Account Appropriation \$3,672,000 Education Savings Account Appropriation \$ 29,312,000 TOTAL APPROPRIATION \$156,148,000

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

(1) AGENCY OPERATIONS (a) \$394,000 of the general fund--state appropriation for fiscal year 1998 and \$394,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. (b)(i) \$250,000 of the general fund--state appropriation for fiscal year 1998 and \$250,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for enhancing computer systems and support in the office of superintendent of public instruction. These amounts shall be used to: Make a database of school information available electronically to schools, state government, and the general public; reduce agency and school district administrative costs through more effective use of technology; and replace paper reporting and publication to the extent feasible with electronic media. The superintendent, in cooperation with the commission on student learning, shall develop a state student record system including elements reflecting student achievement. The system shall be made available to the office of financial management and the legislature with suitable safeguards of student



confidentiality. The superintendent shall report to the office of financial management and the legislative fiscal committees by December 1 of each year of the biennium on the progress and plans for the expenditure of these amounts. (ii) The superintendent, in cooperation with the commission on student learning, shall develop a feasibility plan for a state student record system, including elements reflecting student academic achievement on goals 1 and 2 under RCW 28A.150.210. The feasibility plan shall be made available to the office of financial management and the fiscal and education committees of the legislature for approval before a student records database is established, and shall identify data elements to be collected and suitable safeguards of student confidentiality and proper use of database records, with particular attention to eliminating unnecessary and intrusive data about nonacademic related information. (c) \$348,000 of the public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs. (d) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5394 or Substitute House Bill No. 1776 (school audit resolutions). If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (e) The superintendent of public instruction shall not accept, allocate, or expend any federal funds to implement the federal goals 2000 program.

(2) STATE-WIDE PROGRAMS (a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. (b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center. (c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. (d) \$2,500,000 of the general fund--state fiscal year 1998 appropriation and \$2,500,000 of the general fund--state fiscal year 1999 appropriation are for initiatives to improve reading in early grades as identified in legislation enacted by the 1997 legislature, including Second Substitute Senate Bill No. 5508 and Engrossed Second Substitute House Bill No. 2042, including section 4 of the bill. Amounts appropriated in this subsection 2(d) shall lapse unless both bills are enacted as passed by the legislature. (e) \$3,672,000 of the violence reduction and drug enforcement account appropriation and \$2,250,000 of the public safety education account appropriation are provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year. (f) \$200,000 of the general fund--state appropriation for fiscal year 1998, \$200,000 of the general fund--state appropriation for fiscal year 1999, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising broadcasting, and graphics or video production or other related fields. (g) \$1,500,000 of the general fund--state appropriation for fiscal year 1998 and \$1,500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed. (h) \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180. (i)(i) \$5,000,000 of the general fund--state appropriation and \$14,656,000 of the education savings account appropriation for fiscal year 1998 and \$5,000,000 of the general fund--state appropriation and \$14,656,000 of the education savings account appropriation for fiscal year 1999 are provided solely for matching grants and related state activities to provide school district consortia with programs utilizing technology to improve learning. A maximum of \$100,000 each fiscal year of this amount is provided for administrative support and oversight of the K-20 network by the superintendent of public instruction. The superintendent of public instruction shall convene a technology grants committee representing private sector technology, school districts, and educational service districts to recommend to the superintendent grant proposals that have the best plans for improving student learning through innovative curriculum using technology as a learning tool and evaluating the effectiveness of the curriculum innovations. After considering the technology grants committee recommendations, the superintendent shall make matching grant awards, including granting at least fifteen percent of funds on the basis of criteria in (ii)(A) through (C) of this subsection (2)(h). (ii) Priority for award of funds will be to (A) school districts most in need of assistance due to financial limits, (B) school districts least prepared to take advantage of technology as a means of improving student learning, and (C) school districts in economically distressed areas. The superintendent of public instruction, in consultation with the technology grants committee, shall propose options to the committee for identifying and prioritizing districts according to criteria in (i) and (ii) of this subsection (2)(i). (iii) Options for review criteria to be considered by the superintendent of public instruction include, but are not limited to, free and reduced lunches, levy revenues, ending fund balances, equipment inventories, and surveys of technology preparedness. An "economically distressed area" is (A) a county with an unemployment rate that is at least twenty percent above the state-wide average for the previous three years; (B) a county that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base resulting in decline of its dominant industries; or (C) a district within a county which (I) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (II) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. (j) \$50,000 of the general fund--state appropriations is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices. The superintendent of public instruction shall establish criteria, make awards, and provide a report to the fiscal committees of the legislature by December 15, 1997, on the progress and details of analysis funded under this subsection (2)(j). (k) \$1,816,000 of the general fund--state fiscal year 1998 appropriation and \$3,378,000 of the general fund--state fiscal year 1999 appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2019, Substitute Senate Bill No. 5764, or Senate Bill No. 7901 (charter schools). If none of the bills is enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (i) The fiscal year 1998 amount appropriated in this subsection is provided

for expenditure as follows: (A) A maximum of \$300,000 for the appeals process; (B) A maximum of \$75,000 for the study of charter schools; (C) A maximum of \$530,000 for startup loans; and (D) \$911,000 for apportionment to charter schools based on enrollment and other workload factors. (ii) The fiscal year 1999 amount appropriated in this subsection is provided for expenditure as follows: (A) A maximum of \$300,000 for the appeals process; (B) A maximum of \$75,000 for the study of charter schools; (C) A maximum of \$532,000 for startup loans; and (D) \$2,471,000 for apportionment to charter schools based on enrollment and other workload factors. (l) \$19,977,000 of the general fund--state appropriation for fiscal year 1999 is provided solely for the purchase of classroom instructional materials and supplies. The superintendent shall allocate the funds at a maximum rate of \$20.82 per full-time equivalent student, beginning September 1, 1998, and ending June 30, 1999. The expenditure of the funds shall be determined at each school site by the school building staff, parents, and the community. School districts shall distribute all funds received to school buildings without deduction. (m) \$15,000 of the general fund--state appropriation is provided solely to assist local districts vocational education programs in applying for low frequency FM radio licenses with the federal communications commission. (n) \$35,000 of the general fund--state appropriation is provided solely to the state board of education to design a program to encourage high school students and other adults to pursue careers as vocational education teachers in the subject matter of agriculture. (o) \$25,000 of the general fund--state appropriation for fiscal year 1998 and \$25,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools. (p) \$1,000,000 of the general fund--state appropriation is provided for state administrative costs and start-up grants for alternative programs and services that improve instruction and learning for at-risk students consistent with the objectives of Engrossed Substitute House Bill No. 1378 (educational opportunities). Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and/or services after the grant period, shall address the needs of students who cannot be accommodated within the framework of existing school programs or services and shall address how the applicant will serve any student within the proposed program's target age range regardless of the reason for truancy, suspension, expulsion, or other disciplinary action. Up to \$50,000 per year may be used by the superintendent of public instruction for grant administration. The superintendent shall submit an evaluation of the alternative program start-up grants provided under this section, and section 501(2)(q), chapter 283, Laws of 1996, to the fiscal and education committees of the legislature by November 15, 1998. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including: (i) Students who have been suspended, expelled, or are subject to other disciplinary actions; (ii) Students with unexcused absences who need intervention from community truancy boards or family support programs; (iii) Students who have left school; and (iv) Students involved with the court system. The office of the superintendent of public instruction shall prepare a report describing student recruitment, program offerings, staffing practices, and available indicators of program effectiveness of alternative education programs funded with state and, to the extent information is available, local funds. The report shall contain a plan for conducting an evaluation of the educational effectiveness of alternative education programs.

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

General Fund Appropriation (FY 1998) \$ 3,429,727,000 General Fund Appropriation (FY 1999) \$3,511,157,000 TOTAL APPROPRIATION \$6,940,884,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) Allocations for certificated staff salaries for the 1997-98 and 1998-99 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows: (a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection: (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12; (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; (iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding; (A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater; (B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year; (C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and (iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; (b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month; (c) On the basis of full-time equivalent enrollment in: (i) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08

certificated administrative staff units for each 18.3 full-time equivalent vocational students. Beginning with the 1998-99 school year, districts documenting staffing ratios of less than 1 certificated staff per 18.3 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; (ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; (iii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and (iv) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support. (d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8: (i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and (ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled; (e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education: (i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and (ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units; (f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools: (i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit; (ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students. Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students. (g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and (h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit. (3) Allocations for classified salaries for the 1997-98 and 1998-99 school years shall be calculated using formula-generated classified staff units determined as follows: (a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections; (b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and (c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit. (4) Fringe benefit allocations shall be calculated at a rate of 20.22 percent in the 1997-98 and 1998-99 school years for certificated salary allocations provided under subsection (2) of this section, and a rate of 18.65 percent in the 1997-98 and 1998-99 school years for classified salary allocations provided under subsection (3) of this section. (5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows: (a) The number of certificated staff units determined in subsection (2) of this section; and (b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent. (6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,950 per certificated staff unit in the 1997-98 school year and a maximum of \$8,165 per certificated staff unit in the 1998-99 school year. (b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$15,147 per certificated staff unit in the 1997-98 school year and a maximum of \$15,556 per certificated staff unit in the 1998-99 school year. (7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$354.64 per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1996-97 school year. (8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW. (9) The superintendent may distribute a maximum of \$6,124,000 outside the basic education formula during fiscal years 1998 and 1999 as follows: (a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$447,000 may be expended in fiscal year 1998 and a maximum of \$459,000 may be expended in fiscal year 1999; (b) For summer vocational programs at skills centers, a maximum of \$1,948,000 may be

expended each fiscal year; (c) A maximum of \$321,000 may be expended for school district emergencies; and (d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs. (10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 1996-97 school year to the 1997-98 school year, and 1.1 percent from the 1997-98 school year to the 1998-99 school year. (11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply: (a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and (b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act: (a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12D, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1A; and (b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12D. (2) For the purposes of this section: (a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate; (b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and (c) "LEAP Document 12D" means the computerized tabulation of 1997-98 and 1998-99 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 21, 1997 at 16:37 hours. (3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 19.58 percent for certificated staff and 15.15 percent for classified staff for both years of the biennium. (4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

**STATE-WIDE SALARY ALLOCATION SCHEDULE FOR THE 1997-98 AND 1998-99 SCHOOL YEARS**

	Years of Service	BA	BA+	15 BA+	30 BA+	45 BA+	90
0	22,950	23,570	24,212	24,855	26,920	1 23,702	24,342
1	25,005	25,690	27,816	2 24,469	25,129	25,812	26,563
2	28,725	29,555	26,657	27,450	29,650	4 26,095	26,818
3	27,540	28,375	30,632	5 26,953	27,695	28,437	29,336
4	31,629	6 27,847	28,586	29,370	30,333	32,661	7 28,756
5	29,513	30,316	31,341	33,727	8 29,678	30,477	31,299
6	32,408	9 31,475	32,337	33,487	35,962	10 33,388	34,621
7	37,129	11 35,788	38,351	12 36,918	39,605	13 40,890	
8	43,279	14 42,182	15 or more	43,279			
	Years of Service	BA+	135	MA	MA+	45	PHD
0	28,251	27,516	29,581	30,912	1 29,165	28,351	30,477
1	31,825	2 30,115	29,224	31,386	32,774	3 31,100	30,111
2	32,311	33,761	4 32,123	31,036	33,293	34,783	5 33,180
3	34,290	35,840	6 34,250	32,994	35,322	36,911	7 35,377
4	36,388	38,038	8 36,537	35,069	37,488	39,198	9 37,730
5	38,623	40,391	10 38,956	37,282	39,790	41,617	11 40,214
6	38,449	41,012	42,875	12 41,525	39,662	42,266	44,186
7	42,867	40,917	43,551	45,528	14 44,260	42,210	44,927
8	46,921	15 or more	45,411	43,307	46,095	48,141	

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree. (c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of: (i) Credits earned since receiving the masters degree; and (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree. (5) For the purposes of this section: (a) "BA" means a baccalaureate degree. (b) "MA" means a masters degree. (c) "PHD" means a doctorate degree. (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction. (e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020. (6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless: (a) The employee has a masters degree; or (b) The credits were used in generating state salary allocations before January 1, 1992. (7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning as required by the annual school performance report, under RCW 28A.320.205, for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff. (b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts. (8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1998) \$ 79,975,000 General Fund Appropriation (FY 1999) \$116,311,000 TOTAL APPROPRIATIONS \$196,286,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$176,535,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1997, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 19.58 percent for certificated staff and 15.15 percent for classified staff. (a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act. (b) The appropriations in this section provide salary increase and incremental fringe benefit allocations based on formula adjustments as follows: (i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1997-98 school year and maintained for the 1998-99 school year; (ii) For education of highly capable students, an increase of \$6.81 per formula student for the 1997-98 school year and maintained for the 1998-99 school year; and (iii) For transitional bilingual education, an increase of \$17.69 per eligible bilingual student for the 1997-98 school year and maintained for the 1998-99 school year; and (iv) For learning assistance, an increase of \$8.74 per entitlement unit for the 1997-98 school year and maintained for the 1998-99 school year. (c) The appropriations in this section include \$912,000 for salary increase adjustments for substitute teachers at a rate of \$10.64 per unit in the 1997-98 school year and maintained in the 1998-99 school year. (2) \$19,751,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$314.51 per month for the 1997-98 and 1998-99 school years. The appropriations in this section provide increases of \$2.83 per month for the 1997-98 school year and \$18.41 per month for the 1998-99 school year at the following rates: (a) For pupil transportation, an increase of \$0.03 per weighted pupil-mile for the 1997-98 school year and \$0.19 for the 1998-99 school year; (b) For education of highly capable students, an increase of \$0.20 per formula student for the 1997-98 school year and \$1.35 for the 1998-99 school year; (c) For transitional bilingual education, an increase of \$.46 per eligible bilingual student for the 1997-98 school year and \$3.44 for the 1998-99 school year; and (d) For learning assistance, an increase of \$.36 per funded unit for the 1997-98 school year and \$2.70 for the 1998-99 school year. (3) The rates specified in this section are subject to revision each year by the legislature. (4)(a) For the 1997-98 school year, the superintendent shall prepare a report showing the allowable derived base salary for certificated instructional staff in accordance with RCW 28A.400.200 and LEAP Document 12D, and the actual derived base salary paid by each school district as shown on the S-275 report and shall make the report available to the fiscal committees of the legislature no later than February 15, 1998. (b) For the 1998-99 school year, the superintendent shall reduce the percent of salary increase funds provided in section 504 of this act by the percentage by which a district exceeds the allowable derived base salary for certificated instructional staff as shown on LEAP Document 12D. (5) Cost-of-living funds provided to school districts under this section for classified staff shall be distributed to each and every formula funded employee at 3.0 percent, effective September 1, 1997.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL**

**TRANSPORTATION**

General Fund Appropriation (FY 1998) \$ 174,344,000 General Fund Appropriation (FY 1999) \$179,560,000 TOTAL APPROPRIATIONS \$353,904,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) A maximum of \$1,451,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. (3) \$30,000 of the fiscal year 1998 appropriation and \$40,000 of the fiscal year 1999 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. (4) Allocations for transportation of students shall be based on reimbursement rates of \$34.47 per weighted mile in the 1997-98 school year and \$34.76 per weighted mile in the 1998-99 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction times the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school times the per mile reimbursement rate for the school year times 1.29.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD**

**SERVICE PROGRAMS**

General Fund--State Appropriation (FY 1998) \$ 3,075,000 General Fund--State Appropriation (FY 1999) \$3,075,000 General Fund--Federal Appropriation \$194,483,000 TOTAL APPROPRIATIONS \$200,633,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$6,000,000 of the general fund--state appropriations are provided for state matching money for federal child nutrition programs. (2) \$150,000 of the general fund--state appropriations are provided for summer food programs for children in low-income areas.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1998) \$ 370,486,000 General Fund--State Appropriation (FY 1999) \$374,327,000 General Fund--Federal Appropriation \$135,106,000 TOTAL APPROPRIATIONS \$879,919,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized

education program. (3) For the 1997-98 and 1998-99 school years, the superintendent shall distribute state funds to each district based on the sum of: (a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and (b) A district's annual average full-time equivalent basic education enrollment times the funded enrollment percent determined pursuant to subsection (4)(c) of this section, times the district's average basic education allocation per full-time equivalent student times 0.9309. (4) The definitions in this subsection apply throughout this section. (a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12) and shall not include enhancements for K-3, secondary vocational education, or small schools. (b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250). (c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1997-98 and the 1998-99 school years, each district's funded enrollment percent shall be: (i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent. (ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of: (A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or (B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined if greater than 12.7 percent; or (C) For 1997-98, the 1994-95 enrollment percent reduced by 75 percent of the difference between the district's 1994-95 enrollment percent and 12.7 percent and for 1998-99, 12.7 percent. (5) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection (4) of this section, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units. (6) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 1998 and a maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 1999 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (3) of this section. Safety net funding shall be awarded by the state safety net oversight committee. (a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis. (b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards. (7) Prior to June 1st of each year, the superintendent shall make available to each school district from available data the district's maximum funded enrollment percent for the coming school year. (8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules in place for the 1996-97 school year, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. (9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of: (a) Staff of the office of superintendent of public instruction; (b) Staff of the office of the state auditor; (c) Staff from the office of the financial management; and (d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding. (10) A maximum of \$4,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. (11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program. (12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants. (13) A school district may carry over up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program. (14) Beginning in the 1997-98 school year, the superintendent shall increase the percentage of federal flow-through to school districts to at least 84 percent. In addition to other purposes, school districts may use increased federal funds for high cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues. (15) Up to one percent of the general fund--federal appropriation shall be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities. (16) Amounts appropriated within this section are sufficient to fund section 5 of Second Substitute House Bill No. 1709 (mandate on school districts).

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

Public Safety and Education Account Appropriation           \$ 17,179,000

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators. (3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1997-98 and 1998-99 school years. (4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1997-98 and 1998-99 school years.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**  
General Fund Appropriation (FY 1998) \$ 4,511,000 General Fund Appropriation (FY 1999) \$4,510,000 TOTAL APPROPRIATION \$9,021,000

The appropriations in this section are subject to the following conditions and limitations: (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4). (2) \$250,000 of the general fund appropriation for fiscal year 1998 and \$250,000 of the general fund appropriation for fiscal year 1999 are provided solely for student teaching centers as provided in RCW 28A.415.100. (3) A maximum of \$500,000 is provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**  
General Fund Appropriation (FY 1998) \$ 84,598,000 General Fund Appropriation (FY 1999) \$89,354,000 TOTAL APPROPRIATION \$173,952,000

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT**  
General Fund--Federal Appropriation \$ 255,987,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**  
General Fund--State Appropriation (FY 1998) \$ 18,327,000 General Fund--State Appropriation (FY 1999) \$19,131,000 General Fund--Federal Appropriation \$8,548,000 TOTAL APPROPRIATION \$46,006,000

The appropriations in this section are subject to the following conditions and limitations: (1) The general fund--state appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program. (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium. (4) \$758,000 of the general fund--state fiscal year 1998 appropriation and \$704,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**  
General Fund Appropriation (FY 1998) \$ 5,752,000 General Fund Appropriation (FY 1999) \$6,176,000 TOTAL APPROPRIATION \$11,928,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year. (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$311.12 per funded student for the 1997-98 school year and \$311.58 per funded student for the 1998-99 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment. (3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park. (4) \$186,000 of the appropriation is for the odyssey of the mind and future problem-solving programs.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**  
General Fund Appropriation (FY 1998) \$ 18,905,000 General Fund Appropriation (FY 1999) \$21,868,000 TOTAL APPROPRIATION \$40,773,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$18,103,000 is provided for the operation of the commission on student learning and the development and implementation of student assessments. The commission shall cooperate with the superintendent of public instruction in defining measures of student achievement to be included in the student record system developed by the superintendent pursuant to section 501(1)(b) of this act. The timelines for development of assessments are funded in accordance with the timelines proposed in Engrossed Second Substitute House Bill No. 1777. (2) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310. (3) \$2,970,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers. (4) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. (5) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040. (6) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155. (7) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning). (8) The superintendent of public instruction shall not accept, allocate, or expend any federal funds to implement the federal goals 2000 program.

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**  
General Fund Appropriation (FY 1998) \$ 31,146,000 General Fund Appropriation (FY 1999) \$33,414,000 TOTAL APPROPRIATION \$64,560,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 provides such funds as are necessary for the remaining months of the 1996-97 school year. (2) The superintendent shall distribute a maximum of \$643.78 per eligible bilingual student in the 1997-98 school year, exclusive of

salary and benefit adjustments provided in section 504 of this act. (3) A student shall be eligible for funding under this section if the student is enrolled in grades K-12 pursuant to WAC 392-121-106 and is receiving specialized instruction pursuant to chapter 28A.180 RCW. (4) The superintendent shall distribute a maximum of \$643.78 per eligible weighted bilingual student in the 1998-99 school year exclusive of salary and benefit adjustments provided in section 504 of this act. (5) The following factors shall be used to calculate weightings for the 1998-99 school year.

(a) Grades Level (i) K-5 .35 (ii) 6-8 .50 (iii) 9-12 .72

(b) Time in Program (i) Up to 1 year .82 (ii) 1 to 2 years .62 (iii) 2 to 3 years .41 (iv) more than 3 years

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(c) The grade level weight and time in program weight shall be summed for each eligible student and the result shall be multiplied by the rate per weighted student specified in subsection (3) of this section. (d) Time in program under (b) of this subsection shall be calculated in accordance with WAC 392-160-035.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1998) \$ 60,309,000 General Fund Appropriation (FY 1999) \$60,862,000 TOTAL APPROPRIATION \$121,171,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation for fiscal year 1998 provides such funds as are necessary for the remaining months of the 1996-97 school year. (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86. (3) Funding for school district learning assistance programs shall be allocated at maximum rates of \$378.33 per funded unit for the 1997-98 school year and \$379.47 per funded unit for the 1998-99 school year exclusive of salary and benefit adjustments provided in section 504 of this act. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program. (a) A school district's funded units for the 1997-98 and 1998-99 school years shall be the sum of the following: (i) The district's full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and (ii) The district's full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and (iii) If in the prior school year the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year times 22.30 percent.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1998) \$ 45,404,000 General Fund Appropriation (FY 1999) \$51,375,000 TOTAL APPROPRIATION \$96,779,000

The appropriations in this section are subject to the following conditions and limitations: (1) A maximum of \$40,841,000 is provided for learning improvement allocations to school districts to enhance the ability of instructional staff to teach and assess the essential academic learning requirements for reading, writing, communication, and math in accordance with the timelines and requirements established under RCW 28A.630.885. However, special emphasis shall be given to the successful teaching of reading. Allocations under this section shall be subject to the following conditions and limitations: (a) In accordance with the timetable for the implementation of the assessment system by the commission on student learning, the allocations for the 1997-98 and 1998-99 school years shall be at a maximum annual rate per full-time equivalent student of \$30 for students enrolled in grades K-4, \$24 for students enrolled in grades 5-7, and \$18 for students enrolled in grades 8-12. Allocations shall be made on the monthly apportionment schedule provided in RCW 28A.510.250. (b) A district receiving learning improvement allocations shall: (i) Develop and keep on file at each building a student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the learning improvement allocations will be used to accomplish the foregoing. The plan shall be made available to the public upon request; (ii) Maintain a policy regarding the involvement of school staff, parents, and community members in instructional decisions; (iii) File a report by October 1, 1998, and October 1, 1999, with the office of the superintendent of public instruction, in a format developed by the superintendent that: Enumerates the activities funded by these allocations; the amount expended for each activity; describes how the activity improved understanding, teaching, and assessment of the essential academic learning requirements by instructional staff; and identifies any amounts expended from this allocation for supplemental contracts; and (iv) Provide parents and the local community with specific information on the use of this allocation by including in the annual performance report required in RCW 28A.320.205, information on how funds allocated under this subsection were spent and the results achieved. (c) The superintendent of public instruction shall compile and analyze the school district reports and present the results to the office of financial management and the appropriate committees of the legislature no later than November 15, 1998, and November 15, 1999. (2) \$55,937,000 is provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs. This amount includes such amounts as are necessary for the remainder of the 1996-97 school year. Allocations for the 1997-98 and 1998-99 school year shall be at a maximum annual rate of \$29.86 per full-time equivalent student as determined pursuant to subsection (3) of this section. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250. (3) Allocations provided under this section shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows: (a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students; (b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and (c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students. (4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder. (5) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a



finding by the superintendent that: (a) The district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); and (b) The district is filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

## PART VI HIGHER EDUCATION

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act. (2)(a) The salary increases provided or referenced in this subsection shall be the allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015. (b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 3.0 percent on July 1, 1997. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.0 percent on July 1, 1997. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated. To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel. (c) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, an additional average salary increase of 1.0 percent on July 1, 1997, and an average salary increase of 2.0 percent on July 1, 1998. Any salary increases authorized under this subsection (2)(c) shall not be included in an institution's salary base. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c). (d) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection. (3)(a) Each institution receiving appropriations under sections 604 through 609 of this act shall submit plans for achieving measurable and specific improvements in academic years 1997-98 and 1998-99 to the higher education coordinating board. The plans, to be prepared at the direction of the board, shall be submitted by August 15, 1997 (for academic year 1997-98) and August 15, 1998 (for academic year 1998-99). The following measures and goals will be used for the 1997-99 biennium:

Goal(i) Undergraduate graduation efficiency index: For students beginning as freshmen<sup>95</sup>For transfer students<sup>90</sup>

(ii) Undergraduate student retention, defined as the percentage of all undergraduate students who return for the next year at the same institution, measured from fall to fall: Research universities 95% Comprehensive universities and college<sup>90</sup>

(iii) Graduation rates, defined as the percentage of an entering freshmen class at each institution that graduates within five years: Research universities 65% Comprehensive universities and college<sup>55</sup>

(iv) A measure of faculty productivity, with goals and targets in accord with the legislative intent to achieve measurable and specific improvements, to be determined by the higher education coordinating board, in consultation with the institutions receiving appropriations under sections 604 through 609 of this act.

(v) An additional measure and goal to be selected by the higher education coordinating board for each institution, in consultation with each institution.

(b) Academic year 1995-96 shall be the baseline year against which performance in academic year 1997-98 shall be measured. Academic year 1997-98 shall be the baseline year against which performance in academic year 1998-99 shall be measured. The difference between each institution's baseline year and the state-wide performance goals shall be calculated and shall be the performance gap for each institution for each measure for each year. The plan for each institution shall set as a performance target the closing of its performance gap for each measure by ten percent in each year. Each institution shall report to the higher education coordinating board on its actual performance achievement for each measure for academic year 1997-98 by October 15, 1998. (4) The state board for community and technical colleges shall develop an implementation plan for measurable and specific improvements in productivity, efficiency, and student retention in academic years 1997-98 and 1998-99 consistent with the performance management system developed by the work force training and education coordinating board and for the following long-term performance goals:

Goal(a) Hourly wages for vocational graduates \$12/hour (b) Academic students transferring to Washington higher education institutions<sup>67</sup> (c) Core course completion rates 85% (d) Graduation efficiency index<sup>95</sup>

(5) The state's public institutions of higher education increasingly are being called upon to become more efficient in conducting the business operations necessary to support the carrying out of their academic missions. The legislature recognizes that state laws and regulations may have the unintended effect of acting as barriers to efficient operation in some instances, and desires to encourage the institutions of higher education to think beyond the constraints of current law in identifying opportunities for improved efficiency. Accordingly, the legislature requests that the institutions of higher education, working together through the council of presidents' office and the state board for community and technical colleges, identify opportunities for changes in state law that would form the basis for a new efficiency compact with the state, for consideration no later than the 1999 legislative session.

**NEW SECTION. Sec. 602.** (1) The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

99 Annual Average

1997-98 1998-

University of Washington

Main campus 31,297 31,527 Tacoma branch 775895 Bothell branch 847992

Washington State University

Main campus 17,403 17,723 Spokane branch 352442 Tri-Cities branch 754814 Vancouver branch

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(2) The legislature intends to reduce general fund--state support for student enrollments by average instructional funding as calculated by the higher education coordinating board for enrollments below the budgeted levels in subsection (1) of this section, except that, for campuses with less than 1,500 budgeted full-time equivalent (FTE) student enrollments, enrollment targets shall be set at 95 percent of the budgeted enrollment level, and except that underenrollment at Eastern Washington University shall be administered in accordance with section 606(5) of this act.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1998) \$ 380,591,000  
General Fund--State Appropriation (FY 1999) \$418,661,000  
General Fund--Federal Appropriation \$11,404,000  
Employment and Training Trust Account Appropriation \$ 26,346,000  
TOTAL APPROPRIATION \$837,002,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$2,718,000 of the general fund--state appropriation for fiscal year 1998 and \$4,079,000 of the general fund--state appropriation for fiscal year 1999 shall be held in reserve by the board. These funds are provided for improvements in productivity, efficiency, and student retention. The board may approve the fiscal year 1998 allocation of funds under this subsection upon completion of an implementation plan. The implementation plan shall be submitted by the board to the appropriate legislative committees and the office of financial management in accordance with section 601(4) of this act by September 1, 1997. The board may approve the fiscal year 1999 allocation of funds under this subsection based on the board's evaluation of: (a) College performance compared to the goals for productivity, efficiency, and student retention as submitted in the plan required in section 601(4) of this act; and (b) The quality and effectiveness of the strategies the colleges propose to achieve continued improvement in quality and efficiency during the 1998-99 academic year. (2) \$1,253,000 of the general fund--state appropriation for fiscal year 1998, \$27,461,000 of the general fund--state appropriation for fiscal year 1999, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers) and Substitute House Bill No. 2214. (a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year. (b) The state board for community and technical colleges shall submit a plan for the allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval. (3) \$1,441,000 of the general fund--state appropriation for fiscal year 1998 and \$1,441,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities). (4) \$1,862,500 of the general fund--state appropriation for fiscal year 1998 and \$1,862,500 of the general fund--state appropriation for fiscal year 1999 are provided solely for assessment of student outcomes at community and technical colleges. (5) \$706,000 of the general fund--state appropriation for fiscal year 1998 and \$706,000 of general fund--state appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty. (6) Up to \$1,035,000 of the general fund--state appropriation for fiscal year 1998 and up to \$2,102,000 of the general fund--state appropriation for fiscal year 1999 may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. (7) To address part-time faculty salary disparities and to increase the ratio of full-time to part-time faculty instructors, the board shall provide salary increases to part-time instructors or hire additional full-time instructional staff under the following conditions and limitations: (a) The amount used for such purposes shall not exceed an amount equivalent to an additional salary increase of 1.0 percent on July 1, 1997, and an additional salary increase of 2.0 percent on July 1, 1998, for instructional faculty as classified by the office of financial management; and (b) at least \$2,934,000 shall be spent for the purposes of this subsection. (8) \$83,000 of the general fund--state appropriation for fiscal year 1998 and \$1,567,000 of the general fund--state appropriation for fiscal year 1999 are provided for personnel and expenses to develop curricula, library resources, and operations of Cascadia Community College. It is the legislature's intent to use the opportunity provided by the establishment of the new institution to conduct a pilot project of budgeting based on instructional standards and outcomes. The college shall use a portion of the available funds to develop a set of measurable standards and outcomes as the basis for budget development in the 1999-01 biennium. (9) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees enacted by the 1997 legislature. The community colleges may charge up to the maximum level authorized for services and activities fees in RCW 28B.15.069. (10) Community and technical colleges with below-average faculty salaries may use funds identified by the state board in the 1997-98 and 1998-99 operating allocations to increase faculty salaries no higher than the system-wide average.

**NEW SECTION. Sec. 604. FOR UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1998) \$ 283,923,000  
General Fund Appropriation (FY 1999) \$289,807,000  
Death Investigations Account Appropriation \$1,810,000  
Industrial Insurance Premium Refund Account Appropriation \$ 514,000  
Accident Account Appropriation \$4,969,000  
Medical Aid Account Appropriation \$4,989,000  
TOTAL APPROPRIATION \$586,012,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$2,019,000 of the general fund appropriation for fiscal year 1998 and \$3,029,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act. (2) \$800,000 of the general fund appropriation for fiscal year 1998 and \$1,896,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Tacoma branch campus above the 1996-97 budgeted FTE level. (3) \$593,000 of the general fund appropriation for fiscal year 1998 and \$1,547,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional

upper-division and graduate level enrollments at the Bothell branch campus above the 1996-97 budgeted FTE level. (4) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes. (5) \$324,000 of the general fund appropriation for fiscal year 1998 and \$324,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty. (6) \$130,000 of the general fund appropriation for fiscal year 1998 and \$130,000 of the general fund appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action item UW-01. (7) \$1,200,000 of the general fund appropriation for fiscal year 1998 and \$1,200,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection. (8) \$47,000 of the fiscal year 1998 general fund appropriation and \$47,000 of the fiscal year 1999 general fund appropriation are provided solely to employ a fossil preparator/educator in the Burke Museum. The entire amounts provided in this subsection shall be provided directly to the Burke Museum. (9) \$75,000 of the general fund appropriation for fiscal year 1998 and \$75,000 of the general fund appropriation for fiscal year 1999 are provided solely for enhancements to research capabilities at the Olympic natural resources center.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1998) \$ 166,644,000 General Fund Appropriation (FY 1999) \$172,819,000 Air Pollution Control Account Appropriation \$206,000 TOTAL APPROPRIATION \$339,669,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,204,000 of the general fund appropriation for fiscal year 1998 and \$1,807,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act. (2) \$1,059,000 of the general fund appropriation for fiscal year 1999 is provided solely to support additional upper-division and graduate level enrollments at the Vancouver branch campus above the 1996-97 budgeted FTE level. (3) \$263,000 of the general fund appropriation for fiscal year 1998 and \$789,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Tri-Cities branch campus above the 1996-97 budgeted FTE level. (4) \$971,000 of the general fund appropriation for fiscal year 1999 is provided solely to support additional upper-division and graduate level enrollments at the Spokane branch campus above the 1996-97 budgeted FTE level. (5) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes. (6) \$140,000 of the general fund appropriation for fiscal year 1998 and \$140,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty. (7) \$157,000 of the general fund appropriation for fiscal year 1998 and \$157,000 of the general fund appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action item WSU-01. (8) \$600,000 of the general fund appropriation for fiscal year 1998 and \$600,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection. (9) \$50,000 of the general fund appropriation for fiscal year 1998 and \$50,000 of the general fund appropriation for fiscal year 1999 are provided solely for yellow star thistle research. (10) \$55,000 of the general fund appropriation for fiscal year 1998 and \$55,000 of the general fund appropriation for fiscal year 1999 are provided solely for the Goldendale distance learning center.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1998) \$ 39,211,000 General Fund Appropriation (FY 1999) \$39,489,000 TOTAL APPROPRIATION \$78,700,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$285,000 of the general fund appropriation for fiscal year 1998 and \$428,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act. (2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes. (3) \$93,000 of the general fund appropriation for fiscal year 1998 and \$93,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty. (4) \$53,000 of the general fund--state appropriation for fiscal year 1998 and \$54,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection. (5) \$3,188,000 of the general fund appropriation for fiscal year 1998 and \$3,188,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve pending attainment of budgeted enrollments of 6,942 FTEs. The office of financial management shall approve the allotment of funds under this subsection at the annual rate of \$4,000 for annual student FTEs in excess of 6,942 based on tenth day quarterly enrollment and the office of financial management's quarterly budget driver report. In addition, allotments of reserve funds in this section shall be approved by the office of financial management upon approval by the higher education coordinating board for (a) actions that will result in additional enrollment growth, and (b) contractual obligations in fiscal year 1998 to the extent such funds are required.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1998) \$ 37,214,000 General Fund Appropriation (FY 1999) \$38,616,000 TOTAL APPROPRIATION \$75,830,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$269,000 of the general fund appropriation for fiscal year 1998 and \$403,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this

act. (2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes. (3) \$70,000 of the general fund appropriation for fiscal year 1998 and \$70,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty. (4) \$51,000 of the general fund appropriation for fiscal year 1998 and \$51,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The college shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1998) \$ 20,151,000 General Fund Appropriation (FY 1999) \$20,518,000 TOTAL APPROPRIATION \$40,669,000

The appropriations in this section is subject to the following conditions and limitations: (1) \$144,000 of the general fund appropriation for fiscal year 1998 and \$217,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act. (2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes. (3) \$47,000 of the general fund appropriation for fiscal year 1998 and \$47,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty. (4) \$29,000 of the general fund appropriation for fiscal year 1998 and \$29,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The college shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1998) \$ 47,822,000 General Fund Appropriation (FY 1999) \$48,855,000 TOTAL APPROPRIATION \$96,677,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$342,000 of the general fund appropriation for fiscal year 1998 and \$514,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act. (2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes. (3) \$93,000 of the general fund appropriation for fiscal year 1998 and \$93,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty. (4) \$66,000 of the general fund appropriation for fiscal year 1998 and \$67,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 1998) \$ 2,734,000 General Fund--State Appropriation (FY 1999) \$2,615,000 General Fund--Federal Appropriation \$693,000 TOTAL APPROPRIATION \$6,042,000

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations: (1) The board shall review, recommend changes if necessary, and approve plans defined in section 601(3)(a) of this act for achieving measurable and specific improvements in academic years 1997-98 and 1998-99. The plans shall be reported to the office of financial management and the appropriate legislative committees by October of each year. By October 1, 1997, the board shall notify the office of financial management to allot institutions' fiscal year 1998 performance funds held in reserve, based upon the adequacy of plans prepared by the institutions. (2) The board shall develop criteria to assess institutions' performance and shall use those criteria in determining the allotment of performance and accountability funds. The board shall evaluate each institution's achievement of performance targets for the 1997-98 academic year and, by December 1, 1998, the board shall notify the office of financial management to allot institutions' fiscal year 1999 performance funds held in reserve, based upon each institution's performance. (3) By January, 1999, the board shall recommend to the office of financial management and appropriate legislative committees any recommended additions, deletions, or revisions to the performance and accountability measures in sections 601(3) of this act as part of the next master plan for higher education. The recommendations shall be developed in consultation with the institutions of higher education and may include additional performance indicators to measure successful student learning and other student outcomes for possible inclusion in the 1999-01 operating budget. (4) \$280,000 of the general fund--state appropriation for fiscal year 1998 and \$280,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585. (5) \$70,000 of the general fund--state appropriation for fiscal year 1998 and \$70,000 of the general fund--state appropriation for fiscal year 1999 are provided to develop a competency based admissions system for higher education institutions. The board shall complete the competency based admissions system and issue a report outlining the competency based admissions system by January 1999. (6) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for activities related to higher education facilities planning, project monitoring, and access issues related to capital facilities. Of this amount, \$50,000 is provided for a study of higher education needs of Okanogan county and surrounding communities with consideration given to alternative approaches to educational service delivery, facility expansion, relocation or partnership, and long-term growth and future educational demands of the region. (7) \$150,000 of the general fund--state appropriation for fiscal year 1998 is provided solely as one-time funding for computer upgrades.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 1998) \$ 86,369,000 General Fund--State Appropriation (FY 1999) \$93,209,000 General Fund--Federal Appropriation \$8,255,000 TOTAL APPROPRIATION \$187,833,000



The appropriations in this section are subject to the following conditions and limitations: (1) \$527,000 of the general fund--state appropriation for fiscal year 1998 and \$526,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the displaced homemakers program. (2) \$216,000 of the general fund--state appropriation for fiscal year 1998 and \$220,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the western interstate commission for higher education. (3) \$118,000 of the general fund--state appropriation for fiscal year 1998 and \$118,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the health personnel resources plan. (4) \$1,000,000 of the general fund--state appropriation for fiscal year 1998 and \$1,000,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the scholarships and loans program under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program. (5) \$83,783,000 of the general fund--state appropriation for fiscal year 1998 and \$90,728,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for student financial aid, including all administrative costs. The amounts in (a), (b), and (c) of this subsection are sufficient to implement Second Substitute House Bill No. 1851 (higher education financial aid). Of these amounts: (a) \$64,262,000 of the general fund--state appropriation for fiscal year 1998 and \$70,964,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the state need grant program. (i) Unless an alternative method for distribution of the state need grant is enacted which distributes grants based on tuition costs, for the purposes of determination of eligibility for state need grants for the 1998-99 academic year, the higher education coordinating board shall establish family income equivalencies for independent students having financial responsibility for children and independent students with no financial responsibility for children, respectively, based on the United States bureau of labor statistics' low budget standard for persons in the 20-35 year age group, in accordance with the recommendations of the 1996 student financial aid policy advisory committee. (ii) After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program. (b) \$15,350,000 of the general fund--state appropriation for fiscal year 1998 and \$15,350,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program; (c) \$2,422,000 of the general fund--state appropriation for fiscal year 1998 and \$2,422,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for educational opportunity grants. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington; (d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 1998 and 2.1 percent of the general fund--state appropriation for fiscal year 1999 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision; (e) \$230,000 of the general fund--state appropriation for fiscal year 1998 and \$201,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the educator's excellence awards. Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence; (f) \$1,012,000 of the general fund--state appropriation for fiscal year 1998 and \$1,266,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence; (g) \$456,000 of the general fund--state appropriation for fiscal year 1998 and \$474,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or the Washington scholars program; (h) \$51,000 of the general fund--state appropriation for fiscal year 1998 and \$51,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. No organization may receive more than one \$2,000 matching grant; and (6) \$175,000 of the general fund--state appropriation for fiscal year 1998 and \$175,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Engrossed Second Substitute House Bill No. 1372 or Second Substitute Senate Bill No. 5106 (Washington advanced college tuition payment program). If neither Engrossed Second Substitute House Bill No. 1372 nor Second Substitute Senate Bill No. 5106 is enacted by June 30, 1997, the amounts provided in this subsection shall lapse. (7) \$187,000 of the general fund--state appropriation for fiscal year 1998 and \$188,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a demonstration project in the 1997-99 biennium to provide undergraduate fellowships based upon the graduate fellowship program. (8) Funding is provided in this section for the development of three models for tuition charges for distance learning programs. Institutions involved in distance education or extended learning shall provide information to the board on the usage, cost, and revenue generated by such programs.

**NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION**

General Fund Appropriation (FY 1998) \$ 1,469,000 General Fund Appropriation (FY 1999) \$1,470,000 TOTAL APPROPRIATION \$2,939,000

**NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 1998) \$ 1,636,000 General Fund--State Appropriation (FY 1999) \$1,642,000 General Fund--Federal Appropriation \$34,378,000 TOTAL APPROPRIATIONS \$37,656,000

**NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 1998) \$ 7,483,000 General Fund--State Appropriation (FY 1999) \$7,281,000 General Fund--Federal Appropriation \$4,847,000 TOTAL APPROPRIATIONS \$19,611,000

The appropriations in this section are subject to the following conditions and limitations: (1) At least \$2,524,000 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library. (2) \$198,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the state library to continue the government information locator service in accordance with chapter 171, Laws of 1996. The state library, in consultation with interested parties, shall prepare an evaluation of the government information locator service by October 1, 1997. The evaluation shall include a cost-

benefit analysis, a determination of fiscal impacts to the state, and programmatic information. The evaluation report shall be provided to the appropriate legislative fiscal committees.

**NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION**  
General Fund--State Appropriation (FY 1998) \$ 2,015,000 General Fund--State Appropriation (FY 1999) \$2,013,000 General Fund--Federal Appropriation \$690,000 TOTAL APPROPRIATION \$4,718,000

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
General Fund Appropriation (FY 1998) \$ 2,502,000 General Fund Appropriation (FY 1999) \$2,531,000 TOTAL APPROPRIATION \$5,033,000

The appropriations in this section are subject to the following conditions and limitations: \$216,200 of the general fund appropriation for fiscal year 1998 and \$216,200 of the general fund appropriation for fiscal year 1999 are provided solely for exhibit and educational programming.

**NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
General Fund Appropriation (FY 1998) \$ 741,000 General Fund Appropriation (FY 1999) \$1,022,000 TOTAL APPROPRIATION \$1,763,000

The appropriations in this section are subject to the following conditions and limitations: \$275,000 of the general fund appropriation for fiscal year 1999 is provided solely for exhibit design and planning.

**NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND**  
General Fund--State Appropriation (FY 1998) \$ 3,714,000 General Fund--State Appropriation (FY 1999) \$3,738,000 General Fund--Private/Local Appropriation \$192,000 TOTAL APPROPRIATION \$7,644,000

**NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF**  
General Fund Appropriation (FY 1998) \$ 6,458,000 General Fund Appropriation (FY 1999) \$6,459,000 TOTAL APPROPRIATION \$12,917,000

## PART VII SPECIAL APPROPRIATIONS

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**  
General Fund Appropriation (FY 1998) \$ 447,283,000 General Fund Appropriation (FY 1999) \$485,077,000 General Fund Bonds Subject to the Limit Bond Retirement Account Appropriation \$932,360,000 TOTAL APPROPRIATION \$ 1,864,720,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the general fund bonds subject to the limit bond retirement account.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**  
State Convention & Trade Center Account Appropriation \$ 34,081,000 Accident Account Appropriation \$5,108,000 Medical Aid Account Appropriation \$5,108,000 TOTAL APPROPRIATION \$44,297,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**  
General Fund Appropriation (FY 1998) \$ 23,096,000 General Fund Appropriation (FY 1999) \$25,603,000 General Fund Bonds Excluded from the Limit Bond Retirement Account Appropriation \$ 48,699,000 Reimbursable Bonds Excluded from the Limit Bond Retirement Account Appropriation \$104,933,000 Reimbursable Bonds Subject to the Limit Bond Retirement Account Appropriation \$ 402,000 TOTAL APPROPRIATION \$202,733,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the general fund bonds excluded from the limit bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**  
Revenue Bonds Excluded from the Limit Bond Retirement Account Appropriation \$ 2,451,000

**NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**  
General Fund Appropriation (FY 1998) \$ 475,000 General Fund Appropriation (FY 1999) \$475,000 Higher Education Construction Account Appropriation \$215,000 State Building Construction Account Appropriation \$ 6,374,000 Public Safety Reimbursable Bond Account Appropriation \$8,000 TOTAL APPROPRIATION \$7,547,000  
Total Bond Retirement and Interest Appropriations contained in sections 701 through 705 of this act \$ 2,121,748,000

**NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**  
General Fund Appropriation (FY 1998) \$ 1,250,000 General Fund Appropriation (FY 1999) \$1,250,000 TOTAL APPROPRIATION \$2,500,000

**NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT**  
Americans with Disabilities Special Revolving Fund Appropriation \$ 426,000

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria. (2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 708. FOR THE GOVERNOR--TORT DEFENSE SERVICES**  
General Fund Appropriation (FY 1998) \$ 1,257,000 General Fund Appropriation (FY 1999) \$1,257,000 Special Fund Agency Tort Defense Services Revolving Fund Appropriation \$2,513,000 TOTAL APPROPRIATION \$ 5,027,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund Appropriation (FY 1998) \$ 500,000 General Fund Appropriation (FY 1999) \$500,000 TOTAL APPROPRIATIONS \$1,000,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--YEAR 2000 ALLOCATIONS**

General Fund--State Appropriation (FY 1998) \$ 3,380,000 General Fund--State Appropriation (FY 1999) \$1,960,000 General Fund--Federal Appropriation \$2,883,000 Liquor Revolving Account Appropriation \$ 131,000 Health Care Authority Administrative Account Appropriation \$631,000 Accident Account Appropriation \$1,102,000 Medical Aid Account Appropriation \$ 1,102,000 Unemployment Compensation Administration Account-- Federal Appropriation \$ 1,313,000 Administrative Contingency Account Appropriation \$948,000 Employment Services Administrative Account Appropriation \$500,000 Forest Development Account Appropriation \$ 156,000 Off Road Vehicle Account Appropriation \$7,000 Surveys and Maps Account Appropriation \$1,000 Aquatic Lands Enhancement Account Appropriation \$ 8,000 Resource Management Cost Account Appropriation \$348,000 TOTAL APPROPRIATIONS \$14,470,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriations will be allocated by the office of financial management to agencies to complete Year 2000 date conversion maintenance on their computer systems. Agencies shall submit their estimated costs of conversion to the office of financial management by July 1, 1997. (2) Up to \$10,000,000 of the cash balance of the data processing revolving account may be expended on agency Year 2000 date conversion costs. The \$10,000,000 will be taken from the cash balances of the data processing revolving account's two major users, as follows: \$7,000,000 from the department of information services and \$3,000,000 from the office of financial management. The office of financial management in consultation with the department of information services shall allocate these funds as needed to complete the date conversion projects. (3) Agencies receiving these allocations shall report at a minimum to the information services board and to the governor every six months on the progress of Year 2000 maintenance efforts.

**NEW SECTION. Sec. 711. BELATED CLAIMS.** The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 1998) \$ 823,000 General Fund--State Appropriation (FY 1999) \$6,257,000 General Fund--Federal Appropriation \$2,431,000 General Fund--Private/Local Appropriation \$ 146,000 Salary and Insurance Increase Revolving Account Appropriation \$5,465,000 TOTAL APPROPRIATIONS \$15,122,000

The appropriations in this section are subject to the following conditions and limitations: (1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$312.35 per eligible employee for fiscal year 1998, and \$331.31 for fiscal year 1999. (b) The monthly contribution for the operating costs of the health care authority shall not exceed \$4.99 per eligible employee for fiscal year 1998, and \$4.44 for fiscal year 1999. (c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without prior legislative authorization. (d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition. (2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management. (3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 1998, through December 31, 1998, the subsidy shall be \$41.26 per month. Starting January 1, 1999, the subsidy shall be \$43.16 per month. (4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120: (a) For each full-time employee, \$14.80 per month beginning September 1, 1997; (b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.80 each month beginning September 1, 1997, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority. (5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1997-99 transportation appropriations act.

**NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a monthly basis consistent with chapter 41.45 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system: General Fund Appropriation (FY 1998) \$ 68,350,000 General Fund Appropriation (FY 1999) \$72,750,000

Of the appropriations in this subsection, \$50,000 of the general fund fiscal year 1998 appropriation and \$50,000 of the general fund fiscal year 1999 appropriation are provided solely for House Bill No. 1099 (LEOFF retirement plan I). If the bill is not enacted by June 30, 1997, these amounts shall lapse.

(2) There is appropriated for contributions to the judicial retirement system: General Fund Appropriation (FY 1998) \$ 8,500,000 General Fund Appropriation (FY 1999) \$8,500,000

(3) There is appropriated for contributions to the judges retirement system: General Fund Appropriation (FY 1998) \$ 750,000 General Fund Appropriation (FY 1999) \$750,000 TOTAL APPROPRIATIONS \$159,600,000

**NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 1998) \$ 31,031,000 General Fund--State Appropriation (FY 1999) \$31,421,000 General Fund--Federal Appropriation \$17,578,000 Salary and Insurance Increase Revolving Account Appropriation \$ 48,678,000 TOTAL APPROPRIATION \$128,708,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section: (1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.0 percent salary increase effective July 1, 1997, for all classified employees, including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board. (2) The appropriations in this section are sufficient to fund a 3.0 percent salary increase effective July 1, 1997, for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials. (3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.0 percent salary increase effective July 1, 1997, for ferry workers consistent with the 1997-99 transportation appropriations act. (4) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

**NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS**

General Fund Appropriation (FY 1998) \$ 250,000 General Fund Appropriation (FY 1999) \$250,000 Attorney General Salary Increase Revolving Account Appropriation \$500,000 TOTAL APPROPRIATION \$1,000,000

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and performance (including billable hours) shall be the factors in determining the distribution of these funds. (2) To facilitate the transfer of moneys from dedicated funds and accounts, state agencies are directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1998) \$ 5,289,000 General Fund Appropriation (FY 1999) \$10,642,000 Salary and Insurance Increase Revolving Account Appropriation \$8,862,000 TOTAL APPROPRIATION \$24,793,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section. (1) Funding is provided to fully implement the recommendations of the Washington personnel resources board consistent with the provisions of chapter 319, Laws of 1996. (2) Implementation of the salary adjustments for the various clerical classes, physicians, dental classifications, pharmacists, maintenance custodians, medical records technicians, fish/wildlife biologists, fish/wildlife enforcement, habitat technicians, and fiscal technician classifications will be effective July 1, 1997. Implementation of the salary adjustments for safety classifications, park rangers, park aides, correctional officers/sergeants, community corrections specialists, tax information specialists, industrial relations specialists, electrical classifications at the department of labor and industries, fingerprint technicians, some labor relations classifications, health benefits specialists, foresters/land managers, and liquor enforcement officers will be effective July 1, 1998.

**NEW SECTION. Sec. 717. INCENTIVE SAVINGS--FY 1998.** The sum of seventy-five million dollars or so much thereof as may be available on June 30, 1998, from the total amount of unspent fiscal year 1998 state general fund appropriations is appropriated for the purposes of House Bill No. 2240 or Substitute Senate Bill No. 6045 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings. (2) The remainder of the total amount, not to exceed seventy million dollars, is appropriated to the education savings account for the purpose of common school construction projects and education technology. (3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 718. INCENTIVE SAVINGS--FY 1999.** The sum of seventy-five million dollars or so much thereof as may be available on June 30, 1999, from the total amount of unspent fiscal year 1999 state general fund appropriations is appropriated for the purposes of House Bill No. 2240 or Substitute Senate Bill No. 6045 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings. (2) The remainder of the total amount, not to exceed seventy million dollars, is appropriated to the education savings account for the purpose of common school construction projects and education technology. (3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REGULATORY REFORM**

General Fund--State Appropriation (FY 1998) \$ 1,821,000 General Fund--State Appropriation (FY 1999) \$1,549,000 General Fund--Federal Appropriation \$475,000 General Fund--Private/Local Appropriation \$136,000 Insurance Commissioner's Regulatory Account Appropriation \$ 375,000 Accident Account Appropriation \$482,000 Medical Aid Account Appropriation \$520,000 Electrical License Account Appropriation \$123,000 Health Professions Account Appropriation \$ 581,000 Unemployment Compensation Administration Account-- Federal Appropriation \$ 220,000 State Toxics Control Account Appropriation \$164,000 Water Quality Permit Account Appropriation \$64,000 Air Pollution Control Account Appropriation \$54,000 Flood Control Assistance Account Appropriation \$ 33,000 Waste Reduction/Recycling/Litter Control Account Appropriation \$18,000 Oil Spill Administration Account Appropriation \$18,000 Water Quality Account Appropriation \$15,000 Air Operating Permit Account Appropriation \$ 15,000 Architects' License Account Appropriation \$46,000 Cemetery Account Appropriation \$31,000 Professional Engineers' Account Appropriation \$41,000 Real Estate Commission Account Appropriation \$ 71,000 Master License Account Appropriation \$59,000 Uniform Commercial Code Account Appropriation \$95,000 Funeral Directors And Embalmers Account Appropriation \$33,000 TOTAL APPROPRIATION \$ 7,039,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations in this section: (1) The funds appropriated in this section are provided solely for implementing the rules review provisions of Engrossed Second Substitute House Bill No. 1032 (regulatory reform) and Engrossed Substitute Senate Bill No. 5105 (state/federal rules). (2) The office of financial management shall allocate the funds provided in this section to agencies that are subject to the significant legislative rule making requirements of RCW 34.05.328 as amended by Engrossed Second Substitute House Bill No. 1032 (regulatory reform). (3) Agencies shall submit their expenditure plans for implementing the rules review requirements of Engrossed Second Substitute House Bill No. 1032 (regulatory reform) and Engrossed Substitute Senate Bill No. 5105 (state/federal rules) to the office of financial management by July 1, 1997. Upon granting approval of the agency's plan, the office of financial management shall allocate the

funding necessary to carry out the review of existing agency rules. (4) If neither bill is enacted by June 30, 1997, the amounts appropriated in this section shall lapse.

## PART VIII

### OTHER TRANSFERS AND APPROPRIATIONS

#### NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums distribution \$ 6,617,250  
General Fund Appropriation for public utility district excise tax distribution \$35,183,803  
General Fund Appropriation for prosecuting attorneys salaries \$ 2,960,000  
General Fund Appropriation for motor vehicle excise tax distribution \$84,721,573  
General Fund Appropriation for local mass transit assistance \$383,208,166  
General Fund Appropriation for camper and travel trailer excise tax distribution \$ 3,904,937  
General Fund Appropriation for boating safety/education and law enforcement distribution \$3,616,000  
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 142,000  
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$22,287,746  
Liquor Revolving Fund Appropriation for liquor profits distribution \$36,989,000  
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$ 107,146,000  
Municipal Sales and Use Tax Equalization Account Appropriation \$66,860,014  
County Sales and Use Tax Equalization Account Appropriation \$11,843,224  
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$ 1,266,000  
County Criminal Justice Account Appropriation \$80,552,471  
Municipal Criminal Justice Account Appropriation \$32,042,450  
County Public Health Account Appropriation \$ 43,773,588  
TOTAL APPROPRIATION \$923,114,222

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

#### NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$ 58,801,910  
General Fund Appropriation for federal flood control funds distribution \$4,000  
General Fund Appropriation for federal grazing fees distribution \$ 52,000  
General Fund Appropriation for distribution of federal funds to counties in conformance with P.L. 97-99 Federal Aid to Counties \$885,916  
TOTAL APPROPRIATION \$ 59,743,826

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

#### NEW SECTION. Sec. 803. FOR THE STATE TREASURER--TRANSFERS

General Fund: For transfer to the Water Quality Account \$ 26,607,000  
General Fund: For transfer to the Flood Control Assistance Account \$4,000,000  
State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ 3,877,000  
Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$ 21,688,000  
State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1999 an amount up to \$3,600,000 in excess of the cash requirements of the State Treasurer's Service Account \$ 3,600,000  
Health Services Account: For transfer to the County Public Health Account \$2,250,000  
Public Works Assistance Account: For transfer to the Drinking Water Assistance Account \$ 9,949,000

#### NEW SECTION. Sec. 804. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the department of retirement systems expense fund for the administrative expenses of the judicial retirement system \$ 16,000

## PART IX

### MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1997-99 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected. (2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints. (3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management. (4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project. Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management. (5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and

outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency. (6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

**NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.** Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

**NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

**NEW SECTION. Sec. 906. BOND EXPENSES.** In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES.** Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1997.

**NEW SECTION. Sec. 908. AGENCY RECOVERIES.** Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

**NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1997 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, 1993, and 1995 legislatures to conform state funds and accounts with generally accepted accounting principles.

**Sec. 910.** RCW 43.08.250 and 1996 c 283 s 901 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ((1997)) 1999, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, ((programs for alternative dispute resolution of farmworker employment claims,)) criminal justice data collection, and Washington state patrol criminal justice activities. **Sec. 911.** RCW 82.44.110 and 1995 1st sp.s. c 15 s 2 and 1995 c 398 s 14 are each reenacted and amended to read as follows: The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer. (1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows: (a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax. (b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund. (c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund. (d) 5.88 percent into the general fund to be distributed under RCW 82.44.155. (e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210. (f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200. (g) 62.6440 percent into the general fund through June 30, 1995, and 57.6440 percent into the general fund beginning July 1, 1995. (h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1995. (i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310. (j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320. (k) 1.1937 percent into the municipal criminal justice assistance account for distribution

under RCW 82.14.330. (1) 2.95 percent into the county public health account created in RCW 70.05.125. Notwithstanding (i) through (k) of this subsection, no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. Not more than five percent of the funds deposited to these accounts shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Motor vehicle excise tax funds appropriated for such enhancements shall not supplant existing funds from the state general fund. For the fiscal year ending June 30, 1998, and for each fiscal year thereafter, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the ~~((general fund))~~ violence reduction and drug enforcement account during the 1997-99 fiscal biennium. (2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund. (3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015. **Sec. 912.** RCW 69.50.520 and 1995 2nd sp.s. c 18 s 919 are each amended to read as follows: The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. During the 1997-1999 biennium, funds from the account may also be used to implement Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions), including local government costs, and costs associated with conducting a feasibility study of the department of corrections' offender-based tracking system. After July 1, ~~((1997))~~ 1999, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 913.** RCW 79.24.580 and 1995 2nd sp.s. c 18 s 923 are each amended to read as follows: After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. ~~((During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.))~~ During the fiscal biennium ending June 30, ~~((1997))~~ 1999, the funds may be appropriated for boating safety, shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. **Sec. 914.** RCW 86.26.007 and 1996 c 283 s 903 are each amended to read as follows: The flood control assistance account is hereby established in the state treasury. At the beginning of the 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account ~~((an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars)).~~ Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter or, during the ~~((1995-97 biennium, for state and local response and recovery costs associated with federal emergency management agency (FEMA) disaster number 1079 (November/December 1995 storms), FEMA disaster number 1100 (February 1996 floods), and for prior biennia disaster recovery costs. To the extent that moneys in the flood control assistance account are not appropriated during the 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund))~~ 1997-99 fiscal biennium, for transfer to the disaster response account. **NEW SECTION. Sec. 915.** Within amounts appropriated in this act, the following state agencies or institutions shall implement sections 3, 4, and 5 of Substitute Senate Bill No. 5077 (integrated pest management): (1) The department of agriculture; (2) The state noxious weed control board; (3) The department of ecology; (4) The department of fish and wildlife; (5) The parks and recreation commission; (6) The department of natural resources; (7) The department of corrections; (8) The department of general administration; and (9) Each state institution of higher education, for the institution's own building and grounds maintenance. **NEW SECTION. Sec. 916.** No funding appropriated in this act shall be expended to support the governor's council on environmental education. **NEW SECTION. Sec. 917.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 918.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997. On page 1, line 3 of the title, after "June 30, 1999;" strike the remainder of the title and insert "amending RCW 43.08.250, 69.50.520, 79.24.580, and 86.26.007; reenacting and amending RCW 82.44.110; creating new sections; providing an effective date; and declaring an emergency." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators West, Strannigan; Representatives Huff and Lisk.

#### MOTION

At 1:48 p.m., on motion of Senator Johnson, the Senate recessed until 2:05 p.m.

The Senate was called to order at 2:05 p.m. by President Owen.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the third order of business.

#### MESSAGE FROM THE GOVERNOR

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

April 16, 1997

Ladies and Gentlemen:

I have the honor to advise you that on April 16, 1997, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5009

Relating to interstate agreements to provide adoption assistance for special needs children.

Senate Bill No. 5029

Relating to obsolete provisions in the water code.

Substitute Senate Bill No. 5049

Relating to lists of registered and legal owners of vehicles.

Substitute Senate Bill No. 5125

Relating to statutory authority to revise medical assistance managed care contracting under federal demonstration waivers granted under section 1115.

Senate Bill No. 5211

Relating to including public hospital districts as authorized self-insurers

. Senate Bill No. 5287

Relating to townships.

Substitute Senate Bill No. 5322

Relating to removing regulatory barriers to the provision of oral health care services to rural, remote, and underserved populations.

Senate Bill No. 5330

Relating to golfing sweepstakes.

Senate Bill No. 5338

Relating to the restricted use of spirituous liquor at no charge.

Substitute Senate Bill No. 5375

Relating to charitable donations for children.

Senate Bill No. 5426

Relating to making technical changes by deleting references to the former judicial council.

Senate Bill No. 5647

Relating to building fee payments by community and technical colleges.

Substitute Senate Bill No. 5684

Relating to prescribing procedures for decreasing fire protection district commissioners.

Senate Bill No. 5713

Relating to defining nonprofit corporation for purposes of the Washington state housing finance commission.

Sincerely,

EVERETT H. BILLINGSLEA, General Counsel

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fourth order of business.

#### MESSAGES FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5569,

ENGROSSED SENATE BILL NO. 6098, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 16, 1997

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,

SENATE BILL NO. 5299,

SENATE BILL NO. 5326,

SENATE BILL NO. 5343, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk,

#### SIGNED BY THE PRESIDENT

The President signed

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,

SENATE BILL NO. 5299,

SENATE BILL NO. 5326,

SENATE BILL NO. 5343,

SUBSTITUTE SENATE BILL NO. 5569,

ENGROSSED SENATE BILL NO. 6098.

#### SIGNED BY THE PRESIDENT



The President signed  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5762.

There being no objection, the Senate resumed consideration of the Report of the Conference Committee on Substitute Senate Bill No. 6062, which had been read in before the Senate went at ease.

#### MOTION

Senator West moved that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 6062.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Conference Committee Report on Substitute Senate Bill No. 6062.

The motion by Senator West carried and the conference committee report was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6062, as recommended by the conference committee.

Debate ensued.

#### CALL FOR PREVIOUS QUESTION

Senators Loveland, Prentice and Franklin called for the previous question and the demand was sustained.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6062, as recommended by the conference committee, and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rossi, Schow, Sellar, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 24. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Roach, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau and Wojahn - 24. Excused: Senator Bauer - 1. SUBSTITUTE SENATE BILL NO. 6062, as recommended by the conference committee, having failed to receive the constitutional majority, was declared lost.

#### MOTION

At 2:44 p. m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:51 p.m.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6050, by Senator Oke

Providing tax exemptions for state route number 16 corridor improvements constructed under chapter 47.46 RCW.

#### MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 6050 was substituted for Senate Bill No. 6050 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 6050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6050.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6050 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senator Thibaudeau - 1. Absent: Senators Fraser, Haugen and Prince - 3. Excused: Senator Bauer - 1. SUBSTITUTE SENATE BILL NO. 6050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1349, by Representatives McMorris, Kessler, Hatfield, Linville, Costa, Sheldon and Doumit

Extending existing employer workers' compensation group self-insurance.

#### MOTION

On motion of Senator Schow, the rules were suspended, House Bill No. 1349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1349.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1349 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 28. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Roach, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 20. Excused: Senator Bauer - 1. HOUSE BILL NO. 1349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Stevens moved to immediately reconsideration the vote by which Substitute Senate Bill No. 6062, as recommended by the Conference Committee, failed to pass the Senate.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry, I think Senator Steven's motion would be in order if we were within ten days of adjournment. My question is, are we within ten days of adjournment?"

#### REPLY BY THE PRESIDENT

President Owen: "The President believes that the Senate is within the last ten days prior to Sine Die and that the motion would be appropriate."

The President declared the question before the Senate to be the motion by Senator Stevens to immediately reconsider the vote by which Substitute Senate Bill No. 6062, as recommended by the Conference Committee, failed to pass the Senate.

The motion by Senator Stevens carried on a rising vote and the Senate will immediately reconsider the vote by which Substitute Senate Bill No. 6062, as recommended by the conference committee, failed to pass the Senate.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 6062, as recommended by the conference committee on reconsideration, was deferred.

#### MOTION

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

## MOTIONS

On motion of Senator Johnson, the Committee on Law and Justice was relieved of further consideration of House Bill No. 1398.

On motion of Senator Johnson, the rules were suspended, House Bill No. 1398 was advanced to second reading and placed on the second reading calendar.

## MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Health Care (originally sponsored by Representatives Dyer, Cody and Backlund) (by request of Department of Health)

Providing for disclosure of information obtained by the department of health related to meeting licensing standards in hospitals.

The bill was read the second time.

## MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Snyder, Wood, Wojahn, Franklin, Benton, Fairley and Strannigan be adopted:

On page 1 after line 17, insert the following: "**NEW SECTION. Sec. 2.** The health of the people of our state is a most important public concern. The state has an interest in assuring the continued existence of accessible, affordable health care facilities that are responsive to the needs of the communities in which they exist. The state also has a responsibility to protect the public interest in nonprofit hospitals and to clarify the responsibilities of local public hospital district boards with respect to public hospital district assets by making certain that the charitable and public assets of those hospitals are managed prudently and safeguarded consistent with their mission under the laws governing nonprofit and municipal corporations. **NEW SECTION. Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Department" means the Washington state department of health. (2) "Hospital" means any entity that is: (a) Defined as a hospital in RCW 70.41.020 and is required to obtain a license under RCW 70.41.090; or (b) a psychiatric hospital required to obtain a license under chapter 71.12 RCW. (3) "Acquisition" means an acquisition by a person of an interest in a nonprofit hospital, whether by purchase, merger, lease, gift, joint venture, or otherwise, that results in a change of ownership or control of twenty percent or more of the assets of the hospital, or that results in the acquiring person holding or controlling fifty percent or more of the assets of the hospital, but acquisition does not include an acquisition if the acquiring person: (a) Is a nonprofit corporation having a substantially similar charitable health care purpose as the nonprofit corporation from whom the hospital is being acquired, or is a government entity; (b) is exempt from federal income tax under section 501(c)(3) of the internal revenue code or as a government entity; and (c) will maintain representation from the affected community on the local board of the hospital. (4) "Nonprofit hospital" means a hospital owned by a nonprofit corporation organized under Title 24 RCW. (5) "Person" means an individual, a trust or estate, a partnership, a corporation including associations, limited liability companies, joint stock companies, and insurance companies. **NEW SECTION. Sec. 4.** (1) A person may not engage in the acquisition of a nonprofit hospital without first having applied for and received the approval of the department under this chapter. (2) An application must be submitted to the department on forms provided by the department, and at a minimum must include: The name of the hospital being acquired, the name of the acquiring person or other parties to the acquisition, the acquisition price, a copy of the acquisition agreement, a financial and economic analysis and report from an independent expert or consultant of the effect of the acquisition under the criteria in section 8 of this act, and all other related documents. The applications and all related documents are considered public records for purposes of chapter 42.17 RCW. (3) The department shall charge an applicant fees sufficient to cover the costs of implementing this chapter. The fees must include the cost of the attorney general's opinion under section 7 of this act. The department shall transfer this portion of the fee, upon receipt, to the attorney general. **NEW SECTION. Sec. 5.** (1) The department, in consultation with the attorney general, shall determine if the application is complete for the purposes of review. The department may find that an application is incomplete if a question on the application form has not been answered in whole or in part, or has been answered in a manner that does not fairly meet the question addressed, or if the application does not include attachments of supporting documents as required by section 4 of this act. If the department determines that an application is incomplete, it shall notify the applicant within fifteen working days after the date the application was received stating the reasons for its determination of incompleteness, with reference to the particular questions for which a deficiency is noted. (2) Within five working days after receipt of a completed application, the department shall publish notice of the application in a newspaper of general circulation in the county or counties where the hospital is located and shall notify by first class United States mail, electronic mail, or facsimile transmission, any person who has requested notice of the filing of such applications. The notice must state that an application has been received, state the names of the parties to the agreement, describe the contents of the application, and state the date by which a person may submit written comments about the application to the department. **NEW SECTION. Sec. 6.** During the course of review under this chapter, the department shall conduct one or more public hearings, at least one of which must be in the county where the hospital to be acquired is located.

At the hearings, anyone may file written comments and exhibits or appear and make a statement. The department may subpoena additional information or witnesses, require and administer oaths, require sworn statements, take depositions, and use related discovery procedures for purposes of the hearing and at any time prior to making a decision on the application. A hearing must be held not later than forty-five days after receipt of a completed application. At least ten days' public notice must be given before the holding of a hearing. **NEW SECTION. Sec. 7.** (1) The department shall provide the attorney general with a copy of a completed application upon receiving it. The attorney general shall review the completed application, and within forty-five days of the first public hearing held under section 6 of this act shall provide a written opinion to the department as to whether or not the acquisition meets the requirements for approval in section 8 of this act. (2) The department shall review the completed application to determine whether or not the acquisition meets the requirements for approval in sections 8 and 9 of this act. Within thirty days after receiving the written opinion of the attorney general under subsection (1) of this section, the department shall: (a) Approve the acquisition, with or without any specific modifications or conditions; or (b) Disapprove the acquisition. (3) The department may not make its decision subject to any condition not directly related to requirements in section 8 or 9 of this act, and any condition or modification must bear a direct and rational relationship to the application under review. (4) A person engaged in an acquisition and affected by a final decision of the department has the right to an adjudicative proceeding under chapter 34.05 RCW. The opinion of the attorney general provided under subsection (1) of this section may not constitute a final decision for purposes of review. (5) The department or the attorney general may extend, by not more than thirty days, any deadline established under this chapter one time during consideration of any application, for good cause. **NEW SECTION. Sec. 8.** The department shall only approve an application if the parties to the acquisition have taken the proper steps to safeguard the value of charitable assets and ensure that any proceeds from the acquisition are used for appropriate charitable health purposes. To this end, the department may not approve an application unless, at a minimum, it determines that: (1) The acquisition is permitted under chapter 24.03 RCW, the Washington nonprofit corporation act, and other laws governing nonprofit entities, trusts, or charities; (2) The nonprofit corporation that owns the hospital being acquired has exercised due diligence in authorizing the acquisition, selecting the acquiring person, and negotiating the terms and conditions of the acquisition; (3) The procedures used by the nonprofit corporation's board of trustees and officers in making its decision fulfilled their fiduciary duties, that the board and officers were sufficiently informed about the proposed acquisition and possible alternatives, and that they used appropriate expert assistance; (4) No conflict of interest exists related to the acquisition, including, but not limited to, conflicts of interest related to board members of, executives of, and experts retained by the nonprofit corporation, acquiring person, or other parties to the acquisition; (5) The nonprofit corporation will receive fair market value for its assets. The attorney general or the department may employ, at the expense of the acquiring person, reasonably necessary expert assistance in making this determination. This expense must be in addition to the fees charged under section 4 of this act; (6) Charitable funds will not be placed at unreasonable risk, if the acquisition is financed in part by the nonprofit corporation; (7) Any management contract under the acquisition will be for fair market value; (8) The proceeds from the acquisition will be controlled as charitable funds independently of the acquiring person or parties to the acquisition, and will be used for charitable health purposes consistent with the nonprofit corporation's original purpose, including providing health care to the disadvantaged, the uninsured, and the underinsured and providing benefits to promote improved health in the affected community; (9) Any charitable entity established to hold the proceeds of the acquisition will be broadly based in and representative of the community where the hospital to be acquired is located, taking into consideration the structure and governance of such entity; and (10) A right of first refusal to repurchase the assets by a successor nonprofit corporation or foundation has been retained if the hospital is subsequently sold to, acquired by, or merged with another entity.

**NEW SECTION. Sec. 9.** The department shall only approve an application if the acquisition in question will not detrimentally affect the continued existence of accessible, affordable health care that is responsive to the needs of the community in which the hospital to be acquired is located. To this end, the department shall not approve an application unless, at a minimum, it determines that: (1) Sufficient safeguards are included to assure the affected community continued access to affordable care, and that alternative sources of care are available in the community should the acquisition result in a reduction or elimination of particular health services; (2) The acquisition will not result in the revocation of hospital privileges; (3) Sufficient safeguards are included to maintain appropriate capacity for health science research and health care provider education; (4) The acquiring person and parties to the acquisition are committed to providing health care to the disadvantaged, the uninsured, and the underinsured and to providing benefits to promote improved health in the affected community. Activities and funding provided under section 8(8) of this act may be considered in evaluating compliance with this commitment; and (5) Sufficient safeguards are included to avoid conflict of interest in patient referral. **NEW SECTION. Sec. 10.** (1) The secretary of state may not accept any forms or documents in connection with any acquisition of a nonprofit hospital until the acquisition has been approved by the department under this chapter. (2) The attorney general may seek an injunction to prevent any acquisition not approved by the department under this chapter. **NEW SECTION. Sec. 11.** The department shall require periodic reports from the nonprofit corporation or its successor nonprofit corporation or foundation and from the acquiring person or other parties to the acquisition to ensure compliance with commitments made. The department may subpoena information and documents and may conduct onsite compliance audits at the acquiring person's expense. If the department receives information indicating that the acquiring person is not fulfilling commitments to the affected community under section 9 of this act, the department shall hold a hearing upon ten days' notice to the affected parties. If after the hearing the department determines that the information is true, it may revoke or suspend the hospital license issued to the acquiring person pursuant to the procedure established under RCW 70.41.130, refer the matter to the attorney general for appropriate action, or both. The attorney general may seek a court order compelling the acquiring person to fulfill its commitments under section 9 of this act. **NEW SECTION. Sec. 12.** The attorney general has the authority to ensure compliance with commitments that inure to the public interest. **NEW SECTION. Sec. 13.** An acquisition of a hospital completed before the effective date of this act and an acquisition in which an application for a certificate of need under chapter 70.38 RCW has been granted by the department before the effective date of this act is not subject to this chapter. **NEW SECTION. Sec. 14.** No provision of this chapter derogates from the common law or statutory authority of the attorney general. **NEW SECTION. Sec. 15.** The department may adopt rules necessary to implement this chapter and may contract with and provide reasonable reimbursement to qualified persons to assist in determining whether the requirements of sections

8 and 9 have been met. **Sec. 16.** RCW 70.44.007 and 1982 c 84 s 12 are each amended to read as follows: As used in this chapter, the following words (~~shall~~) have the meanings indicated: (1) (~~The words~~) "Other health care facilities" (~~shall~~) means nursing home, extended care, long-term care, outpatient and rehabilitative facilities, ambulances, and such other facilities as are appropriate to the health needs of the population served. (2) (~~The words~~) "Other health care services" (~~shall~~) means nursing home, extended care, long-term care, outpatient, rehabilitative, health maintenance, and ambulance services and such other services as are appropriate to the health needs of the population served. (3) "Public hospital district" or "district" means public health care service district. **Sec. 17.** RCW 70.44.240 and 1982 c 84 s 19 are each amended to read as follows: Any public hospital district may contract or join with any other public hospital district, any publicly owned hospital, any nonprofit hospital, any corporation, any other legal entity, or individual to acquire (~~or provide services or facilities~~), own, operate, manage, or provide any hospital or other health care facilities or hospital services or other health care services to be used by individuals, districts, hospitals, or others, including the providing of health maintenance services. If a public hospital district chooses to contract or join with another party or parties pursuant to the provisions of this chapter, it may do so through the establishment of a nonprofit corporation, partnership, limited liability company, or other legal entity of its choosing in which the public hospital district and the other party or parties participate. The governing body of such legal entity shall include representatives of the public hospital district, including members of the public hospital district's board of commissioners. A public hospital district contracting or joining with another party pursuant to the provisions of this chapter may appropriate funds and may sell, lease, or otherwise provide property, personnel, and services to the legal entity established to carry out the contract or joint activity. **Sec. 18.** RCW 70.44.300 and 1984 c 103 s 4 are each amended to read as follows: (1) The board of commissioners of any public hospital district may sell and convey at public or private sale real property of the district (~~which~~) if the board (~~has determined~~) determines by resolution that the property is no longer required for public hospital district purposes or determines by resolution that the sale of the property will further the purposes of the public hospital district. (~~Such sale and conveyance may be by deed or real estate contract.~~) (2) Any sale of district real property authorized pursuant to this section shall be preceded, not more than one year prior to the date of sale, by market value appraisals by three licensed real estate brokers or professionally designated real estate appraisers as defined in RCW 74.46.020 or three independent experts in valuing health care property, selected by the board of commissioners, and no sale shall take place if the sale price would be less than ninety percent of the average of such appraisals. (3) When the board of commissioners of any public hospital district proposes a sale of district real property pursuant to this section and the value of the property exceeds one hundred thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper of general circulation within the public hospital district. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the public hospital district property at the place and the day and hour fixed in the notice and consider evidence offered for and against the propriety and advisability of the proposed sale. (4) If in the judgment of the board of commissioners of any district the sale of any district real property not needed for public hospital district purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded. The fee or commissions charged for any broker service shall not exceed seven percent of the resulting sale price for a single parcel. No licensed real estate broker or professionally designated real estate appraisers as defined in RCW 74.46.020 or independent expert in valuing health care property selected by the board to appraise the market value of a parcel of property to be sold may be a party to any contract with the public hospital district to sell such property for a period of three years after the appraisal. **NEW SECTION. Sec. 19.** A new section is added to chapter 70.44 RCW to read as follows: (1) When evaluating a potential acquisition, the commissioners shall determine their compliance with the following requirements: (a) That the acquisition is authorized under chapter 70.44 RCW and other laws governing public hospital districts; (b) That the procedures used in the decision-making process allowed district officials to thoroughly fulfill their due diligence responsibilities as municipal officers, including those covered under chapter 42.23 RCW governing conflicts of interest and chapter 42.20 RCW prohibiting malfeasance of public officials; (c) That the acquisition will not result in the revocation of hospital privileges; (d) That sufficient safeguards are included to maintain appropriate capacity for health science research and health care provider education; (e) That the acquisition is allowed under Article VIII, section 7 of the state Constitution, which prohibits gifts of public funds or lending of credit and Article XI, section 14, prohibiting private use of public funds; (f) That the public hospital district will retain control over district functions as required under chapter 70.44 RCW and other laws governing hospital districts; (g) That the activities related to the acquisition process complied with chapters 42.17 and 42.32 RCW, governing disclosure of public records, and chapter 42.30 RCW, governing public meetings; (h) That the acquisition complies with the requirements of RCW 70.44.300 relating to fair market value; and (i) Other state laws affecting the proposed acquisition. (2) The commissioners shall also determine whether the public hospital district should retain a right of first refusal to repurchase the assets by the public hospital district if the hospital is subsequently sold to, acquired by, or merged with another entity. (3)(a) Prior to approving the acquisition of a district hospital, the board of commissioners of the hospital district shall obtain a written opinion from a qualified independent expert or the Washington state department of health as to whether or not the acquisition meets the standards set forth in section 9 of this act. (b) Upon request, the hospital district and the person seeking to acquire its hospital shall provide the department or independent expert with any needed information and documents. The department shall charge the hospital district for any costs the department incurs in preparing an opinion under this section. The hospital district may recover from the acquiring person any costs it incurs in obtaining the opinion from either the department or the independent expert. The opinion shall be delivered to the board of commissioners no later than ninety days after it is requested. (c) Within ten working days after it receives the opinion, the board of commissioners shall publish notice of the opinion in at least one newspaper of general circulation within the hospital district, stating how a person may obtain a copy, and giving the time and location of the hearing required under (d) of this subsection. It shall make a copy of the report and the opinion available to anyone upon request. (d) Within thirty days after it received the opinion, the board of commissioners shall hold a public hearing regarding the proposed acquisition. The board of commissioners may vote to approve the acquisition no sooner than thirty days following the public hearing. (4)(a) For purposes of this section, "acquisition" means an acquisition by a person of any interest in a hospital owned by a public hospital district, whether by purchase, merger, lease, or otherwise, that results in a change of ownership or control of twenty percent or more of the assets of a hospital currently licensed and operating under RCW 70.41.090. Acquisition does not include an acquisition where the

other party or parties to the acquisition are nonprofit corporations having a substantially similar charitable health care purpose, organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code, or governmental entities. Acquisition does not include an acquisition where the other party is an organization that is a limited liability corporation, a partnership, or any other legal entity and the members, partners, or otherwise designated controlling parties of the organization are all nonprofit corporations having a charitable health care purpose, organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code, or governmental entities. Acquisition does not include activities between two or more governmental organizations, including organizations acting pursuant to chapter 39.34 RCW, regardless of the type of organizational structure used by the governmental entities. (b) For purposes of this subsection (4), "person" means an individual, a trust or estate, a partnership, a corporation including associations, a limited liability company, a joint stock company, or an insurance company. NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 21. Sections 2 through 15 of this act constitute a new chapter in Title 70 RCW. NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Deccio, Snyder, Wood, Wojahn, Franklin, Benton, Fairley and Strannigan on page 1, after line 17, to Substitute House Bill No. 1058. The motion by Senator Deccio carried and the amendment was adopted.

#### MOTIONS

On motion of Senator Deccio, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "to" strike all material through and including "in" On page 1, line 3 of the title, after "hospitals, strike "and" On page 1, line 3 of the title, after "70.41.150" insert "; 70.44.007; 70.44.240; 70.44.300; adding a new section to chapter 70.44 RCW; adding a new chapter to Title 70 RCW; and declaring an emergency" On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1058, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1058, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1058, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Bauer and Strannigan - 2. SUBSTITUTE HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Deccio, Substitute House Bill No. 1058, as amended by the Senate, was immediately transmitted to the House of Representatives.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1581, by Representatives Sterk, Quall, Cooper, Hatfield, Kastama, Talcott, Robertson, D. Schmidt, Sump, Mulliken, Johnson, Smith, Crouse, Boldt, Dunn, Sheahan, Schoesler, Carrell, Thompson, Honeyford, Bush, Keiser, Kessler and Morris

Changing provisions relating to disruptive students and offenders in schools.

The bill was read the second time.

#### MOTIONS

Senator Hochstatter moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read as follows: (1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence. A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds

a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230. (2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence. Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230. (3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2). (4) If a respondent is found to be a middle offender: (a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or (b) If the middle offender has less than 110 points, the court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. (c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4)(a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence. (d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4)(a) or (b) of this section is not appealable under RCW 13.40.230. (5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment. The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information. The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum: (a)(i) Frequency and type of contact between the offender and therapist; (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities; (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others; (iv) Anticipated length of treatment; and (v) Recommended crime-related prohibitions. The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following: (b)(i) Devote time to a specific education, employment, or occupation; (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change; (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment; (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court; (v) Report as directed to the court and a probation counselor; (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof; (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; ~~((ø))~~ (viii) Comply with the conditions of any court-ordered probation bond; or (ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of

school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition. The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition. At the time of the disposition, the court may set treatment review hearings as the court considers appropriate. Except as provided in this subsection (5), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (5) and the rules adopted by the department of health. If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked. For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense. (6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)((e)) (b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm. (7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served. (8) Except as provided for in subsection (4)(b) or (5) of this section or RCW 13.40.125, the court shall not suspend or defer the imposition or the execution of the disposition. (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense. **Sec. 2.** RCW 13.40.215 and 1995 c 324 s 1 are each amended to read as follows: (1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following: (i) The chief of police of the city, if any, in which the juvenile will reside; (ii) The sheriff of the county in which the juvenile will reside; and (iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old; is not required to return to school under chapter 28A.225 RCW; or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time. (b) After the effective date of this act, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility. (c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile: (i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide; (ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and (iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave. ((e)) (d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs. ((d)) (e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification. (2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture. (b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide. In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5). (3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal



guardian of the child. (4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address. (5) Upon discharge, parole, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside. (6) For purposes of this section the following terms have the following meanings: (a) "Violent offense" means a violent offense under RCW 9.94A.030; (b) "Sex offense" means a sex offense under RCW 9.94A.030; (c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110; (d) "Next of kin" means a person's spouse, parents, siblings, and children. **Sec. 3.** RCW 28A.225.225 and 1995 c 52 s 3 are each amended to read as follows: (1) All districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student(s) if: (a) Acceptance of ((these)) a nonresident student((s)) would result in the district experiencing a financial hardship; (b) The student's disciplinary records indicate a history of violent or disruptive behavior or gang membership; or (c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (1)(c) must apply uniformly to both resident and nonresident applicants. For purposes of subsection (1)(b) of this section, "gang" means an organization, association, or group of three or more persons that has a common name or identifying sign or symbol and whose members, individually or collectively, commit or have committed two or more acts that: Support or further the purposes or activities of the organization, association, or group; and are a violation of state or federal criminal law or include planning, organizing, financing, soliciting, or threatening the commission of an act that is a violation of state or federal criminal law. (2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3). **Sec. 4.** RCW 28A.600.010 and 1990 c 33 s 496 are each amended to read as follows: Every board of directors, unless otherwise specifically provided by law, shall: (1) Enforce the rules ((and regulations)) prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees. (2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules ((and regulations)) regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.305.160 and ((long-term)) suspensions in excess of ten consecutive days. Such rules ((and regulations)) shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law ((or)), the rules ((and regulations)) of the superintendent of public instruction ((or)), and the state board of education ((and)). The board's rules shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.305.160. Commencing with the 1976-77 school year, when such rules ((and regulations)) are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, superintendent of public instruction, and state board of education rules ((and regulations)) and rules and regulations of the school district. For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days. (3) Suspend, expel, or discipline pupils in accordance with RCW 28A.305.160. **Sec. 5.** RCW 28A.600.420 and 1995 c 335 s 304 are each amended to read as follows: (1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, state school for the deaf, or state school for the blind may modify the expulsion of a student on a case-by-case basis. (2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010. (3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq. (4) Nothing in this section prevents a public school district, educational service district, the state school for the deaf, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting. (5) This section does not apply to: (a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or (b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or (c) Any student while participating in a rifle competition authorized by school authorities. (6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appeared to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools. **NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." Senator Hochstatter moved that the following amendment by Senators Zarelli, McAuliffe and Hochstatter to the Committee on Education striking amendment be adopted:

On page 10, line 10, after "'gang" means" strike all material down and including "law" on line 18 and insert the following: "a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, McAuliffe and Hochstatter on page 10, line 10, to the Committee on Education striking amendment to Engrossed House Bill No. 1581.

The motion by Senator Hochstatter carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed House Bill No. 1581.

The Committee on Education striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hochstatter, the following title amendment was adopted:

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 13.40.160, 13.40.215, 28A.225.225, 28A.600.010, and 28A.600.420; and prescribing penalties." On motion of Senator Hochstatter, the rules were suspended, Engrossed House Bill No. 1581, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1581, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1581, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator West - 1. Excused: Senator Bauer - 1. ENGROSSED HOUSE BILL NO. 1581, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1398, by Representatives Benson, Sheahan, Sump, Wood, O'Brien and Gombosky (by request of Administrator for the Courts)

Creating additional judicial positions in the Spokane superior court.

The bill was read the second time.

#### MOTIONS

On motion of Senator McCaslin, the following amendment by Senators McCaslin, Loveland, Haugen, Long, Winsley, Brown and Kline was adopted:

On page 1, line 12, strike "must" and insert "may". On motion of Senator McCaslin, the following amendment by Senators McCaslin, Loveland, Haugen, Long, Winsley, Brown and Kline was adopted:

On page 1, line 4, insert the following: "**Sec. 1.** RCW 2.08.064 and 1993 sp.s. c 14 s 1 are each amended to read as follows: There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, ~~((thirteen))~~ fifteen judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, four judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court. **NEW SECTION. Sec. 2.** The additional judicial positions created for the county of Snohomish under section 1 of this act are effective January 1, 1998, but the actual starting dates for these positions may be established by the Snohomish county council upon request of the superior court and by the recommendation of the Snohomish county executive." Renummer the sections consecutively and correct any internal references accordingly

#### MOTIONS

On motion of Senator McCaslin, the following amendments by Senators McCaslin, Loveland, Haugen, Long, Winsley, Brown and Kline were considered simultaneously and were adopted:

On page 1, line 9, before "judges" strike "nineteen" and insert ~~((nineteen))~~ twenty four" On page 1, line 10, strike Section 2 and insert the following: "**NEW SECTION. Sec. 2.** (1) The additional judicial positions created by section 3 of this act for the county of Spokane take effect upon the effective date of this act, but the actual starting dates for these positions may be established by the Spokane county commissioners upon the request of the superior court. (2) The additional positions created by section 3 of this act for the county of Pierce, take effect as follows: One additional judicial position is effective January 1, 1998; two positions are effective January 1, 1999; and two positions are effective January 1, 2000. The actual starting dates for these positions may be established by the Pierce county council upon request of the superior court and by recommendation of the Pierce county executive." On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, before "2.08.061" insert "2.08.064 and" On page 1, line 2 of the title, after "creating" strike "a new section" and insert "new sections"

#### MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1398, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1398, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1398, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Bauer - 1. ENGROSSED HOUSE BILL NO. 1398, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator McCaslin, Engrossed House Bill No. 1398, as amended by the Senate, was immediately transmitted to the House of Representatives.

#### MOTION

At 6:01 p.m., on motion of Senator Johnson, the Senate recessed until 6:45 p.m.

The Senate was called to order at 6:45 p.m. by President Owen.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1832, by Representatives Clements, Linville, Lisk and Grant

Transferring funds for plant pest control activities.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Engrossed House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1832.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Finkbeiner, Haugen and McCaslin - 3. Excused: Senator Bauer - 1. ENGROSSED HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator McCaslin was excused.

#### SECOND READING

HOUSE JOINT RESOLUTION NO. 4209, by Representatives Chandler, Regala and Mulliken

Authorizing public money derived from the sale of stormwater or sewer services to be used in financing stormwater and sewer conservation and efficiency measures.

The joint resolution was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, House Joint Resolution No. 4209 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4209.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4209 and the joint resolution passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Loveland - 1. Excused: Senators Bauer and McCaslin - 2. HOUSE JOINT RESOLUTION NO. 4209, having received the constitutional majority, was declared passed.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264, by House Committee on Appropriations (originally sponsored by Representatives Koster, Huff, D. Sommers, Sterk, Sherstad, Boldt, Mulliken, Thompson and McMorris)

Abolishing the state health care policy board.

The bill was read the second time.

#### MOTIONS

On motion of Senator West, the following amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 41.05.021 and 1995 1st sp.s. c 6 s 7 are each amended to read as follows: (1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following: (a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter; (b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to: (i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility; (ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas; (iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050; (iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and (v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; (c) To analyze areas of public and private health care interaction; (d) To provide information and technical and administrative assistance to the board; (e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050; (f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; (g) To establish billing procedures and collect funds from school districts and educational service districts under RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and (h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160. (2) On and after January

1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to: (a) Standardizing the benefit package; (b) Soliciting competitive bids for the benefit package; (c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area; (d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997. (3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher-type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW. ~~((4) The Washington health care policy board shall study the necessity and desirability of the health care authority continuing as a self-insuring entity and make recommendations to the appropriate committees of the legislature by December 1, 1996.))~~ **Sec. 2.** RCW 43.70.054 and 1995 c 267 s 2 are each amended to read as follows: (1) To promote the public interest consistent with chapter 267, Laws of 1995, the department of health, in cooperation with the ~~((health care policy board and the))~~ information services board established under RCW 43.105.032, shall develop health care data standards to be used by, and developed in collaboration with, consumers, purchasers, health carriers, providers, and state government as consistent with the intent of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, to promote the delivery of quality health services that improve health outcomes for state residents. The data standards shall include content, coding, confidentiality, and transmission standards for all health care data elements necessary to support the intent of this section, and to improve administrative efficiency and reduce cost. Purchasers, as allowed by federal law, health carriers, health facilities and providers as defined in chapter 48.43 RCW, and state government shall utilize the data standards. The information and data elements shall be reported as the department of health directs by rule in accordance with data standards developed under this section. (2) The health care data collected, maintained, and studied by the department under this section ~~((, the health care policy board,))~~ or any other entity: (a) Shall include a method of associating all information on health care costs and services with discrete cases; (b) shall not contain any means of determining the personal identity of any enrollee, provider, or facility; (c) shall only be available for retrieval in original or processed form to public and private requesters; (d) shall be available within a reasonable period of time after the date of request; and (e) shall give strong consideration to data standards that achieve national uniformity. (3) The cost of retrieving data for state officials and agencies shall be funded through state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form. (4) All persons subject to this section shall comply with departmental requirements established by rule in the acquisition of data, however, the department shall adopt no rule or effect no policy implementing the provisions of this section without an act of law. (5) The department shall submit developed health care data standards to the appropriate committees of the legislature by December 31, 1995. **Sec. 3.** RCW 43.70.066 and 1995 c 267 s 4 are each amended to read as follows: (1) The department of health ~~((in consultation with the health policy board))~~ shall study the feasibility of a uniform quality assurance and improvement program for use by all public and private health plans and health care providers and facilities. In this study, the department shall consult with: (a) Public and private purchasers of health care services; (b) Health carriers; (c) Health care providers and facilities; and (d) Consumers of health services. (2) In conducting the study, the department shall propose standards that meet the needs of affected persons and organizations, whether public or private, without creation of differing levels of quality assurance. All consumers of health services should be afforded the same level of quality assurance. (3) At a minimum, the study shall include but not be limited to the following program components and indicators appropriate for consumer disclosure: (a) Health care provider training, credentialing, and licensure standards; (b) Health care facility credentialing and recredentialing; (c) Staff ratios in health care facilities; (d) Annual mortality and morbidity rates of cases based on a defined set of procedures performed or diagnoses treated in health care facilities, adjusted to fairly consider variable factors such as patient demographics and case severity; (e) The average total cost and average length of hospital stay for a defined set of procedures and diagnoses; (f) The total number of the defined set of procedures, by specialty, performed by each physician at a health care facility within the previous twelve months; (g) Utilization performance profiles by provider, both primary care and specialty care, that have been adjusted to fairly consider variable factors such as patient demographics and severity of case; (h) Health plan fiscal performance standards; (i) Health care provider and facility recordkeeping and reporting standards; (j) Health care utilization management that monitors trends in health service underutilization, as well as overutilization of services; (k) Health monitoring that is responsive to consumer, purchaser, and public health assessment needs; and (l) Assessment of consumer satisfaction and disclosure of consumer survey results. (4) In conducting the study, the department shall develop standards that permit each health care facility, provider group, or health carrier to assume responsibility for and determine the physical method of collection, storage, and assimilation of quality indicators for consumer disclosure. The study may define the forms, frequency, and posting requirements for disclosure of information. In developing proposed standards under this subsection, the department shall identify options that would minimize provider burden and administrative cost resulting from duplicative private sector data submission requirements. (5) The department shall submit a preliminary report to the legislature by December 31, 1995, including recommendations for initial legislation pursuant to subsection (6) of this section, and shall submit supplementary reports and recommendations as completed, consistent with appropriated funds and staffing. (6) The department shall not adopt any rule implementing the uniform quality assurance program or consumer disclosure provisions unless expressly directed to do so by an act of law. **Sec. 4.** RCW 43.70.068 and 1995 c 267 s 5 are each amended to read as follows: ~~((No later than July 1, 1995, the health care policy board together with))~~ The department of health, the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities and collaboration on final recommendations for the study required under RCW 43.70.066. ~~((By December 31, 1996, the group shall review all state agency programs governing health service quality assurance, in light of legislative actions pursuant to RCW 43.70.066(6), and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement~~

~~program.)~~ **NEW SECTION. Sec. 5.** A new section is added to chapter 43.72 RCW to read as follows: As used in this chapter, "health carrier," "health care provider," "provider," "health plan," and "health care facility" have the same meaning as provided in RCW 48.43.005. **Sec. 6.** RCW 43.72.300 and 1993 c 492 s 447 are each amended to read as follows: (1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care services, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health ~~(eare)~~ plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health insurers, contractors, and health maintenance organizations face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage. (2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter 492, Laws of 1993 by any person or entity created or regulated by chapter 492, Laws of 1993 are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington. (3) The legislature does not intend and unless explicitly permitted in accordance with RCW 43.72.310 or under rules adopted pursuant to chapter 492, Laws of 1993, does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements: (a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services; (b) Among ~~(certified)~~ health ~~(plans)~~ carriers as to the price or level of reimbursement for health care services; (c) Among ~~(certified)~~ health ~~(plans)~~ carriers to boycott a group or class of health care service providers; (d) Among purchasers of ~~(certified)~~ health plan coverage to boycott a particular plan or class of plans; (e) Among ~~(certified)~~ health ~~(plans)~~ carriers to divide the market for health care coverage; or (f) Among ~~(certified)~~ health ~~(plans)~~ carriers and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a ~~(certified)~~ health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a ~~(certified)~~ health plan or purchasing group. **Sec. 7.** RCW 43.72.310 and 1995 c 267 s 8 are each amended to read as follows: (1) ~~(Until May 8, 1995, and after June 30, 1996, a certified)~~ A health ~~(plan)~~ carrier, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or ~~(certified)~~ health plans may request, in writing, that the ~~(commission)~~ department of health obtain an informal opinion from the attorney general as to whether particular conduct is authorized by chapter 492, Laws of 1993. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the ~~(commission)~~ department of health or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not authorized by chapter 492, Laws of 1993, the person or organization making the request may petition the ~~(commission)~~ department of health for review and approval of such conduct in accordance with subsection (3) of this section. (2) After obtaining the written opinion of the attorney general and consistent with such opinion, the ~~(health services commission)~~ department of health: (a) May authorize conduct by a ~~(certified)~~ health ~~(plan)~~ carrier, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter 492, Laws of 1993 and a more competitive alternative is impractical; (b) Shall adopt rules governing conduct among providers, health care facilities, and ~~(certified)~~ health ~~(plans)~~ carriers including rules governing provider and facility contracts with ~~(certified)~~ health ~~(plans)~~ carriers, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that ~~(certified)~~ health ~~(plans)~~ carriers in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services; (c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a ~~(certified)~~ health ~~(plan)~~ carrier including the ability of providers to meet and communicate for the purposes of these negotiations; ~~(and)~~ (d) Shall adopt rules governing cooperative activities among health care facilities and providers; and (e) Effective July 1, 1997, in addition to the rule-making authority granted to the department under this section, the department shall have the authority to enforce and administer rules previously adopted by the health services commission and the health care policy board pursuant to RCW 43.72.310. (3) ~~(Until May 8, 1995, and after June 30, 1996, a certified)~~ A health ~~(plan)~~ carrier, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health care services or ~~(certified)~~ health plans may file a written petition with the ~~(commission)~~ department of health requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the ~~(commission)~~ department of health. The ~~(commission)~~ department of health shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the ~~(commission)~~ department of health for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages. (4) In authorizing conduct and adopting rules of conduct under this section, the ~~(commission)~~ department of health with the advice of the attorney general, shall consider the benefits

of such conduct in furthering the goals of health care reform including but not limited to: (a) Enhancement of the quality of health services to consumers; (b) Gains in cost efficiency of health services; (c) Improvements in utilization of health services and equipment; (d) Avoidance of duplication of health services resources; or (e) And as to (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of ~~((certified))~~ health ~~((plans))~~ carriers and providers in negotiating more cost-effective delivery arrangements. These benefits must outweigh disadvantages including and not limited to: (i) Reduced competition among ~~((certified))~~ health ~~((plans))~~ carriers, health care providers, or health care facilities; (ii) Adverse impact on quality, availability, or price of health care services to consumers; or (iii) The availability of arrangements less restrictive to competition that achieve the same benefits. (5) Conduct authorized by the ~~((commission))~~ department of health shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington. (6) With the assistance of the attorney general's office, the ~~((commission))~~ department of health shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The ~~((commission))~~ department of health shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the ~~((commission))~~ department of health that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the ~~((commission))~~ department of health determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the ~~((commission))~~ department of health no longer outweigh the disadvantages attributable to potential reduction in competition, the ~~((commission))~~ department of health shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the ~~((commission))~~ department of health shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington. (7) Nothing contained in chapter 492, Laws of 1993 is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW. (8) ~~((Only requests for informal opinions under subsection (1) of this section and petitions under subsection (3) of this section that were received prior to May 8, 1995, or after June 30, 1996, shall be considered.))~~ The secretary of health shall from time to time establish fees to accompany the filing of a petition or a written request to the department to obtain an opinion from the attorney general under this section and for the active supervision of conduct approved under this section. Such fees may vary according to the size of the transaction proposed in the petition or under active supervision. In setting such fees, the secretary shall consider that consumers and the public benefit when activities meeting the standards of this section are permitted to proceed; the importance of assuring that persons sponsoring beneficial activities are not foreclosed from filing a petition under this section because of the fee; and the necessity to avoid a conflict, or the appearance of a conflict, between the interests of the department and the public. The total fee for a petition under this section, a written request to the department to obtain an opinion from the attorney general, or a combination of both regarding the same conduct shall not exceed the level that will defray the reasonable costs the department and attorney general incur in considering a petition and in no event shall be greater than twenty-five thousand dollars. The fee for review of approved conduct shall not exceed the level that will defray the reasonable costs the department and attorney general incur in conducting such a review and in no event shall be greater than ten thousand dollars per annum. The fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, and shall be deposited in the health professions account established in accordance with RCW 43.70.320. Sec. 8. RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows: (1) The following are exempt from public inspection and copying: (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients. (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer. (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath. (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination. (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal. (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss. (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action. (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user. (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070. (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter. (o)

Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035. (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW. (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095. (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency. (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department. (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant. (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers. (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9). (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090. (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420. (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW. (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information. (bb) Financial and valuable trade information under RCW 51.36.120. (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030. (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. (ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. (ff) Business related information protected from public inspection and copying under RCW 15.86.110. (gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW. (hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents. (ii) Personal information in files maintained in a data base created under RCW 43.07.360. (jj) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality. (2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function. (4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. **NEW SECTION. Sec. 9.** The following acts or parts of acts are each repealed: (1) RCW 43.72.320 and 1995 c 267 s 10; (2) RCW 43.73.010 and 1995 c 265 s 9; (3) RCW 43.73.020 and 1995 c 265 s 10; (4) RCW 43.73.030 and 1995 c 265 s 11; (5) RCW 43.73.040 and 1995 c 265 s 12; and (6) 1996 c 281 s 2 (uncodified). **NEW SECTION. Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 41.05.021, 43.70.054, 43.70.066, 43.70.068, 43.72.300, and 43.72.310; reenacting and amending RCW 42.17.310; adding a new section to chapter 43.72 RCW; repealing RCW 43.72.320, 43.73.010, 43.73.020, 43.73.030, and 43.73.040; repealing 1996 c 281 s 2 (uncodified); providing an effective date; and declaring an emergency."



MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 2264, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2264, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2264, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Horn - 1. Excused: Senator Bauer - 1. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 17, 1997

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5047,  
SENATE BILL NO. 5093,  
SUBSTITUTE SENATE BILL NO. 5102,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5286,  
SUBSTITUTE SENATE BILL NO. 5325,  
SENATE BILL NO. 5754,  
SENATE BILL NO. 5871, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 17, 1997

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5762, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 17, 1997

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,  
SENATE BILL NO. 5299,  
SENATE BILL NO. 5326,  
SENATE BILL NO. 5343,  
SUBSTITUTE SENATE BILL NO. 5569,  
ENGROSSED SENATE BILL NO. 6098, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 17, 1997

MR. PRESIDENT:

The House has passed:  
SENATE BILL NO. 5353,  
SENATE BILL NO. 5688,  
SUBSTITUTE SENATE BILL NO. 5721,  
SUBSTITUTE SENATE BILL NO. 5868, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5353,  
SENATE BILL NO. 5688,

SUBSTITUTE SENATE BILL NO. 5721,  
SUBSTITUTE SENATE BILL NO. 5868.

MOTION

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

MOTION

On motion of Senator Hale, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2279, by House Committee on Appropriations (originally sponsored by Representatives Huff and Backlund)

Revising the basic health plan.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 70.47.015 and 1995 c 265 s 1 are each amended to read as follows: (1) The legislature finds that the basic health plan has been an effective program in providing health coverage for uninsured residents. Further, since 1993, substantial amounts of public funds have been allocated for subsidized basic health plan enrollment. (2) It is the intent of the legislature that the basic health plan enrollment be expanded expeditiously, consistent with funds available in the health services account, with the goal of two hundred thousand adult subsidized basic health plan enrollees and one hundred thirty thousand children covered through expanded medical assistance services by June 30, 1997, with the priority of providing needed health services to children in conjunction with other public programs. (3) Effective January 1, 1996, basic health plan enrollees whose income is less than one hundred twenty-five percent of the federal poverty level shall pay at least a ten-dollar premium share. (4) No later than July 1, 1996, the administrator shall implement procedures whereby hospitals licensed under chapters 70.41 and 71.12 RCW, health carrier, rural health care facilities regulated under chapter 70.175 RCW, and community and migrant health centers funded under RCW 41.05.220, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process. (5) No later than July 1, 1996, the administrator shall implement procedures whereby health insurance agents and brokers, licensed under chapter 48.17 RCW, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. Brokers and agents (~~shall be entitled to~~) may receive a commission for each individual sale of the basic health plan to anyone not (~~at anytime previously~~) signed up within the previous five years and a commission for each group sale of the basic health plan, if funding for this purpose is provided in a specific appropriation to the health care authority. No commission shall be provided upon a renewal. Commissions shall be determined based on the estimated annual cost of the basic health plan, however, commissions shall not result in a reduction in the premium amount paid to health carriers. For purposes of this section "health carrier" is as defined in RCW 48.43.005. The administrator may establish: (a) Minimum educational requirements that must be completed by the agents or brokers; (b) an appointment process for agents or brokers marketing the basic health plan; or (c) standards for revocation of the appointment of an agent or broker to submit applications for cause, including untrustworthy or incompetent conduct or harm to the public. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process. **Sec. 2.** RCW 70.47.060 and 1995 c 266 s 1 and 1995 c 2 s 4 are each reenacted and amended to read as follows: The administrator has the following powers and duties: (1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive (~~covered basic health care services~~) covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a

separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. (2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section. (b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. (c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator (~~(- but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee)~~). (d) To develop, as an offering by all health carriers providing coverage identical to the basic health plan, a model plan benefits package with uniformity in enrollee cost-sharing requirements. (3) To design and implement a structure of enrollee cost sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. (4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. (5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator. (6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan. (7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan

enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services. (8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems. (9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan. (10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. (11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources

of the basic health plan trust account, and other factors the administrator finds relevant. (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort. (13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state. (14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter. (15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color. **NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 70.47.015; reenacting and amending RCW 70.47.060; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2279, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Prentice: "Senator West, on Section 2, regarding the powers and duties of the administrators, it says, 'The administrator may, to the extent that funds are available, offer as basic health plan services,' and then there are a number of things outlined here. Then it says, 'No one service of any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management,' so a study would have to be done and we would have to know what was going to be out there or how would this be determined?"

Senator West: "Actually, Senator Prentice, you are referencing current law, which was law added last biennium."

Senator Prentice: "'To the extent that funds are available' is what I am really looking at."

Senator West: "'To the extent that funds are available' is the only operative phrase here and that says that the administrator may offer these services if the funds are available in the budget--and they are in the conference budget as the budget is proposed now."

Senator Prentice: "If they are added every budget? They would have to be included in every budget?"

Senator West: "Like all other funds in the basic health plan, yes."

Senator Prentice: "So, that they could come and go then--year in and year out?"

Senator West: "That would at the discretion of the legislative body, depending on their budget. Yes ma'am."

Senator Prentice: "Thank you for the explanation."

#### POINT OF INQUIRY

Senator Spanel: "Senator West, did I understand you correctly that even though the amount of sponsorship fee is not in here, it is presumed to be the forty-five dollars, which could change?"

Senator West: "Yes, that is correct. The amount of sponsorship would vary by--budgetary language--with future budgets. The conference report of the budget now is forty-five dollars. That is what we expect it to be; it could be less; it could be more. But, the budget we are sending to the Governor lists the forty-five dollars. This language is not controlling as to the exact amount. It only gives some latitude as to what that amount might be."

Senator Spanel: "Okay, thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2279, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Benton, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Franklin, Fraser, Goings, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 20. Absent: Senator Fairley - 1. Excused: Senator Deccio - 1. SUBSTITUTE HOUSE BILL NO. 2279, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2083, by House Committee on Government Reform and Land Use (originally sponsored by Representatives Reams, Scott, Buck, Sheldon, Delvin, D. Sommers and Kessler)

Authorizing uses for master planned resorts.

The bill was read the second time.

#### MOTION

Senator McCaslin moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 36.70A RCW to read as follows: Counties that are required or choose to plan under RCW 36.70A.040 may include existing resorts as master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. An existing resort means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort. An existing resort may be authorized by a county only if: (1) The comprehensive plan specifically identifies policies to guide the development of the existing resort; (2) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the existing resort, except in areas otherwise designated for urban growth under RCW 36.70A.110 and 36.70A.360(1); (3) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the existing resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170; (4) The county finds that the resort plan is consistent with the development regulations established for critical areas; and (5) On-site and off-site infrastructure impacts are fully considered and mitigated. A county may allocate a portion of its twenty-year population projection, prepared by the office of financial management, to the master planned resort corresponding to the projected number of permanent residents within the master planned resort." Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment to Substitute House Bill No. 2083.

The motion by Senator McCaslin carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "resorts;" strike the remainder of the title and insert "and adding a new section to chapter 36.70A RCW." On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Franklin, Senators Fairley and Snyder were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2083, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2083, as amended, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Deccio, Fairley and Snyder - 3. SUBSTITUTE HOUSE BILL NO. 2083, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1750, by House Committee on Government Administration (originally sponsored by Representatives D. Sommers, Sterk and Sheldon)

Protecting existing functional mobile home park septic systems.

The bill was read the second time.

#### MOTION

Senator Winsley moved that the following Committee on Financial Institutions, Insurance and Housing amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 35.67 RCW to read as follows: Cities, towns, or counties may not require existing mobile home parks to replace existing, functional septic systems with a sewer system within the community unless the local board of health determines that the septic system is failing. Sec. 2. RCW 70.118.030 and 1977 ex.s. c 133 s 3 are each amended to read as follows: Local boards of health shall identify failing septic tank drainfield systems in the normal manner and will use reasonable effort to determine new failures. The local health officer or his or her designee may apply for an administrative search warrant to a court official authorized to issue a criminal search warrant. The warrant may only be applied for after the local health officer has requested inspection of the person's property pursuant to the specific administrative plan in this section and the person has refused the health officer or his or her designee access to the person's property. Timely notice must be given to any affected person that a warrant is being requested and the person may be present at any court proceeding to consider the requested search warrant. The court official may issue the warrant upon probable cause. It is sufficient probable cause to show the inspection, examination, test, or sampling is in response to pollution in commercial or recreational shellfish harvesting areas. A specific administrative plan must be developed expressly in response to the pollution. The local health officer shall submit the plan to the court as part of the justification for the warrant. The plan must include each of the following elements: (1) The overall goal of the inspection; (2) The location and identification by address of the properties being authorized for inspection by the health officer; (3) Requirements for giving the person owning the property notice of the plan, its provisions, and times of any inspections; (4) The survey procedures to be used in the inspection; (5) The criteria that would be used to define an on-site sewage system failure; and (6) The follow-up actions that would be pursued once an on-site sewage system failure has been identified and confirmed. Discretionary judgment will be made in implementing corrections by specifying nonwater-carried sewage disposal devices or other alternative methods of treatment and effluent disposal as a measure of ameliorating existing substandard conditions. Local regulations shall be consistent with the intent and purposes stated herein."

#### POINT OF ORDER

Senator Benton: "I rise to object to the committee amendment on the basis that it is outside the scope and object of the underlying bill. Substitute House Bill No. 1750 is a measure which would add a section to law as governing cities and towns. It would prohibit cities and towns from requiring that existing mobile home parks hook up to sewer systems unless certain facts were true. The amendment radically alters the effect of the bill. Under the amendment, local boards of health are granted new authority to obtain search warrants, powers to create system plans without input from home owners and use of discretionary judgment. None of this can be found in the intent or language of the bill in question, Mr. President, and these provisions exceed the basic thrust of the bill and what the effect is in ways unwelcome to each of the sponsors and supporters."

Further debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1750 was deferred.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1008, as amended by the Senate, deferred on third reading after motion for reconsideration carried on April 16.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House No. 1008, as amended by the Senate on reconsideration.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1008, as amended by the Senate on reconsideration, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Jacobsen, Johnson, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 39. Voting nay: Senators Brown, Franklin, Fraser, Haugen, Hochstatter, Horn, Kohl, Loveland and Stevens - 9. Excused: Senator Fairley - 1. SUBSTITUTE HOUSE BILL NO. 1008, as amended by the Senate on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

#### STATEMENT FOR THE JOURNAL

It has come to my attention that I voted incorrectly on a bill before the Senate on final passage. It was my intention to vote in favor of Substitute House Bill No. 1280 when it was before the Senate. Please insert this into the official record.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1280, by House Committee on Capital Budget (originally sponsored by Representatives Honeyford, Koster, Sheldon, Sump, Boldt, D. Sommers, McMorris, Clements, Crouse, Dunn, Schoesler, Johnson, DeBolt, Mulliken, Thompson, Mielke and D. Schmidt)

Removing requirements for public art in department of corrections facilities.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, all state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature. (2) Subsection (1) of this section does not apply to the construction of any building, structure, or facility under the control of the department of corrections. **Sec. 2.** RCW 43.17.210 and 1990 c 33 s 575 are each amended to read as follows: The Washington state arts commission shall determine the amount to be made available for the purchase of art in consultation with the agency, except where another person or agency is specified under RCW 43.19.455, 28A.335.210, or 28B.10.025, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the directors of the state agencies. At least ten percent of the total value of art work contracted by the Washington state arts commission in each biennial period shall be created or fabricated by inmates through the division of correctional industries within the department of corrections. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to in RCW 43.17.200, 43.19.455, 28A.335.210, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose. **Sec. 3.** RCW 28A.335.210 and 1983 c 204 s 7 are each amended to read as follows: The state board of education and superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. Art work contracted by the Washington state arts commission in each biennial period shall be created or fabricated by inmates through the division of correctional industries within the department of corrections under section 2 of this act. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 43.19.455, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose: PROVIDED, That the superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to: (1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission; (2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights; (3) Reject the results of the selection process; (4) Reject the placement of a completed work or works of art on school district premises if such works are portable. Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses or other buildings of a temporary nature. The executive director of the arts commission, the superintendent of public instruction and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section. **Sec. 4.** RCW 28B.10.025 and 1990 c 33 s 557 are each amended to read as

follows: The Washington state arts commission shall, in consultation with the boards of regents of the University of Washington and Washington State University and with the boards of trustees of the regional universities, The Evergreen State College, and the community college districts, determine the amount to be made available for the purchases of art under RCW 28B.10.027, and payment therefor shall be made in accordance with law. The designation of projects and sites, the selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the board of regents or trustees. Art work contracted by the Washington state arts commission in each biennial period shall be created or fabricated by inmates through the division of correctional industries within the department of corrections under section 2 of this act. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 43.19.455, or 28A.335.210, but shall be contingent upon adequate appropriations being made for that purpose. **Sec. 5.** RCW 43.19.455 and 1990 c 33 s 576 are each amended to read as follows: Except as provided under RCW 43.17.210, the Washington state arts commission shall determine the amount to be made available for the purchase of art under RCW 43.17.200 in consultation with the director of general administration, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the director of general administration. Art work contracted by the Washington state arts commission in each biennial period shall be created or fabricated by inmates through the division of correctional industries within the department of corrections under section 2 of this act. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 28A.335.210, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose." Senator Schow moved that the following amendment by Senators Schow and Kohl to the Committee on Ways and Means striking amendment be adopted:

Beginning on page 1, after line 29 of the amendment, strike everything through "purpose." on page 5, line 2. POINT OF INQUIRY

Senator Thibaudeau: "Senator Schow, my understanding is that the underlying bill would have required that the artist's rendition would have to be sent to the correctional industries for fabrication and I understand your amendment eliminates that. Am I correct in that or am I thinking about something else?"

Senator Schow: "Yes, as best as I can answer you on that, what would have happened is there would have been so much money that went to the correctional industries or to the correctional institutions for them to produce art work and this takes that away."

Senator Thibaudeau: "Thank you."  
Further debate ensued.

#### MOTION

On motion of Senator Goings, Senators Brown and Kline were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schow and Kohl on page 1, after line 29 to the Committee on Ways and Means striking amendment to Substitute House Bill No. 1280

The motion by Senator Schow carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 1280.

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "displays;" strike the remainder of the title and insert "and amending RCW 43.17.200, 43.17.210, 28A.335.210, 28B.10.025, and 43.19.455." On page 5, beginning on line 7 of the title amendment, after "43.17.200" strike everything through "43.19.455" on line 8 On motion of Senator West, the rules were suspended, Substitute House Bill No. 1280, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1280, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1280, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 23; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West and Zarelli - 23. Voting nay: Senators Bauer, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kohl, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 23. Excused: Senators Brown, Fairley and Kline - 3. SUBSTITUTE HOUSE BILL NO. 1280, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.



There being no objection, the Senate resumed consideration of Substitute House Bill No. 1750 and the pending Committee on Financial Institutions, Insurance and Housing striking amendment deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Benton, the President finds that Substitute House Bill No. 1750 is a measure which provides that local governments may not require a mobile home park to replace septic systems unless the local Board of Health determines the system is failing.

"The amendment by the Committee on Financial Institutions, Insurance and Housing would provide that a local health officer may apply for an administrative search warrant to inspect any failing septic tank drainfield system.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and the point of order is well taken."

The Committee on Financial Institutions, Insurance and Housing striking amendment to Substitute House Bill No. 1750 was ruled out of order.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1750 was deferred.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1032, by House Committee on Appropriations (originally sponsored by Representatives Reams, Mulliken, Thompson, McMorris, Koster, DeBolt, D. Sommers, Boldt, Hickel, Sheahan, Buck, Schoesler, Honeyford, Mitchell, D. Schmidt, Sherstad, L. Thomas, Dunn, Dyer, Mielke, Cairnes, Robertson and Backlund)

Implementing regulatory reform.

The bill was read the second time.

#### MOTION

Senator Hale moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following: **"PART IGRANTS OF RULE-MAKING AUTHORITY Sec. 101.** RCW 76.09.010 and 1993 c 443 s 1 are each amended to read as follows: (1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty. (2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive state-wide system of laws and forest practices regulations which will achieve the following purposes and policies: (a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest; (b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices; (c) Recognize both the public and private interest in the profitable growing and harvesting of timber; (d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein; (e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such regulation; (f) Provide for interagency input and intergovernmental and tribal coordination and cooperation; (g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices; (h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations; and (i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state. The authority of the board to adopt forest practices rules is prescribed by this subsection (2) and RCW 76.09.040. After the effective date of this act, the board may not adopt forest practices rules based solely on any other section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions. (3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes. (4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practice permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources. **Sec. 102.** RCW 76.09.040 and 1994 c 264 s 48 are each amended to read as follows: (1) Where necessary to accomplish the purposes and policies specifically stated in RCW 76.09.010(2), and to implement the provisions of this chapter, the board shall (~~promulgate~~) adopt forest practices (~~regulations~~) rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that: (a) Establish minimum standards for forest practices; (b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies specifically stated in RCW 76.09.010(2) and the plan meets or exceeds the objectives of the minimum standards; (c) Set forth necessary administrative provisions; and (d) Establish procedures for the

collection and administration of forest practice fees as set forth by this chapter. Forest practices ((regulations)) rules pertaining to water quality protection shall be ((promulgated)) adopted individually by the board and by the department of ecology after they have reached agreement with respect thereto. All other forest practices ((regulations)) rules shall be ((promulgated)) adopted by the board. Forest practices ((regulations)) rules shall be administered and enforced by the department except as otherwise provided in this chapter. Such ((regulations)) rules shall be ((promulgated)) adopted and administered so as to give consideration to all purposes and policies specifically set forth in RCW 76.09.010(2). (2) The board shall prepare proposed forest practices ((regulations)) rules. In addition to any forest practices ((regulations)) rules relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices ((regulations)) rules relating to water quality protection. Prior to initiating the rule making process, the proposed ((regulations)) rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ((regulations)) rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ((regulations)) rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ((regulations)) rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ((regulations)) rules relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter. **NEW SECTION. Sec. 103.** A new section is added to chapter 43.22 RCW to read as follows: For rules adopted after the effective date of this act, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions, for statutory authority to adopt any rule. This section does not apply to rules adopted under chapter 39.12 RCW. **Sec. 104.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows: (1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code. (2) The commissioner shall execute his or her duties and shall enforce the provisions of this code. (3) The commissioner may: (a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this statute, or on a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. No such rules and regulations shall be effective prior to their being filed for public inspection in the commissioner's office. (b) Conduct investigations to determine whether any person has violated any provision of this code. (c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code. **Sec. 105.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows: The insurance commissioner shall make reasonable regulations in aid of the administration of this chapter which may include, but shall not be limited to regulations concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. **Sec. 106.** RCW 48.46.200 and 1975 1st ex. s. c 290 s 21 are each amended to read as follows: The commissioner may adopt, in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW, ((promulgate)) rules and regulations as necessary or proper to carry out the provisions of this chapter. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by ((him)) the commissioner. **Sec. 107.** RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows: (1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section. (2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period. (3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule. (b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6). (c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record. (4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated. ((4)) (5) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter. ((5)) (6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation. **PART II RULE-MAKING REQUIREMENTS Sec. 201.** RCW 34.05.010 and 1992 c 44 s 10 are each amended to read as follows: The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise. (1) "Adjudicative proceeding" means a proceeding before an agency in which an opportunity for

hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law. (2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.41 RCW. (3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits. Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including eminent domain, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency. (4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head. (5) "De facto rule" means an issuance not adopted under Part III of this chapter that the agency uses to (a) subject a person to a penalty or administrative sanction; (b) establish, alter, or revoke a procedure, practice, or requirement relating to agency hearings; (c) establish, alter, or revoke a qualification or requirement relating to the enjoyment of a benefit or privilege conferred by law; (d) establish, alter, or revoke a qualification or standard for the issuance, suspension, or revocation of a license to pursue a commercial activity, trade, or profession; or (e) establish, alter, or revoke mandatory standards for a product or material that must be met before distribution or sale. The term does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued under RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his or her designee where notice of the restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes. (6) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective. ~~((6))~~ (7) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head. ~~((7))~~ (8) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." ~~((8))~~ (9) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order. ~~((9))~~ (10) "Issuance" means a written document of general applicability issued by an agency that is available to the public. It includes, but is not limited to, an agency order of adoption, bulletin, directive, policy statement, interpretive statement, guideline, letter, memorandum, rule, or de facto rule. "Issuance" does not include final agency orders issued after an adjudicative proceeding under Part IV of this chapter, tax determinations of precedential value issued by the department of revenue, or documents entitled "technical assistance document". (11)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency. (b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license. ~~((10))~~ (12)(a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons. (b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule. ~~((11))~~ (13) "Party to agency proceedings," or "party" in a context so indicating, means: (a) A person to whom the agency action is specifically directed; or (b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding. ~~((12))~~ (14) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means: (a) A person who files a petition for a judicial review or civil enforcement proceeding; or (b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding. ~~((13))~~ (15) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency. ~~((14))~~ (16) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach. ~~((15))~~ (17) "Rule" means any ~~((agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale)) issuance adopted under Part III of this chapter. The term includes the amendment or repeal of a prior rule(, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists,~~

and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes). ((16)) (18) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 ((for the purpose of selectively reviewing existing and proposed rules of state agencies)). ((17)) (19) "Rule making" means the process for formulation and adoption of a rule. ((18)) (20) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company. **Sec. 202.** RCW 34.05.230 and 1996 c 206 s 12 are each amended to read as follows: (1) ((If the adoption of rules is not feasible and practicable,)) An agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of ((interpretive or policy statements. Current interpretive and policy statements)) issuances. Unless adopted under Part III of this chapter or exempted under the definition of de facto rule, these issuances are advisory only. ((To better inform and involve the public, an agency is encouraged to convert long-standing interpretive and policy statements into rules.)) (2) A person may petition an agency ((requesting the conversion of interpretive and policy statements into rules)) to adopt an issuance as a rule. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. A person may petition an agency requesting the repeal or withdrawal of an interpretive or policy statement. Within sixty days after submission of ((a)) either type of petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter. (3) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service. (4) Whenever an agency issues an interpretive or policy statement, it shall submit to the code reviser for publication in the Washington State Register a statement describing the subject matter of the interpretive or policy statement, and listing the person at the agency from whom a copy of the interpretive or policy statement may be obtained. **NEW SECTION. Sec. 203.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: In lieu of regular mail, an agency may send the contents of any notice pertaining to rule making required under this chapter by electronic mail or facsimile mail if requested in writing by the person entitled to receive the notice. **Sec. 204.** RCW 34.05.325 and 1995 c 403 s 304 are each amended to read as follows: (1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing. (2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing. (3) If the agency possesses equipment capable of receiving electronic mail, telefacsimile transmissions, or recorded telephonic communications, the agency ((may)) shall provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency ((chooses)) is able to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission or electronic mail comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the ((official record)) rule-making file established under RCW 34.05.370 if the comments are made in accordance with the agency's instructions. (4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW. (5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320. (6)(a) Before it files an adopted rule with the code reviser, an agency shall prepare a concise explanatory statement of the rule: (i) Identifying the agency's reasons for adopting the rule; (ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and (iii) Summarizing all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so. (b) The agency shall provide the concise explanatory statement to any person upon request or from whom the agency received comment. **Sec. 205.** RCW 34.05.328 and 1995 c 403 s 201 are each amended to read as follows: (1) Before adopting a rule described in subsection (5) of this section, an agency shall: (a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements; (b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule; (c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented; (d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection; (e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law; (f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law; (g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following: (i) A state statute that explicitly allows the agency to differ from federal standards;

or (ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and (h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. (2) In making its determinations pursuant to subsection (1)(b) through (g) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified. (3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to: (a) Implement and enforce the rule, including a description of the resources the agency intends to use; (b) Inform and educate affected persons about the rule; (c) Promote and assist voluntary compliance; and (d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes. (4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following: (a) Provide to the ~~((business assistance center))~~ department of community, trade, and economic development a list citing by reference the other federal and state laws that regulate the same activity or subject matter; (b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following: (i) Deferring to the other entity; (ii) Designating a lead agency; or (iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement. If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection; (c) Report to the joint administrative rules review committee: (i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and (ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference. (5)(a) Except as provided in (b) of this subsection, this section applies to: (i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, social and health services, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and (ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within ~~((forty-five))~~ one hundred eighty days of receiving the notice of proposed rule making under RCW 34.05.320. (b) This section does not apply to: (i) Emergency rules adopted under RCW 34.05.350; (ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party; (iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (v) Rules the content of which is explicitly and specifically dictated by statute; ~~((or))~~ (vi) Rules that set or adjust fees or rates pursuant to legislative standards; or (vii) Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents. (c) For purposes of this subsection: (i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency. (ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers. (iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program. (d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily. (6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document: (a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted; (b) The costs incurred by state agencies in complying with this section; (c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result; (d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission; (e) The extent to which this section has improved the acceptability of state rules to those regulated; and (f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section. **NEW SECTION. Sec. 206.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: Each state agency shall prepare a semiannual agenda for rules under development. The agency shall file the agenda with the code reviser for publication in the state register not later than January 31st and July 31st of each year. Not later than three days after its publication in the state register, the agency shall send a copy of the agenda to each person who has requested receipt of a copy of the agenda. The agency shall also submit the agenda to the director of financial management, the rules review committee, and any other state agency that may reasonably be expected to have an interest in the subject of rules that will be developed. **Sec. 207.** RCW 34.05.350 and 1994 c 249 s 3 are each amended to read as follows: (1) If an agency for good cause finds: (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of ~~((the))~~ public health ~~((or))~~ safety, ~~((or general welfare,))~~ and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. However, the department of agriculture may adopt an emergency rule if the failure to adopt the rule on an emergency basis would result in substantial reduction of commodity value or substantial economic detriment, and the department of fish and wildlife may adopt emergency rules governing seasons and harvest limits for recreational and commercial fishing and recreational hunting; or (b) That state or federal law or federal rule or a federal deadline for state

receipt of federal funds requires immediate adoption of a rule, the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee. (2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective. (3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule. ~~((4) In adopting an emergency rule, the agency shall comply with section 4 of this act or provide a written explanation for its failure to do so.)~~ **NEW SECTION. Sec. 208.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: (1) An agency may file notice for the expedited adoption of rules in accordance with the procedures set forth in this section for rules meeting any one of the following criteria: (a) The proposed rules relate only to internal governmental operations that are not subject to violation by a person; (b) The proposed rules adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (c) The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (d) The content of the proposed rules is explicitly and specifically dictated by statute; (e) The proposed rules have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or (f) The proposed rule is being amended after a review under RCW 34.05.328 or a review under section 212 or 213 of this act. (2) The expedited rule-making process must follow the requirements for rule making set forth in RCW 34.05.320, except that the agency is not required to prepare a small business economic impact statement under RCW 19.85.025, a statement indicating whether the rule constitutes a significant legislative rule under RCW 34.05.328(5)(c)(iii), or a significant legislative rule analysis under RCW 34.05.328. An agency is not required to prepare statements of inquiry under RCW 34.05.310 or conduct a hearing for the expedited adoption of rules. The notice for the expedited adoption of rules must contain a statement in at least ten-point type, that is substantially in the following form:

#### NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO (INSERT NAME AND ADDRESS) AND RECEIVED BY (INSERT DATE).

(3) The agency shall send a copy of the notice of the proposed expedited rule making to any person who has requested notification of proposals for the expedited adoption of rules or of agency rule making, as well as the joint administrative rules review committee, within three days after its publication in the Washington State Register. An agency may charge for the actual cost of providing a requesting party mailed copies of these notices. The notice of the proposed expedited rule making must be preceded by a statement substantially in the form provided in subsection (2) of this section. The notice must also include an explanation of the reasons the agency believes the expedited adoption of the rule is appropriate. (4) The code reviser shall publish the text of all rules proposed for expedited adoption along with the notice required in this section in a separate section of the Washington State Register. Once the text of the proposed rules has been published in the Washington State Register, the only changes that an agency may make in the text of these proposed rules before their final adoption are to correct typographical errors. (5) Any person may file a written objection to the expedited adoption of a rule. The objection must be filed with the agency rules coordinator within forty-five days after the notice of the proposed expedited rule making has been published in the Washington State Register. A person who has filed a written objection to the expedited adoption of a rule may withdraw the objection. (6) If no written objections to the expedited adoption of a rule are filed with the agency within forty-five days after the notice of proposed expedited rule making is published, or if all objections that have been filed are withdrawn by the persons filing the objections, the agency may enter an order adopting the rule without further notice or a public hearing. The order must be published in the manner required by this chapter for any other agency order adopting, amending, or repealing a rule. (7) If a written notice of objection to the expedited adoption of the rule is timely filed with the agency and is not withdrawn, the notice of proposed expedited rule making published under this section is considered a statement of inquiry for the purposes of RCW 34.05.310, and the agency may initiate further rule adoption proceedings in accordance with this chapter. (8) This section expires on December 31, 2000. **Sec. 209.** RCW 34.05.354 and 1995 c 403 s 701 are each amended to read as follows: (1) Not later than ~~(June 30th)~~ April 1st or October 1st of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of inquiry, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal. (2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria: (a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule; (b) The statute on which the rule is based has been declared unconstitutional by a court with

jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute; (c) The rule is no longer necessary because of changed circumstances; or (d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant. (3) The agency shall also send a copy of the preproposal notice of inquiry to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule making. The preproposal notice of inquiry shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal notice of inquiry is published. The notice of inquiry shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate. (4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than ~~((July))~~ May 31st or November 30th of each year, or in the first register published after that date. (5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days after the notice of inquiry has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule. (6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of inquiry is published, the agency may enter an order repealing the rule without further notice or an opportunity for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of inquiry has been published, the preproposal notice of inquiry published pursuant to this section shall be considered a preproposal notice of inquiry for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter. **Sec. 210.** RCW 34.05.360 and 1988 c 288 s 311 are each amended to read as follows: The order of adoption by which each rule is adopted by an agency shall contain all of the following: (1) The date the agency adopted the rule; (2) A concise statement of the purpose of the rule; (3) A reference to all rules repealed, amended, or suspended by the rule; (4) A reference to the specific statutory or other authority authorizing adoption of the rule; (5) The governor's signature approving the adopted rule, if the agency head is appointed by, and serves at the pleasure of, the governor; (6) Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and ~~((6))~~ (7) The effective date of the rule if other than that specified in RCW 34.05.380(2). **NEW SECTION. Sec. 211.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: Any agency having rules that postpone full compliance with their requirements beyond ninety days after the effective date of this act shall prepare a small business economic impact statement, as defined in RCW 19.85.020(2), on such rules before requiring full compliance with the rules. **NEW SECTION. Sec. 212.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: (1) No rule, adopted by an agency before the effective date of this act, is effective for more than seven years after the effective date of this act, unless it has been reviewed under the procedures established in this chapter. (2) Each agency shall review its rules existing on the effective date of this act as follows: (a) Fifty percent of the rules must be reviewed within three years of the effective date of this act; (b) Eighty percent of the rules must be reviewed within five years of the effective date of this act; (c) One hundred percent of the rules must be reviewed within seven years of the effective date of this act. (3) In reviewing a rule, the agency shall determine whether the rule is: (a) Unclear or difficult to understand; (b) Written or being implemented in a way that does not conform with the intent of the legislature as expressed by the statute that the rule implements; (c) Duplicative of, inconsistent with, or in conflict with other state, federal, or local rules or statutes; (d) Excessively costly or outdated in the methods prescribed; (e) Unauthorized because the authorizing statute has since been repealed or amended; or (f) No longer necessary to meet the purposes of the statute that it implements. (4) The agency shall place in a rules review file documentation sufficient to show that the agency considered the criteria in subsection (3) of this section in reviewing a rule. If the documentation shows that the rule review results in no affirmative response to any of the criteria, the agency may retain the rule. If the rule has an affirmative response to any of the criteria, the agency shall amend the rule to meet the criteria or repeal the rule. The agency may use the expedited procedures under this chapter to amend or repeal the rule. If the criteria are not met and the agency has not amended the rule to meet the criteria, the agency may not rely on the rule for any agency action beginning seven years after the effective date of this act. **NEW SECTION. Sec. 213.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: (1) No rule, adopted by any agency after the effective date of this act, is effective for more than seven years after the rule is adopted, unless the rule has been reviewed under the procedure in this subsection. An agency shall review a rule to evaluate: (a) Achievement of the goals and objectives of the rule; (b) Technological changes that impact the implementation of or compliance with the rule; (c) Controversy surrounding the implementation or enforcement of the rule, stating the nature of the controversy; (d) The outcome of any court challenges to the validity of the rule or its authority to draft the rule; (e) Actual costs or changes undergone by the regulated community; and (f) Laws or other rules passed since the rule was adopted that are in conflict, impact its implementation, or render the rule obsolete. The agency shall place in a rules review file documentation sufficient to show that the agency conducted the review under this section. (2) Those rules certified to the legislature by the governor to have undergone executive rules review by July 31, 2001, are subject to review under subsection (1) of this section beginning July 31, 2001, and may be effective for no more than seven years after that date unless so reviewed. **Sec. 214.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read as follows: (1) Each agency shall file in the office of the code reviser a certified copy of all rules it adopts, except for rules contained in tariffs filed with or published by the Washington utilities and transportation commission. An agency, the head of which is appointed by, and serves at the pleasure of, the governor, shall not file, and the code reviser shall not accept, a nonemergency rule that does not bear the governor's signature approving the rule. The code reviser shall place upon each rule a notation of the time and date of filing and shall keep a permanent register of filed rules open to public inspection. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser. (2) Emergency rules adopted under RCW 34.05.350 become effective upon filing unless a later date is specified in the order of adoption. All other rules become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the order of adoption. (3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (2) of this section, if the agency establishes that effective date in the adopting order and finds that: (a) Such action is required by the state or federal Constitution, a statute, or court order; (b) The rule only delays the effective date of another rule that is not yet effective; or (c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare. The finding and a brief statement of the reasons therefor required by

this subsection shall be made a part of the order adopting the rule. (4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it. **Sec. 215.** RCW 82.32.410 and 1991 c 330 s 2 are each amended to read as follows: (1) The director may designate certain written determinations as precedents. (a) By rule adopted pursuant to chapter 34.05 RCW, the director shall adopt criteria which he or she shall use to decide whether a determination is precedential. These criteria shall include, but not be limited to, whether the determination clarifies an unsettled interpretation of Title 82 RCW or where the determination modifies or clarifies an earlier interpretation. (b) Written determinations designated as precedents by the director shall be indexed by subject matter. The determinations and indexes shall be made available for public inspection and shall be published by the department. (c) The department shall disclose any written determination upon which it relies to support any assessment of tax, interest, or penalty against such taxpayer, after making the deletions provided by subsection (2) of this section. (2) Before making a written determination available for public inspection under subsection (1) of this section, the department shall delete: (a) The names, addresses, and other identifying details of the person to whom the written determination pertains and of another person identified in the written determination; and (b) Information the disclosure of which is specifically prohibited by any statute applicable to the department of revenue, and the department may also delete other information exempted from disclosure by chapter 42.17 RCW or any other statute applicable to the department of revenue. **Sec. 216.** RCW 19.85.025 and 1995 c 403 s 401 are each amended to read as follows: (1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to RCW 34.05.354. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding. (2) This chapter does not apply to a rule proposed for expedited adoption under section 208 of this act, unless a written objection is timely filed with the agency and the objection is not withdrawn. (3) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4). ~~((3))~~ (4) An agency is not required to prepare a separate small business economic impact statement under RCW 19.85.040 if it prepared an analysis under RCW 34.05.328 that meets the requirements of a small business economic impact statement, and if the agency reduced the costs imposed by the rule on small business to the extent required by RCW 19.85.030(3). The portion of the analysis that meets the requirements of RCW 19.85.040 shall be filed with the code reviser and provided to any person requesting it in lieu of a separate small business economic impact statement. **NEW SECTION. Sec. 217.** (1) The legislature finds that there are state rules on the same subject adopted by more than one state agency. The legislature further finds that this situation places an undue hardship on those regulated by rules issued by more than one state agency on the same subject since the regulated individuals must determine what the combined requirements of the rules from the multiple agencies are and how to comply with the requirements of one agency without violating the requirements of another agency. (2) The department of community, trade, and economic development shall, in close cooperation with the office of the governor, the directors or their designees of all state agencies as appropriate, affected stakeholders, and such other participants as the director of community, trade, and economic development deems appropriate, design and implement a pilot project on a single subject for the consolidation of all rules adopted by any state agency that regulate that same activity or subject matter. The goal of the pilot project is to consolidate these rules into one rule or set of rules that will be the sole and conclusive source of all regulation affecting that activity or subject matter. The department of community, trade, and economic development shall submit a report to the legislature and the governor no later than November 30, 1999. The report must include the activity or subject matter selected by a consensus of the participants, a list of the agencies and their rules that regulate that activity or subject matter, the sole and conclusive rule or set of rules that result from the consolidation of the various agencies' rules, the reasons why no sole and conclusive rule or set of rules could be formulated, if applicable, and any other matters the director deems helpful.

**PART III JUDICIAL REVIEW Sec. 301.** RCW 34.05.570 and 1995 c 403 s 802 are each amended to read as follows: (1) Generally. Except to the extent that this chapter or another statute provides otherwise: (a) Except as provided in subsection (2) of this section, the burden of demonstrating the invalidity of agency action is on the party asserting invalidity; (b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken; (c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and (d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of. (2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding. (b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. When the validity of a rule is challenged, after the petitioner has identified the defects in the rule, the burden of going forward with the evidence is on the agency. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question. (c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures; or the rule is arbitrary and capricious. (3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that: (a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied; (b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law; (c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure; (d) The agency has erroneously interpreted or applied the law; (e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; (f) The agency has not decided all issues requiring resolution by the agency; (g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion; (h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; ~~((e))~~ (i) The order is arbitrary or capricious; or (j) The order is based on a de facto rule. (4) Review of other agency action. (a) All agency action not reviewable under subsection (2) or (3) of this section shall



be reviewed under this subsection. (b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer. (c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is: (i) Unconstitutional; (ii) Outside the statutory authority of the agency or the authority conferred by a provision of law; (iii) Arbitrary or capricious; ~~((e))~~ (iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action; or (v) Based on a de facto rule. **Sec. 302.** RCW 34.05.534 and 1995 c 403 s 803 are each amended to read as follows: A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except: (1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, have petitioned for its amendment or repeal, ~~have petitioned the joint administrative rules review committee for its review,~~ or have appealed a petition for amendment or repeal to the governor; (2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or (3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that: (a) The remedies would be patently inadequate; (b) The exhaustion of remedies would be futile; or (c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies. **Sec. 303.** RCW 48.04.010 and 1990 1st ex.s. c 3 s 1 are each amended to read as follows: (1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. The commissioner shall hold a hearing: (a) If required by any provision of this code; or (b) Upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing. (2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing. (3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of a licensee under Title 48 RCW within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records for the licensee, the right to such hearing shall conclusively be deemed to have been waived. (4) If a hearing is demanded by a licensee whose license has been temporarily suspended pursuant to RCW 48.17.540, the commissioner shall hold such hearing demanded within thirty days after receipt of the demand or within thirty days of the effective date of a temporary license suspension issued after such demand, unless postponed by mutual consent. (5) A hearing held under this section must be conducted by an administrative law judge unless the person demanding the hearing agrees in writing to have an employee of the commissioner conduct the hearing. **Sec. 304.**

RCW 34.12.040 and 1981 c 67 s 4 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, whenever a state agency conducts a hearing which is not presided over by officials of the agency who are to render the final decision, the hearing shall be conducted by an administrative law judge assigned under this chapter. In assigning administrative law judges, the chief administrative law judge shall wherever practical ~~((H))~~ (a) use personnel having expertise in the field or subject matter of the hearing, and ~~((E))~~ (b) assign administrative law judges primarily to the hearings of particular agencies on a long-term basis. (2) An employee of the office of the insurance commissioner may conduct a hearing as provided in RCW 48.04.010(5). **PART IV LEGISLATIVE REVIEW Sec. 401.** RCW 34.05.630 and 1996 c 318 s 4 are each amended to read as follows: (1) All ~~((rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350,))~~ issuances are subject to selective review by the legislature. (2) ~~((All agency policy and interpretive statements are subject to selective review by the legislature. (3)))~~ If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute ~~((which))~~ that the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency issuance is ~~((using a policy or interpretive statement in place of))~~ a de facto rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW. ~~((4))~~ (3) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute ~~((which))~~ that the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, or (c) whether ~~((the agency is using a policy or interpretive statement in place of a))~~ an agency issuance is a de facto rule. **Sec. 402.** RCW 34.05.640 and 1996 c 318 s 5 are each amended to read as follows: (1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.05.620 or 34.05.630, the affected agency shall notify the committee of its intended action on a proposed or existing rule or issuance to which the committee objected ~~((or on a committee finding of the agency's failure to adopt rules)).~~ (2) If the rules review committee finds by a majority vote of its members: (a) That the proposed or existing rule in question will not be modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, (b) that an existing rule was not adopted in accordance with all applicable provisions of law, or (c) that the agency will not modify or withdraw a de facto rule, or replace ~~((the policy or interpretive statement))~~ it with a rule, the rules review committee may, within thirty days from notification by the agency of its intended action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee. (3) If the rules review committee makes an adverse finding regarding an existing rule under subsection (2)(a) or (b) of this section or a de facto rule under subsection (2)(c) of this section, the committee may, by a majority vote of its members, recommend suspension of the rule. Within seven days of such vote the committee shall transmit to the appropriate standing committees of the legislature, the governor, the code reviser, and the agency written notice of its

objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session. (4) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (2) or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears. If the transmittal relates to a de facto rule, the code reviser shall publish the reference within the Washington State Register and the Washington Administrative Code in a location that addresses the most relevant subject matter. (5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee. **Sec. 403.**

RCW 34.05.655 and 1996 c 318 s 7 are each amended to read as follows: (1) Any person may petition the rules review committee for a review of a proposed or existing rule or ~~((a policy or interpretive statement))~~ other issuance. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition and describe any initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included. (2) A person may petition the rules review committee under subsection (1) of this section requesting review of an existing rule only if the person has petitioned the agency to amend or repeal the rule under RCW 34.05.330(1) and such petition was denied. (3) A petition for review of a rule under subsection (1) of this section shall: (a) Identify with specificity the proposed or existing rule to be reviewed; (b) Identify the specific statute identified by the agency as authorizing the rule, the specific statute which the rule interprets or implements, and, if applicable, the specific statute the department is alleged not to have followed in adopting the rule; (c) State the reasons why the petitioner believes that the rule is not within the intent of the legislature, or that its adoption was not or is not in accordance with law, and provide documentation to support these statements; (d) Identify any known judicial action regarding the rule or statutes identified in the petition. A petition to review an existing rule shall also include a copy of the agency's denial of a petition to amend or repeal the rule issued under RCW 34.05.330(1) and, if available, a copy of the governor's denial issued under RCW 34.05.330(3). (4) A petition for review of ~~((a policy or interpretive statement))~~ an issuance other than a proposed or existing rule under subsection (1) of this section shall: (a) Identify the specific ~~((statement))~~ issuance to be reviewed; (b) ~~((Identify the specific statute which the rule interprets or implements; (e)))~~ State the reasons why the petitioner believes that the ~~((statement))~~ issuance meets the definition of a de facto rule under RCW 34.05.010 ~~((and should have been adopted according to the procedures of this chapter)); ((d))~~ (c) Identify any known judicial action regarding the ~~((statement))~~ issuance or statutes identified in the petition. (5) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule or other issuance for which the petition for review was not previously rejected. **Sec. 404.** RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules. (2) If the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature or was not adopted in accordance with all applicable provisions of law, the recommendation establishes a rebuttable presumption in a proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the validity of the rule is then on the adopting agency.

#### **PART VFees AND EXPENSES**

**Sec. 501.** RCW 4.84.340 and 1995 c 403 s 902 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 4.84.340 through 4.84.360. (1) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law. (2) "Agency action" means agency action as defined by chapter 34.05 RCW. (3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee. (4) "Judicial review" means ~~((a judicial review as defined by chapter 34.05 RCW))~~ review of an agency action in the superior court and courts of appeal. (5) "Qualified party" means (a) an individual whose net worth did not exceed ~~((one))~~ two million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed ~~((five))~~ seven million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal Internal Revenue Code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association. **Sec. 502.** RCW 4.84.350 and 1995 c 403 s 903 are each amended to read as follows: (1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses incurred in the judicial review, including reasonable attorneys' fees, unless the court finds that ~~((the agency action was substantially justified or that))~~ circumstances make an award grossly unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought. (2) The amount awarded a qualified party under subsection (1) of this section shall not exceed ~~((twenty-five))~~ fifty thousand dollars for the fees and other expenses incurred in superior court, and fifty thousand dollars for the fees and other expenses incurred in each court of appeal to a maximum of seventy-five thousand dollars. Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or

more qualified parties join in an action, the award in total shall not exceed ~~((twenty-five))~~ fifty thousand dollars in the superior court and fifty thousand dollars in each court of appeal to a maximum of seventy-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy. (3) A party who is awarded fees and other expenses by the superior court or by any court of appeal is entitled to those fees and expenses, regardless of whether the party ultimately prevails in a final resolution of the matter. **Sec. 503.** RCW 4.84.360 and 1995 c 403 s 904 are each amended to read as follows: Fees and other expenses awarded under RCW 4.84.340 and 4.84.350 shall be paid by the agency over which the party prevails from operating funds appropriated to the agency within ~~((sixty-days))~~ thirty days of the decision of a superior court or court of appeal. The fees and other expenses must be paid from moneys appropriated to the agency for administration and support services and not out of moneys for program activities or service delivery if the operating budget or budget notes separately designate administration and support services. Agencies paying fees and other expenses pursuant to RCW 4.84.340 and 4.84.350 shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award. **PART VIMISCELLANEOUS Sec. 601.** RCW 42.17.260 and 1995 c 397 s 11 and 1995 c 341 s 1 are each reenacted and amended to read as follows: (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing. (2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption. (3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973: (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency; (c) Administrative staff manuals and instructions to staff that affect a member of the public; (d) Planning policies and goals, and interim and final planning decisions; (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party. (4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event: (a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and (b) Make available for public inspection and copying all indexes maintained for agency use. (5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records: (a) All records issued before July 1, 1990, for which the agency has maintained an index; (b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010~~((+))~~ and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (d) Interpretive statements as defined in RCW 34.05.010~~((+))~~ that were entered after June 30, 1990; and (e) Policy statements as defined in RCW 34.05.010~~((+))~~ that were entered after June 30, 1990. Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes. (6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if— (a) It has been indexed in an index available to the public; or (b) Parties affected have timely notice (actual or constructive) of the terms thereof. (7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any. (a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used. (b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and mail the requested public records may be included in an agency's costs. (8) An agency need not calculate the actual per page cost or other costs it charges for providing photocopies of public records if to do so would be unduly burdensome, but in that event: The agency may not charge in excess of fifteen cents per page for photocopies of public records or for the use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor. (9) This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the

office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act. **Sec. 602.** RCW 51.04.030 and 1994 c 164 s 25 are each amended to read as follows: The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers. The director shall, in consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. The department shall coordinate with other state purchasers of health care services to establish as much consistency and uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010((3)), nor does such a fee schedule constitute a "de facto rule" as used in RCW 34.05.010((4)). The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the adopted rules, regulations, established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or the established fee schedules and rules and regulations adopted under it. **NEW SECTION. Sec. 603.** A new section is added to chapter 43.17 RCW to read as follows: (1) An agency, prior to releasing a final report or study regarding management by a county, city, town, special purpose district, or other unit of local government of a program delegated to the local government by the agency or for which the agency has regulatory responsibility, shall provide copies of a draft of the report or study at least two weeks in advance of the release of the final report or study to the legislative body of the local government. The agency shall, at the request of a local government legislative body, meet with the legislative body before the release of a final report or study regarding the management of such a program. (2) For purposes of this section, "agency" means an office, department, board, commission, or other unit of state government, other than a unit of state government headed by a separately elected official. **NEW SECTION. Sec. 604.** A new section is added to chapter 43.05 RCW to read as follows: When issuing a citation or other written finding that a person has violated a statute, rule, or order, the agency shall include with the citation or other written finding the text of the specific statute or statutes granting the agency the authority to regulate the subject matter of the citation or other written finding. **Sec. 605.** RCW 50.13.060 and 1996 c 79 s 1 are each amended to read as follows: (1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and: (a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and (b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and (c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes. (2) The requirements of subsections (1) and (8) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW. (3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately. (4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such

information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080. (5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied. (6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080. (7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control. (8) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained. (9) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply. **NEW SECTION. Sec. 606.** The code reviser shall study the feasibility of accepting agency rule filings in an electronic format. The study must include consideration of the benefits to be achieved by electronic filing compared to the costs that electronic filing would entail. The code reviser may consult with the office of financial management, state agencies, and the general public in conducting the study. The code reviser shall report to the legislature and the governor by July 1, 1998, on the results of this study. **NEW SECTION. Sec. 607.** Part headings used in this act do not constitute any part of the law. **NEW SECTION. Sec. 608.** Section 605 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. **NEW SECTION. Sec. 609.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." The President declared the question before the Senate to be the motion by Senator Hale to not adopt the Committee on Ways and Means striking amendment to Engrossed Second Substitute House Bill No. 1032.

The motion by Senator Hale carried and the Committee on Ways and Means striking amendment to Engrossed House Bill No. 1032 was not adopted.

#### MOTION

Senator Hale moved that the following Committee on Government Operations amendment not be adopted:

Strike everything after the enacting clause and insert the following: "**PART I GRANTS OF RULE-MAKING AUTHORITY Sec. 101.** RCW 76.09.010 and 1993 c 443 s 1 are each amended to read as follows: (1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty. (2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive state-wide system of laws and forest practices regulations which will achieve the following purposes and policies: (a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest; (b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices; (c) Recognize both the public and private interest in the profitable growing and harvesting of timber; (d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein; (e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such regulation; (f) Provide for interagency input and intergovernmental and tribal coordination and cooperation; (g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices; (h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations; and

(i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state. The authority of the board to adopt forest practices rules is prescribed by this subsection (2) and RCW 76.09.040. After the effective date of this act, the board may not adopt forest practices rules based solely on any other section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions. (3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes. (4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practice permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources. **Sec. 102.** RCW 76.09.040 and 1994 c 264 s 48 are each amended to read as follows: (1) Where necessary to accomplish the purposes and policies specifically stated in RCW 76.09.010(2), and to implement the provisions of this chapter, the board shall (~~promulgate~~) adopt forest practices (~~regulations~~) rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that: (a) Establish minimum standards for forest practices; (b)

Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies specifically stated in RCW 76.09.010(2) and the plan meets or exceeds the objectives of the minimum standards; (c) Set forth necessary administrative provisions; and (d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter. Forest practices (~~(regulations)~~) rules pertaining to water quality protection shall be (~~(promulgated)~~) adopted individually by the board and by the department of ecology after they have reached agreement with respect thereto. All other forest practices (~~(regulations)~~) rules shall be (~~(promulgated)~~) adopted by the board. Forest practices (~~(regulations)~~) rules shall be administered and enforced by the department except as otherwise provided in this chapter. Such (~~(regulations)~~) rules shall be (~~(promulgated)~~) adopted and administered so as to give consideration to all purposes and policies specifically set forth in RCW 76.09.010(2). (2) The board shall prepare proposed forest practices (~~(regulations)~~) rules. In addition to any forest practices (~~(regulations)~~) rules relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices (~~(regulations)~~) rules relating to water quality protection. Prior to initiating the rule making process, the proposed (~~(regulations)~~) rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices (~~(regulations)~~) rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed (~~(regulations)~~) rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed (~~(regulations)~~) rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices (~~(regulations)~~) rules relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter. **NEW SECTION. Sec. 103.** A new section is added to chapter 43.22 RCW to read as follows: For rules adopted after the effective date of this act, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions, for statutory authority to adopt any rule. This section does not apply to rules adopted under chapter 39.12 RCW. **Sec. 104.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows: (1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code. (2) The commissioner shall execute his or her duties and shall enforce the provisions of this code. (3) The commissioner may: (a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this statute, or on a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. No such rules and regulations shall be effective prior to their being filed for public inspection in the commissioner's office. (b) Conduct investigations to determine whether any person has violated any provision of this code. (c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code. **Sec. 105.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows: The insurance commissioner shall make reasonable regulations in aid of the administration of this chapter which may include, but shall not be limited to regulations concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. **Sec. 106.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each amended to read as follows: The commissioner may adopt, in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW, (~~(promulgate)~~) rules and regulations as necessary or proper to carry out the provisions of this chapter. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by (~~(him)~~) the commissioner. **Sec. 107.** RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows: (1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section. (2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period. (3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule. (b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6). (c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record. (4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated. ((4)) (5) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed

thereafter. ~~((5))~~ (6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

**PART IRULE-MAKING REQUIREMENTS Sec. 201.** RCW 34.05.010 and 1992 c 44 s 10 are each amended to read as

follows: The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise. (1) "Adjudicative proceeding" means a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law. (2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.41 RCW. (3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits. Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including eminent domain, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency. (4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head. (5) "De facto rule" means an issuance not adopted under Part III of this chapter that the agency uses to (a) subject a person to a penalty or administrative sanction; (b) establish, alter, or revoke a procedure, practice, or requirement relating to agency hearings; (c) establish, alter, or revoke a qualification or requirement relating to the enjoyment of a benefit or privilege conferred by law; (d) establish, alter, or revoke a qualification or standard for the issuance, suspension, or revocation of a license to pursue a commercial activity, trade, or profession; or (e) establish, alter, or revoke mandatory standards for a product or material that must be met before distribution or sale. The term does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued under RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his or her designee where notice of the restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes. (6) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective. ~~((6))~~ (7) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head. ~~((7))~~ (8) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." ~~((8))~~ (9) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order. ~~((9))~~ (10) "Issuance" means a written document of general applicability issued by an agency that is available to the public. It includes, but is not limited to, an agency order of adoption, bulletin, directive, policy statement, interpretive statement, guideline, letter, memorandum, rule, or de facto rule. "Issuance" does not include final agency orders issued after an adjudicative proceeding under Part IV of this chapter, tax determinations of precedential value issued by the department of revenue, or documents entitled "technical assistance document". (11)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency. (b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license. ~~((10))~~ (12)(a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons. (b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule. ~~((11))~~ (13) "Party to agency proceedings," or "party" in a context so indicating, means: (a) A person to whom the agency action is specifically directed; or (b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding. ~~((12))~~ (14) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means: (a) A person who files a petition for a judicial review or civil enforcement proceeding; or (b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding. ~~((13))~~ (15) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency. ~~((14))~~ (16) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach. ~~((15))~~ (17) "Rule" means any ~~(agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance,~~

suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale) issuance adopted under Part III of this chapter. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes). ((+6)) (18) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 ((for the purpose of selectively reviewing existing and proposed rules of state agencies)). ((+7)) (19) "Rule making" means the process for formulation and adoption of a rule. ((+8)) (20) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company. **Sec. 202.** RCW 34.05.230 and 1996 c 206 s 12 are each amended to read as follows: (1) ((If the adoption of rules is not feasible and practicable,)) An agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of ((interpretive or policy statements. Current interpretive and policy statements)) issuances. Unless adopted under Part III of this chapter or exempted under the definition of de facto rule, these issuances are advisory only. ((To better inform and involve the public, an agency is encouraged to convert long-standing interpretive and policy statements into rules.)) (2) A person may petition an agency ((requesting the conversion of interpretive and policy statements into rules)) to adopt an issuance as a rule. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. A person may petition an agency requesting the repeal or withdrawal of an interpretive or policy statement. Within sixty days after submission of ((a)) either type of petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter. (3) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service. (4) Whenever an agency issues an interpretive or policy statement, it shall submit to the code reviser for publication in the Washington State Register a statement describing the subject matter of the interpretive or policy statement, and listing the person at the agency from whom a copy of the interpretive or policy statement may be obtained. **NEW SECTION. Sec. 203.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: In lieu of regular mail, an agency may send the contents of any notice pertaining to rule making required under this chapter by electronic mail or facsimile mail if requested in writing by the person entitled to receive the notice. **Sec. 204.** RCW 34.05.325 and 1995 c 403 s 304 are each amended to read as follows: (1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing. (2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing. (3) If the agency possesses equipment capable of receiving electronic mail, telefacsimile transmissions, or recorded telephonic communications, the agency ((may)) shall provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency ((chooses)) is able to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission or electronic mail comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the ((official record)) rule-making file established under RCW 34.05.370 if the comments are made in accordance with the agency's instructions. (4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means.

Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW. (5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320. (6)(a) Before it files an adopted rule with the code reviser, an agency shall prepare a concise explanatory statement of the rule: (i) Identifying the agency's reasons for adopting the rule; (ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and (iii) Summarizing all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so. (b) The agency shall provide the concise explanatory statement to any person upon request or from whom the agency received comment. **Sec. 205.** RCW 34.05.328 and 1995 c 403 s 201 are each amended to read as follows: (1) Before adopting a rule described in subsection (5) of this section, an agency shall: (a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements; (b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule; (c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented; (d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives



stated under (a) of this subsection; (e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law; (f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law; (g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following: (i) A state statute that explicitly allows the agency to differ from federal standards; or (ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and (h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. (2) In making its determinations pursuant to subsection (1)(b) through (g) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified. (3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to: (a) Implement and enforce the rule, including a description of the resources the agency intends to use; (b) Inform and educate affected persons about the rule; (c) Promote and assist voluntary compliance; and (d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes. (4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following: (a) Provide to the ~~((business assistance center))~~ department of community, trade, and economic development a list citing by reference the other federal and state laws that regulate the same activity or subject matter; (b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following: (i) Deferring to the other entity; (ii) Designating a lead agency; or (iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement. If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection; (c) Report to the joint administrative rules review committee: (i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and (ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference. (5)(a) Except as provided in (b) of this subsection, this section applies to: (i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, social and health services, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and (ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within ~~((forty-five))~~ one hundred eighty days of receiving the notice of proposed rule making under RCW 34.05.320. (b) This section does not apply to: (i) Emergency rules adopted under RCW 34.05.350; (ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party; (iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (v) Rules the content of which is explicitly and specifically dictated by statute; ~~((or))~~ (vi) Rules that set or adjust fees or rates pursuant to legislative standards; or (vii) Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents. (c) For purposes of this subsection: (i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency. (ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers. (iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program. (d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily. (6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document: (a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted; (b) The costs incurred by state agencies in complying with this section; (c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result; (d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission; (e) The extent to which this section has improved the acceptability of state rules to those regulated; and (f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section. **NEW SECTION. Sec. 206.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: Each state agency shall prepare a semiannual agenda for rules under development. The agency shall file the agenda with the code reviser for publication in the state register not later than January 31st and July 31st of each year. Not later than three days after its publication in the state register, the agency shall send a copy of the agenda to each person who has requested receipt of a copy of the agenda. The agency shall also submit the agenda to the director of financial management, the rules review committee, and any other state agency that may reasonably be expected to have an interest in the subject of rules that will be developed. **Sec. 207.** RCW 34.05.350 and 1994 c 249 s 3 are each amended to read as follows: (1) If an agency for good cause finds: (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of ~~((the))~~ public health~~((;))~~ or safety, ~~((or general welfare,))~~ and that observing the time

requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. However, the department of agriculture may adopt an emergency rule if the failure to adopt the rule on an emergency basis would result in substantial reduction of commodity value or substantial economic detriment, and the department of fish and wildlife may adopt emergency rules governing seasons and harvest limits for recreational and commercial fishing and recreational hunting; or (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule, the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee. (2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective. (3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule. ~~((4) In adopting an emergency rule, the agency shall comply with section 4 of this act or provide a written explanation for its failure to do so.)~~ **NEW SECTION. Sec. 208.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: (1) An agency may file notice for the expedited adoption of rules in accordance with the procedures set forth in this section for rules meeting any one of the following criteria: (a) The proposed rules relate only to internal governmental operations that are not subject to violation by a person; (b) The proposed rules adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (c) The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (d) The content of the proposed rules is explicitly and specifically dictated by statute; (e) The proposed rules have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or (f) The proposed rule is being amended after a review under RCW 34.05.328 or section 212 of this act. (2) The expedited rule-making process must follow the requirements for rule making set forth in RCW 34.05.320, except that the agency is not required to prepare a small business economic impact statement under RCW 19.85.025, a statement indicating whether the rule constitutes a significant legislative rule under RCW 34.05.328(5)(c)(iii), or a significant legislative rule analysis under RCW 34.05.328. An agency is not required to prepare statements of inquiry under RCW 34.05.310 or conduct a hearing for the expedited adoption of rules. The notice for the expedited adoption of rules must contain a statement in at least ten-point type, that is substantially in the following form:

#### **NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO (INSERT NAME AND ADDRESS) AND RECEIVED BY (INSERT DATE).**

(3) The agency shall send a copy of the notice of the proposed expedited rule making to any person who has requested notification of proposals for the expedited adoption of rules or of agency rule making, as well as the joint administrative rules review committee, within three days after its publication in the Washington State Register. An agency may charge for the actual cost of providing a requesting party mailed copies of these notices. The notice of the proposed expedited rule making must be preceded by a statement substantially in the form provided in subsection (2) of this section. The notice must also include an explanation of the reasons the agency believes the expedited adoption of the rule is appropriate. (4) The code reviser shall publish the text of all rules proposed for expedited adoption along with the notice required in this section in a separate section of the Washington State Register. Once the text of the proposed rules has been published in the Washington State Register, the only changes that an agency may make in the text of these proposed rules before their final adoption are to correct typographical errors. (5) Any person may file a written objection to the expedited adoption of a rule. The objection must be filed with the agency rules coordinator within forty-five days after the notice of the proposed expedited rule making has been published in the Washington State Register. A person who has filed a written objection to the expedited adoption of a rule may withdraw the objection. (6) If no written objections to the expedited adoption of a rule are filed with the agency within forty-five days after the notice of proposed expedited rule making is published, or if all objections that have been filed are withdrawn by the persons filing the objections, the agency may enter an order adopting the rule without further notice or a public hearing. The order must be published in the manner required by this chapter for any other agency order adopting, amending, or repealing a rule. (7) If a written notice of objection to the expedited adoption of the rule is timely filed with the agency and is not withdrawn, the notice of proposed expedited rule making published under this section is considered a statement of inquiry for the purposes of RCW 34.05.310, and the agency may initiate further rule adoption proceedings in accordance with this chapter. (8) This section expires on December 31, 2000. **Sec. 209.** RCW 34.05.354 and 1995 c 403 s 701 are each amended to read as follows: (1) Not later than ~~((June 30th))~~ April 1st or October 1st of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code

reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of inquiry, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal. (2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria: (a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule; (b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute; (c) The rule is no longer necessary because of changed circumstances; or (d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant. (3) The agency shall also send a copy of the preproposal notice of inquiry to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule making. The preproposal notice of inquiry shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal notice of inquiry is published. The notice of inquiry shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate. (4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than ~~((July))~~ May 31st or November 30th of each year, or in the first register published after that date. (5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days after the notice of inquiry has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule. (6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of inquiry is published, the agency may enter an order repealing the rule without further notice or an explanation for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of inquiry has been published, the preproposal notice of inquiry published pursuant to this section shall be considered a preproposal notice of inquiry for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter. **Sec. 210.** RCW 34.05.360 and 1988 c 288 s 311 are each amended to read as follows: The order of adoption by which each rule is adopted by an agency shall contain all of the following: (1) The date the agency adopted the rule; (2) A concise statement of the purpose of the rule; (3) A reference to all rules repealed, amended, or suspended by the rule; (4) A reference to the specific statutory or other authority authorizing adoption of the rule; (5) The governor's signature approving the adopted rule, if the agency head is appointed by, and serves at the pleasure of, the governor; (6) Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and ~~((6))~~ (7) The effective date of the rule if other than that specified in RCW 34.05.380(2). **NEW SECTION. Sec. 211.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: Any agency having rules that postpone full compliance with their requirements beyond ninety days after the effective date of this act shall prepare a small business economic impact statement, as defined in RCW 19.85.020(2), on such rules before requiring full compliance with the rules. **NEW SECTION. Sec. 212.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: (1) No rule, adopted by an agency before the effective date of this act, is effective for more than seven years after the effective date of this act, unless it has been reviewed under the procedures established in this chapter. (2) Each agency shall review its rules existing on the effective date of this act as follows: (a) Fifty percent of the rules must be reviewed within three years of the effective date of this act; (b) Eighty percent of the rules must be reviewed within five years of the effective date of this act; (c) One hundred percent of the rules must be reviewed within seven years of the effective date of this act. (3) In reviewing a rule, the agency shall determine whether the rule is: (a) Unclear or difficult to understand; (b) Written or being implemented in a way that does not conform with the intent of the legislature as expressed by the statute that the rule implements; (c) Duplicative of, inconsistent with, or in conflict with other state, federal, or local rules or statutes; (d) Excessively costly or outdated in the methods prescribed; (e) Unauthorized because the authorizing statute has since been repealed or amended; or (f) No longer necessary to meet the purposes of the statute that it implements. (4) The agency shall place in a rules review file documentation sufficient to show that the agency considered the criteria in subsection (3) of this section in reviewing a rule. If the documentation shows that the rule review results in no affirmative response to any of the criteria, the agency may retain the rule. If the rule has an affirmative response to any of the criteria, the agency shall amend the rule to meet the criteria or repeal the rule. The agency may use the expedited procedures under this chapter to amend or repeal the rule. If the criteria are not met and the agency has not amended the rule to meet the criteria, the agency may not rely on the rule for any agency action beginning seven years after the effective date of this act. **NEW SECTION. Sec. 213.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: (1) No rule, adopted by any agency after the effective date of this act, is effective for more than seven years after the rule is adopted, unless the rule has been reviewed under the procedure in this subsection. An agency shall review a rule to evaluate: (a) Achievement of the goals and objectives of the rule; (b) Technological changes that impact the implementation of or compliance with the rule; (c) Controversy surrounding the implementation or enforcement of the rule, stating the nature of the controversy; (d) The outcome of any court challenges to the validity of the rule or its authority to draft the rule; (e) Actual costs or changes undergone by the regulated community; and (f) Laws or other rules passed since the rule was adopted that are in conflict, impact its implementation, or render the rule obsolete. The agency shall place in a rules review file documentation sufficient to show that the agency conducted the review under this section. (2) Those rules certified to the legislature by the governor to have undergone executive rules review by July 31, 2001, are subject to review under subsection (1) of this section beginning July 31, 2001, and may be effective for no more than seven years after that date unless so reviewed. **Sec. 214.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read as follows: (1) Each agency shall file in the office of the code reviser a certified copy of all rules it adopts, except for rules contained in tariffs filed with or published by the Washington utilities and transportation commission. An agency, the head of which is appointed by, and serves at the pleasure of, the governor, shall not file, and the code reviser shall not accept, a nonemergency rule that does not bear the governor's signature approving the rule. The code reviser shall place upon each rule a notation of the time and date of filing and shall keep a permanent register of filed rules open to public inspection. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser. (2) Emergency rules adopted under RCW 34.05.350 become effective upon filing unless a later date is specified in the order of adoption. All other rules become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or

specified in the order of adoption. (3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (2) of this section, if the agency establishes that effective date in the adopting order and finds that: (a) Such action is required by the state or federal Constitution, a statute, or court order; (b) The rule only delays the effective date of another rule that is not yet effective; or (c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare. The finding and a brief statement of the reasons therefor required by this subsection shall be made a part of the order adopting the rule. (4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it. **Sec. 215.** RCW 82.32.410 and 1991 c 330 s 2 are each amended to read as follows: (1) The director may designate certain written determinations as precedents. (a) By rule adopted pursuant to chapter 34.05 RCW, the director shall adopt criteria which he or she shall use to decide whether a determination is precedential. These criteria shall include, but not be limited to, whether the determination clarifies an unsettled interpretation of Title 82 RCW or where the determination modifies or clarifies an earlier interpretation. (b) Written determinations designated as precedents by the director shall be indexed by subject matter. The determinations and indexes shall be made available for public inspection and shall be published by the department. (c) The department shall disclose any written determination upon which it relies to support any assessment of tax, interest, or penalty against such taxpayer, after making the deletions provided by subsection (2) of this section. (2) Before making a written determination available for public inspection under subsection (1) of this section, the department shall delete: (a) The names, addresses, and other identifying details of the person to whom the written determination pertains and of another person identified in the written determination; and (b) Information the disclosure of which is specifically prohibited by any statute applicable to the department of revenue, and the department may also delete other information exempted from disclosure by chapter 42.17 RCW or any other statute applicable to the department of revenue. **Sec. 216.** RCW 19.85.025 and 1995 c 403 s 401 are each amended to read as follows: (1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to RCW 34.05.354. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding. (2) This chapter does not apply to a rule proposed for expedited adoption under section 208 of this act, unless a written objection is timely filed with the agency and the objection is not withdrawn. (3) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4). ~~((3))~~ (4) An agency is not required to prepare a separate small business economic impact statement under RCW 19.85.040 if it prepared an analysis under RCW 34.05.328 that meets the requirements of a small business economic impact statement, and if the agency reduced the costs imposed by the rule on small business to the extent required by RCW 19.85.030(3). The portion of the analysis that meets the requirements of RCW 19.85.040 shall be filed with the code reviser and provided to any person requesting it in lieu of a separate small business economic impact statement. **NEW SECTION. Sec. 217.** (1) The legislature finds that there are state rules on the same subject adopted by more than one state agency. The legislature further finds that this situation places an undue hardship on those regulated by rules issued by more than one state agency on the same subject since the regulated individuals must determine what the combined requirements of the rules from the multiple agencies are and how to comply with the requirements of one agency without violating the requirements of another agency. (2) The department of community, trade, and economic development shall, in close cooperation with the office of the governor, the directors or their designees of all state agencies as appropriate, effected stakeholders, and such other participants as the director of community, trade, and economic development deems appropriate, design and implement a pilot project on a single subject for the consolidation of all rules adopted by any state agency that regulate that same activity or subject matter. The goal of the pilot project is to consolidate these rules into one rule or set of rules that will be the sole and conclusive source of all regulation affecting that activity or subject matter. The department of community, trade, and economic development shall submit a report to the legislature and the governor no later than November 30, 1999. The report must include the activity or subject matter selected by a consensus of the participants, a list of the agencies and their rules that regulate that activity or subject matter, the sole and conclusive rule or set of rules that result from the consolidation of the various agencies' rules, the reasons why no sole and conclusive rule or set of rules could be formulated, if applicable, and any other matters the director deems helpful.

**PART III JUDICIAL REVIEW Sec. 301.** RCW 34.05.570 and 1995 c 403 s 802 are each amended to read as follows: (1) Generally. Except to the extent that this chapter or another statute provides otherwise: (a) Except as provided in subsection (2) of this section, the burden of demonstrating the invalidity of agency action is on the party asserting invalidity; (b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken; (c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and (d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of. (2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding. (b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. When the validity of a rule is challenged, after the petitioner has identified the defects in the rule, the burden of going forward with the evidence is on the agency. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question. (c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures; or the rule is arbitrary and capricious. (3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that: (a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied; (b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law; (c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure; (d) The agency has erroneously interpreted or applied the law; (e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; (f) The agency has not decided all issues requiring resolution by the agency; (g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied

or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion; (h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; ~~((e))~~ (i) The order is arbitrary or capricious; or (j) The order is based on a de facto rule. (4) Review of other agency action. (a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection. (b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer. (c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is: (i) Unconstitutional; (ii) Outside the statutory authority of the agency or the authority conferred by a provision of law; (iii) Arbitrary or capricious; ~~((e))~~ (iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action; or (v) Based on a de facto rule. **Sec. 302.** RCW 34.05.534 and 1995 c 403 s 803 are each amended to read as follows: A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except: (1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, have petitioned for its amendment or repeal, have petitioned the joint administrative rules review committee for its review, or have appealed a petition for amendment or repeal to the governor; (2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or (3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that: (a) The remedies would be patently inadequate; (b) The exhaustion of remedies would be futile; or (c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies. **Sec. 303.** RCW 48.04.010 and 1990 1st ex. s. c 3 s 1 are each amended to read as follows: (1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. The commissioner shall hold a hearing: (a) If required by any provision of this code; or (b) Upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing. (2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing. (3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of a licensee under Title 48 RCW within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records for the licensee, the right to such hearing shall conclusively be deemed to have been waived. (4) If a hearing is demanded by a licensee whose license has been temporarily suspended pursuant to RCW 48.17.540, the commissioner shall hold such hearing demanded within thirty days after receipt of the demand or within thirty days of the effective date of a temporary license suspension issued after such demand, unless postponed by mutual consent. (5) A hearing held under this section must be conducted by an administrative law judge unless the person demanding the hearing agrees in writing to have an employee of the commissioner conduct the hearing. **Sec. 304.** RCW 34.12.040 and 1981 c 67 s 4 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, whenever a state agency conducts a hearing which is not presided over by officials of the agency who are to render the final decision, the hearing shall be conducted by an administrative law judge assigned under this chapter. In assigning administrative law judges, the chief administrative law judge shall wherever practical ~~((H))~~ (a) use personnel having expertise in the field or subject matter of the hearing, and ~~((2))~~ (b) assign administrative law judges primarily to the hearings of particular agencies on a long-term basis. (2) An employee of the office of the insurance commissioner may conduct a hearing as provided in RCW 48.04.010(5). **PART IV LEGISLATIVE REVIEW Sec. 401.** RCW 34.05.630 and 1996 c 318 s 4 are each amended to read as follows: (1) All ~~((rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350,))~~ issuances are subject to selective review by the legislature. (2) ~~((All agency policy and interpretive statements are subject to selective review by the legislature. (3)))~~ If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute ~~((which))~~ that the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency issuance is ~~((using a policy or interpretive statement in place of))~~ a de facto rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW. ~~((4))~~ (3) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute ~~((which))~~ that the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, or (c) whether ~~((the agency is using a policy or interpretive statement in place of a))~~ an agency issuance is a de facto rule. **Sec. 402.** RCW 34.05.640 and 1996 c 318 s 5 are each amended to read as follows: (1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.05.620 or 34.05.630, the affected agency shall notify the committee of its intended action on a proposed or existing rule or issuance to which the committee objected ~~((or on a committee finding of the agency's failure to adopt rules)).~~ (2) If the rules review committee finds by a majority vote of its members: (a) That the proposed or existing rule in question will not be modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, (b) that an existing rule was not adopted in accordance with all applicable provisions of law, or (c) that the agency will not modify or withdraw a de facto rule, or replace ~~((the policy or interpretive statement))~~ it with a rule, the rules review committee may, within thirty days from notification by the agency of its intended action, file with the code reviser notice of its objections

together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee. (3) If the rules review committee makes an adverse finding regarding an existing rule under subsection (2)(a) or (b) of this section or a de facto rule under subsection (2)(c) of this section, the committee may, by a majority vote of its members, recommend suspension of the rule. Within seven days of such vote the committee shall transmit to the appropriate standing committees of the legislature, the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session. (4) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (2) or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears. If the transmittal relates to a de facto rule, the code reviser shall publish the reference within the Washington State Register and the Washington Administrative Code in a location that addresses the most relevant subject matter. (5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee. **Sec. 403.**

RCW 34.05.655 and 1996 c 318 s 7 are each amended to read as follows: (1) Any person may petition the rules review committee for a review of a proposed or existing rule or ~~((a policy or interpretive statement))~~ other issuance. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition and describe any initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included. (2) A person may petition the rules review committee under subsection (1) of this section requesting review of an existing rule only if the person has petitioned the agency to amend or repeal the rule under RCW 34.05.330(1) and such petition was denied. (3) A petition for review of a rule under subsection (1) of this section shall: (a) Identify with specificity the proposed or existing rule to be reviewed; (b) Identify the specific statute identified by the agency as authorizing the rule, the specific statute which the rule interprets or implements, and, if applicable, the specific statute the department is alleged not to have followed in adopting the rule; (c) State the reasons why the petitioner believes that the rule is not within the intent of the legislature, or that its adoption was not or is not in accordance with law, and provide documentation to support these statements; (d) Identify any known judicial action regarding the rule or statutes identified in the petition. A petition to review an existing rule shall also include a copy of the agency's denial of a petition to amend or repeal the rule issued under RCW 34.05.330(1) and, if available, a copy of the governor's denial issued under RCW 34.05.330(3). (4) A petition for review of ~~((a policy or interpretive statement))~~ an issuance other than a proposed or existing rule under subsection (1) of this section shall: (a) Identify the specific ~~((statement))~~ issuance to be reviewed; (b) ~~((Identify the specific statute which the rule interprets or implements; (c)))~~ State the reasons why the petitioner believes that the ~~((statement))~~ issuance meets the definition of a de facto rule under RCW 34.05.010 ~~((and should have been adopted according to the procedures of this chapter)); ((d))~~ (c) Identify any known judicial action regarding the ~~((statement))~~ issuance or statutes identified in the petition. (5) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule or other issuance for which the petition for review was not previously rejected. **Sec. 404.** RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules. (2) If the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature or was not adopted in accordance with all applicable provisions of law, the recommendation establishes a rebuttable presumption in a proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the validity of the rule is then on the adopting agency.

**PART VFEES AND EXPENSES Sec. 501.** RCW 4.84.340 and 1995 c 403 s 902 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 4.84.340 through 4.84.360. (1) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law. (2) "Agency action" means agency action as defined by chapter 34.05 RCW. (3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee. (4) "Judicial review" means ~~((a judicial review as defined by chapter 34.05 RCW))~~ review of an agency action in the superior court and courts of appeal. (5) "Qualified party" means (a) an individual whose net worth did not exceed ~~((one))~~ two million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed ~~((five))~~ seven million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal Internal Revenue Code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association. **Sec. 502.** RCW 4.84.350 and 1995 c 403 s 903 are each amended to read as follows: (1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses incurred in the judicial review, including reasonable attorneys' fees, unless the court finds that ~~((the agency action was substantially justified or that))~~ circumstances make an award grossly unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some

benefit that the qualified party sought. (2) The amount awarded a qualified party under subsection (1) of this section shall not exceed ~~((twenty-five))~~ fifty thousand dollars for the fees and other expenses incurred in superior court, and fifty thousand dollars for the fees and other expenses incurred in each court of appeal to a maximum of seventy-five thousand dollars.

Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or more qualified parties join in an action, the award in total shall not exceed ~~((twenty-five))~~ fifty thousand dollars in the superior court and fifty thousand dollars in each court of appeal to a maximum of seventy-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy. (3) A party who is awarded fees and other expenses by the superior court or by any court of appeal is entitled to those fees and expenses, regardless of whether the party ultimately prevails in a final resolution of the matter.

**Sec. 503.** RCW 4.84.360 and 1995 c 403 s 904 are each amended to read as follows: Fees and other expenses awarded under RCW 4.84.340 and 4.84.350 shall be paid by the agency over which the party prevails from operating funds appropriated to the agency within ~~((sixty-days))~~ thirty days of the decision of a superior court or court of appeal. The fees and other expenses must be paid from moneys appropriated to the agency for administration and support services and not out of moneys for program activities or service delivery if the operating budget or budget notes separately designate administration and support services. Agencies paying fees and other expenses pursuant to RCW 4.84.340 and 4.84.350 shall report all

payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

**PART VIMISCELLANEOUS Sec. 601.** RCW 42.17.260 and 1995 c 397 s 11 and 1995 c 341 s 1 are each reenacted and amended to read as follows: (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing. (2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption. (3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973: (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency; (c) Administrative staff manuals and instructions to staff that affect a member of the public; (d) Planning policies and goals, and interim and final planning decisions; (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party. (4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event: (a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and (b) Make available for public inspection and copying all indexes maintained for agency use. (5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records: (a) All records issued before July 1, 1990, for which the agency has maintained an index; (b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW

34.05.010~~((4))~~) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (d) Interpretive statements as defined in RCW 34.05.010~~((8))~~) that were entered after June 30, 1990; and (e) Policy statements as defined in RCW 34.05.010~~((14))~~) that were entered after June 30, 1990. Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes. (6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—(a) It has been indexed in an index available to the public; or (b) Parties affected have timely notice (actual or constructive) of the terms thereof. (7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any. (a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used. (b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records.

Staff time to copy and mail the requested public records may be included in an agency's costs. (8) An agency need not calculate the actual per page cost or other costs it charges for providing photocopies of public records if to do so would be unduly burdensome, but in that event: The agency may not charge in excess of fifteen cents per page for photocopies of

34.05.010~~((4))~~) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (d) Interpretive statements as defined in RCW 34.05.010~~((8))~~) that were entered after June 30, 1990; and (e) Policy statements as defined in RCW 34.05.010~~((14))~~) that were entered after June 30, 1990. Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes. (6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—(a) It has been indexed in an index available to the public; or (b) Parties affected have timely notice (actual or constructive) of the terms thereof. (7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any. (a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used. (b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records.

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34.05.010~~((4))~~) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (d) Interpretive statements as defined in RCW 34.05.010~~((8))~~) that were entered after June 30, 1990; and (e) Policy statements as defined in RCW 34.05.010~~((14))~~) that were entered after June 30, 1990. Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes. (6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—(a) It has been indexed in an index available to the public; or (b) Parties affected have timely notice (actual or constructive) of the terms thereof. (7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any. (a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used. (b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records.

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public records or for the use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor. (9) This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act. **Sec. 602.** RCW 51.04.030 and 1994 c 164 s 25 are each amended to read as follows: The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers. The director shall, in consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. The department shall coordinate with other state purchasers of health care services to establish as much consistency and uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010(~~(3)~~), nor does such a fee schedule constitute a "de facto rule" as used in RCW 34.05.010(~~(15)~~). The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the adopted rules, regulations, established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or the established fee schedules and rules and regulations adopted under it. **NEW SECTION. Sec. 603.** A new section is added to chapter 43.17 RCW to read as follows: (1) An agency, prior to releasing a final report or study regarding management by a county, city, town, special purpose district, or other unit of local government of a program delegated to the local government by the agency or for which the agency has regulatory responsibility, shall provide copies of a draft of the report or study at least two weeks in advance of the release of the final report or study to the legislative body of the local government. The agency shall, at the request of a local government legislative body, meet with the legislative body before the release of a final report or study regarding the management of such a program. (2) For purposes of this section, "agency" means an office, department, board, commission, or other unit of state government, other than a unit of state government headed by a separately elected official. **NEW SECTION. Sec. 604.** A new section is added to chapter 43.05 RCW to read as follows: When issuing a citation or other written finding that a person has violated a statute, rule, or order, the agency shall include with the citation or other written finding the text of the specific statute or statutes granting the agency the authority to regulate the subject matter of the citation or other written finding. **Sec. 605.** RCW 50.13.060 and 1996 c 79 s 1 are each amended to read as follows: (1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and: (a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and (b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and (c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes. (2) The requirements of subsections (1) and (8) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW. (3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately. (4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to



the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080. (5)

Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied. (6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied.

Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080. (7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control. (8) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained. (9) In conducting periodic salary or fringe benefit studies pursuant to law, the

department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply. **NEW SECTION. Sec. 606.**

The code reviser shall study the feasibility of accepting agency rule filings in an electronic format. The study must include consideration of the benefits to be achieved by electronic filing compared to the costs that electronic filing would entail. The code reviser may consult with the office of financial management, state agencies, and the general public in conducting the study. The code reviser shall report to the legislature and the governor by July 1, 1998, on the results of this study. **NEW SECTION. Sec. 607.** Part headings used in this act do not constitute any part of the law. **NEW SECTION. Sec. 608.**

Section 605 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. **NEW SECTION. Sec. 609.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." The President declared the question before the Senate to be the motion by Senator Hale to not adopt the Committee on Government Operations striking amendment to Engrossed Second

Substitute House Bill No. 1032.

The motion by Senator Hale carried and the Committee on Government Operations striking amendment to Engrossed Second Substitute House Bill No. 1032 was not adopted.

#### MOTION

Senator Hale moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: **"PART IGRANTS OF RULE-MAKING AUTHORITY Sec. 101.** RCW 76.09.010 and 1993 c 443 s 1 are each amended to read as follows: (1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty. (2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive state-wide system of laws and forest practices regulations which will achieve the following purposes and policies: (a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest; (b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices; (c) Recognize both the public and private interest in the profitable growing and harvesting of timber; (d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein; (e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such regulation; (f) Provide for interagency input and intergovernmental and tribal coordination and cooperation; (g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices; (h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations; and (i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state. The authority of the board to adopt forest practices rules is prescribed by this subsection (2) and RCW 76.09.040. After the effective date of this act, the board may not adopt forest practices rules based solely on any other section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions. (3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes. (4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practice permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources. **Sec. 102.** RCW 76.09.040 and 1994 c 264 s 48 are each amended to read as follows: (1) Where necessary to accomplish the purposes and policies specifically stated in RCW 76.09.010(2), and to implement the provisions of this chapter, the board shall (~~promulgate~~) adopt

forest practices ((regulations)) rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that: (a) Establish minimum standards for forest practices; (b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies specifically stated in RCW 76.09.010(2) and the plan meets or exceeds the objectives of the minimum standards; (c) Set forth necessary administrative provisions; and (d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter. Forest practices ((regulations)) rules pertaining to water quality protection shall be ((promulgated)) adopted individually by the board and by the department of ecology after they have reached agreement with respect thereto. All other forest practices ((regulations)) rules shall be ((promulgated)) adopted by the board. Forest practices ((regulations)) rules shall be administered and enforced by the department except as otherwise provided in this chapter. Such ((regulations)) rules shall be ((promulgated)) adopted and administered so as to give consideration to all purposes and policies specifically set forth in RCW 76.09.010(2). (2) The board shall prepare proposed forest practices ((regulations)) rules. In addition to any forest practices ((regulations)) rules relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices ((regulations)) rules relating to water quality protection. Prior to initiating the rule making process, the proposed ((regulations)) rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ((regulations)) rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ((regulations)) rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ((regulations)) rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ((regulations)) rules relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter. **NEW SECTION. Sec. 103.** A new section is added to chapter 43.22 RCW to read as follows: For rules adopted after the effective date of this act, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions, for statutory authority to adopt any rule. This section does not apply to rules adopted under chapter 39.12 RCW. **Sec. 104.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows: (1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code. (2) The commissioner shall execute his or her duties and shall enforce the provisions of this code. (3) The commissioner may: (a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this statute, or on a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. No such rules and regulations shall be effective prior to their being filed for public inspection in the commissioner's office. (b) Conduct investigations to determine whether any person has violated any provision of this code. (c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code. **Sec. 105.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows: The insurance commissioner shall make reasonable regulations in aid of the administration of this chapter which may include, but shall not be limited to regulations concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. **Sec. 106.** RCW 48.46.200 and 1975 1st ex. s. c 290 s 21 are each amended to read as follows: The commissioner may adopt, in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW, ((promulgate)) rules and regulations as necessary or proper to carry out the provisions of this chapter. However, the commissioner may not adopt rules after the effective date of this act that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of those provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by ((him)) the commissioner. **Sec. 107.** RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows: (1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section. (2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period. (3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule. (b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6). (c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record. (4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated. ((4)) (5) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the

commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter. ~~((5))~~ (6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

**PART II RULE-MAKING REQUIREMENTS Sec. 201.** RCW 34.05.010 and 1992 c 44 s 10 are each amended to read as follows: The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise. (1) "Adjudicative proceeding" means a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law. (2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.41 RCW.

(3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits. Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including eminent domain, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency. (4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head. (5) "De facto rule" means an issuance not adopted under Part III of this chapter that the agency uses to (a) subject a person to a penalty or administrative sanction; (b) establish, alter, or revoke a procedure, practice, or requirement relating to agency hearings; (c) establish, alter, or revoke a qualification or requirement relating to the enjoyment of a benefit or privilege conferred by law; (d) establish, alter, or revoke a qualification or standard for the issuance, suspension, or revocation of a license to pursue a commercial activity, trade, or profession; or (e) establish, alter, or revoke mandatory standards for a product or material that must be met before distribution or sale. The term does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued under RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his or her designee where notice of the restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes. (6) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective. ~~((6))~~ (7) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head. ~~((7))~~ (8) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." ~~((8))~~ (9) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order. ~~((9))~~ (10) "Issuance" means a written document of general applicability issued by an agency that is available to the public. It includes, but is not limited to, an agency order of adoption, bulletin, directive, policy statement, interpretive statement, guideline, letter, memorandum, rule, or de facto rule. "Issuance" does not include final agency orders issued after an adjudicative proceeding under Part IV of this chapter, tax determinations of precedential value issued by the department of revenue, documents entitled "technical assistance document," medical coverage decisions, tariffs, or permits. (11)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency. (b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license. ~~((10))~~ (12)(a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons. (b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule. ~~((11))~~ (13) "Party to agency proceedings," or "party" in a context so indicating, means: (a) A person to whom the agency action is specifically directed; or (b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding. ~~((12))~~ (14) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means: (a) A person who files a petition for a judicial review or civil enforcement proceeding; or (b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding. ~~((13))~~ (15) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency. ~~((14))~~ (16) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach. ~~((15))~~ (17) "Rule" means any ~~(agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency~~

hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses for any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale)) issuance adopted under Part III of this chapter. The term includes the amendment or repeal of a prior rule (~~(, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes~~)). ~~((16))~~ (18) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 (~~(for the purpose of selectively reviewing existing and proposed rules of state agencies)~~). ~~((17))~~ (19) "Rule making" means the process for formulation and adoption of a rule. ~~((18))~~ (20) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company. **Sec. 202.** RCW 34.05.230 and 1996 c 206 s 12 are each amended to read as follows: (1) ~~(If the adoption of rules is not feasible and practicable,)~~ An agency may file notice for the expedited adoption of rules in accordance with the procedures set forth in this section for rules meeting any one of the following criteria: (a) The proposed rules relate only to internal governmental operations that are not subject to violation by a person; (b) The proposed rules adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (c) The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (d) The content of the proposed rules is explicitly and specifically dictated by statute; (e) The proposed rules have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or (f) The proposed rule is being amended after a review under RCW 34.05.328 or section 210 of this act. (2) The expedited rule-making process must follow the requirements for rule making set forth in RCW 34.05.320, except that the agency is not required to prepare a small business economic impact statement under RCW 19.85.025, a statement indicating whether the rule constitutes a significant legislative rule under RCW 34.05.328(5)(c)(iii), or a significant legislative rule analysis under RCW 34.05.328. An agency is not required to prepare statements of inquiry under RCW 34.05.310 or conduct a hearing for the expedited adoption of rules. The notice for the expedited adoption of rules must contain a statement in at least ten-point type, that is substantially in the following form:

#### **NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO (INSERT NAME AND ADDRESS) AND RECEIVED BY (INSERT DATE).**

(3) The agency shall send a copy of the notice of the proposed expedited rule making to any person who has requested notification of proposals for the expedited adoption of rules or of agency rule making, as well as the joint administrative rules review committee, within three days after its publication in the Washington State Register. An agency may charge for the actual cost of providing a requesting party mailed copies of these notices. The notice of the proposed expedited rule making must be preceded by a statement substantially in the form provided in subsection (2) of this section. The notice must also include an explanation of the reasons the agency believes the expedited adoption of the rule is appropriate. (4) The code reviser shall publish the text of all rules proposed for expedited adoption along with the notice required in this section in a separate section of the Washington State Register. Once the text of the proposed rules has been published in the Washington State Register, the only changes that an agency may make in the text of these proposed rules before their final adoption are to correct typographical errors. (5) Any person may file a written objection to the expedited adoption of a rule. The objection must be filed with the agency rules coordinator within forty-five days after the notice of the proposed expedited rule making has been published in the Washington State Register. A person who has filed a written objection to the expedited adoption of a rule may withdraw the objection. (6) If no written objections to the expedited adoption of a rule are filed with the agency within forty-five days after the notice of proposed expedited rule making is published, or if all objections that have been filed are withdrawn by the persons filing the objections, the agency may enter an order adopting the rule without further notice or a public hearing. The order must be published in the manner required by this chapter for any other agency order adopting, amending, or repealing a rule. (7) If a written notice of objection to the expedited adoption of the rule is timely filed with the agency and is not withdrawn, the notice of proposed expedited rule making published under this section is considered a statement of inquiry for the purposes of RCW 34.05.310, and the agency may initiate further rule adoption proceedings in accordance with this chapter. (8) Subsections (1) through (8) of this section expire on December 31, 2000. (9) An agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of ~~(interpretive or policy statements. Current interpretive and policy statements)~~ issuances. Unless adopted under Part III of this chapter or exempted under the definition of de facto rule as defined in RCW 34.05.010, these issuances are advisory only. ~~(To better inform and involve the public, an agency is encouraged to convert long-standing interpretive and policy statements into rules. (2))~~ (10) A person may petition an agency ~~(requesting the conversion of interpretive and policy statements into rules)~~ to adopt an issuance as a rule. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. A person may petition an agency requesting the repeal or withdrawal of an interpretive or policy statement. Within sixty days after submission of ~~((a))~~ either type of petition, the agency shall either deny the petition in

writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter. ~~((3))~~ (11) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service. ~~((4))~~ (12) Whenever an agency issues an interpretive or policy statement, it shall submit to the code reviser for publication in the Washington State Register a statement describing the subject matter of the interpretive or policy statement, and listing the person at the agency from whom a copy of the interpretive or policy statement may be obtained. **NEW SECTION. Sec. 203.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: In lieu of regular mail, an agency may send the contents of any notice pertaining to rule making required under this chapter by electronic mail or facsimile mail if requested in writing by the person entitled to receive the notice. **Sec. 204.** RCW 34.05.325 and 1995 c 403 s 304 are each amended to read as follows: (1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing. (2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing. (3) If the agency possesses equipment capable of receiving electronic mail, telefacsimile transmissions, or recorded telephonic communications, the agency ~~((may))~~ shall provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency ~~((chooses))~~ is able to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission or electronic mail comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the ~~((official record))~~ rule-making file established under RCW 34.05.370 if the comments are made in accordance with the agency's instructions. (4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW. (5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320. (6)(a) Before it files an adopted rule with the code reviser, an agency shall prepare a concise explanatory statement of the rule: (i) Identifying the agency's reasons for adopting the rule; (ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and (iii) Summarizing all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so. (b) The agency shall provide the concise explanatory statement to any person upon request or from whom the agency received comment. **Sec. 205.** RCW 34.05.328 and 1995 c 403 s 201 are each amended to read as follows: (1) Before adopting a rule described in subsection (5) of this section, an agency shall: (a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements; (b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule; (c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented; (d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection; (e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law; (f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law; (g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following: (i) A state statute that explicitly allows the agency to differ from federal standards; or (ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and (h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. (2) In making its determinations pursuant to subsection (1)(b) through (g) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified. (3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to: (a) Implement and enforce the rule, including a description of the resources the agency intends to use; (b) Inform and educate affected persons about the rule; (c) Promote and assist voluntary compliance; and (d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes. (4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following: (a) Provide to the ~~((business assistance center))~~ department of community, trade, and economic development a list citing by reference the other federal and state laws that regulate the same activity or subject matter; (b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following: (i) Deferring to the other entity; (ii) Designating a lead agency; or (iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement. If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection; (c) Report to the joint administrative rules review

committee: (i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and (ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference. (5)(a) Except as provided in (b) of this subsection, this section applies to: (i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, social and health services, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and (ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within ~~(forty-five)~~ ninety days of receiving the notice of proposed rule making under RCW 34.05.320. (b) This section does not apply to: (i) Emergency rules adopted under RCW 34.05.350; (ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party; (iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (v) Rules the content of which is explicitly and specifically dictated by statute; ~~((or))~~ (vi) Rules that set or adjust fees or rates pursuant to legislative standards; or (vii) Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents. (c) For purposes of this subsection: (i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency. (ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers. (iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program. (d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily. (6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document: (a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted; (b) The costs incurred by state agencies in complying with this section; (c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result; (d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission; (e) The extent to which this section has improved the acceptability of state rules to those regulated; and (f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section. **NEW SECTION. Sec. 206.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: Each state agency shall prepare a semiannual agenda for rules under development. The agency shall file the agenda with the code reviser for publication in the state register not later than January 31st and July 31st of each year. Not later than three days after its publication in the state register, the agency shall send a copy of the agenda to each person who has requested receipt of a copy of the agenda. The agency shall also submit the agenda to the director of financial management, the rules review committee, and any other state agency that may reasonably be expected to have an interest in the subject of rules that will be developed. **Sec. 207.** RCW 34.05.350 and 1994 c 249 s 3 are each amended to read as follows: (1) If an agency for good cause finds: (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule, the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. ~~((The agency's finding and a concise statement of the reasons for its finding shall be incorporated in))~~ The order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee must contain the governor's signature approving the adoption of the emergency rule or amendment if immediate adoption is found necessary for the preservation of the general welfare. In that case, the governor shall also include a statement explaining why the rule is necessary for that reason. For all other emergency rules, the order of adoption must contain the agency's finding and a concise statement of the reasons for its finding. (2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective. (3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule. ~~((4) In adopting an emergency rule, the agency shall comply with section 4 of this act or provide a written explanation for its failure to do so.))~~ **Sec. 208.** RCW 34.05.354 and 1995 c 403 s 701 are each amended to read as follows: (1) Not later than ~~((June 30th))~~

April 1st or October 1st of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of inquiry, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal. (2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria: (a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule; (b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute; (c) The rule is no longer necessary because of changed circumstances; or (d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant. (3) The agency shall also send a copy of the preproposal notice of inquiry to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule making. The preproposal notice of inquiry shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal notice of inquiry is published. The notice of inquiry shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate. (4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than ~~(July)~~ May 31st or November 30th of each year, or in the first register published after that date. (5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days after the notice of inquiry has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule. (6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of inquiry is published, the agency may enter an order repealing the rule without further notice or an opportunity for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of inquiry has been published, the preproposal notice of inquiry published pursuant to this section shall be considered a preproposal notice of inquiry for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter. **NEW SECTION. Sec. 209.** The legislature finds that rules existing as of the effective date of this act may be unclear or difficult to understand; written or being implemented in a way that does not conform with the intent of the legislature as expressed by the statute that the rule implements; duplicative of, inconsistent with, or in conflict with other state, federal, or local rules or statutes; excessively costly or outdated in the methods prescribed; unauthorized because the authorizing statute has since been repealed or amended; or no longer necessary to meet the purposes of the statute that it implements. The legislature further finds that the review of existing rules is a critical undertaking that is necessary to address these and other deficiencies. The legislature acknowledges the special nature of the relationship between the legislative and executive branches of government, the cooperation between both of which is essential to the just and efficient administration of the laws of this state. The legislature further acknowledges the governor's Executive Order 97-02, which provides for executive review of existing rules of agencies the heads of which are appointed by and serve at the pleasure of the governor. The legislature encourages not only these but all agencies to establish a formal and expeditious process for the review of existing rules in consideration of the aforementioned deficiencies in the rules of all state agencies and their interactions with each other. **NEW SECTION. Sec. 210.** A new section is added to chapter 34.05 RCW under the subchapter heading "Part III" to read as follows: (1) No rule, adopted by any agency after the effective date of this act, is effective for more than seven years after the rule is adopted, unless the rule has been reviewed under the procedure in this subsection. An agency shall review a rule to evaluate: (a) Achievement of the goals and objectives of the rule; (b) Technological changes that impact the implementation of or compliance with the rule; (c) Controversy surrounding the implementation or enforcement of the rule, stating the nature of the controversy; (d) The outcome of any court challenges to the validity of the rule or its authority to draft the rule; (e) Actual costs or changes undergone by the regulated community; and (f) Laws or other rules passed since the rule was adopted that are in conflict, impact its implementation, or render the rule obsolete. The agency shall place in a rules review file documentation sufficient to show that the agency conducted the review under this section. (2) Those rules certified to the legislature by the governor to have undergone executive rules review by July 31, 2001, are subject to review under subsection (1) of this section beginning July 31, 2001, and may be effective for no more than seven years after that date unless so reviewed. **Sec. 211.** RCW 82.32.410 and 1991 c 330 s 2 are each amended to read as follows: (1) The director may designate certain written determinations as precedents. (a) By rule adopted pursuant to chapter 34.05 RCW, the director shall adopt criteria which he or she shall use to decide whether a determination is precedential. These criteria shall include, but not be limited to, whether the determination clarifies an unsettled interpretation of Title 82 RCW or where the determination modifies or clarifies an earlier interpretation. (b) Written determinations designated as precedents by the director shall be indexed by subject matter. The determinations and indexes shall be made available for public inspection and shall be published by the department. (c) The department shall disclose any written determination upon which it relies to support any assessment of tax, interest, or penalty against such taxpayer, after making the deletions provided by subsection (2) of this section. (2) Before making a written determination available for public inspection under subsection (1) of this section, the department shall delete: (a) The names, addresses, and other identifying details of the person to whom the written determination pertains and of another person identified in the written determination; and (b) Information the disclosure of which is specifically prohibited by any statute applicable to the department of revenue, and the department may also delete other information exempted from disclosure by chapter 42.17 RCW or any other statute applicable to the department of revenue. **Sec. 212.** RCW 19.85.025 and 1995 c 403 s 401 are each amended to read as follows: (1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to RCW 34.05.354. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding. (2) This chapter does not apply to a rule proposed for expedited adoption under RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn. (3) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4). ~~((3))~~ (4) An agency is not required to prepare a separate small business economic impact statement under RCW 19.85.040 if it prepared an analysis under RCW 34.05.328 that meets the requirements of a small business economic impact statement, and if the agency reduced the costs imposed by the rule on small business to the extent required by RCW 19.85.030(3). The portion of the analysis that meets the

requirements of RCW 19.85.040 shall be filed with the code reviser and provided to any person requesting it in lieu of a separate small business economic impact statement. **NEW SECTION. Sec. 213.** (1) The legislature finds that there are state rules on the same subject adopted by more than one state agency. The legislature further finds that this situation places an undue hardship on those regulated by rules issued by more than one state agency on the same subject since the regulated individuals must determine what the combined requirements of the rules from the multiple agencies are and how to comply with the requirements of one agency without violating the requirements of another agency. (2) The governor or his or her designee shall present to the legislature a plan for the design and implementation of a pilot project on a single subject for the consolidation of all rules adopted by any state agency that regulate that same activity or subject matter. The goal of the pilot project is to consolidate these rules into one rule or set of rules that will be the sole and conclusive source of all regulation affecting that activity or subject matter. The governor or his or her designee shall present the plan for the pilot project to the legislature no later than November 30, 1997. **PART III JUDICIAL REVIEW Sec. 301.** RCW 34.05.570 and 1995 c 403 s 802 are each amended to read as follows: (1) Generally. Except to the extent that this chapter or another statute provides otherwise: (a) Except as provided in subsection (2) of this section, the burden of demonstrating the invalidity of agency action is on the party asserting invalidity; (b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken; (c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and (d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of. (2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding. (b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. When the validity of a rule is challenged, after the petitioner has identified the defects in the rule, the burden of going forward with the evidence is on the agency. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question. (c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures; or the rule is arbitrary and capricious. (3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that: (a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied; (b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law; (c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure; (d) The agency has erroneously interpreted or applied the law; (e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; (f) The agency has not decided all issues requiring resolution by the agency; (g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion; (h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; ~~((e))~~ (i) The order is arbitrary or capricious; or (j) The order is based on a de facto rule. (4) Review of other agency action. (a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection. (b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer. (c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is: (i) Unconstitutional; (ii) Outside the statutory authority of the agency or the authority conferred by a provision of law; (iii) Arbitrary or capricious; ~~((e))~~ (iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action; or (v) Based on a de facto rule. **Sec. 302.** RCW 34.05.534 and 1995 c 403 s 803 are each amended to read as follows: A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except: (1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, have petitioned for its amendment or repeal, have petitioned the joint administrative rules review committee for its review, or have appealed a petition for amendment or repeal to the governor; (2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or (3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that: (a) The remedies would be patently inadequate; (b) The exhaustion of remedies would be futile; or (c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies. **Sec. 303.** RCW 48.04.010 and 1990 1st ex. s. c 3 s 1 are each amended to read as follows: (1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. The commissioner shall hold a hearing: (a) If required by any provision of this code; or (b) Upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing. (2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing. (3) Unless a person aggrieved by a written order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of a licensee under Title 48 RCW within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records for the licensee, the right to such hearing



shall conclusively be deemed to have been waived. (4) If a hearing is demanded by a licensee whose license has been temporarily suspended pursuant to RCW 48.17.540, the commissioner shall hold such hearing demanded within thirty days after receipt of the demand or within thirty days of the effective date of a temporary license suspension issued after such demand, unless postponed by mutual consent. (5) A hearing held under this section must be conducted by an administrative law judge unless the person demanding the hearing agrees in writing to have an employee of the commissioner conduct the hearing. **Sec. 304.** RCW 34.12.040 and 1981 c 67 s 4 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, whenever a state agency conducts a hearing which is not presided over by officials of the agency who are to render the final decision, the hearing shall be conducted by an administrative law judge assigned under this chapter. In assigning administrative law judges, the chief administrative law judge shall wherever practical ((4)) (a) use personnel having expertise in the field or subject matter of the hearing, and ((2)) (b) assign administrative law judges primarily to the hearings of particular agencies on a long-term basis. (2) An employee of the office of the insurance commissioner may conduct a hearing as provided in RCW 48.04.010(5). **PART IV LEGISLATIVE REVIEW Sec. 401.** RCW 34.05.630 and 1996 c 318 s 4 are each amended to read as follows: (1) All ~~((rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350,))~~ issuances are subject to selective review by the legislature. (2) ~~((All agency policy and interpretive statements are subject to selective review by the legislature. (3)))~~ If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute ~~((which))~~ that the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency issuance is ((using a policy or interpretive statement in place of)) a de facto rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW. ~~((4))~~ (3) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute ~~((which))~~ that the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, or (c) whether ~~((the agency is using a policy or interpretive statement in place of a))~~ an agency issuance is a de facto rule. **Sec. 402.** RCW 34.05.640 and 1996 c 318 s 5 are each amended to read as follows: (1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.05.620 or 34.05.630, the affected agency shall notify the committee of its intended action on a proposed or existing rule or issuance to which the committee objected ~~((or on a committee finding of the agency's failure to adopt rules)).~~ (2) If the rules review committee finds by a majority vote of its members: (a) That the proposed or existing rule in question will not be modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, (b) that an existing rule was not adopted in accordance with all applicable provisions of law, or (c) that the agency will not modify or withdraw a de facto rule, or replace ((the policy or interpretive statement)) it with a rule, the rules review committee may, within thirty days from notification by the agency of its intended action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee. (3) If the rules review committee makes an adverse finding regarding an existing rule under subsection (2)(a) or (b) of this section or a de facto rule under subsection (2)(c) of this section, the committee may, by a majority vote of its members, recommend suspension of the rule. Within seven days of such vote the committee shall transmit to the appropriate standing committees of the legislature, the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session. (4) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (2) or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears. If the transmittal relates to a de facto rule, the code reviser shall publish the reference within the Washington State Register and the Washington Administrative Code in a location that addresses the most relevant subject matter. (5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee. **Sec. 403.** RCW 34.05.655 and 1996 c 318 s 7 are each amended to read as follows: (1) Any person may petition the rules review committee for a review of a proposed or existing rule ~~((a policy or interpretive statement))~~ other issuance. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition and describe any initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included. (2) A person may petition the rules review committee under subsection (1) of this section requesting review of an existing rule only if the person has petitioned the agency to amend or repeal the rule under RCW 34.05.330(1) and such petition was denied. (3) A petition for review of a rule under subsection (1) of this section shall: (a) Identify with specificity the proposed or existing rule to be reviewed; (b) Identify the specific statute identified by the agency as authorizing the rule, the specific statute which the rule interprets or implements, and, if applicable, the specific statute the department is alleged not to have followed in adopting the rule; (c) State the reasons why the petitioner believes that the rule is not within the intent of the legislature, or that its adoption was not or is not in accordance with law, and provide documentation to support these statements; (d) Identify any known judicial action regarding the rule or statutes identified in the petition. A petition to review an existing rule shall also include a copy of the agency's denial of a petition to amend or repeal the rule issued under RCW 34.05.330(1) and, if available, a copy of the governor's denial issued under RCW 34.05.330(3). (4) A petition for review of ~~((a policy or interpretive statement))~~ an issuance other than a proposed or existing rule under subsection (1) of this section shall: (a) Identify the specific ~~((statement))~~ issuance to be reviewed; (b) ~~((Identify the specific statute which the rule interprets or implements; (e)))~~ State the reasons why the petitioner believes that the ~~((statement))~~ issuance meets the definition of a de facto rule under RCW 34.05.010 ~~((and should have been adopted according to the~~

procedures of this chapter); ~~((d))~~ (c) Identify any known judicial action regarding the ~~((statement))~~ issuance or statutes identified in the petition. (5) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule or other issuance for which the petition was not previously rejected. **Sec. 404.** RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules. (2) If the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature or was not adopted in accordance with all applicable provisions of law, the recommendation establishes a rebuttable presumption in a proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the validity of the rule is then on the adopting agency.

**PART VFEES AND EXPENSES Sec. 501.** RCW 4.84.340 and 1995 c 403 s 902 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 4.84.340 through 4.84.360. (1) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law. (2) "Agency action" means agency action as defined by chapter 34.05 RCW. (3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee. (4) "Judicial review" means ~~((a judicial review as defined by chapter 34.05 RCW))~~ review of an agency action in the superior court and courts of appeal. (5) "Qualified party" means (a) an individual whose net worth did not exceed ~~((one))~~ two million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed ~~((five))~~ seven million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal Internal Revenue Code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association. **Sec. 502.** RCW 4.84.350 and 1995 c 403 s 903 are each amended to read as follows: (1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses incurred in the judicial review, including reasonable attorneys' fees, unless the court finds that ~~((the agency action was substantially justified or that))~~ circumstances make an award grossly unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought. (2) The amount awarded a qualified party under subsection (1) of this section shall not exceed ~~((twenty-five))~~ fifty thousand dollars for the fees and other expenses incurred in superior court, and fifty thousand dollars for the fees and other expenses incurred in each court of appeal to a maximum of seventy-five thousand dollars.

Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or more qualified parties join in an action, the award in total shall not exceed ~~((twenty-five))~~ fifty thousand dollars in the superior court and fifty thousand dollars in each court of appeal to a maximum of seventy-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy. **Sec. 503.** RCW 4.84.360 and 1995 c 403 s 904 are each amended to read as follows: Fees and other expenses awarded under RCW 4.84.340 and 4.84.350 shall be paid by the agency over which the party prevails from operating funds appropriated to the agency within ~~((sixty days))~~ thirty days of the decision of a superior court or court of appeal. The fees and other expenses must be paid from moneys appropriated to the agency for administration and support services and not out of moneys for program activities or service delivery if the operating budget or budget notes separately designate administration and support services. Agencies paying fees and other expenses pursuant to RCW 4.84.340 and 4.84.350 shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award. **PART VIMISCELLANEOUS Sec. 601.**

RCW 42.17.260 and 1995 c 397 s 11 and 1995 c 341 s 1 are each reenacted and amended to read as follows: (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing. (2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption. (3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973: (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency; (c) Administrative staff manuals and instructions to staff that affect a member of the public; (d) Planning policies and goals, and interim and final planning decisions; (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency

determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party. (4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event: (a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and (b) Make available for public inspection and copying all indexes maintained for agency use. (5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records: (a) All records issued before July 1, 1990, for which the agency has maintained an index; (b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010((4)) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties; (d) Interpretive statements as defined in RCW 34.05.010((8)) that were entered after June 30, 1990; and (e) Policy statements as defined in RCW

34.05.010((4)) that were entered after June 30, 1990. Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes. (6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if— (a) It has been indexed in an index available to the public; or (b) Parties affected have timely notice (actual or constructive) of the terms thereof. (7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any. (a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used. (b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and mail the requested public records may be included in an agency's costs. (8) An agency need not calculate the actual per page cost or other costs it charges for providing photocopies of public records if to do so would be unduly burdensome, but in that event: The agency may not charge in excess of fifteen cents per page for photocopies of public records or for the use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor. (9) This chapter

shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter

34.05 RCW, the Administrative Procedure Act. **Sec. 602.** RCW 51.04.030 and 1994 c 164 s 25 are each amended to read as follows: The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including,

but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers. The director shall, in consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. The department shall coordinate with other state purchasers of health care services to establish as much consistency and uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010((3)), nor does such a fee schedule constitute a "de facto rule" as used in RCW

34.05.010((45)). The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the adopted rules, regulations, established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or the established fee schedules and rules and regulations adopted under it. **NEW SECTION. Sec. 603.** A new section is added to chapter 43.17 RCW to read as follows: (1) An agency, prior to releasing a final report or study regarding management by a county, city, town, special purpose district, or other unit of local government of a program delegated to the local government by the agency or for which the agency has regulatory responsibility, shall provide copies of a draft of the report or study at

least two weeks in advance of the release of the final report or study to the legislative body of the local government. The agency shall, at the request of a local government legislative body, meet with the legislative body before the release of a final report or study regarding the management of such a program. (2) For purposes of this section, "agency" means an office, department, board, commission, or other unit of state government, other than a unit of state government headed by a separately elected official. NEW SECTION. Sec. 604. A new section is added to chapter 43.05 RCW to read as follows: When issuing a citation or other written finding that a person has violated a statute, rule, or order, the agency shall include with the citation or other written finding the text of the specific statute or statutes granting the agency the authority to regulate the subject matter of the citation or other written finding. Sec. 605. RCW 50.13.060 and 1996 c 79 s 1 are each amended to read as follows: (1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and: (a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and (b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and (c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes. (2) The requirements of subsections (1) and (8) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW. (3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately. (4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080. (5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied. (6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080. (7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control. (8) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained. (9) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply. NEW SECTION. Sec. 606. The code reviser shall study the feasibility of accepting agency rule filings in an electronic format. The study must include consideration of the benefits to be achieved by electronic filing compared to the costs that electronic filing would entail. The code reviser may consult with the office of financial management, state agencies, and the general public in conducting the study. The code reviser shall report to the legislature and the governor by July 1, 1998, on the results of this study. NEW SECTION. Sec. 607. Part headings used in this act do not constitute any part of the law. NEW SECTION. Sec. 608. Section 605 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. NEW SECTION. Sec. 609. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Patterson moved that the following amendments to the striking amendment by Senator Hale be considered simultaneously and be adopted:

On page 25, after line 34 of the amendment, insert the following: "**NEW SECTION. Sec. 214.** The legislature finds: (1) Administrative rules are necessary to implement laws that protect the public health, safety, welfare, and the environment, and to ensure efficient administration of state government. (2) In recent years, there has been a steady growth in the number and complexity of administrative rules and their impact on businesses and the general public without a systematic review of their need, effectiveness, reasonableness, clarity, potential conflicting requirements, and consistency with legislative intent. (3) To achieve meaningful regulatory reform, clear goals, timelines, and commitments must be established and adhered to by the state agencies, the committee on management improvement and results, and each agency head. **NEW SECTION. Sec. 215.** The purpose of this act is to accomplish the following: (1) To ensure that state regulations that have significant impact on labor, consumers, businesses, and the environment are reviewed on an open and systematic basis and to ensure that they meet standards of need, reasonableness, effectiveness, clarity, fairness, stakeholder involvement, coordination among regulatory agencies, and consistency with legislative intent and statutory authority. (2) To ensure that state regulations are consistent with all requirements of chapter 34.05 RCW, the Administrative Procedure Act and that rule making occurs when required by law. (3) To create a committee on management improvement and results to oversee the regulatory review process and to ensure that state government pursues a fair, effective, and sensible regulatory strategy that emphasizes: (a) Priorities, whereby rules focus on issues of greatest need; (b) Partnership, whereby rule making involves participation of business, labor, the environmental community, nonprofit groups, local government, and other stakeholders; (c) Plain language, whereby rules are written and organized so they may be easily understood and used by people who are affected by them; and (d) Performance, whereby rules are fair, effective, and achieve maximum public protection with reasonable requirements. **NEW SECTION. Sec. 216.** A new section is added to chapter 34.05 RCW to read as follows: (1) Upon the effective date of this act, each state agency shall begin a review of its rules that have significant effects on businesses, labor, consumers, and the environment. Agencies shall determine if their rules should be (a) retained in their current form, or (b) amended or repealed, if they do not meet the review criteria specified in chapter . . . , Laws of 1997 (this act). Agencies shall concentrate their regulatory review on rules or portions of a rule that have been the subject of petitions filed under RCW 34.05.330 or have been the source of complaints, concerns, or other difficulties that relate to matters other than the specific mandates of the statute on which the rule is based. Agencies that have already established regulatory review processes shall make them consistent with the requirements of chapter . . . , Laws of 1997 (this act). Each agency head shall designate a person responsible for regulatory review who shall serve as the agency's contact for regulatory review with the legislature, the office of the governor, and the office of financial management. (2) The following criteria shall be used for the review of each rule identified for review: (a) Need. Is the rule necessary to comply with the statutes that authorize it? Is the rule obsolete, duplicative, or ambiguous to a degree that warrants repeal or revision? Have laws or other circumstances changed so that the rule should be amended or repealed? Is the rule necessary to protect or safeguard the health, welfare, or safety of Washington's citizens? (b) Effectiveness and efficiency. Is the rule providing the results that it was originally designed to achieve in a reasonable manner? Are there regulatory alternatives or new technologies that could more effectively or efficiently achieve the same objectives? (c) Clarity. Is the rule written and organized in a clear and concise manner so that it can be readily understood by those to whom it applies? (d) Intent and statutory authority. Is the rule consistent with the legislative intent of the statutes that authorize it? Is the rule based upon sufficient statutory authority? Is there a need to develop a more specific legislative authorization in order to protect the health, safety, and welfare of Washington's citizens? (e) Coordination. Could additional consultation and coordination with other governmental jurisdictions and state agencies with similar regulatory authority eliminate or reduce duplication and inconsistency? Agencies should consult with and coordinate with other jurisdictions that have similar regulatory requirements when it is likely that coordination can reduce duplication and inconsistency. (f) Cost. Have qualitative and quantitative benefits of the rule been considered in relation to its cost? (g) Fairness. Does the rule result in equitable treatment of those required to comply with it? Should it be modified to eliminate or minimize any disproportionate impacts on the regulated community? Should it be strengthened to provide additional protection? (3) Unless the context clearly requires otherwise, the definition in this section applies throughout sections 214 through 218 of this act. "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, whose executive or board is appointed by the governor. **NEW SECTION. Sec. 217.** A new section is added to chapter 34.05 RCW to read as follows: (1) Each state agency shall develop a plan for the review of its rules and submit the plan to the legislature and the governor no later than September 1, 1997. The plan must be submitted to the senate government operations committee, the house of representatives government reform and land use committee, and the joint administrative rules review committee. Agencies shall consult with their major stakeholders and constituent groups in the development of the plan. The plan shall: (a) Contain a schedule that identifies which rules will be reviewed and when the review will occur; (b) state the method by which the agency will determine if the rules meet the criteria in section 216 of this act; (c) provide a means of public participation in the review process and specify how interested persons may participate in the review; (d) take into account the need and resources required, if any, to amend significant legislative rules; (e) identify instances where the agency may require an exception to regulatory review requirements; and (f) provide a process for ongoing review of rules after the initial four-year review period provided for in chapter . . . , Laws of 1997 (this act) has expired. Any new rules or significant amendments for which a notice of intent to adopt is filed after the effective date of this act shall be consistent with its principles and objectives and must also be adopted in accordance with applicable laws. Agencies shall provide the plan to any person who has requested notification of agency rule making and shall submit the plan for publication in the Washington State Register. (2) By October 15, 1997, and on that date in the first year of the biennium, each agency shall report to the legislature as listed in subsection (1) of this section and the governor on the progress made toward completing its regulatory review and other measures taken to improve its regulatory program. The reports shall include, but not be limited to: (a) A summary of the number of rule sections amended or repealed and the number of pages eliminated in the Washington Administrative Code; (b) a summary of rules amended or repealed based on the review criteria in section 216 of this act; (c) a summary of agency actions in response to petitions under RCW 34.05.330; (d) a summary of the results of the agency's review of policy and interpretive statements and similar documents; (e) a summary of the agency's review of reporting requirements imposed on businesses; (f) recommendations for statutory or administrative changes resulting from the

regulatory reviews; and (g) other information the agency deems necessary or that may be required by the legislature and the governor. More frequent reports may be requested, as necessary. Agencies shall make the reports available to persons who have requested notification of agency rule making and shall submit them for publication in the Washington State Register. (3) As part of its regulatory review, each agency shall review its existing policy and interpretive statements or similar documents to determine whether or not they must, by law, be adopted as rules. The review shall include consultation with the attorney general. Agencies shall concentrate their review on those statements and documents that have been the source of complaints, concerns, or other difficulties. Each agency shall also review its reporting requirements that are applied generally to all businesses or classes of businesses to ensure that they are necessary and consistent with the principles and objectives of chapter . . . , Laws of 1997 (this act). The goals of the review shall be to achieve reporting requirements that, to the extent possible, are coordinated with other state agencies with similar requirements, are economical and easy to understand, and rely on electronic transfer of information. (4) The office of financial management shall develop procedures to ensure that agencies notify and consult with the legislature and the governor or the legislature's and the governor's staff on the substance of any significant legislative rules upon notice of proposed rule making by the agency. The office of financial management shall report the number of rules mandated by the legislature each session to the legislature and the governor. (5) The legislature may grant exceptions to regulatory review requirements in those instances where the substance of rules is mandated by federal law or where an agency can demonstrate an unreasonable conflict with established priorities. **NEW SECTION. Sec. 218.** A new section is added to chapter 34.05 RCW to read as follows: (1) There is created the committee on management improvement and results to consist of the heads of the following agencies: Office of financial management, department of labor and industries, department of ecology, department of social and health services, department of revenue, employment security department, and department of health. The chair of the committee is the governor's deputy chief of staff. Staffing for the committee is provided by the office of financial management, with assistance from the member agencies. All state agencies shall provide the committee with periodic reports and other information and assistance as may be requested. (2) The responsibilities of the committee are: (a) To study and make recommendations to the legislature and the governor for statutory, administrative, and organizational changes and for special pilot projects that result in regulatory improvements in state government. Recommendations shall be designed to improve service to citizens, provide effective and fair public protection, reduce the complexity of compliance, ensure reasonableness and effectiveness, simplify administrative processes, eliminate unnecessary procedures and paperwork, and reduce costs. The committee shall report to the legislature as listed in section 217 of this act and the governor on these items no later than December 1, 1997. Subsequent reports must be submitted in the first year of the biennium no later than December 1st. (b) To oversee the regulatory review process established by chapter . . . , Laws of 1997 (this act) and report to the legislature as listed in section 217 of this act and the governor on the progress of state agencies in complying with these requirements. The first such report must be submitted to the legislature and the governor no later than December 1, 1997. Subsequent reports must be submitted in the first year of the biennium no later than December 1st. (c) To assist the office of financial management in the preparation of reports to the legislature required by RCW 34.05.328(6) and 43.05.900. (d) To convene work groups and other special committees for the purpose of assisting the committee in the development of recommendations and reports required by chapter . . . , Laws of 1997 (this act) and in the design and implementation of special pilot projects for regulatory improvement. Depending on their purpose, membership of such groups may include representatives from business, labor, environmental organizations, state agencies, local government, nonprofit organizations, citizens, and other interests. **NEW SECTION. Sec. 219.** A new section is added to chapter 34.05 RCW to read as follows: (1) There is created in each of the following agencies a committee on management improvement and results: Office of the attorney general, office of the state auditor, office of the insurance commissioner, department of natural resources, superintendent of public instruction, office of the secretary of state, and office of the state treasurer. (2) The responsibilities of the committees are: (a) To study and make recommendations to the legislature, the governor, and their respective agency head for statutory, administrative, and organizational changes and for special pilot projects that result in regulatory improvements in state government. Recommendations shall be designed to improve service to citizens, provide effective and fair public protection, reduce the complexity of compliance, ensure reasonableness and effectiveness, simplify administrative processes, eliminate unnecessary procedures and paperwork, and reduce costs. The committee shall report to the legislature as listed in section 217 of this act, the governor, and their respective agency head on these items no later than December 1, 1997. Subsequent reports must be submitted in the first year of the biennium no later than December 1st. (b) To oversee the regulatory review process established by chapter . . . , Laws of 1997 (this act) and report to the legislature as listed in section 217 of this act, the governor, and their respective agency head on the progress of state agencies in complying with these requirements. The first such report must be submitted to the legislature and the governor no later than December 1, 1997. Subsequent reports must be submitted in the first year of the biennium no later than December 1st. (c) To assist the office of financial management in the preparation of reports to the legislature required by RCW 34.05.328(6) and 43.05.900. (d) To convene work groups and other special committees for the purpose of assisting the committees in the development of recommendations and reports required by chapter . . . , Laws of 1997 (this act) and in the design and implementation of special pilot projects for regulatory improvement. Depending on their purpose, membership of such groups may include representatives from business, labor, environmental organizations, state agencies, local government, nonprofit organizations, citizens, and other interests." On page 44, line 1 of the amendment, after "**Sec. 608.**" strike "Section 605 of this act is" and insert "Sections 216 through 219 and 605 of this act are" On page 44, line 4 of the amendment, after "and" strike "takes" and insert "take" Debate ensued.

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

The President declared the question before the Senate to be the adoption of the amendments by Senator Patterson on page 25, after line 34 and page 44, lines 1 and 4, to the striking amendment by Senator Hale to Engrossed Second Substitute House Bill No. 1032.

#### ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Fairley, Franklin, Fraser, Goings, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prince, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 21. Voting nay: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prentice, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 28. The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hale to Engrossed Second Substitute House Bill No. 1032.

Debate ensued.

The motion by Senator Hale carried and the striking amendment to Engrossed Second Substitute House Bill No. 1032 was adopted.

#### MOTIONS

On motion of Senator Hale, the following title amendment was adopted:

On line 1 of the title, after "reform" strike the remainder of the title and insert "amending RCW 76.09.010, 76.09.040, 48.02.060, 48.44.050, 48.46.200, 48.30.010, 34.05.010, 34.05.230, 34.05.325, 34.05.328, 34.05.350, 34.05.354, 82.32.410, 19.85.025, 34.05.570, 34.05.534, 48.04.010, 34.12.040, 34.05.630, 34.05.640, 34.05.655, 34.05.660, 4.84.340, 4.84.350, 4.84.360, 51.04.030, and 50.13.060; reenacting and amending RCW 42.17.260; adding a new section to chapter 43.22 RCW; adding new sections to chapter 34.05 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.05 RCW; creating new sections; providing an expiration date; and declaring an emergency." On motion of Senator Hale, the rules were suspended, Engrossed Second Substitute House Bill No. 1032, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1032, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1032, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 19. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1032, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Winsley moved to immediately reconsider the vote by which Substitute House Bill No. 1280, as amended by the Senate, failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Winsley to immediately reconsider the vote by which Substitute House Bill No. 1280, as amended by the Senate, failed to pass the Senate.

The motion by Senator Winsley carried and the Senate will reconsider Substitute House Bill No. 1280, as amended by the Senate.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1280, as amended by the Senate, on reconsideration, was deferred.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1128,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 16, 1997

MR. PRESIDENT:

April 16, 1997

The House has adopted ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SJM 8015 by Senators Wojahn, Oke, Winsley, Franklin, Rasmussen and Goings

Renaming the Eleventh Street Bridge on State Route No. 509 "The Murray Morgan Bridge."

Referred to Committee on Transportation.

SCR 8415 by Senators West and Roach

Examining motor vehicle excise tax distribution.

HOLD.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1128 by Representatives Thompson, Sump, McMorris, Mielke, Mulliken, Buck, Sheldon and Schoesler

Implementing a recovery plan for dead and at-risk timber in the Loomis state forest.

HOLD.

ESHB 1221 by House Committee on Law and Justice (originally sponsored by Representatives Ballasiotes, Sheahan, Robertson, Chandler, Cody, Crouse, K. Schmidt, Costa, Scott, Buck, Kessler, Schoesler, Chopp, Johnson, Honeyford, O'Brien, Wensman, Sheldon, McDonald, Zellinsky, Thompson, H. Sommers and Mason)

Impounding vehicles driven by a person with a suspended or revoked license.

Referred to Committee on Law and Justice.

ESHCR 4403 by House Committee on Commerce and Labor (originally sponsored by Representatives Carlson, Conway, Kenney, Dickerson, Ogden, Keiser, Radcliff, Mason, Regala, Costa, Lantz, Cooper, Tokuda and Butler)

Withholding approval of the recommendations of the 1996 update of the Work Force Training and Education Coordinating Board's comprehensive plan.

HOLD.

#### MOTIONS

On motion of Senator Johnson, Senate Joint Memorial No. 8015 was referred to the Committee on Transportation.  
On motion of Senator Johnson, Engrossed Substitute House Bill No. 1221 was referred to the Committee on Law and Justice.

#### MOTION

Senator Johnson moved that the rules be suspended and Senate Concurrent Resolution No. 8415, Engrossed House Bill No. 1128, and Engrossed Substitute House Concurrent Resolution No. 4403 be advanced to second reading and placed on the second reading calendar.

#### PARLIAMENTARY INQUIRY



Senator Snyder: "A point of parliamentary inquiry, Mr. President. On Engrossed House Bill No. 1128, I would like to ask if that is exempt from our cutoff resolution that was passed at the beginning of the session? It was on the concurrent resolution that we have been considering and postponing the last two or three days. It was listed on there as one that we needed to take further action on before it could be exempt from our original cutoff resolution."

#### POINT OF INQUIRY

Senator Johnson: "Mr. President, I raise an inquiry as to whether Senator Snyder's objection is timely. The matter is not being presented for consideration at this time."

Senator Snyder: "Mr. President, could I speak to Senator Johnson's point of order?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Johnson's point of order is not well taken, since he did not raise a point of order. He had an inquiry as to whether or not the bill was properly before us."

Senator Johnson: "I simply raised an inquiry as to whether--I guess it wasn't phrased--an objection--but rather an inquiry as to whether it was timely as this matter was not before the body for passage."

#### RULING BY THE PRESIDENT

President Owen: "Senator Snyder, the President believes that since Engrossed House Bill No. 1128 is not referenced in any concurrent resolution that the body may take and place it in committee or on second reading, but may not take action on it unless it is placed in a concurrent resolution and passed by the House and the Senate."

The motion by Senator Johnson carried and Senate Concurrent Resolution No. 8415, Engrossed House Bill No. 1128, and Engrossed Substitute House Concurrent Resolution No. 4403 were advanced to second reading and placed on the second reading calendar.

#### MOTION

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

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8415, by Senators West and Roach

Examining motor vehicle excise tax distribution.

The concurrent resolution was read the second time.

#### SENATE CONCURRENT RESOLUTION NO. 8415

WHEREAS, The state's transportation system is vital to the economy of the state and the economic well-being of its citizens; and

WHEREAS, It is the duty of the Legislature to provide an adequate and stable source of funding for the state's transportation systems; and

WHEREAS, The motor vehicle excise tax, a significant source of state revenue, is based on the use of motor vehicles on the state highway system; and

WHEREAS, The Legislature is committed to develop a long-range plan to dedicate additional existing motor vehicle excise tax revenue for transportation purposes;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the staff of the fiscal committees of the Legislature shall undertake an examination of the imposition and distribution of the motor vehicle excise tax, with the goal of using motor vehicle excise tax revenue for transportation purposes. The examination shall include a review of: (1) The historical distribution of the tax revenues; (2) the current distribution of the revenues; (3) current and historical purposes of the tax; (4) the adequacy of state transportation funding from the motor vehicle excise tax and the revenue needs of other state and local programs; and (5) the rate of the motor vehicle excise tax compared to other states in the context of the total tax burden on motor vehicle owners; and

BE IT FURTHER RESOLVED, That the examination shall be completed by December 31, 1997, and a report submitted to the fiscal committees of the Legislature.

#### MOTION

On motion of Senator West, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Spanel: "A point of parliamentary inquiry, Mr. President. I believe that you just stated that this bill could be moved to the calendar, but could not be acted on."

## REPLY BY THE PRESIDENT

President Owen: "I believe that I stated Engrossed House Bill No. 1128 would be that way, but this is a concurrent resolution that is not subject to the cutoff."

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8415.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8415 and the resolution passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, McCaslin, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 24. SENATE CONCURRENT RESOLUTION NO. 8415, having received the constitutional majority, was declared passed.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085, by Education (originally sponsored by Representatives Mulliken, Johnson, Koster, Backlund, Sump, Talcott, Crouse, Thompson, Mielke, Bush, Sherstad Carrell, Smith and Van Luven)

Requiring notification before a school conducts certain tests, questionnaires, surveys, analyses, or evaluations.

The bill was read the second time.

## MOTION

Senator Hochstatter moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 28A.600 RCW to read as follows: (1) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any test, questionnaire, survey, analysis, or evaluation in a school, shall be available for inspection by the parents or legal guardians of the students, and by any member of the school board. (2) Absent prior consent of a student who is an adult or an emancipated minor, or absent prior written consent of a parent or legal guardian of a student who is an unemancipated minor, a student may not be required to submit to a test, questionnaire, survey, analysis, or evaluation that reveals information concerning the student's or the student's parents': (a) Personal beliefs or practices regarding political affiliations; (b) Mental or psychological problems potentially embarrassing to the student or to the student's family; (c) Sexual behavior and attitudes; (d) Illegal, antisocial, self-incriminating, and demeaning behavior; (e) Critical appraisals of other individuals with whom the students have a close family relationship; (f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; (g) Income level, except as required by law to determine eligibility for participation in a program or to receive financial assistance under the program. (3) Educational agencies shall give parents and students effective notice of their rights under this section prior to administering a test, questionnaire, survey, analysis, or evaluation that meets the criteria of subsection (2) of this section. (4) Prior to administration of a test, questionnaire, survey, analysis, or evaluation that meets the criteria of subsection (2) of this section, the school board must be given the opportunity to hear a presentation about the proposed test, questionnaire, survey, analysis, or evaluation. Each member of the school board must be notified in writing of plans to administer a test, questionnaire, survey, analysis, or evaluation that meets the criteria of subsection (2) of this section. Notification must occur prior to a regularly scheduled meeting of the school board before administration of a test, questionnaire, survey, analysis, or evaluation that meets the criteria of subsection (2) of this section." Debate ensued.

## POINT OF INQUIRY

Senator Swanson: "Senator Hochstatter, in this bill, Engrossed Substitute House Bill No. 1085, it says, 'Without prior information of the parents.' They can't reveal the sexual behavior of the parent? Isn't that what it says?"

Senator Hochstatter: "They cannot ask for this kind of information."

Senator Swanson: "What if there is a suspicion that the child has been sexually abused by the father or the mother? They can't ask that child that?"

Senator Hochstatter: "I don't know the answer to that question, Senator Swanson."

Senator Swanson: "Well, that is a very serious concern that I have about this bill. Thank you."

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1085.

The motion by Senator Hochstatter carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Hochstatter, the following title amendment was adopted:

On page 1, line 1 of the title, after "survey;" strike the remainder of the title and insert "and adding a new section to chapter 28A.600 RCW." On motion of Senator Hochstatter, the rules were suspended, Engrossed Substitute House Bill No. 1085, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1085, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1085, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 40. Voting nay: Senators Bauer, Fairley, Franklin, Jacobsen, Kline, Kohl, Prentice, Thibaudeau and Wojahn - 9. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2149, by House Committee on Natural Resources (originally sponsored by Representatives Linville, Buck, Regala, Gardner, Kessler and Anderson)

Modifying licensing provisions for a dungeness crab--Puget Sound fishery license.

The bill was read the second time.

#### MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 2149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2149.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2149 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Deccio, McAuliffe and McCaslin - 3. SUBSTITUTE HOUSE BILL NO. 2149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Government Reform and Land Use (originally sponsored by Representatives Thompson, Dunn, Mulliken, Mielke and Boldt)

Defining wetlands for growth management purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Goings, Zarelli, Swecker, Anderson, Fraser and Morton was adopted:

On page 5, after line 35, insert the following: "(9) Counties planning under 36.70A RCW that have experienced recent and recurring flood events in areas located within or near a mapped 100 year flood plain, must revise their inaccurate flood plain maps and comprehensive provisions and development regulations. For those homes that have been built, and whose owners have experienced flood damage because of inaccurate mapping or inadequate development regulations, the county shall assist those homeowners and provide for the prevention of future flood damage." Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1624 was deferred.

MOTION

On motion of Senator West, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6062, as recommended by the conference committee on reconsideration.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 6062, as recommended by the conference committee, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6062, as recommended by the conference committee, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Strannigan, Swecker, Winsley, Wood and Zarelli - 22. Voting nay: Senators Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Stevens, Swanson, Thibaudeau, West and Wojahn - 26. Excused: Senator McCaslin - 1.

MOTION

Senator West moved to immediately reconsider the vote by which Substitute Senate Bill No. 6062 failed to pass, as recommended by the conference committee, on reconsideration.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. I think you can only reconsider once."

REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, we'll look at that."

Senator Snyder: "Thank you."

MOTION

At 10:07 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Friday, April 18, 1997.

MIKE O'CONNELL, Secretary of the Senate

BRAD OWEN, President of the Senate

**JOURNAL OF THE SENATE**

**NINETY-FIFTH DAY, APRIL 17, 1997**

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**NINETY-SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, April 18, 1997

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Prince and Sellar.

The Sergeant at Arms Color Guard, consisting of Pages Lindy Falk and Allison Myers, presented the Colors. Reverend Bob Moorehead, pastor of the Overlake Christian Church of Kirkland, and a guest of Senator Dan McDonald, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

April 17, 1997

GA 9121 MERRITT LONG, appointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Lottery Commission.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 17, 1997

GA 9199 MARILYN G. SAYAN, reappointed January 28, 1997, for a term ending September 8, 2000, as Chair of the Public Employment Relations Commission.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 17, 1997

GA 9233 BARBARA SHINPOCH, reappointed February 7, 1997, for a term ending January 17, 2003, as a member of the Horse Racing Commission.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 17, 1997

GA 9239 CHARLIE BRYDON, appointed March 10, 1997, for a term ending January 15, 2003, as a member of the Liquor Control Board.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 17, 1997

GA 9240 JESSE FARIAS, appointed April 1, 1997, for a term ending January 15, 2001, as a member of the Liquor Control Board.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

MESSAGES FOR THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 2, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following appointment, subject to your confirmation.  
Sharon Hart, appointed April 2, 1997, for a term ending September 30, 1998, as a member of the Board of Trustees for Lower Columbia Community College, District No. 13.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

April 2, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following appointment, subject to your confirmation.  
Judge Marshall Forrest, appointed April 2, 1997, for a term ending June 30, 2002, as a member of the Gambling Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Commerce and Labor.

FURTHER MESSAGE FROM THE GOVERNOR

April 18, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to advise you that on April 17, 1997, Governor Locke approved the following Senate Bills entitled:  
Senate Bill No. 5364  
Relating to local government unclassified employees.  
Engrossed Senate Bill No. 6098  
Relating to human services.

Sincerely,  
EVERETT H. BILLINGSLEA, General Counsel

VETO MESSAGE FROM THE GOVERNOR  
ENGROSSED SENATE BILL NO. 5163

April 17, 1997

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:  
I am returning herewith, without my approval, Engrossed Senate Bill No. 5163 entitled:  
"AN ACT Relating to the expiration of filed financing statements;"  
This legislation provides that the Department of Licensing shall notify all creditors who file a UCC financing statement, four and one-half years after filing, that the lien expires after five years unless a continuation statement is filed. Failure to provide this notice does not create a cause of action against the state.  
No change to the Uniform Commercial Code should be made lightly and without first studying its affect on the transaction of business and considering the recommendations of the National Conference of Commissioners on Uniform State Laws. This bill would make Washington's law non-uniform, creating uncertainty for those doing business in Washington and between Washington and other states. Although it protects the state from liability if a notice is not received by a creditor, it would create difficulties in enforcing security interests in cases where a UCC financing statement has lapsed and no warning notice was received. Uncertainty in such a fundamental aspect of commercial law is simply not acceptable to me.  
It might be more practical to require that a Washington UCC financing statement contain a clear and simple warning statement that it will expire, that expiration could leave the creditor without security, and the date of expiration.  
State government should not insert itself into the everyday operation of business unless there is a compelling public safety or other interest to be served. This bill does not meet that test. Most of the beneficiaries of this service would be banks and other sophisticated, well-financed organizations with their own internal system of flagging due dates such as this.

Finally, since no funds are currently included in the bill or budgets passed by the legislature for this new service, the Department of Licensing would have to absorb this new task into its current appropriation, or, more likely, institute a fee increase. A fee increase to provide for a service that most beneficiaries feel is redundant and unnecessary is not justified. For these reasons, I have vetoed Engrossed Senate Bill No. 5163 in its entirety.

Respectfully submitted,  
GARY LOCKE, Governor

#### MOTION

On motion of Senator Johnson, the Veto Message on Engrossed Senate Bill No. 5163 was held on the desk.

#### MESSAGE FROM THE HOUSE

April 17, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1047,  
ENGROSSED HOUSE BILL NO. 1411,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576,  
HOUSE BILL NO. 1802,  
HOUSE BILL NO. 1828,  
HOUSE BILL NO. 1908,  
SUBSTITUTE HOUSE BILL NO. 1955,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 2044, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1047,  
ENGROSSED HOUSE BILL NO. 1411,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576,  
HOUSE BILL NO. 1802,  
HOUSE BILL NO. 1828,  
HOUSE BILL NO. 1908,  
SUBSTITUTE HOUSE BILL NO. 1955,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 2044.

President Pro Tempore Newhouse assumed the Chair.

#### MOTION

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

#### SENATE RESOLUTION 1997-8636

By Senators Wood, Winsley, Kohl, McDonald, Anderson, Heavey, Thibaudeau, Loveland, Fraser, Roach, Jacobsen, Wojahn, Benton, Finkbeiner, Brown, Stevens, Johnson, Long, Patterson, Fairley, Prentice, Bauer, Rossi, Zarelli, West, Newhouse, Kline, Morton, Rasmussen, Strannigan, Haugen, Spanel, Swecker, Horn, Goings, Franklin, Sheldon, Swanson, Hochstatter, Schow, Prince and Snyder

WHEREAS, The Washington State Legislature, in 1981, established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three graduating seniors are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other activities; and through valuable service to their communities; and

WHEREAS, The families of these students have nurtured and supported the individual interests and special talents of their children; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students, but as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and congratulate the Washington Scholars for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Senate commend the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington Scholars from each of the forty-nine legislative districts.

Senators Wood, Sheldon, Heavey, Kohl and McAuliffe spoke to Senate Resolution 1997-8636.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Washington Scholars and their parents who were seated in the gallery.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Mastin, Chandler, Clements and Honeyford)

Identifying when a new water right would interfere with an existing water right.

The bill was read the second time.

#### MOTION

Senator Morton moved that the following Committee on Agriculture and Environment striking amendment not be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 90.03.380 and 1996 c 320 s 19 are each amended to read as follows: (1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. (2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts. (3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights. (4) Any right represented by an application for a water right for which a permit for water use has not been issued by the time a transfer or change is approved under this section shall not be construed as being injured or detrimentally affected by the transfer or change. (5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070. **Sec. 2.** RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows: After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water: PROVIDED, HOWEVER, That such amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (1) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit. Any right represented by an application for a water right for which a permit for water use has not been issued by the time an amendment is approved under this section shall not be construed as being impaired by the



amendment. **Sec. 3.** RCW 90.44.030 and 1945 c 263 s 2 are each amended to read as follows: The rights to appropriate the surface waters of the state and the rights acquired by the appropriation and use of surface waters shall not be affected or impaired by any of the provisions of this supplementary chapter and, to the extent that any underground water is part of or tributary to the source of any surface stream or lake, or that the withdrawal of ground water may affect the flow of any spring, water course, lake, or other body of surface water, the right of an appropriation and owner of surface water shall be superior to any subsequent right hereby authorized to be acquired in or to ground water. (2) Rights acquired by appropriation of surface waters are affected or impaired by a ground water withdrawal only if: (a) After no more than six months pumping, the surface water will lie within the cone of depression of a well tapping an unconfined aquifer; or (b) Withdrawal of ground water from a well tapping a confined aquifer will cause a measurable head reduction within fifty feet of the surface water body in question in the shallowest unconfined water table aquifer that underlies that surface water body; or (c) Withdrawal of ground water will cause a measurable reduction in the flow or level of the surface water body. (3) If any of the conditions in subsection (2) of this section occur or will occur, then withdrawal of ground water affects or impairs existing surface water rights, including instream flow appropriations adopted by regulation, that are not being satisfied during the period of the occurrence. **Sec. 4.** RCW 90.44.035 and 1987 c 109 s 107 are each amended to read as follows: For purposes of this chapter: (1) "Department" means the department of ecology; (2) "Director" means the director of ecology; (3) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves. There is a recognized distinction between natural ground water and artificially stored ground water; (4) "Natural ground water" means water that exists in underground storage owing wholly to natural processes; ~~(and)~~ (5) "Artificially stored ground water" means water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural waste; (6) "Confined aquifer" means an aquifer in which ground water is under sufficient hydrostatic head to rise above the bottom of the overlying confining bed; (7) "Confining bed" means a layer of low permeability material immediately overlying a confined aquifer; and (8) "Measurable" means capable of being measured in the field with the use of equipment normally used by professionals for the measurement in question. **Sec. 5.** RCW 90.44.070 and 1987 c 109 s 110 are each amended to read as follows: (1) No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. The department shall have the power to determine whether the granting of any such permit will injure or damage any vested or existing right or rights under prior permits and may in addition to the records of the department, require further evidence, proof, and testimony before granting or denying any such permits. (2) No permit for the development or withdrawal of public ground waters may be denied or conditioned due to injury to, impairment of, or conflict with an existing surface water right unless the ground water withdrawal in question will impair the surface water right pursuant to RCW 90.44.030(2): PROVIDED, That this section does not affect the ability of the department to limit or restrict future ground water appropriations by adopting rules after following the procedures of RCW 90.44.180 or 90.44.400 through 90.44.420 or chapter 90.54 RCW. (3) The standards governing impairment of existing surface water rights by applications to appropriate public ground water in RCW 90.44.030(2), this subsection, and subsection (2) of this section apply only to the determinations to be made by the department in ruling upon such applications, and reflect the uncertainties inherent in making tentative determinations regarding future impacts of withdrawing ground water. Any person claiming that a senior water right is injured by one or more junior water rights may file an action to enjoin the junior water rights in the superior court of the county where the claimed senior water right is located. The superior court shall hear such action de novo, and if it finds by a preponderance of the evidence that one or more junior water rights is causing or contributing to the injury of a senior water right, the court may enjoin use of the junior water rights in reverse order of priority in the manner it deems necessary to protect the senior water right. This section does not apply where the claimed senior water right consists of a minimum flow or level of the closure of a surface water body. **NEW SECTION. Sec. 6.** A new section is added to chapter 90.03 RCW to read as follows: (1) The existence of hydraulic continuity between ground water and a surface body of water does not, in itself, constitute the impairment of an existing water right in the surface water body by a proposed permit for a ground water right or an amendment to a ground water right. (2) In making a determination as to whether an application to appropriate public water will impair existing rights the department shall take into consideration: (a) The availability of water and the effect of granting a water right permit, transfer, change, or amendment are those that exist with the incorporation of the effects of any offset to be provided by the applicant under RCW 90.03.255 or 90.44.055 or any other water supply augmentation or mitigation to be provided by the applicant as part of his or her application for a water right permit, transfer, change, or amendment; (b) Seasonal variations in water supply and in the recharge of surface and ground water bodies; and (c) The provisions of RCW 90.44.030. (3) The rule of impairment provided by RCW 90.44.030 is provided for water allocation decisions made by the department and is provided to adjust for the uncertainty that is inherent in evaluating the effects of proposed ground water withdrawals on surface water bodies. It does not provide a standard for reviewing any claim made by a person with a senior water right in superior court or in an appeal of a superior court decision that the person's senior water right is impaired or injured by the use of any junior water right or that the use of a junior water right conflicts with or is detrimental to the use of the person's senior water right. **NEW SECTION. Sec. 7.** Any person whose application to appropriate public ground water was denied by the department of ecology between November 1, 1995, and the effective date of this section, when one of the grounds for denial was that the proposed ground water withdrawal would impair, or conflict with, surface water closures or surface water rights including minimum flows, may have his or her application reconsidered in accordance with this section. Any such person desiring reconsideration shall resubmit his or her application to the department of ecology within thirty days of the effective date of this section. The department of ecology shall accord any such resubmitted application its original priority date and shall reconsider the application on a priority basis, applying the standards of this act. The decision of the department of ecology may be appealed in the manner provided by law for appeals of decisions on applications to appropriate public water." The President declared the question before the Senate to be the motion by Senator Morton to not adopt the Committee on Agriculture and Environment striking amendment to Engrossed Substitute House Bill No. 2050.

The motion by Senator Morton carried and the Committee on Agriculture and Environment striking amendment was not adopted.

#### MOTION

Senator Morton moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 90.03.380 and 1996 c 320 s 19 are each amended to read as follows: (1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. (2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts. (3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights. (4) Any right represented by an application for a water right for which a permit for water use has not been issued by the time a transfer or change is approved under this section shall not be construed as being injured or detrimentally affected by the transfer or change. (5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070. **Sec. 2.** RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows: After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water: PROVIDED, HOWEVER, That such amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (1) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit. Any right represented by an application for a water right for which a permit for water use has not been issued by the time an amendment is approved under this section shall not be construed as being impaired by the amendment. **Sec. 3.** RCW 90.44.030 and 1945 c 263 s 2 are each amended to read as follows: (1) The rights to appropriate the surface waters of the state and the rights acquired by the appropriation and use of surface waters shall not be affected or impaired by any of the provisions of this supplementary chapter and, to the extent that any underground water is part of or tributary to the source of any surface stream or lake, or that the withdrawal of ground water may affect the flow of any spring, water course, lake, or other body of surface water, the right of an appropriation and owner of surface water shall be superior to any subsequent right hereby authorized to be acquired in or to ground water. (2) Rights acquired by appropriation of surface waters are affected or impaired by a ground water withdrawal from a confined aquifer only if: (a) Withdrawal of ground water causes a measurable head reduction within fifty feet of the surface water body in question in the shallowest unconfined water table aquifer that underlies that surface water body; or (b) Withdrawal of ground water will cause a measurable reduction in the flow or level of the surface water body. (3) If any of the conditions in subsection (2) of this section occur, then withdrawal of ground water affects or impairs existing surface water rights, including instream flow appropriations adopted by regulation, that are not being satisfied during the period of the occurrence. **NEW SECTION. Sec. 4.** A new section is added to chapter 90.44 RCW to read as follows: In addition to RCW 90.44.030(1), rights acquired by appropriation of surface waters are affected or impaired by a ground water withdrawal from an unconfined aquifer only if after no more than six months pumping, the surface water will lie within the cone of depression of a well tapping an unconfined aquifer. **Sec. 5.** RCW 90.44.035 and 1987 c 109 s 107 are each amended to read as follows: For purposes of this chapter: (1) "Department" means the department of ecology; (2) "Director" means the director of ecology; (3) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves. There is a recognized distinction between natural ground water and artificially stored ground water; (4) "Natural ground water" means water that exists in underground storage owing wholly to natural processes; ~~(and)~~ (5) "Artificially stored ground water" means water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural waste; (6) "Confined aquifer" means an aquifer in which ground water is under sufficient hydrostatic head to rise above the bottom of the overlying confining bed; (7) "Confining bed" means a layer of low permeability material immediately overlying a confined aquifer; and (8) "Measurable" means capable of being measured in the field with the use of equipment normally

used by professionals for the measurement in question. **Sec. 6.** RCW 90.44.070 and 1987 c 109 s 110 are each amended to read as follows: (1) No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. The department shall have the power to determine whether the granting of any such permit will injure or damage any vested or existing right or rights under prior permits and may in addition to the records of the department, require further evidence, proof, and testimony before granting or denying any such permits. (2) No permit for the development or withdrawal of public ground waters from a confined aquifer may be denied or conditioned due to injury to, impairment of, or conflict with an existing surface water right unless the ground water withdrawal in question will impair the surface water right pursuant to RCW 90.44.030(2): PROVIDED, That this section does not affect the ability of the department to limit or restrict future ground water appropriations by adopting rules after following the procedures of RCW 90.44.180 or 90.44.400 through 90.44.420 or chapter 90.54 RCW. (3) The department may grant a ground water permit for a withdrawal that will impair a surface water right if the applicant has proposed a satisfactory plan for mitigating the impairment. Mitigation may include, but is not limited to: Reduction in pumping rates, limitation of pumping to times that will not lead to impairment, increased recharge of the ground water, and augmentation of stream flows either through release of stored water or the import of water from out of the basin. **NEW SECTION. Sec. 7.** A new section is added to chapter 90.03 RCW to read as follows: (1) The existence of hydraulic continuity between ground water and a surface body of water does not, in itself, constitute the impairment of an existing water right in the surface water body by a proposed permit for a ground water right or an amendment to a ground water right. (2) In making a determination as to whether an application to appropriate public water will impair existing rights the department shall take into consideration: (a) The availability of water and the effect of granting a water right permit, transfer, change, or amendment are those that exist with the incorporation of the effects of any offset to be provided by the applicant under RCW 90.03.255 or 90.44.055 or any other water supply augmentation or mitigation to be provided by the applicant as part of his or her application for a water right permit, transfer, change, or amendment; (b) Seasonal variations in water supply and in the recharge of surface and ground water bodies; and (c) The provisions of RCW 90.44.030. (3) The standards governing impairment of existing surface water rights by applications to appropriate public ground water in RCW 90.44.030(2), this subsection, and RCW 90.44.070(2) apply only to the determinations to be made by the department in ruling upon such applications, and reflect the uncertainties inherent in making tentative determinations regarding future impacts of withdrawing ground water. Any person claiming that a senior water right is injured by one or more junior water rights may file an action to enjoin the junior water rights in the superior court of the county where the claimed senior water right is located. The superior court shall hear such action de novo, and if it finds by a preponderance of the evidence that one or more junior water rights is causing or contributing to the injury of a senior water right, the court may enjoin use of the junior water rights in reverse order of priority in the manner it deems necessary to protect the senior water right. This section does not apply where the claimed senior water right consists of a minimum flow or level or the closure of a surface water body. **NEW SECTION. Sec. 8.** Any person whose application to appropriate public ground water was denied by the department of ecology between November 1, 1995, and the effective date of this section, when one of the grounds for denial was that the proposed ground water withdrawal would impair, or conflict with, surface water closures or surface water rights including minimum flows, may have his or her application reconsidered in accordance with this section. Any such person desiring reconsideration shall resubmit his or her application to the department of ecology within thirty days of the effective date of this section. The department of ecology shall accord any such resubmitted application its original priority date and shall reconsider the application on a priority basis, applying the standards of this act. The decision of the department of ecology may be appealed in the manner provided by law for appeals of decisions on applications to appropriate public water." Debate ensued.

#### POINT OF INQUIRY

Senator Loveland: "Senator Morton, I was listening intently to your explanation and one part that I didn't get--the details that I need before I take my vote. You said that this would help the Department of Ecology make determinations, but you didn't say how it is going to help them. Could you tell me what is in here that changes? I understand the big question, but inside the striker, what is going to help them, in your opinion, that they don't have now? Is it specifically defining--the continuity issue or what?"

Senator Morton: "Thank you, a good question, Senator Loveland. I am not sure I can answer it totally to your satisfaction. Yes, there is a definition which we would have to look up in code that Ecology has looked at and said, 'Yes, this would be helpful.' The overall approach to the bill from the Department of Ecology is that we are neutral. We'll go along with the bill; we think that we are okay. We have worked on it with them. I had another thought and it escaped me now, that I was going to comment on--in relationship to your question. It helps them to be able to more closely identify the differences between the two hydrological approaches and says to them that they must lift up both approaches on it and then it goes on to the hearing board and/or superior court."

Further debate ensued.

#### POINT OF INQUIRY

Senator Heavey: "Senator Morton, in South King County, we're not being able to effectuate group management because significant amounts of water, drilling a well specifically, are not being going ahead with, because of the one molecule theory. The theory being, the applicant for the well, usually a public water district, must prove that it does not take one molecule out of the Green River. Does this bill help that situation?"

Senator Morton: "Mr. President, if I may briefly read--Senator Heavey, in our yellow work sheet, there are listed and, Senator Loveland, I did a little homework since your last question. You might refer to the list of six processes to go through--there had been three--that are to be adhered to by the department in determining what Senator Heavey has asked in his question. This bill adds three more of which one of them is explained by saying, 'the existence of hydraulic continuity

between ground and surface water does not, in itself, constitute impairment,' and I believe that addresses directly your question that they must prove that, in itself, it does directly or does not. Up to this point, they have followed only the top three questions to be answered--not the new three that we have added to the bill."

Senator Heavey: "One more question, the applicant has had the burden of proof of showing when there is not one molecule less in the Green River. Does this affect the burden of proof or, at least, get it to a neutral burden of proof?"

Senator Morton: "Yes, this gives--I think your term, maybe--neutral burden of proof--is correct. It places the burden of proof on both. There are those who want to go the other way from what it has been and that the burden of proof is totally on the department, but this leaves it at both levels."

Further debate ensued.

#### POINT OF INQUIRY

Senator Spanel: "Senator Morton, is the liability of impairment changed from DOE to the individual who gets the permit?"

Senator Morton: "I don't believe so."

Senator Spanel: "So, DOE would still be liable?"

Senator Morton: "I believe that is correct."

Senator Spanel: "Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Engrossed Substitute House Bill No. 2050.

The motion by Senator Morton carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 2 of the title, after "uses;" strike the remainder of the title and insert "amending RCW 90.03.380, 90.44.100, 90.44.030, 90.44.035, and 90.44.070; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.03 RCW; and creating a new section." On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 2050, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2050, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2050, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Rasmussen, Roach, Rossi, Schow, Snyder, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 31. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 16. Absent: Senators Prince and Sellar - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018, by House Committee on Health Care (originally sponsored by Representatives Dyer, Grant, Backlund, Quall, Zellinsky, Sheldon, Sherstad, Morris, Parlette, Scott and Skinner)

Enacting health insurance reform.

The bill was read the second time.

#### MOTION

Senator Deccio moved that the following Committee on Health and Long-Term Care amendment be adopted: Strike everything after the enacting clause and insert the following: "**HEALTH INSURANCE REFORM**TABLE

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**NEW SECTION. Sec. 101. UTILIZATION REVIEW--INTENT.** The legislature intends that the delivery of quality health care services to individuals in the state of Washington be consistent with a wise use of resources. It is therefore the purpose of this act to define standards for utilization review of health care services and to promote the delivery of health care in a cost-effective manner. The legislature reaffirms its commitment to improving health care services through encouraging the availability of effective and consistent utilization review throughout this state. The legislature believes that standards for utilization review will help assure quality oversight of individual case evaluations in this state. **NEW SECTION. Sec. 102.** A new section is added to chapter 41.05 RCW to read as follows: **UTILIZATION REVIEW--DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 103 and 104 of this act: (1) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan. (2) "Review organization" means an entity performing utilization review, including a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier. (3) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees. **NEW SECTION. Sec. 103.** A new section is added to chapter 41.05 RCW to read as follows: **UTILIZATION REVIEW--REVIEW ORGANIZATION.** (1) Beginning on January 1, 1998, every review organization that performs utilization review of inpatient medical and surgical benefits and outpatient medical and surgical benefits for residents of this state shall meet the standards set forth in this section and section 104 of this act. (a) Review organizations shall comply with all applicable state and federal laws to protect confidentiality of enrollee medical records. (b) Any certification by a review

organization as to the medical necessity or appropriateness of an admission, length of stay, extension of stay, or service or procedure must be made in accordance with medical standards or guidelines approved by a licensed physician. (c) Any determination by a review organization to deny an admission, length of stay, extension of stay, or service or procedure on the basis of medical necessity or appropriateness must be made by a licensed physician who has reasonable access to board certified specialty providers in making such determinations. (d) Review organizations shall make staff available to perform utilization review activities by toll-free or collect telephone, at least forty hours per week during normal business hours. (e) Review organizations shall have a phone system capable of accepting or recording, or both, incoming phone calls during other than normal business hours and shall respond to these calls within two business days. (f) Review organizations shall maintain a documented utilization review program description and written utilization review criteria based on reasonable medical evidence. The program must include a method for reviewing and updating criteria. Review organizations shall make utilization review criteria available upon request to the participating provider involved in a specific case under review. (g) Review organizations shall designate a licensed physician to participate in utilization review program implementation. (2) The Washington state health care authority shall periodically examine review organization accreditation standards of the utilization review accreditation commission, the national committee for quality assurance, and other national accreditation organizations for appropriateness and, if deemed appropriate, shall adopt rules exempting a review organization from the requirements of section 104 of this act if certified by a national credentialing entity approved by the authority. The powers of the Washington state health care authority set forth in this section are transferred to the office of the insurance commissioner on January 1, 2001. **NEW SECTION. Sec. 104.** A new section is added to chapter 41.05 RCW to read as follows: **UTILIZATION REVIEW--STANDARDS.** (1) Notification of an initial determination by the review organization to certify an admission, length of stay, extension of stay, or service or procedure must be mailed or otherwise communicated to the provider of record or the enrollee, or the enrollee's authorized representative, or both, within two business days of the determination and following the receipt of all information necessary to complete the review. (2) Notification of an initial determination by the review organization to deny an admission, length of stay, extension of stay, or service or procedure must be mailed or otherwise communicated to the provider of record or the enrollee, or the enrollee's authorized representative, or both, within one business day of the determination and following the receipt of all information necessary to complete the review. (3) Any notification of a determination to deny an admission, length of stay, extension of stay, or service or procedure must include: (a) The review organization's decision in clear terms and the rationale in sufficient detail for the enrollee to respond further to the review organization's decision; and (b) The procedures to initiate an appeal of an adverse determination. (4) Health care facilities and providers shall cooperate with the reasonable efforts of review organizations to ensure that all necessary enrollee information is available in a timely fashion by phone during normal business hours. Health care facilities and providers shall allow on-site review of medical records by review organizations. These provisions are subject to the requirements regarding health care information disclosure in chapter 70.02 RCW. **NEW SECTION. Sec. 105.** A new section is added to chapter 41.05 RCW to read as follows: **UTILIZATION REVIEW--LIMITED RECORD ACCESS.** In performing a utilization review, a review organization is limited to access to specific health carrier information necessary to complete the review being performed. **NEW SECTION. Sec. 106.** **GRIEVANCE PROCEDURES--INTENT.** The legislature is committed to the efficient use of state resources in promoting public health and protecting the rights of individuals in the state of Washington. The purpose of this act is to provide standards for the establishment and maintenance of procedures by health carriers to assure that covered persons have the opportunity for the appropriate resolution of their grievances, as defined in this act. **NEW SECTION. Sec. 107.** A new section is added to chapter 48.43 RCW to read as follows: **GRIEVANCE PROCEDURES--STANDARDS.** (1) Every health carrier shall use written procedures for receiving and resolving grievances from covered persons. At each level of review of a grievance, the health carrier shall include a person or persons with sufficient background and authority to deliberate the merits of the grievance and establish appropriate terms of resolution. The health carrier's medical director or designee shall be available to participate in the review of any grievance involving a clinical issue or issues. A grievance that includes an issue of clinical quality of care as determined by the health carrier's medical director or designee may be directed to the health carrier's quality assurance committee for review and comment. Nothing in this section alters any protections afforded under statutes relating to confidentiality and nondiscoverability of quality assurance activities and information. (2)(a) A complaint that is not submitted in writing may be resolved directly by the health carrier with the covered person, and is not considered a grievance subject to the review, recording, and reporting requirements of this section. (b) The health carrier is required to provide telephone access to covered persons for purposes of presenting a complaint for review. Each telephone number provided shall be toll free or collect within the health carrier's service area and provide reasonable access to the health carrier without undue delays during normal business hours. (3)(a) A grievance may be submitted by a covered person or a representative acting on behalf of the covered person through written authority to assure protection of the covered person's private information. Within three working days of receiving a grievance, the health carrier shall acknowledge in writing the receipt of the grievance and the department name and address where additional information may be submitted by the covered person or authorized representative of the covered person. The health carrier shall process the grievance in a reasonable length of time not to exceed thirty days from receipt of the written grievance. If the grievance involves the collection of information from sources external to the health carrier and its participating providers, the health carrier has an additional thirty days to process the covered person's grievance. (b) The health carrier shall provide the covered person, or authorized representative of the covered person, with a written determination of its review within the time frame specified in (a) of this subsection. The written determination shall contain at a minimum: (i) The health carrier's decision in clear terms and the rationale in sufficient detail for the covered person or authorized representative of the covered person to respond further to the health carrier's decision; and (ii) When the health carrier's decision is not wholly favorable to the covered person, a description of the process to obtain a second level grievance review of the decision, including the time frames required for submission of a request by the covered person or authorized representative of the covered person. (4)(a) A health carrier shall provide a second level grievance review for those covered persons who are dissatisfied with the first level grievance review decision and who submit a written request for review. The second level review process shall include an opportunity for the covered person or authorized representative of the covered person to appear in person before the representative or representatives of the health carrier. The covered person or authorized representative of the covered person must ask for a personal appearance in the written request for a second level review. (b) The health carrier shall process the grievance in a reasonable length of time, not to exceed thirty days from receipt of the

request for a second level review. The time required to resolve the second level review may be extended for a specified period if mutually agreed upon by the covered person or authorized representative of the covered person and the health carrier. (c) A health carrier's procedures for conducting a second level review must include the following: (i) The second level review panel shall be comprised of representatives of the health carrier not otherwise participating in the first level review. If the grievance involves a clinical issue or issues, the health carrier shall appoint a health care professional with appropriate qualifications who was not previously involved with the grievance under review and shall ensure reasonable access to board-certified specialty providers as typically manage the issue under review; (ii) The review panel shall schedule the review meeting to reasonably accommodate the covered person or authorized representative of the covered person and not unreasonably deny a request for postponement of the review requested by the covered person or authorized representative of the covered person; and (iii) The health carrier shall notify the covered person or authorized representative of the covered person in writing at least fifteen days in advance of the scheduled review date unless a shorter time frame is agreed to by the health carrier and the covered person. The review meeting shall be held at a location within the health carrier's service area that is reasonably accessible to the covered person or authorized representative of the covered person. In cases where a face-to-face meeting is not practical for geographic reasons, a health carrier shall offer the covered person or authorized representative of the covered person the opportunity to communicate with the review panel, at the health carrier's expense, by conference call, video conferencing, or other appropriate technology as determined by the health carrier. (d) The health carrier shall issue a written decision to the covered person or authorized representative of the covered person within five working days of completing the review meeting. The decision shall include: (i) A statement of the health carrier's understanding of the nature of the grievance and all pertinent facts; (ii) The health carrier's decision in clear terms and the rationale for the review panel's decision; and (iii) Notice of the covered person's right to any further review by the health carrier. (e) Determination of a grievance at the final level review that is unfavorable to the covered person may be submitted by the covered person or authorized representative of the covered person to nonbinding mediation. Mediation shall be conducted under mediation rules similar to those of the American arbitration association, the center for public resources, the judicial arbitration and mediation service, RCW 7.70.100, or any other rules of mediation agreed to by the parties. (5) Each health carrier as defined in this chapter shall file with the commissioner its procedures for review and adjudication of grievances initiated by covered persons. (6) The health carrier shall maintain accurate records of each grievance to include the following: (a) A description of the grievance, the date received by the health carrier, and the name and identification number of the covered person; and (b) A statement as to which level of the grievance procedure the grievance has been brought, the date at which it was brought to each level, the decision reached at each level, and a summary description of the rationale for the decision. (7) Each health carrier shall make an annual report available to the commissioner. The report shall include for each type of health benefit plan offered by the health carrier: The number of covered lives; the total number of grievances received divided into the following categories: Access, health carrier customer service, health care provider or facility service, claim payment, and dispute resolution; the number of grievances resolved at each level; and the total number of favorable and unfavorable decisions. (8) A notice of the availability and the requirements of the grievance procedure, including the address where a written grievance may be filed, shall be included in or attached to the policy, certificate, membership booklet, outline of coverage, or other evidence of coverage provided by the health carrier to its enrollees. (9) The notice shall include a toll-free telephone number for a covered person to obtain verbal explanation of the grievance procedure.

(10) A health carrier shall establish written procedures for the expedited review of a grievance involving a situation where the time to resolve a grievance according to the procedures set forth in this section would seriously jeopardize the life or health of a covered person. A request for an expedited review may be submitted orally or in writing by a covered person or authorized representative of the covered person. A health carrier's procedures for establishing an expedited review process shall include the following: (a) The health carrier shall appoint an appropriate health care professional to participate in expedited reviews and shall provide reasonable access to board-certified specialty providers as typically manage the issue under review. (b) A health carrier shall provide expedited review to all requests concerning an admission, availability of care, continued stay, or review of a health care service for a covered person who has received emergency services but has not been discharged from a facility. (c) All necessary information, including the health carrier's decision, shall be transmitted between the health carrier and the covered person or authorized representative of the covered person by telephone, facsimile, or the most expeditious method available as determined by the health carrier. (d) A health carrier shall make a decision and notify the covered person or authorized representative of the covered person as expeditiously as the medical condition of the covered person requires, but no more than two business days after the request for expedited review is received by the health carrier. If the expedited review is a concurrent review determination, the service shall be continued without liability to the covered person until the covered person or authorized representative of the covered person has been notified of the decision by the health carrier. (e) A health carrier shall provide written confirmation of its decision concerning an expedited review within two working days of providing notification of that decision to the enrollee, if the initial notification was not in writing. The written notification shall contain the provisions required in subsection (3) of this section pertaining to a first level grievance review. (f) In any case where the expedited review process does not resolve a difference of opinion between a health carrier and the covered person, the covered person or authorized representative of the covered person may request a second level grievance review. In conducting the second level grievance review, the health carrier shall adhere to time frames that are reasonable under the circumstances, but in no event to exceed the time frames specified in subsection (4) of this section pertaining to second level grievance review. (11) The Washington state health care authority shall periodically examine grievance procedure accreditation standards of the national committee for quality assurance or other national accreditation organizations for appropriateness and, if deemed appropriate, shall adopt rules exempting a health carrier from the requirements of this section if certified by a national accreditation organization approved by the authority. The powers of the Washington state health care authority set forth in this section are transferred to the office of the insurance commissioner on January 1, 2001. **Sec. 108.** RCW 48.43.055 and 1995 c 265 s 20 are each amended to read as follows: **GRIEVANCE PROCEDURE FOR HEALTH CARE PROVIDERS.** Each health carrier as defined under RCW 48.43.005 shall file with the commissioner its procedures for review and adjudication of complaints initiated by ~~((covered persons or))~~ a health care provider~~((s))~~. Procedures filed under this section shall provide a fair review for consideration of complaints. Every health carrier shall provide reasonable means whereby ~~((any person))~~ a health care provider aggrieved by actions of the health carrier

may be heard in person or by their authorized representative on their written request for review. If the health carrier fails to grant or reject such request within thirty days after it is made, the complaining ~~(person)~~ provider may proceed as if the complaint had been rejected. A complaint that has been rejected by the health carrier may be submitted to nonbinding mediation. Mediation shall be conducted pursuant to mediation rules similar to those of the American arbitration association, the center for public resources, the judicial arbitration and mediation service, RCW 7.70.100, or any other rules of mediation agreed to by the parties. **NEW SECTION. Sec. 109. GRIEVANCE PROCEDURES--REPEALER.** RCW 48.46.100 and 1975 1st ex.s. c 290 s 11 are each repealed. **NEW SECTION. Sec. 110. NETWORK ADEQUACY--INTENT.** The legislature declares that it is in the public interest that health carriers utilizing provider networks use reasonable means of assessing that their provider networks are adequate to provide covered services to their enrollees. The legislature finds that empirical assessment of provider network adequacy is in developmental stages, and that rigid, formulaic approaches are unworkable and inhibit innovation and approaches tailored to meet the needs of varying communities and populations. The legislature therefore finds that, given these limitations, an assessment is needed to determine whether network adequacy requirements are needed and, if necessary, whether the type of measures used by current accreditation programs, such as the national committee on quality assurance, meets these needs. **NEW SECTION. Sec. 111. NETWORK ADEQUACY--STUDY AND RESTRICTION.** (1) The department of health, in consultation with the office of the insurance commissioner, the department of social and health services, the health care authority, the health care policy board, consumers, providers, and health carriers, shall review the need for network adequacy requirements. The review must include an evaluation of the approaches used by the national committee on quality assurance and any similar, nationally recognized accreditation programs. The department shall submit its report and recommendations to the health care committees of the legislature by January 1, 1998, and include recommendations on: (a) Whether legislatively determined network adequacy requirements are necessary and advisable and the evidence to support this; (b) If standards are needed, to what extent such standards can be made consistent with the national committee on quality assurance standards, and whether national committee on quality assurance accredited carriers, or carriers accredited by other, nationally recognized accreditation programs, should be exempted from state review and requirements; (c) Whether and how the state could promote uniformity of approach across commercial purchaser requirements and state and federal agency requirements so as to assure adequate consumer access while promoting the most efficient use of public and private health care financial resources; (d) Means to assure that health carriers and health systems maintain the flexibility necessary to responsibly determine the best ways to meet the needs of the populations they serve while controlling the costs of the health care services provided; (e) Which types of health systems and health carriers should be subject to network adequacy requirements, if any; and (f) An objective estimate of the potential costs of such requirements and any recommended oversight functions. (2) No agency may engage in rule making relating to network adequacy until the legislature has reviewed the findings and recommendations of the study and has passed legislation authorizing the department of health or other appropriate agency to engage in rule making in this area in accordance with the policy direction set by the legislature. **NEW SECTION. Sec. 112.** A new section is added to chapter 41.05 RCW to read as follows: **ACCESS PLAN REQUIREMENTS.** (1) Beginning July 1, 1997, health carriers, as defined in RCW 48.43.005, shall develop and update annually an access plan that meets the requirements of this section for each of the health care networks that the carrier offers in this state. The health carrier shall make the access plans available on its business premises and shall provide nonproprietary information to any interested party upon request. The carrier shall prepare an access plan prior to offering a health plan utilizing a substantially different health care network. The plan shall include, at least, the following: (a) The health carrier's network of providers and facilities by license, certification and registration type, and by geographic location; (b) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the provider network to meet the covered health care needs of its enrolled populations; and (c) The health carrier's methods for assessing the health care needs of covered persons and their satisfaction with services. (2) On or before August 1, 1997, each health carrier shall submit its access plan or plans to the Washington state health care authority for purposes of assisting the authority with its report and recommendations on network adequacy standards required under section 111 of this act. (3) The Washington state health care authority shall periodically examine accreditation standards of the national committee for quality assurance or other national accreditation organizations for appropriateness and, if deemed appropriate, shall adopt rules exempting a health carrier from the requirements of this section if certified by a national accreditation organization approved by the authority. The powers of the Washington state health care authority set forth in this section are transferred to the office of the insurance commissioner on January 1, 2001. **NEW SECTION. Sec. 113.** A new section is added to chapter 74.09 RCW to read as follows: **MEDICAL ASSISTANCE WAIVERS.** To the extent that federal statutes or regulations, or provisions of waivers granted to the department of social and health services by the federal department of health and human services, include standards that differ from the minimums stated in sections 101 through 107, 110, and 112 of this act, those sections do not apply to contracts with health carriers awarded pursuant to RCW 74.09.522.

## **PART II--MARKETPLACE STABILITY**

**NEW SECTION. Sec. 201. LEGISLATIVE INTENT.** The legislature intends that individuals in the state of Washington have access to affordable individual health plan coverage. The legislature reaffirms its commitment to guaranteed issue and renewability, portability, and limitations on use of preexisting condition exclusions. The legislature also finds that the lack of incentives for individuals to purchase and maintain coverage independent of anticipated need for health care has contributed to soaring health care claims experience in many individual health plans. The legislature therefore intends that refinements be made to the state's individual market reform laws to provide needed incentives and to help assure that more affordable coverage is accessible to Washington residents.

**Sec. 202.** RCW 48.43.005 and 1995 c 265 s 4 are each amended to read as follows:

**DEFINITIONS.** Unless otherwise specifically provided, the definitions in this section apply throughout this chapter. (1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities. (2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time. (3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d). (4) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment. (5) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan. ~~((3))~~ (6) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan. (7) "Eligible employee"

means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995. ~~((4))~~ (8) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy. (9) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department. (10) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles. ~~((5))~~ (11) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier. (12) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations. ~~((6))~~ (13) "Health care provider" or "provider" means: (a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or (b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment. ~~((7))~~ (14) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease. ~~((8))~~ (15) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020. ~~((9))~~ (16) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following: (a) Long-term care insurance governed by chapter 48.84 RCW; (b) Medicare supplemental health insurance governed by chapter 48.66 RCW; (c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035; (d) Disability income; (e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical; (f) Workers' compensation coverage; (g) Accident only coverage; (h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan; (i) Employer-sponsored self-funded health plans; and (j) Dental only and vision only coverage. ~~((10))~~ (17) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time. ~~((11))~~ (18) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage. ~~((12))~~ (19) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing. ~~((13))~~ (20) "Small employer" means any person, firm, corporation, partnership, association, political subdivision except school districts, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year. ~~((14))~~ (21) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs. ~~((15))~~ "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.) **Sec. 203.** RCW 48.43.025 and 1995 c 265 s 6 are each amended to read as follows: **PREEXISTING CONDITION LIMITATIONS MODIFIED.** (1) Except as otherwise specified in RCW 48.43.035: (a) No carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual ~~(and)~~. (b) No carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided

treatment within three months before the effective date of coverage. (c) All health carriers offering any individual health plan to any individual must allow open enrollment to eligible applicants into all individual health plans offered by the carrier during the full month of July of each year. The individual health plans exempt from guaranteed continuity under RCW 48.43.035(4) are exempt from this requirement. All applications for open enrollment coverage must be complete and postmarked to or received by the carrier in the month of July in any year following the effective date of this section. Coverage for these applicants must begin the first day of the next month subject to receipt of timely payment consistent with the terms of the policies. (d) Carriers may limit acceptance of applicants who apply outside of the open enrollment period specified in (c) of this subsection provided all of the following conditions are met: (i) The applicant has not maintained coverage as required in (f) of this subsection; (ii) The applicant is not applying as a newly eligible dependent meeting the requirements of (g) of this subsection; and (iii) The carrier uses uniform health evaluation criteria and practices among all individual health plans it offers. (e) If a carrier refuses to enroll an applicant, it must offer to enroll the applicant in the Washington state health insurance pool in an expeditious manner as determined by the board of directors of the pool. Declination by the applicant to enroll must be done in written form. (f) Carriers may not refuse enrollment based upon health evaluation criteria to otherwise eligible applicants who have been covered either continuously or for any part of the three-month period immediately preceding the date of application for the new individual health plan under a comparable group or individual health benefit plan with substantially similar benefits. For purposes of this subsection, in addition to provisions in RCW 48.43.015, the following publicly administered coverage shall be considered comparable health benefit plans: The basic health plan established by chapter 70.47 RCW; the medical assistance program established by chapter 74.09 RCW; and the Washington state health insurance pool, established by chapter 48.41 RCW, as long as the person is continuously enrolled in the pool until the next open enrollment period. If the person is enrolled in the pool for less than three months, she or he will be credited for that period up to three months. (g) Carriers shall accept for enrollment all newly eligible dependents of an enrollee for enrollment onto the enrollee's individual health plan at any time of the year, provided application is made within sixty-three days of eligibility, or such longer time as provided by law or contract. (h)(i) Except as provided in (h)(iii) of this subsection, no health carrier shall be required to accept for enrollment under this section any individual who would cause the carrier to have, in any one calendar year, a total number of individuals newly enrolled under this section that exceeds one and one-half percent of the average number of individuals enrolled by the carrier in all of their individual market plans during January of that calendar year. (ii) When a health carrier has met the enrollment limit set forth in (h)(i) of this subsection, an officer of the carrier shall so certify in writing to the commissioner. Such certification shall be accompanied by supporting data and shall be provided to the commissioner by overnight delivery. Upon providing such certification, the carrier shall be relieved of its open enrollment requirement under this section for the remainder of the calendar year, except as provided in (h)(iii) of this subsection. (iii) If, in any one calendar year, all health carriers subject to this section are found by the commissioner to have met the enrollment limit set forth in (h)(i) of this subsection, the commissioner may require the carriers to resume accepting individuals on an open enrollment basis for the remainder of the month of July. To the extent that there is any delay between the time that the last certification under (h)(ii) of this subsection is provided to the commissioner and the time that the commissioner notifies carriers to resume open enrollment, the commissioner may extend the open enrollment period or reopen the period for such time as is necessary to compensate for the delay. In no event shall the total period of open enrollment, including any extension or reopening, exceed thirty-one days. (i) At no time are carriers required to accept for enrollment any individual residing outside the state of Washington, except for qualifying dependents who reside outside the carrier service area. (j) For purposes of this section, "open enrollment" means the annual thirty-one day period during the month of July during which all health carriers offering individual health plan coverage must accept onto individual coverage any state resident within the carrier's service area regardless of health condition who submits an application in accordance with RCW 48.43.035(1). (2) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. ~~((These))~~ The provisions of this section apply only to individuals who are Washington residents. **Sec. 204.** RCW 48.43.035 and 1995 c 265 s 7 are each amended to read as follows: **GUARANTEED ISSUE AND CONTINUITY OF COVERAGE MODIFIED.** (1) Except as otherwise specified in RCW 48.43.025, all health carriers shall accept for enrollment any state resident within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals. (2) Except as provided in subsection ~~((5))~~ (7) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. In the case of group plans, the carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section. (3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for: (a) Nonpayment of premium; (b) Violation of published policies of the carrier approved by the insurance commissioner; (c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations; (d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services; (e) Covered persons committing fraudulent acts as to the carrier; (f) Covered persons who materially breach the health plan; ~~((or))~~ (g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage; or (h) Cessation of a plan offering in accordance with subsection (5) or (8) of this section. (4) The provisions of this section do not apply in the following cases: (a) A carrier has zero enrollment on a product; ~~((or))~~ (b) ~~((A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; or (c))~~ A carrier is withdrawing from a service area or from a segment of its service area because the

carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded. (5) A health carrier may discontinue offering or materially modify a particular health plan, only if: (a) The health carrier provides notice to each covered person provided coverage of this type of such discontinuation or modification at least ninety days prior to the date of the discontinuation or modification of coverage; (b) The health carrier offers to each covered person provided coverage of this type the option to purchase any other health plan currently being offered by the health carrier to similar covered persons in the market category and geographic area; and (c) In exercising the option to discontinue or modify a particular health plan and in offering the option of coverage under (b) of this subsection, the health carrier acts uniformly without regard to any health-status related factor of covered persons or persons who may become eligible for coverage. (6) At the time a plan is renewed, a health carrier may modify the health plan coverage so long as such modification is in accordance with subsection (5) of this section. (7) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner. (8) A health carrier may discontinue all health plan coverage in one or more of the following lines of business: (a)(i) Individual; or (ii)(A) Small group (1-50 members); and (B) Large group (51+ members); (b) Only if: (i) The health carrier provides notice to the office of the insurance commissioner and to each person covered by a plan within the line of business of such discontinuation at least one hundred eighty days prior to the expiration of coverage; and (ii) All plans issued or delivered in the state by the health carrier in such line of business are discontinued, and coverage under such plans in such line of business is not renewed; and (iii) The health carrier may not issue any health plan coverage in the line of business and state involved during the five-year period beginning on the date of the discontinuation of the last health plan not so renewed. (9) The portability provisions of RCW 48.43.015 continue to apply to all enrollees whose health insurance coverage is modified or discontinued pursuant to this section. **Sec. 205.** RCW 70.47.060 and 1995 c 266 s 1 and 1995 c 2 s 4 are each reenacted and amended to read as follows: The administrator has the following powers and duties: (1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive ~~((covered basic health care services))~~ covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. (2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section. (b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. (c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee. (d) To develop, as an offering by all health carriers providing coverage identical to the basic health plan, as configured on January 1, 1996, a basic health plan model plan ((benefits package)) with uniformity in enrollee cost-sharing requirements. (3) To design and implement a structure of enrollee cost sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. (4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. (5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator. (6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan. (7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health



care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services. (8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems. (9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan. (10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. (11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant. (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort. (13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state. (14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter. (15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color. **Sec. 206.** RCW 48.20.028 and 1995 c 265 s 13 are each amended to read as follows: **TENURE DISCOUNTS--INDIVIDUAL DISABILITY COVERAGE.** (1)(a) An insurer offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health ~~((services))~~ **benefits** that are required to be delivered to an individual enrolled in the basic health plan subject to RCW 48.43.035. Nothing in this subsection shall preclude an insurer from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.416, and 48.20.420 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premiums for health benefit plans for individuals shall be calculated using the adjusted community rating method that spreads financial risk across the carrier's entire individual product population. All such rates shall conform to the following: (a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; ~~((and))~~ (iv) Tenure discounts; and (v) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to

reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045. (4) As used in this section, "health benefit plan," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 207.** RCW 48.44.022 and 1995 c 265 s 15 are each amended to read as follows: **TENURE DISCOUNTS--HEALTH CARE SERVICE CONTRACTORS.** (1)(a) A health care service contractor offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health ~~((services))~~ benefits that are required to be delivered to an individual enrolled in the basic health plan, subject to the provisions in RCW 48.43.035. Nothing in this subsection shall preclude a contractor from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premium rates for health benefit plans for individuals shall be subject to the following provisions: (a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; ~~((and))~~ (iv) Tenure discounts; and (v) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023. (4) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "basic health plan," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 208.** RCW 48.46.064 and 1995 c 265 s 17 are each amended to read as follows: **TENURE DISCOUNTS--HEALTH MAINTENANCE ORGANIZATIONS.** (1)(a) A health maintenance organization offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health ~~((services))~~ benefits that are required to be delivered to an individual enrolled in the basic health plan, subject to the provisions in RCW 48.43.035. Nothing in this subsection shall preclude a health maintenance organization from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, ~~((48.26.280 [48.46.280]))~~ 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premium rates for health benefit plans for individuals shall be subject to the following provisions: (a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; ~~((and))~~ (iv) Tenure discounts; and (v) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not

be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066. (4) As used in this section and RCW 48.46.066, "health benefit plan," "basic health plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 209.** RCW 48.41.030 and 1989 c 121 s 1 are each amended to read as follows: HEALTH INSURANCE POOL--DEFINITIONS. As used in this chapter, the following terms have the meaning indicated, unless the context requires otherwise: (1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool. (2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080. (3) "Board" means the board of directors of the pool. (4) "Commissioner" means the insurance commissioner. (5) "Health care facility" has the same meaning as in RCW 70.38.025. (6) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services. (7) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury. (8) "Health ~~((insurance))~~ coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance. (9) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health ~~((insurance))~~ coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health ~~((insurance))~~ coverage" in subsection (8) of this section. (10) ~~("Insured" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.~~ (11) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW. ~~((12))~~ (11) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended). ~~((13))~~ (12) "Member" means any commercial insurer which provides disability insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health ~~((insurance))~~ coverage" set forth in subsection (8) of this section. (13) "Network provider" means a health care provider who has contracted in writing with the pool administrator to accept payment from and to look solely to the pool according to the terms of the pool health plans. (14) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050. (15) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits. (16) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040. ~~((16))~~ (17) "Substantially equivalent health plan" means a "health plan" as defined in subsection (9) of this section which, in the judgment of the board or the administrator, offers persons including dependents or spouses covered or making application to be covered by this pool an overall level of benefits deemed approximately equivalent to the minimum benefits available under this pool. **Sec. 210.** RCW 48.41.060 and 1989 c 121 s 3 are each amended to read as follows: HEALTH INSURANCE POOL--BOARD POWERS MODIFIED. The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to ~~((transact))~~ offer or provide the kinds of ~~((insurance))~~ health coverage defined under this title. In addition thereto, the board may: (1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions; (2) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool; (3) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.20.028, 48.44.022, and 48.46.064; (4) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim

assessments will be credited as offsets against any regular assessments due following the close of the year; (5) Issue policies of ~~((insurance))~~ health coverage in accordance with the requirements of this chapter; (6) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and (7) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant. **Sec. 211.** RCW 48.41.080 and 1989 c 121 s 5 are each amended to read as follows: **HEALTH INSURANCE POOL--ADMINISTRATOR'S POWER MODIFIED.** The board shall select an administrator from the membership of the pool whether domiciled in this state or another state through a competitive bidding process to administer the pool. (1) The board shall evaluate bids based upon criteria established by the board, which shall include: (a) The administrator's proven ability to handle ~~((accident and health insurance))~~ health coverage; (b) The efficiency of the administrator's claim-paying procedures; (c) An estimate of the total charges for administering the plan; and (d) The administrator's ability to administer the pool in a cost-effective manner. (2) The administrator shall serve for a period of three years subject to removal for cause. At least six months prior to the expiration of each three-year period of service by the administrator, the board shall invite all interested parties, including the current administrator, to submit bids to serve as the administrator for the succeeding three-year period. Selection of the administrator for this succeeding period shall be made at least three months prior to the end of the current three-year period. (3) The administrator shall perform such duties as may be assigned by the board including: (a) All eligibility and administrative claim payment functions relating to the pool; (b) Establishing a premium billing procedure for collection of premiums from ~~((insured))~~ covered persons. Billings shall be made on a periodic basis as determined by the board, which shall not be more frequent than a monthly billing; (c) Performing all necessary functions to assure timely payment of benefits to covered persons under the pool including: (i) Making available information relating to the proper manner of submitting a claim for benefits to the pool, and distributing forms upon which submission shall be made; ~~((and))~~ (ii) Taking steps necessary to offer and administer managed care benefit plans; and (iii) Evaluating the eligibility of each claim for payment by the pool; (d) Submission of regular reports to the board regarding the operation of the pool. The frequency, content, and form of the report shall be as determined by the board; (e) Following the close of each accounting year, determination of net paid and earned premiums, the expense of administration, and the paid and incurred losses for the year and reporting this information to the board and the commissioner on a form as prescribed by the commissioner. (4) The administrator shall be paid as provided in the contract between the board and the administrator for its expenses incurred in the performance of its services. **Sec. 212.** RCW 48.41.110 and 1987 c 431 s 11 are each amended to read as follows: **HEALTH INSURANCE POOL--BENEFITS MODIFIED.** (1) The pool is authorized to offer one or more managed care plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. Covered persons enrolled in the pool on January 1, 1997, may continue coverage under the pool plan in which they are enrolled on that date. However, the pool may incorporate managed care features into such existing plans. (2) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board of directors, such brochure shall be made reasonably available to participants or potential participants. The health insurance policy issued by the pool shall pay only usual, customary, and reasonable charges for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the usual, customary, and reasonable charges for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items: (a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year; (b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers; (c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse; (d) Drugs and contraceptive devices requiring a prescription; (e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician; (f) Services of a home health agency; (g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy; (h) Oxygen; (i) Anesthesia services; (j) Prostheses, other than dental; (k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed; (l) Diagnostic x-rays and laboratory tests; (m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth; (n) Maternity care services, as provided in the managed care plan to be designed by the pool board of directors; (o) Services of a physical therapist and services of a speech therapist; ~~((p))~~ (p) Hospice services; ~~((q))~~ (q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and ~~((r))~~ (r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition. ~~((2))~~ (3) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective. ~~((3))~~ (4) The pool benefit policy may contain benefit limitations, exceptions, and ~~((reductions))~~ cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health ~~((insurance))~~ plans ~~((and are))~~ approved by the insurance commissioner; however, no limitation, exception, or reduction may be ~~((approved))~~ used that would exclude coverage for any disease, illness, or injury. (5) The pool may not reject an individual

for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment, within three months before the effective date of coverage. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. **Sec. 213.** RCW 48.41.200 and 1987 c 431 s 20 are each amended to read as follows: HEALTH INSURANCE POOL--RATE MODIFIED. The pool shall determine the standard risk rate by calculating the average group standard rate for groups comprised of up to ~~((ten))~~ fifty persons charged by the five largest members offering coverages in the state comparable to the pool coverage. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage. Maximum rates for pool coverage shall be one hundred fifty percent for the indemnity health plan and one hundred twenty-five percent for managed care plans of the rates established as applicable for group standard risks in groups comprised of up to ~~((ten))~~ fifty persons (~~(--All rates and rate schedules shall be submitted to the commissioner for approval)~~). **Sec. 214.** RCW 48.41.130 and 1987 c 431 s 13 are each amended to read as follows: HEALTH INSURANCE POOL--SUBSTANTIAL EQUIVALENT CLARIFIED. All policy forms issued by the pool shall conform in substance to prototype forms developed by the pool, and shall in all other respects conform to the requirements of this chapter, and shall be filed with and approved by the commissioner before they are issued. The pool shall not issue a pool policy to any individual who, on the effective date of the coverage applied for, already has or would have coverage substantially equivalent to a pool policy as an insured or covered dependent, or who would be eligible for such coverage if he or she elected to obtain it at a lesser premium rate. However, coverage provided by the basic health plan, as established pursuant to chapter 70.47 RCW, shall not be deemed substantially equivalent for the purposes of this section. **NEW SECTION. Sec. 215.** A new section is added to chapter 48.43 RCW to read as follows: All health carriers offering any health plan to any individual must offer at least one plan, in addition to the model basic health plan, that contains maternity coverage substantially equivalent to that offered under the basic health plan. **NEW SECTION. Sec. 216.** A new section is added to chapter 48.44 RCW to read as follows: LOSS RATIOS--HEALTH CARE SERVICE CONTRACTORS. (1) For purposes of RCW 48.44.020(2)(d), benefits in a contract shall be deemed reasonable in relation to the amount charged provided that the anticipated loss ratio is at least: (a) Sixty-five percent for individual subscriber contract forms; (b) Seventy percent for franchise plan contract forms; (c) Eighty percent for group contract forms other than small group contract forms; and (d) Seventy-five percent for small group contract forms. (2) With the approval of the commissioner, contract, rider, and endorsement forms that provide substantially similar coverage may be combined for the purpose of determining the anticipated loss ratio. (3) A health care service contractor may charge the rate for prepayment of health care services in any contract identified in RCW 48.44.020(1) upon filing of the rate with the commissioner. If the commissioner disapproves the rate, the commissioner shall explain in writing the specific reasons for the disapproval. A health care service contractor may continue to charge such rate pending a final order in any hearing held under chapters 48.04 and 34.05 RCW, or if applicable, pending a final order in any appeal. Any amount charged that is determined in a final order on appeal to be unreasonable in relation to the benefits provided is subject to refund. (4) For the purposes of this section: (a) "Anticipated loss ratio" means the ratio of all anticipated claims or costs for the delivery of covered health care services including incurred but not reported claims and costs and medical management costs to premium minus any applicable taxes. (b) "Small group contract form" means a form offered to a small employer as defined in RCW 48.43.005(13). **NEW SECTION. Sec. 217.** A new section is added to chapter 48.46 RCW to read as follows: LOSS RATIOS--HEALTH MAINTENANCE ORGANIZATIONS. (1) For purposes of RCW 48.46.060(3)(d), benefits shall be deemed reasonable in relation to the amount charged provided that the anticipated loss ratio is at least: (a) Sixty-five percent for individual subscriber contract forms; (b) Seventy percent for franchise plan contract forms; (c) Eighty percent for group contract forms other than small group contract forms; and (d) Seventy-five percent for small group contract forms. (2) With the approval of the commissioner, contract, rider, and endorsement forms that provide substantially similar coverage may be combined for the purpose of determining the anticipated loss ratio. (3) A health maintenance organization may charge the rate for prepayment of health care services in any contract identified in RCW 48.46.060(1) upon filing of the rate with the commissioner. If the commissioner disapproves the rate, the commissioner shall explain in writing the specific reasons for the disapproval. A health maintenance organization may continue to charge such rate pending a final order in any hearing held under chapters 48.04 and 34.05 RCW, or if applicable, pending a final order in any appeal. Any amount charged that is determined in a final order on appeal to be unreasonable in relation to the benefits provided is subject to refund. (4) For the purposes of this section: (a) "Anticipated loss ratio" means the ratio of all anticipated claims or costs for the delivery of covered health care services including incurred but not reported claims and costs and medical management costs to premium minus any applicable taxes. (b) "Small group contract form" means a form offered to a small employer as defined in RCW 48.43.005(13). **NEW SECTION. Sec. 218.** A new section is added to chapter 48.21 RCW to read as follows: LOSS RATIOS--GROUPS' DISABILITY COVERAGE. The following standards and requirements apply to group and blanket disability insurance policy forms and manual rates: (1) Specified disease group insurance shall generate at least a seventy-five percent loss ratio regardless of the size of the group. (2) Group disability insurance, other than specified disease insurance, as to which the insureds pay all or substantially all of the premium shall generate loss ratios no lower than those set forth in the following table.

Number of Certificate Holders	Minimum Overall	at Issue, Renewal, or Rerating	Loss Ratio
9 or less	60%	10 to 24	65%
		25 to 49	70%
		50 to 99	75%
		100 or more	80%

(3) Group disability policy forms, other than for specified disease insurance, for issue to single employers insuring less than one hundred lives shall generate loss ratios no lower than those set forth in subsection (2) of this section for groups of the same size. (4) The calculating period may vary with the benefit and premium provisions. The company may be required to demonstrate the reasonableness of the calculating period chosen by the actuary responsible for the premium calculations. (5) A request for a rate increase submitted at the end of the calculating period shall include a comparison of the actual to the expected loss ratios and shall employ any accumulation of reserves in the determination of rates for the selected calculating period and account for the maintenance of such reserves for future needs. The request for the rate increase shall be further documented by the expected loss ratio for the new calculating period. (6) A request for a rate increase submitted during the calculating period shall include a comparison of the actual to the expected loss ratios, a demonstration of any contributions to or support from the reserves, and shall account for the maintenance of such reserves for future needs. If the

experience justifies a premium increase it shall be deemed that the calculating period has prematurely been brought to an end. The rate increase shall further be documented by the expected loss ratio for the next calculating period. (7) The commissioner may approve a series of two or three smaller rate increases in lieu of one larger increase. These should be calculated to reduce the lapses and antiselection that often result from large rate increases. A demonstration of such calculations, whether for a single rate increase or a series of smaller rate increases, satisfactory to the commissioner, shall be attached to the filing. (8) Companies shall review their experience periodically and file appropriate rate revisions in a timely manner to reduce the necessity of later filing of exceptionally large rate increases. (9) The definitions in section 221 of this act and the provisions in section 220 of this act apply to this section. **NEW SECTION. Sec. 219.** A new section is added to chapter 48.20 RCW to read as follows: **LOSS RATIOS--INDIVIDUAL DISABILITY COVERAGE.** The following standards and requirements apply to individual disability insurance forms: (1) The overall loss ratio shall be deemed reasonable in relation to the premiums if the overall loss ratio is at least sixty percent over a calculating period chosen by the insurer and satisfactory to the commissioner. (2) The calculating period may vary with the benefit and renewal provisions. The company may be required to demonstrate the reasonableness of the calculating period chosen by the actuary responsible for the premium calculations. A brief explanation of the selected calculating period shall accompany the filing. (3) Policy forms, the benefits of which are particularly exposed to the effects of inflation and whose premium income may be particularly vulnerable to an eroding persistency and other similar forces, shall use a relatively short calculating period reflecting the uncertainties of estimating the risks involved. Policy forms based on more dependable statistics may employ a longer calculating period. The calculating period may be the lifetime of the contract for guaranteed renewable and noncancellable policy forms if such forms provide benefits that are supported by reliable statistics and that are protected from inflationary or eroding forces by such factors as fixed dollar coverages, inside benefit limits, or the inherent nature of the benefits. The calculating period may be as short as one year for coverages that are based on statistics of minimal reliability or that are highly exposed to inflation. (4) A request for a rate increase to be effective at the end of the calculating period shall include a comparison of the actual to the expected loss ratios, shall employ any accumulation of reserves in the determination of rates for the new calculating period, and shall account for the maintenance of such reserves for future needs. The request for the rate increase shall be further documented by the expected loss ratio for the new calculating period. (5) A request for a rate increase submitted during the calculating period shall include a comparison of the actual to the expected loss ratios, a demonstration of any contributions to and support from the reserves, and shall account for the maintenance of such reserves for future needs. If the experience justifies a premium increase it shall be deemed that the calculating period has prematurely been brought to an end. The rate increase shall further be documented by the expected loss ratio for the next calculating period. (6) The commissioner may approve a series of two or three smaller rate increases in lieu of one large increase. These should be calculated to reduce lapses and anti-selection that often result from large rate increases. A demonstration of such calculations, whether for a single rate increase or for a series of smaller rate increases, satisfactory to the commissioner, shall be attached to the filing. (7) Companies shall review their experience periodically and file appropriate rate revisions in a timely manner to reduce the necessity of later filing of exceptionally large rate increases. **NEW SECTION. Sec. 220.** A new section is added to chapter 48.20 RCW to read as follows: **LOSS RATIOS--DISABILITY COVERAGE EXEMPTIONS.** Sections 218 and 219 of this act apply to all insurers and to every disability insurance policy form filed for approval in this state after the effective date of this section, except: (1) Additional indemnity and premium waiver forms for use only in conjunction with life insurance policies; (2) Medicare supplement policy forms that are regulated by chapter 48.66 RCW; (3) Credit insurance policy forms issued pursuant to chapter 48.34 RCW; (4) Group policy forms other than: (a) Specified disease policy forms; (b) Policy forms, other than loss of income forms, as to which all or substantially all of the premium is paid by the individuals insured thereunder; (c) Policy forms, other than loss of income forms, for issue to single employers insuring less than one hundred employees; (5) Policy forms filed by health care service contractors or health maintenance organizations; (6) Policy forms initially approved, including subsequent requests for rate increases and modifications of rate manuals. **NEW SECTION. Sec. 221.** A new section is added to chapter 48.20 RCW to read as follows: **LOSS RATIOS--DISABILITY COVERAGE DEFINITIONS.** (1) The "expected loss ratio" is a prospective calculation and shall be calculated as the projected "benefits incurred" divided by the projected "premiums earned" and shall be based on the actuary's best projections of the future experience within the "calculating period." (2) The "actual loss ratio" is a retrospective calculation and shall be calculated as the "benefits incurred" divided by the "premiums earned," both measured from the beginning of the "calculating period" to the date of the loss ratio calculations. (3) The "overall loss ratio" shall be calculated as the "benefits incurred" divided by the "premiums earned" over the entire "calculating period" and may involve both retrospective and prospective data. (4) The "calculating period" is the time span over which the actuary expects the premium rates, whether level or increasing, to remain adequate in accordance with his or her best estimate of future experience and during which the actuary does not expect to request a rate increase. (5) The "benefits incurred" is the "claims incurred" plus any increase, or less any decrease, in the "reserves." (6) The "claims incurred" means: (a) Claims paid during the accounting period; plus (b) The change in the liability for claims that have been reported but not paid; plus (c) The change in the liability for claims that have not been reported but which may reasonably be expected. The "claims incurred" does not include expenses incurred in processing the claims, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, or profit. (7) The "reserves," as referred to in sections 218 and 219 of this act include: (a) Active life disability reserves; (b) Additional reserves whether for a specific liability purpose or not; (c) Contingency reserves; (d) Reserves for select morbidity experience; and (e) Increased reserves that may be required by the commissioner. (8) The "premiums earned" means the premiums, less experience credits, refunds, or dividends, applicable to an accounting period whether received before, during, or after such period. (9) Renewal provisions are defined as follows: (a) "Guaranteed renewable" means renewal cannot be declined by the insurance company for any reason, but the insurance company can revise rates on a class basis. (b) "Noncancellable" means renewal cannot be declined nor can rates be revised by the insurance company. **PART III--BENEFITS AND SERVICE DELIVERY NEW SECTION. Sec. 301.** A new section is added to chapter 48.43 RCW to read as follows: **EMERGENCY MEDICAL SERVICES.** (1) When conducting a review of the necessity and appropriateness of emergency services or making a benefit determination for emergency services: (a) A health carrier shall cover emergency services necessary to screen and stabilize a covered person if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. In addition, a health carrier shall not require prior authorization of such services provided prior to the point of stabilization if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. With

respect to care obtained from a nonparticipating hospital emergency department, a health carrier shall cover emergency services necessary to screen and stabilize a covered person if a prudent layperson would have reasonably believed that use of a participating hospital emergency department would result in a delay that would worsen the emergency, or if a provision of federal, state, or local law requires the use of a specific provider or facility. In addition, a health carrier shall not require prior authorization of such services provided prior to the point of stabilization if a prudent layperson acting reasonably would have believed that an emergency medical condition existed and that use of a participating hospital emergency department would result in a delay that would worsen the emergency. (b) If an authorized representative of a health carrier authorizes coverage of emergency services, the health carrier shall not subsequently retract its authorization after the emergency services have been provided, or reduce payment for an item or service furnished in reliance on approval, unless the approval was based on a material misrepresentation about the covered person's health condition made by the provider of emergency services. (c) Coverage of emergency services may be subject to applicable copayments, coinsurance, and deductibles, and a health carrier may impose reasonable differential cost-sharing arrangements for emergency services rendered by nonparticipating providers, if such differential between cost-sharing amounts applied to emergency services rendered by participating provider versus nonparticipating provider does not exceed fifty dollars. Differential cost sharing for emergency services may not be applied when a covered person presents to a nonparticipating hospital emergency department rather than a participating hospital emergency department when the health carrier requires preauthorization for postevaluation or poststabilization emergency services if: (i) Due to circumstances beyond the covered person's control, the covered person was unable to go to a participating hospital emergency department in a timely fashion without serious impairment to the covered person's health; or (ii) A prudent layperson possessing an average knowledge of health and medicine would have reasonably believed that he or she would be unable to go to a participating hospital emergency department in a timely fashion without serious impairment to the covered person's health. (d) If a health carrier requires preauthorization for postevaluation or poststabilization services, the health carrier shall provide access to an authorized representative twenty-four hours a day, seven days a week, to facilitate review. In order for postevaluation or poststabilization services to be covered by the health carrier, the provider or facility must make a documented good faith effort to contact the covered person's health carrier within thirty minutes of stabilization, if the covered person needs to be stabilized. The health carrier's authorized representative is required to respond to a telephone request for preauthorization from a provider or facility within thirty minutes. Failure of the health carrier to respond within thirty minutes constitutes authorization for the provision of immediately required medically necessary postevaluation and poststabilization services, unless the health carrier documents that it made a good faith effort but was unable to reach the provider or facility within thirty minutes after receiving the request. (e) A health carrier shall immediately arrange for an alternative plan of treatment for the covered person if a nonparticipating emergency provider and health plan cannot reach an agreement on which services are necessary beyond those immediately necessary to stabilize the covered person consistent with state and federal laws. (2) Nothing in this section is to be construed as prohibiting the health carrier from requiring notification within the time frame specified in the contract for inpatient admission or as soon thereafter as medically possible but no less than twenty-four hours. Nothing in this section is to be construed as preventing the health carrier from reserving the right to require transfer of a hospitalized covered person upon stabilization. Follow-up care that is a direct result of the emergency must be obtained in accordance with the health plan's usual terms and conditions of coverage. All other terms and conditions of coverage may be applied to emergency services. **PART IV-- MISCELLANEOUS NEW SECTION. Sec. 401. WICKLINE CLAUSE STUDY.** (1) There is some question regarding who should be liable when a health carrier or other third-party payer refuses to pay for or provide health services recommended by a health care provider and the patient suffers injury as a result of not receiving the recommended care. This issue typically arises in managed care systems, which integrate the financing and delivery of health care services to covered persons through selected providers. Contracts between health carriers and providers may address potential liability issues regarding the relationships between the carriers and the providers. Some contracts shift potential liability for a health carrier's decision not to pay for recommended health services to the provider or patient through what are commonly referred to as "Wickline clauses." These clauses generally state it is a medical decision between the provider and patient as to whether the patient receives services that the carrier refuses to cover; this ignores the fact that the decision not to provide coverage influences the decision of the patient whether to receive the recommended care. The legislature intends to review the policy questions raised by this issue, particularly to what extent the carrier should be able to avoid liability for its decisions by insulating itself through its contracts with providers. (2) A joint task force on Wickline clauses shall review the practice of contractually assigning or avoiding potential liability for decisions by health carriers or other third-party payers not to pay for health care services recommended by a health care provider. The task force shall be comprised of two members of the house of representatives appointed by the speaker of the house, one from each major caucus, two members of the senate appointed by the president of the senate, one from each major caucus, and eight persons appointed by the legislative members of the task force. The eight nonlegislative persons on the task force shall consist of: Two representatives of health care providers; two representatives of health care consumers; two representatives of health carriers; and two representatives of self-funded health plans. The legislative members shall organize and administer the task force. Staffing shall be provided by the office of program research and senate committee services. (3) The task force shall report to the health care committees of the legislature by December 1, 1997. The report shall discuss the policy issues regarding Wickline clauses and the more general issue of potential liability for decisions of health carriers and others not to cover health care recommended by the provider. The report may contain recommendations for the legislature to consider. **NEW SECTION. Sec. 402. COMMON TITLE.** This act shall be known as the consumer assistance and insurance market stabilization act. **NEW SECTION. Sec. 403. Part headings and section captions used in this act are not part of the law. NEW SECTION. Sec. 404. SEVERABILITY CLAUSE.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 405. EFFECTIVE DATES.** (1) Sections 105 through 109 and 301 of this act take effect January 1, 1998. (2) Section 112 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Senator Sheldon demanded a roll call and the demand was sustained.

MOTION

At 10:39 a.m., on motion of Senator Johnson, the Senate recessed until 10:50 a.m.

The Senate was called to order at 10:57 a.m by President Pro Tempore Newhouse.

MOTION

On motion of Senator Sheldon, the demand for a roll call on the Committee on Health and Long-Term Care amendment was withdrawn.

MOTION

On motion of Senator Deccio, and there being no objection, the motion to adopt the Committee on Health and Long-Term Care striking amendment to Engrossed Substitute House Bill No. 2018 was withdrawn.

MOTION

On motion of Senator Deccio, the Committee on Health and Long-Term Care striking amendment to Engrossed Substitute House Bill No. 2018 was not adopted.

MOTION

On motion of Senator Johnson, further consideration of Engrossed Substitute House Bill No. 2018 was deferred.

President Owen assumed the Chair.

SECOND READING

SENATE BILL NO. 6072, by Senators West and Spanel (by request of Office of Financial Management)

Changing the timelines for development and implementation of the student assessment system.

MOTION

Senator Johnson moved that Substitute Senate Bill No. 6072 be substituted for Senate Bill No. 6072 and the substitute bill be placed on second reading and read the second time.

There being no objection, Senator Johnson withdrew the motion to substitute Senate Bill No. 6072.

MOTION

On motion of Senator McAuliffe, Senate Bill No. 6072 was not substituted.  
Senate Bill No. 6072 was read the second time.

MOTION

Senator Hochstatter moved that the following amendment by Senators Hochstatter and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28A.630.885 and 1995 c 335 s 505 and 1995 c 209 s 1 are each reenacted and amended to read as follows: (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved. (2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists. (3) The commission, with the assistance of the advisory



committees, shall: (a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements; (b)(i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures ~~((that are criterion-referenced))~~. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section. (ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development. (iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1)~~((goal one))~~ and the mathematics component of RCW 28A.150.210(2)~~((goal two))~~ referred to in this section as reading, writing, communications, and mathematics shall be ~~((initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97))~~ developed and initially implemented by the commission before transferring the assessment system to the superintendent of public instruction on June 30, 1999. The elementary assessments for reading, writing, communications, and mathematics shall be available for use by school districts no later than the 1996-97 school year, the middle school assessment no later than the 1997-98 school year, and the high school assessment no later than the 1998-99 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for the science component of RCW 28A.150.210 (2)~~((-3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction))~~ at the middle school and high school levels shall be available for use by districts no later than the 1998-99 school year~~((-))~~ unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The completed assessments and assessments still in development shall be transferred to the superintendent of public instruction by June 30, 1999, unless the legislature takes action to delay implementation of the assessment system and essential academic learning requirements. The superintendent shall continue the development of assessments on the following schedule: The history, civics, and geography assessments at the middle and high school levels shall be available for use by districts no later than 2000-01 school year; the arts assessment for middle and high school levels shall be available for use by districts no later than 2000-01 school year; and the health and fitness assessments for middle and high school levels shall be available no later than the 2001-02 school year. The elementary science assessment shall be available for use by districts not later than the 2001-02 school year. The commission or the superintendent, as applicable, shall upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted. By December 15, 1998, the commission on student learning shall recommend to the appropriate committees of the legislature a revised timeline for implementing these assessments and when the school districts should be required to participate. All school districts shall be required to participate in the history, civics, geography, arts, health, fitness, and elementary science assessments in the third year after the assessments are available to school districts. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments. (iv) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two. Before the 1997-98 school year, the elementary assessment system in reading, writing, communications, and mathematics shall be optional. School districts that desire to participate before the 1997-98 school year shall notify the commission on student learning in a manner determined by the commission. Beginning in the 1997-98 school year, school districts shall be required to participate in the elementary assessment system for reading, writing, communications, and mathematics. Before the 2000-~~((2001))~~ 01 school year, participation by school districts in the middle school and high school assessment system for reading, writing, communications, mathematics, and science shall be optional. School districts that desire to participate before the ~~((2000-2001))~~ 1998-99 school year shall notify the ~~((superintendent of public instruction))~~ commission on student learning in a manner determined by the ~~((superintendent))~~ commission on student learning. Schools that desire to participate after the 1998-99 school year, shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-~~((2001))~~ 01 school year, all school districts shall be required to participate in the assessment system for reading, writing, communications, mathematics, and science. (v) The ~~((state board of education and superintendent of public instruction))~~ commission on student learning may modify the essential academic learning requirements and ~~((academic assessment system))~~ the assessments for reading, writing, communications, mathematics, and science, as needed, ~~((in subsequent school years))~~ before June 30, 1999. The commission shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted. (vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender; (c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity ~~((to continue))~~ to pursue career and educational

objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education; (d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection; (e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection; (f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system; (g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery; (h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on: (i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and (ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section; (i) ~~(By June 30, 1999,)~~ Recommend to the legislature, governor, state board of education, and superintendent of public instruction: (i) A state-wide accountability system to monitor and evaluate accurately and fairly at elementary, middle, and high schools the level of learning occurring in individual schools and school districts with regard to the goals included in RCW 28A.150.210 (1) through (4). ~~(The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors.)~~ The accountability system must assess each school individually against its own baseline, schools with similar characteristics, and schools state-wide. The system shall include school-site, school district, and state-level accountability reports; (ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements as measured by performance on the elementary, middle school, and high school assessments; (iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements or meet the standards established for the elementary, middle school, and high school assessments; and (iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline, schools with similar characteristics, and the state-wide average. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements and progress on meeting the state-wide average. School staff shall determine how the awards will be spent. ~~(It is the intent of the legislature to begin implementation of programs in this subsection (3)(i) on September 1, 2000;)~~ The commission shall make recommendations regarding a state-wide accountability system for reading in grades kindergarten through four by November 1, 1997. Recommendations for an accountability system in the other subject areas and grade levels shall be made no later than June 30, 1999; (j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and (k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals. (4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction. (5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings. (6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations. (7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. (8)(a) By September 30, 1997, the commission on student learning, the state board of education, and the superintendent of public instruction shall jointly present recommendations to the education committees of the house of representatives and the senate regarding the high school assessments, the certificate of mastery, and high school graduation requirements. In preparing recommendations, the commission on student learning shall convene an ad hoc working group to address questions, including: (i) What type of document shall be used to identify student performance and achievement and how will the document be described? (ii) Should the students be required to pass the high school assessments in all skill and content areas, or only in select skill and content areas, to graduate? (iii) How will the criteria for establishing the standards for passing scores on the assessments be determined? (iv) What timeline should be used in phasing-in the assessments as a graduation requirement? (v) What options may be used in demonstrating how the results of the assessments will be displayed in a way that is meaningful to students, parents, institutions of higher education, and potential employers? (vi) Are there other or additional methods by which the assessments could be used to identify achievement such as endorsements, standards of proficiency, merit badges, or levels of achievement? (vii) Should the assessments and certificate of mastery be used to satisfy college or university entrance criteria for public school students? If yes, how should these methods be phased-in? (b) The ad hoc working group shall report its recommendations to the commission on student learning, the state board of education, and the superintendent of public instruction by June 15, 1997. The commission shall report the ad hoc working group's recommendations to the education committees of the house of representatives and senate by July 15, 1997. Final recommendations of the commission on student learning, the state board of education, and the superintendent of public instruction shall be presented to the education committees of the house of representatives and the senate by September 30, 1997. (9) The Washington commission on student learning shall expire on June 30, 1999. NEW SECTION. Sec. 2. 1995 c 335 s 803 (uncodified) is repealed.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hochstatter and McAuliffe to Senate Bill No. 6072.

The motion by Senator Hochstatter carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Hochstatter, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "reenacting and amending RCW 28A.630.885; repealing 1995 c 335 s 803 (uncodified); and declaring an emergency." On motion of Senator Hochstatter, the rules were suspended, Engrossed Senate Bill No. 6072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6072.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6072 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 44. Voting nay: Senators Benton, Finkbeiner, Schow, Stevens and Zarelli - 5. ENGROSSED SENATE BILL NO. 6072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2018, deferred earlier today after the Committee on Health and Long-Term Care striking amendment was withdrawn.

MOTION

On motion of Senator Deccio, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

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PART II--MARKETPLACE STABILITY LEGISLATIVE INTENT DEFINITIONS PREEXISTING CONDITION

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**PART I--CONSUMER PROTECTIONS**

**NEW SECTION. Sec. 101. UTILIZATION REVIEW--INTENT.** The legislature intends that the delivery of quality health care services to individuals in the state of Washington be consistent with a wise use of resources. It is therefore the purpose of this act to define standards for utilization review of health care services and to promote the delivery of health care in a cost-effective manner. The legislature reaffirms its commitment to improving health care services through encouraging the availability of effective and consistent utilization review throughout this state. The legislature believes that standards for utilization review will help assure quality oversight of individual case evaluations in this state. **NEW SECTION. Sec. 102.** A new section is added to chapter 48.43 RCW to read as follows: **UTILIZATION REVIEW--REVIEW ORGANIZATION.** (1) Beginning on January 1, 1998, every review organization that performs utilization review of inpatient and outpatient benefits for residents of this state shall meet the standards set forth in this section and section 103 of this act. (a) Review organizations shall comply with all applicable state and federal laws to protect confidentiality of enrollee medical records. (b) Any certification by a review organization as to the medical necessity or appropriateness of an admission, length of stay, extension of stay, or service or procedure must be made in accordance with medical standards or guidelines approved by a licensed physician. (c) Any determination by a review organization to deny an admission, length of stay, extension of stay, or service or procedure on the basis of medical necessity or appropriateness must be made by a licensed physician who has reasonable access to board certified specialty providers in making such determinations. (d) Review organizations shall make staff available to perform utilization review activities by toll-free or collect telephone, at least forty hours per week during normal business hours. (e) Review organizations shall have a phone system capable of accepting or recording, or both, incoming phone calls relating to utilization review during other than normal business hours and shall respond to these calls within two business days. (f) Review organizations shall maintain a documented utilization review program description and written utilization review criteria based on reasonable medical evidence. The program must include a method for reviewing and updating criteria. Review organizations shall make utilization review criteria available upon request to the participating provider involved in a specific case under review. (g) Review organizations shall designate a licensed physician to participate in utilization review program implementation. (2) The legislature finds that current utilization review accreditation commission and national committee for quality assurance utilization review standards meet or exceed the requirements of this section. Health carriers who continuously maintain such accreditation are hereby deemed in compliance with this section for their accredited health plans. The office of the insurance commissioner shall periodically examine the review organization accreditation standards of the utilization review accreditation commission and the national committee for quality assurance and report to the legislature to ensure that such standards continue to be substantially equivalent to or exceed the requirements of section 103 of this act. **NEW SECTION. Sec. 103.** A new section is added to chapter 48.43 RCW to read as follows: **UTILIZATION REVIEW--STANDARDS.** (1) Notification of an initial determination by the review organization to certify an admission, length of stay, extension of stay, or service or procedure must be mailed or otherwise communicated to the provider of record or the enrollee, or the enrollee's authorized representative, or both, within two business days of the determination and following the receipt of all information necessary to complete the review. (2) Notification of an initial determination by the review organization to deny an admission, length of stay, extension of stay, or service or procedure must be mailed or otherwise communicated to the provider of record or the enrollee, or the enrollee's authorized representative, or both, within one business day of the determination and following the receipt of all information necessary to complete the review. (3) Any notification of a determination to deny an admission, length of stay, extension of stay, or service or procedure must include: (a) The review organization's decision in clear terms and the rationale in sufficient detail for the enrollee to respond further to the review organization's decision; and (b) The procedures to initiate an appeal of an adverse determination. (4) Health care facilities and providers shall cooperate with the reasonable efforts of review organizations to ensure that all necessary enrollee information is available in a timely fashion by phone during normal business hours. Health care facilities and providers shall allow on-site review of medical records by review organizations. These provisions are subject to the requirements regarding health care information disclosure in chapter 70.02 RCW. **NEW SECTION. Sec. 104.** A new section is added to chapter 48.43 RCW to read as follows: **UTILIZATION REVIEW--LIMITED RECORD ACCESS.** In performing a utilization review, a review organization is limited to access to specific health care service information

necessary to complete the review being performed relating to the covered person. NEW SECTION. Sec. 105. GRIEVANCE PROCEDURES--INTENT. The legislature is committed to the efficient use of state resources in promoting public health and protecting the rights of individuals in the state of Washington. The purpose of this act is to provide standards for the establishment and maintenance of procedures by health carriers to assure that covered persons have the opportunity for the appropriate resolution of their grievances, as defined in this act. NEW SECTION. Sec. 106. A new section is added to chapter 48.43 RCW to read as follows: GRIEVANCE PROCEDURES--STANDARDS. (1) Every health carrier shall use written procedures for receiving and resolving grievances from covered persons. At each level of review of a grievance, the health carrier shall include a person or persons with sufficient background and authority to deliberate the merits of the grievance and establish appropriate terms of resolution. The health carrier's medical director or designee shall be available to participate in the review of any grievance involving a clinical issue or issues. A grievance that includes an issue of clinical quality of care as determined by the health carrier's medical director or designee may be directed to the health carrier's quality assurance committee for review and comment. Nothing in this section alters any protections afforded under statutes relating to confidentiality and nondiscoverability of quality assurance activities and information. (2)(a) A complaint that is not submitted in writing may be resolved directly by the health carrier with the covered person, and is not considered a grievance subject to the review, recording, and reporting requirements of this section. (b) The health carrier is required to provide telephone access to covered persons for purposes of presenting a complaint for review. Each telephone number provided shall be toll free or collect within the health carrier's service area and provide reasonable access to the health carrier without undue delays during normal business hours. (3)(a) A grievance may be submitted by a covered person or a representative acting on behalf of the covered person through written authority to assure protection of the covered person's private information. Within three working days of receiving a grievance, the health carrier shall acknowledge in writing the receipt of the grievance and the department name and address where additional information may be submitted by the covered person or authorized representative of the covered person. The health carrier shall process the grievance in a reasonable length of time not to exceed thirty days from receipt of the written grievance. If the grievance involves the collection of information from sources external to the health carrier and its participating providers, the health carrier has an additional thirty days to process the covered person's grievance. (b) The health carrier shall provide the covered person, or authorized representative of the covered person, with a written determination of its review within the time frame specified in (a) of this subsection. The written determination shall contain at a minimum: (i) The health carrier's decision in clear terms and the rationale in sufficient detail for the covered person or authorized representative of the covered person to respond further to the health carrier's decision; and (ii) When the health carrier's decision is not wholly favorable to the covered person, a description of the process to obtain a second level grievance review of the decision, including the time frames required for submission of a request by the covered person or authorized representative of the covered person. (4)(a) A health carrier shall provide a second level grievance review for those covered persons who are dissatisfied with the first level grievance review decision and who submit a written request for review. The second level review process shall include an opportunity for the covered person or authorized representative of the covered person to appear in person before the representative or representatives of the health carrier. The covered person or authorized representative of the covered person must ask for a personal appearance in the written request for a second level review. (b) The health carrier shall process the grievance in a reasonable length of time, not to exceed thirty days from receipt of the request for a second level review. The time required to resolve the second level review may be extended for a specified period if mutually agreed upon by the covered person or authorized representative of the covered person and the health carrier. (c) A health carrier's procedures for conducting a second level review must include the following: (i) The second level review panel shall be comprised of representatives of the health carrier not otherwise participating in the first level review. If the grievance involves a clinical issue or issues, the health carrier shall appoint a health care professional with appropriate qualifications to assess the clinical considerations of the case who was not previously involved with the grievance under review and who has no financial interest in the outcome of the review; (ii) The review panel shall schedule the review meeting to reasonably accommodate the covered person or authorized representative of the covered person and not unreasonably deny a request for postponement of the review requested by the covered person or authorized representative of the covered person; and (iii) The health carrier shall notify the covered person or authorized representative of the covered person in writing at least fifteen days in advance of the scheduled review date unless a shorter time frame is agreed to by the health carrier and the covered person. The review meeting shall be held at a location within the health carrier's service area that is reasonably accessible to the covered person or authorized representative of the covered person. In cases where a face-to-face meeting is not practical for geographic reasons, a health carrier shall offer the covered person or authorized representative of the covered person the opportunity to communicate with the review panel, at the health carrier's expense, by conference call, video conferencing, or other appropriate technology as determined by the health carrier. (d) The health carrier shall issue a written decision to the covered person or authorized representative of the covered person within five working days of completing the review meeting. The decision shall include: (i) A statement of the health carrier's understanding of the nature of the grievance and all pertinent facts; (ii) The health carrier's decision in clear terms and the rationale for the review panel's decision; and (iii) Notice of the covered person's right to any further review by the health carrier. (e) Determination of a grievance at the final level review that is unfavorable to the covered person may be submitted by the covered person or authorized representative of the covered person to nonbinding mediation. Mediation shall be conducted under mediation rules similar to those of the American arbitration association, the center for public resources, the judicial arbitration and mediation service, RCW 7.70.100, or any other rules of mediation agreed to by the parties. (5) Each health carrier as defined in this chapter shall file with the commissioner its procedures for review and adjudication of grievances initiated by covered persons. (6) The health carrier shall maintain accurate records of each grievance to include the following: (a) A description of the grievance, the date received by the health carrier, and the name and identification number of the covered person; and (b) A statement as to which level of the grievance procedure the grievance has been brought, the date at which it was brought to each level, the decision reached at each level, and a summary description of the rationale for the decision. (7) Each health carrier shall make an annual report available to the commissioner. The report shall include for each type of health benefit plan offered by the health carrier: The number of covered lives; the total number of grievances received divided into the following categories: (a) Access, health carrier customer service, health care provider or facility service, and claim payment; (b) dispute resolution; (c) the number of grievances resolved at each level; and (d) the total number of decisions favorable and unfavorable to the covered person. (8) A notice of the availability and the requirements of

the grievance procedure, including the address where a written grievance may be filed, shall be included in or attached to the policy, certificate, membership booklet, outline of coverage, or other evidence of coverage provided by the health carrier to its enrollees. (9) The notice shall include a toll-free or collect telephone number for a covered person to obtain verbal explanation of the grievance procedure. (10) A health carrier shall establish written procedures for the expedited review of a grievance involving a situation where the time to resolve a grievance according to the procedures set forth in this section would seriously jeopardize the life or health of a covered person. A request for an expedited review may be submitted orally or in writing by a covered person or authorized representative of the covered person. A health carrier's procedures for establishing an expedited review process shall include the following: (a) The health carrier shall appoint an appropriate health care professional to participate in expedited reviews and shall provide reasonable access to board-certified specialty providers as typically manage the issue under review. (b) A health carrier shall provide expedited review to all requests concerning an admission, availability of care, continued stay, or review of a health care service for a covered person who has received emergency services but has not been discharged from a facility. (c) All necessary information, including the health carrier's decision, shall be transmitted between the health carrier and the covered person or authorized representative of the covered person by telephone, facsimile, or the most expeditious method available as determined by the health carrier. (d) A health carrier shall make a decision and notify the covered person or authorized representative of the covered person as expeditiously as the medical condition of the covered person requires, but no more than two business days after the request for expedited review is received by the health carrier. If the expedited review is a concurrent review determination, the service shall be continued without liability to the covered person until the covered person or authorized representative of the covered person has been notified of the decision by the health carrier. (e) A health carrier shall provide written confirmation of its decision concerning an expedited review within two working days of providing notification of that decision to the enrollee, if the initial notification was not in writing. The written notification shall contain the provisions required in subsection (3) of this section pertaining to a first level grievance review. (f) In any case where the expedited review process does not resolve a difference of opinion between a health carrier and the covered person, the covered person or authorized representative of the covered person may request a second level grievance review. In conducting the second level grievance review, the health carrier shall adhere to time frames that are reasonable under the circumstances, but in no event to exceed the time frames specified in subsection (4) of this section pertaining to second level grievance review. (11) The legislature finds that current national committee for quality assurance grievance procedure standards meet or exceed the requirements of this section. Health carriers who continuously maintain such accreditation are hereby deemed in compliance with this section for their accredited health plans. The office of the insurance commissioner shall periodically examine the accreditation standards of the national committee for quality assurance and report to the legislature to ensure that such standards continue to be substantially equivalent to or exceed the requirements of this section. **Sec. 107.** RCW 48.43.055 and 1995 c 265 s 20 are each amended to read as follows: **GRIEVANCE PROCEDURE FOR HEALTH CARE PROVIDERS.** Each health carrier as defined under RCW 48.43.005 shall file with the commissioner its procedures for review and adjudication of complaints initiated by ~~((covered persons or))~~ a health care provider(s)). Procedures filed under this section shall provide a fair review for consideration of complaints. Every health carrier shall provide reasonable means whereby ~~((any person))~~ a health care provider aggrieved by actions of the health carrier may be heard in person or by their authorized representative on their written request for review. If the health carrier fails to grant or reject such request within thirty days after it is made, the complaining ~~((person))~~ provider may proceed as if the complaint had been rejected. A complaint that has been rejected by the health carrier may be submitted to nonbinding mediation. Mediation shall be conducted pursuant to mediation rules similar to those of the American arbitration association, the center for public resources, the judicial arbitration and mediation service, RCW 7.70.100, or any other rules of mediation agreed to by the parties. **NEW SECTION. Sec. 108. GRIEVANCE PROCEDURES--REPEALER.** RCW 48.46.100 and 1975 1st ex. s. c 290 s 11 are each repealed. **NEW SECTION. Sec. 109. NETWORK ADEQUACY--INTENT.** The legislature declares that it is in the public interest that health carriers utilizing provider networks use reasonable means of assessing that their provider networks are adequate to provide covered services to their enrollees. The legislature finds that empirical assessment of provider network adequacy is in developmental stages, and that rigid, formulaic approaches are unworkable and inhibit innovation and approaches tailored to meet the needs of varying communities and populations. The legislature therefore finds that, given these limitations, an assessment is needed to determine whether network adequacy requirements are needed and, if necessary, whether the type of measures used by current accreditation programs, such as the national committee on quality assurance, meets these needs. **NEW SECTION. Sec. 110. NETWORK ADEQUACY--STUDY AND RESTRICTION.** (1) The health care authority, in consultation with the office of the insurance commissioner, the department of social and health services, the department of health, consumers, providers, and health carriers, shall review the need for network adequacy requirements. The review must include an evaluation of the approaches used by the national committee on quality assurance and any similar, nationally recognized accreditation programs. The department shall submit its report and recommendations to the health care committees of the legislature by January 1, 1998, and include recommendations on: (a) Whether legislatively determined network adequacy requirements are necessary and advisable and the evidence to support this; (b) If standards are needed, to what extent such standards can be made consistent with the national committee on quality assurance standards, and whether national committee on quality assurance accredited carriers, or carriers accredited by other, nationally recognized accreditation programs, should be exempted from state review and requirements; (c) Whether and how the state could promote uniformity of approach across commercial purchaser requirements and state and federal agency requirements so as to assure adequate consumer access while promoting the most efficient use of public and private health care financial resources; (d) Means to assure that health carriers and health systems maintain the flexibility necessary to responsibly determine the best ways to meet the needs of the populations they serve while controlling the costs of the health care services provided; (e) Which types of health systems and health carriers should be subject to network adequacy requirements, if any; and (f) An objective estimate of the potential costs of such requirements and any recommended oversight functions. (2) No agency may engage in rule making relating to network adequacy until the legislature has reviewed the findings and recommendations of the study and has passed legislation authorizing the department of health or other appropriate agency to engage in rule making in this area in accordance with the policy direction set by the legislature. **NEW SECTION. Sec. 111.** A new section is added to chapter 48.43 RCW to read as follows: **ACCESS PLAN REQUIREMENTS.** (1) Beginning July 1, 1997, every health carrier, as defined in RCW 48.43.005, shall develop and update annually an access plan that meets the requirements of this section for each of the health

care networks that the carrier offers in this state. The health carrier shall make the access plans available on its business premises and shall provide nonproprietary information to any interested party upon request. The carrier shall prepare an access plan prior to offering a health plan utilizing a substantially different health care network. The plan shall include, at least, the following: (a) The health carrier's network of providers and facilities by license, certification and registration type, and by geographic location; (b) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the provider network to meet the covered health care needs of its enrolled populations; and (c) The health carrier's methods for assessing the health care needs of covered persons and their satisfaction with services. (2) On or before August 1, 1997, each health carrier shall submit its access plan or plans to the Washington state health care authority for purposes of assisting the authority with its report and recommendations on network adequacy standards required under section 110 of this act. (3) The legislature finds that current national committee for quality assurance network adequacy standards meet or exceed the requirements of this section. Health carriers who continuously maintain such accreditation are hereby deemed in compliance with this section for their accredited health plans. The office of the insurance commissioner shall periodically examine the accreditation standards of the national committee for quality assurance and report to the legislature to ensure that such standards continue to be substantially equivalent to or exceed the requirements of this section. **NEW SECTION. Sec. 112.** A new section is added to chapter 74.09 RCW to read as follows: **MEDICAL ASSISTANCE WAIVERS.** To the extent that federal statutes or regulations, or provisions of waivers granted to the department of social and health services by the federal department of health and human services, include standards that differ from the minimums stated in sections 101 through 106, 109, and 111 of this act, those sections do not apply to contracts with health carriers awarded pursuant to RCW 74.09.522.

#### **PART II--MARKETPLACE STABILITY**

**NEW SECTION. Sec. 201.** LEGISLATIVE INTENT. The legislature intends that individuals in the state of Washington have access to affordable individual health plan coverage. The legislature reaffirms its commitment to guaranteed issue and renewability, portability, and limitations on use of preexisting condition exclusions. The legislature also finds that the lack of incentives for individuals to purchase and maintain coverage independent of anticipated need for health care has contributed to soaring health care claims experience in many individual health plans. The legislature therefore intends that refinements be made to the state's individual market reform laws to provide needed incentives and to help assure that more affordable coverage is accessible to Washington residents. **Sec. 202.** RCW 48.43.005 and 1995 c 265 s 4 are each amended to read as follows: **DEFINITIONS.** Unless otherwise specifically provided, the definitions in this section apply throughout this chapter. (1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities. (2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time. (3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d). (4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time. (5) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan. (6) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment. (7) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan. ~~((3))~~ (8) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan. (9) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995. ~~((4))~~ (10) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy. (11) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department. (12) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles. ~~((5))~~ (13) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier. (14) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations. ~~((6))~~ (15) "Health care provider" or "provider" means: (a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or (b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment. ~~((7))~~ (16) "Health care service" means that service offered or provided by health care

facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease. ~~((8))~~ (17) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020. ~~((9))~~ (18) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following: (a) Long-term care insurance governed by chapter 48.84 RCW; (b) Medicare supplemental health insurance governed by chapter 48.66 RCW; (c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035; (d) Disability income; (e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical; (f) Workers' compensation coverage; (g) Accident only coverage; (h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan; (i) Employer-sponsored self-funded health plans; and (j) Dental only and vision only coverage. ~~((10)) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.~~ (19) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent. (20) "Open enrollment" means the annual sixty-two day period during the months of July and August during which every health carrier offering individual health plan coverage must accept onto individual coverage any state resident within the carrier's service area regardless of health condition who submits an application in accordance with RCW 48.43.035(1). ~~((11))~~ (21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage. ~~((12))~~ (22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing. (23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review. ~~((13))~~ (24) "Small employer" means any person, firm, corporation, partnership, association, political subdivision except school districts, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year. (25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees. ~~((14))~~ (26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs. ~~((15)) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.~~ **Sec. 203.** RCW 48.43.025 and 1995 c 265 s 6 are each amended to read as follows: **PREEXISTING CONDITION LIMITATIONS MODIFIED.** (1) Except as otherwise specified in this section and in RCW 48.43.035: (a) No carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual ~~(and)~~. (b) No carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment within three months before the effective date of coverage. (c) Every health carrier offering any individual health plan to any individual must allow open enrollment to eligible applicants into all individual health plans offered by the carrier during the full month of July of each year. The individual health plans exempt from guaranteed continuity under RCW 48.43.035(4) are exempt from this requirement. All applications for open enrollment coverage must be complete and postmarked to or received by the carrier in the months of July or August in any year following the effective date of this section. Coverage for these applicants must begin the first day of the next month subject to receipt of timely payment consistent with the terms of the policies. (d) At any time other than the open enrollment period specified in (c) of this subsection, a carrier may either decline to accept an applicant for enrollment or apply to such applicant's coverage a preexisting condition benefit waiting period not to exceed the amount of time remaining until the next open enrollment period, or three months, whichever is greater, provided that in either case all of the following conditions are met: (i) The applicant has not maintained coverage as required in (f) of this subsection; (ii) The applicant is not applying as a newly eligible dependent meeting the requirements of (g) of this subsection; and (iii) The carrier uses uniform health evaluation criteria and practices among all individual health plans it offers. (e) If a carrier exercises the options specified in (d) of this subsection it must advise the applicant in writing within ten business days of such decision. Notice of the availability of Washington state health insurance pool coverage and a brochure outlining the benefits and exclusions of the Washington state health insurance pool policy or policies must be provided in accordance with RCW 48.41.180 to any person rejected for individual health plan coverage, who has had any health condition limited or excluded through health underwriting or who otherwise meets requirements for notice in chapter 48.41 RCW. Provided timely and complete application is received by the pool, eligible individuals shall be enrolled in the Washington state health insurance pool in an expeditious manner as determined by the board of directors of the pool. (f) A carrier may not refuse enrollment at any time based upon health evaluation criteria to otherwise eligible applicants who have been covered for any part of the



three-month period immediately preceding the date of application for the new individual health plan under a comparable group or individual health benefit plan with substantially similar benefits. For purposes of this subsection, in addition to provisions in RCW 48.43.015, the following publicly administered coverage shall be considered comparable health benefit plans: The basic health plan established by chapter 70.47 RCW; the medical assistance program established by chapter 74.09 RCW; and the Washington state health insurance pool, established by chapter 48.41 RCW, as long as the person is continuously enrolled in the pool until the next open enrollment period. If the person is enrolled in the pool for less than three months, she or he will be credited for that period up to three months. (g) A carrier must accept for enrollment all newly eligible dependents of an enrollee for enrollment onto the enrollee's individual health plan at any time of the year, provided application is made within sixty-three days of eligibility, or such longer time as provided by law or contract. (h) At no time are carriers required to accept for enrollment any individual residing outside the state of Washington, except for qualifying dependents who reside outside the carrier service area. (2) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. ~~((These))~~ The provisions of this section apply only to individuals who are Washington residents. **Sec. 204.** RCW 48.43.035 and 1995 c 265 s 7 are each amended to read as follows: **GUARANTEED ISSUE AND CONTINUITY OF COVERAGE MODIFIED.** (1) ~~((AH))~~ Except as otherwise specified in this section and in RCW 48.43.025, every health carrier(s) shall accept for enrollment any state resident within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals. (2) Except as provided in subsection ~~((5))~~ (6) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. In the case of group plans, the carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section. (3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for: (a) Nonpayment of premium; (b) Violation of published policies of the carrier approved by the insurance commissioner; (c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations; (d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services; (e) Covered persons committing fraudulent acts as to the carrier; (f) Covered persons who materially breach the health plan; ~~((or))~~ (g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage; or (h) Cessation of a plan in accordance with subsection (5) or (7) of this section. (4) The provisions of this section do not apply in the following cases: (a) A carrier has zero enrollment on a product; ~~((or))~~ (b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; or (c) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded. (5) A health carrier may discontinue or materially modify a particular health plan, only if: (a) The health carrier provides notice to each covered person or group provided coverage of this type of such discontinuation or modification at least ninety days prior to the date of the discontinuation or modification of coverage; (b) The health carrier offers to each covered person provided coverage of this type the option to purchase any other health plan currently being offered by the health carrier to similar covered persons in the market category and geographic area; and (c) In exercising the option to discontinue or modify a particular health plan and in offering the option of coverage under (b) of this subsection, the health carrier acts uniformly without regard to any health-status related factor of covered persons or persons who may become eligible for coverage. (6) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner. (7) A health carrier may discontinue all health plan coverage in one or more of the following lines of business: (a)(i) Individual; or (ii)(A) Small group (1-50 eligible employees); and (B) Large group (51+ eligible employees); (b) Only if: (i) The health carrier provides notice to the office of the insurance commissioner and to each person covered by a plan within the line of business of such discontinuation at least one hundred eighty days prior to the expiration of coverage; and (ii) All plans issued or delivered in the state by the health carrier in such line of business are discontinued, and coverage under such plans in such line of business is not renewed; and (iii) The health carrier may not issue any health plan coverage in the line of business and state involved during the five-year period beginning on the date of the discontinuation of the last health plan not so renewed. (8) The portability provisions of RCW 48.43.015 continue to apply to all enrollees whose health insurance coverage is modified or discontinued pursuant to this section. (9) Nothing in this section modifies a health carrier's responsibility to offer the basic health plan model plan as required by RCW 70.47.060(2)(d). **Sec. 205.** RCW 48.43.045 and 1995 c 265 s 8 are each amended to read as follows: **MODIFYING CARRIER REPORTING REQUIREMENTS.** Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall: (1) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that: (a) The provision of such health services or care is within the health care providers' permitted scope of practice; and (b) The providers agree to abide by standards related to: (i) Provision, utilization review, and cost containment of health services; (ii) Management and administrative procedures; and (iii) Provision of cost-effective and clinically efficacious health services. (2) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law. **Sec. 206.** RCW 70.47.060

and 1995 c 266 s 1 and 1995 c 2 s 4 are each reenacted and amended to read as follows: MODEL PLAN DEFINED. The administrator has the following powers and duties: (1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive (~~covered basic health care services~~) covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. (2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section. (b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. (c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee. (d) To develop, as an offering by ~~an~~ every health carrier(s) providing coverage identical to the basic health plan, as configured on January 1, 1996, a basic health plan model plan (~~benefits package~~) with uniformity in enrollee cost-sharing requirements. (3) To design and implement a structure of enrollee cost sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. (4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. (5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator. (6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan. (7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services. (8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems. (9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan. (10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the

substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. (11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant. (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to such enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort. (13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state. (14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter. (15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color. **Sec. 207.** RCW 48.20.028 and 1995 c 265 s 13 are each amended to read as follows: **TENURE DISCOUNTS--INDIVIDUAL DISABILITY COVERAGE.** (1)(a) An insurer offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health ((serviees)) benefits that are required to be delivered to an individual enrolled in the basic health plan subject to RCW 48.43.025 and 48.43.035. Nothing in this subsection shall preclude an insurer from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.416, and 48.20.420 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premiums for health benefit plans for individuals shall be calculated using the adjusted community rating method that spreads financial risk across the carrier's entire individual product population. All such rates shall conform to the following: (a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; ~~(and)~~ (iv) Tenure discounts; and (v) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045. (4) As used in this section, "health benefit plan," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 208.** RCW 48.44.022 and 1995 c 265 s 15 are each amended to read as follows: **TENURE DISCOUNTS--HEALTH CARE SERVICE CONTRACTORS.** (1)(a) A health care service contractor offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health ((serviees)) benefits that are required to be delivered to an individual enrolled in the basic health plan, subject to the provisions in RCW 48.43.025 and 48.43.035. Nothing in this subsection shall preclude a contractor from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245,

48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premium rates for health benefit plans for individuals shall be subject to the following provisions: (a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; ~~(and)~~ (iv) Tenure discounts; and (v) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023. (4) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "basic health plan," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 209.** RCW 48.46.064 and 1995 c 265 s 17 are each amended to read as follows: **TENURE DISCOUNTS--HEALTH MAINTENANCE ORGANIZATIONS.** (1)(a) A health maintenance organization offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health ~~((services))~~ benefits that are required to be delivered to an individual enrolled in the basic health plan, subject to the provisions in RCW 48.43.025 and 48.43.035. Nothing in this subsection shall preclude a health maintenance organization from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner. (b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, ~~((48.26.280 [48.46.280]))~~ 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan. (2) Premium rates for health benefit plans for individuals shall be subject to the following provisions: (a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for: (i) Geographic area; (ii) Family size; (iii) Age; ~~(and)~~ (iv) Tenure discounts; and (v) Wellness activities. (b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty. (c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection. (d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter. (e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent. (f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect: (i) Changes to the family composition; (ii) Changes to the health benefit plan requested by the individual; or (iii) Changes in government requirements affecting the health benefit plan. (g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015. (h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent. (3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066. (4) As used in this section and RCW 48.46.066, "health benefit plan," "basic health plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005. **Sec. 210.** RCW 48.41.030 and 1989 c 121 s 1 are each amended to read as follows: **HEALTH INSURANCE POOL--DEFINITIONS.** As used in this chapter, the following terms have the meaning indicated, unless the context requires otherwise: (1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool. (2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080. (3) "Board" means the board of directors of the pool. (4) "Commissioner" means the insurance commissioner. (5) "Health care facility" has the same meaning as in RCW 70.38.025. (6) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services. (7) "Health care services" means services for the

purpose of preventing, alleviating, curing, or healing human illness or injury. (8) "Health ~~((insurance))~~ coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance. (9) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health ~~((insurance))~~ coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health ~~((insurance))~~ coverage" in subsection (8) of this section. (10) ~~("Insured" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan. (11))~~ "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW. ~~((12))~~ (11) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended). ~~((13))~~ (12) "Member" means any commercial insurer which provides disability insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health ~~((insurance))~~ coverage" set forth in subsection (8) of this section. (13) "Network provider" means a health care provider who has contracted in writing with the pool administrator to accept payment from and to look solely to the pool according to the terms of the pool health plans. (14) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050. (15) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits. (16) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040. ~~((17))~~ (17) "Substantially equivalent health plan" means a "health plan" as defined in subsection (9) of this section which, in the judgment of the board or the administrator, offers persons including dependents or spouses covered or making application to be covered by this pool an overall level of benefits deemed approximately equivalent to the minimum benefits available under this pool. **Sec. 211.** RCW 48.41.060 and 1989 c 121 s 3 are each amended to read as follows: **HEALTH INSURANCE POOL--BOARD POWERS MODIFIED.** The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to ~~((transact))~~ offer or provide the kinds of ~~((insurance))~~ health coverage defined under this title. In addition thereto, the board may: (1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions; (2) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool; (3) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state small group plan rating requirements under RCW 48.20.028, 48.44.022, and 48.46.064; (4) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year; (5) Issue policies of ~~((insurance))~~ health coverage in accordance with the requirements of this chapter; (6) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and (7) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant. **Sec. 212.** RCW 48.41.080 and 1989 c 121 s 5 are each amended to read as follows: **HEALTH INSURANCE POOL--ADMINISTRATOR'S POWER MODIFIED.** The board shall select an administrator from the membership of the pool whether domiciled in this state or another state through a competitive bidding process to administer the pool. (1) The board shall evaluate bids based upon criteria established by the board, which shall include: (a) The administrator's proven ability to handle ~~((accident and health insurance))~~ health coverage; (b) The efficiency of the administrator's claim-paying procedures; (c) An estimate of the total charges for administering the plan; and (d) The administrator's ability to administer the pool in a cost-effective manner. (2) The administrator shall serve for a period of three years subject to removal for cause. At least six months prior to the expiration of each three-year period of service by the administrator, the board shall invite all interested parties, including the current administrator, to submit bids to serve as the administrator for the succeeding three-year period. Selection of the administrator for this succeeding period shall be made at least three months prior to the end of the current three-year period. (3) The administrator shall perform such duties as may be assigned by the board including: (a) All eligibility and administrative claim payment functions relating to the pool; (b) Establishing a premium billing procedure for collection of premiums from ~~((insured))~~ covered persons. Billings shall be made on a periodic basis as determined by the board, which shall not be more frequent than a monthly billing; (c) Performing all necessary functions to assure timely payment of benefits to covered persons under the pool including: (i) Making available

information relating to the proper manner of submitting a claim for benefits to the pool, and distributing forms upon which submission shall be made; ~~((and))~~ (ii) Taking steps necessary to offer and administer managed care benefit plans; and (iii) Evaluating the eligibility of each claim for payment by the pool; (d) Submission of regular reports to the board regarding the operation of the pool. The frequency, content, and form of the report shall be as determined by the board; (e) Following the close of each accounting year, determination of net paid and earned premiums, the expense of administration, and the paid and incurred losses for the year and reporting this information to the board and the commissioner on a form as prescribed by the commissioner. (4) The administrator shall be paid as provided in the contract between the board and the administrator for its expenses incurred in the performance of its services. **Sec. 213.** RCW 48.41.110 and 1987 c 431 s 11 are each amended to read as follows: HEALTH INSURANCE POOL--BENEFITS MODIFIED. (1) The pool is authorized to offer one or more managed care plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. Covered persons enrolled in the pool on January 1, 1997, may continue coverage under the pool plan in which they are enrolled on that date. However, the pool may incorporate managed care features into such existing plans. (2) The administrator shall prepare a brochure outlining the benefits and exclusions of the pool policy in plain language. After approval by the board of directors, such brochure shall be made reasonably available to participants or potential participants. The health insurance policy issued by the pool shall pay only usual, customary, and reasonable charges for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illnesses, injuries, and conditions which are not otherwise limited or excluded. Eligible expenses are the usual, customary, and reasonable charges for the health care services and items for which benefits are extended under the pool policy. Such benefits shall at minimum include, but not be limited to, the following services or related items: (a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year; (b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers; (c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse; (d) Drugs and contraceptive devices requiring a prescription; (e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician; (f) Services of a home health agency; (g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy; (h) Oxygen; (i) Anesthesia services; (j) Prostheses, other than dental; (k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed; (l) Diagnostic x-rays and laboratory tests; (m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth; (n) Maternity care services, as provided in the managed care plan to be designed by the pool board of directors, and for which no preexisting condition waiting periods may apply; (o) Services of a physical therapist and services of a speech therapist; ~~((p))~~ (p) Hospice services; ~~((q))~~ (q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and ~~((r))~~ (r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition. ~~((2))~~ (3) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective. ~~((3))~~ (4) The pool benefit policy may contain benefit limitations, exceptions, and ~~((reductions))~~ cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health (insurance) plans (and are) approved by the insurance commissioner; however, no limitation, exception, or reduction may be ~~((approved))~~ used that would exclude coverage for any disease, illness, or injury. (5) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment, within three months before the effective date of coverage. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. **Sec. 214.** RCW 48.41.200 and 1987 c 431 s 20 are each amended to read as follows: HEALTH INSURANCE POOL--RATE MODIFIED. The pool shall determine the standard risk rate by calculating the average group standard rate for groups comprised of up to ~~((ten))~~ fifty persons charged by the five largest members offering coverages in the state comparable to the pool coverage. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage. Maximum rates for pool coverage shall be one hundred fifty percent for the indemnity health plan and one hundred twenty-five percent for managed care plans of the rates established as applicable for group standard risks in groups comprised of up to ~~((ten))~~ fifty persons ~~((All rates and rate schedules shall be submitted to the commissioner for approval)).~~ **Sec. 215.** RCW 48.41.130 and 1987 c 431 s 13 are each amended to read as follows: HEALTH INSURANCE POOL--SUBSTANTIAL EQUIVALENT CLARIFIED. All policy forms issued by the pool shall conform in substance to prototype forms developed by the pool, and shall in all other respects conform to the requirements of this chapter, and shall be filed with and approved by the commissioner before they are issued. The pool shall not issue a pool policy to any individual who, on the effective date of the coverage applied for, already has or would have coverage substantially equivalent to a pool policy as an insured or covered dependent, or who would be eligible for such coverage if he or she elected to obtain it at a lesser premium rate. However, coverage provided by the basic health plan, as established pursuant to chapter 70.47 RCW, shall not be deemed

substantially equivalent for the purposes of this section. **NEW SECTION. Sec. 216.** A new section is added to chapter 48.44 RCW to read as follows: **LOSS RATIOS--HEALTH CARE SERVICE CONTRACTORS.** (1) For purposes of RCW 48.44.020(2)(d), benefits in a contract shall be deemed reasonable in relation to the amount charged provided that the anticipated loss ratio is at least: (a) Sixty-five percent for individual subscriber contract forms; (b) Seventy percent for franchise plan contract forms; (c) Eighty percent for group contract forms other than small group contract forms; and (d) Seventy-five percent for small group contract forms. (2) With the approval of the commissioner, contract, rider, and endorsement forms that provide substantially similar coverage may be combined for the purpose of determining the anticipated loss ratio. (3) A health care service contractor may charge the rate for prepayment of health care services in any contract identified in RCW 48.44.020(1) upon filing of the rate with the commissioner. If the commissioner disapproves the rate, the commissioner shall explain in writing the specific reasons for the disapproval. A health care service contractor may continue to charge such rate pending a final order in any hearing held under chapters 48.04 and 34.05 RCW, or if applicable, pending a final order in any appeal. Any amount charged that is determined in a final order on appeal to be unreasonable in relation to the benefits provided is subject to refund. (4) For the purposes of this section: (a) "Anticipated loss ratio" means the ratio of all anticipated claims or costs for the delivery of covered health care services including incurred but not reported claims and costs and medical management costs to premium minus any applicable taxes. (b) "Small group contract form" means a form offered to a small employer as defined in RCW 48.43.005(24). **NEW SECTION. Sec. 217.** A new section is added to chapter 48.46 RCW to read as follows: **LOSS RATIOS--HEALTH MAINTENANCE ORGANIZATIONS.** (1) For purposes of RCW 48.46.060(3)(d), benefits shall be deemed reasonable in relation to the amount charged provided that the anticipated loss ratio is at least: (a) Sixty-five percent for individual subscriber contract forms; (b) Seventy percent for franchise plan contract forms; (c) Eighty percent for group contract forms other than small group contract forms; and (d) Seventy-five percent for small group contract forms. (2) With the approval of the commissioner, contract, rider, and endorsement forms that provide substantially similar coverage may be combined for the purpose of determining the anticipated loss ratio. (3) A health maintenance organization may charge the rate for prepayment of health care services in any contract identified in RCW 48.46.060(1) upon filing of the rate with the commissioner. If the commissioner disapproves the rate, the commissioner shall explain in writing the specific reasons for the disapproval. A health maintenance organization may continue to charge such rate pending a final order in any hearing held under chapters 48.04 and 34.05 RCW, or if applicable, pending a final order in any appeal. Any amount charged that is determined in a final order on appeal to be unreasonable in relation to the benefits provided is subject to refund. (4) For the purposes of this section: (a) "Anticipated loss ratio" means the ratio of all anticipated claims or costs for the delivery of covered health care services including incurred but not reported claims and costs and medical management costs to premium minus any applicable taxes. (b) "Small group contract form" means a form offered to a small employer as defined in RCW 48.43.005(24). **NEW SECTION. Sec. 218.** A new section is added to chapter 48.21 RCW to read as follows: **LOSS RATIOS--GROUPS' DISABILITY COVERAGE.** The following standards and requirements apply to group and blanket disability insurance policy forms and manual rates: (1) Specified disease group insurance shall generate at least a seventy-five percent loss ratio regardless of the size of the group. (2) Group disability insurance, other than specified disease insurance, as to which the insureds pay all or substantially all of the premium shall generate loss ratios no lower than those set forth in the following table.

Number of Certificate Holders at Issue, Renewal, or Rerating	Minimum Overall Loss Ratio
9 or less	60%
10 to 24	65%
25 to 49	70%
50 to 99	75%
100 or more	80%

(3) Group disability policy forms, other than for specified disease insurance, for issue to single employers insuring less than one hundred lives shall generate loss ratios no lower than those set forth in subsection (2) of this section for groups of the same size.

(4) The calculating period may vary with the benefit and premium provisions. The company may be required to demonstrate the reasonableness of the calculating period chosen by the actuary responsible for the premium calculations. (5) A request for a rate increase submitted at the end of the calculating period shall include a comparison of the actual to the expected loss ratios and shall employ any accumulation of reserves in the determination of rates for the selected calculating period and account for the maintenance of such reserves for future needs. The request for the rate increase shall be further documented by the expected loss ratio for the new calculating period. (6) A request for a rate increase submitted during the calculating period shall include a comparison of the actual to the expected loss ratios, a demonstration of any contributions to or support from the reserves, and shall account for the maintenance of such reserves for future needs. If the experience justifies a premium increase it shall be deemed that the calculating period has prematurely been brought to an end. The rate increase shall further be documented by the expected loss ratio for the next calculating period. (7) The commissioner may approve a series of two or three smaller rate increases in lieu of one larger increase. These should be calculated to reduce the lapses and antiselection that often result from large rate increases. A demonstration of such calculations, whether for a single rate increase or a series of smaller rate increases, satisfactory to the commissioner, shall be attached to the filing. (8) Companies shall review their experience periodically and file appropriate rate revisions in a timely manner to reduce the necessity of later filing of exceptionally large rate increases. (9) The definitions in section 221 of this act and the provisions in section 220 of this act apply to this section. **NEW SECTION. Sec. 219.** A new section is added to chapter 48.20 RCW to read as follows: **LOSS RATIOS--INDIVIDUAL DISABILITY COVERAGE.** The following standards and requirements apply to individual disability insurance forms: (1) The overall loss ratio shall be deemed reasonable in relation to the premiums if the overall loss ratio is at least sixty percent over a calculating period chosen by the insurer and satisfactory to the commissioner. (2) The calculating period may vary with the benefit and renewal provisions. The company may be required to demonstrate the reasonableness of the calculating period chosen by the actuary responsible for the premium calculations. A brief explanation of the selected calculating period shall accompany the filing. (3) Policy forms, the benefits of which are particularly exposed to the effects of inflation and whose premium income may be particularly vulnerable to an eroding persistency and other similar forces, shall use a relatively short calculating period reflecting the uncertainties of estimating the risks involved. Policy forms based on more dependable statistics may employ a longer calculating period. The calculating period may be the lifetime of the contract for guaranteed renewable and noncancellable policy forms if such forms provide benefits that are supported by reliable statistics and that are protected from inflationary or eroding forces by such factors as

fixed dollar coverages, inside benefit limits, or the inherent nature of the benefits. The calculating period may be as short as one year for coverages that are based on statistics of minimal reliability or that are highly exposed to inflation. (4) A request for a rate increase to be effective at the end of the calculating period shall include a comparison of the actual to the expected loss ratios, shall employ any accumulation of reserves in the determination of rates for the new calculating period, and shall account for the maintenance of such reserves for future needs. The request for the rate increase shall be further documented by the expected loss ratio for the new calculating period. (5) A request for a rate increase submitted during the calculating period shall include a comparison of the actual to the expected loss ratios, a demonstration of any contributions to and support from the reserves, and shall account for the maintenance of such reserves for future needs. If the experience justifies a premium increase it shall be deemed that the calculating period has prematurely been brought to an end. The rate increase shall further be documented by the expected loss ratio for the next calculating period. (6) The commissioner may approve a series of two or three smaller rate increases in lieu of one large increase. These should be calculated to reduce lapses and anti-selection that often result from large rate increases. A demonstration of such calculations, whether for a single rate increase or for a series of smaller rate increases, satisfactory to the commissioner, shall be attached to the filing. (7) Companies shall review their experience periodically and file appropriate rate revisions in a timely manner to reduce the necessity of later filing of exceptionally large rate increases. **NEW SECTION. Sec. 220.** A new section is added to chapter 48.20 RCW to read as follows: **LOSS RATIOS--DISABILITY COVERAGE EXEMPTIONS.** Sections 218 and 219 of this act apply to all insurers and to every disability insurance policy form filed for approval in this state after the effective date of this section, except: (1) Additional indemnity and premium waiver forms for use only in conjunction with life insurance policies; (2) Medicare supplement policy forms that are regulated by chapter 48.66 RCW; (3) Credit insurance policy forms issued pursuant to chapter 48.34 RCW; (4) Group policy forms other than: (a) Specified disease policy forms; (b) Policy forms, other than loss of income forms, as to which all or substantially all of the premium is paid by the individuals insured thereunder; (c) Policy forms, other than loss of income forms, for issue to single employers insuring less than one hundred employees; (5) Policy forms filed by health care service contractors or health maintenance organizations; (6) Policy forms initially approved, including subsequent requests for rate increases and modifications of rate manuals. **NEW SECTION. Sec. 221.** A new section is added to chapter 48.20 RCW to read as follows: **LOSS RATIOS--DISABILITY COVERAGE DEFINITIONS.** (1) The "expected loss ratio" is a prospective calculation and shall be calculated as the projected "benefits incurred" divided by the projected "premiums earned" and shall be based on the actuary's best projections of the future experience within the "calculating period." (2) The "actual loss ratio" is a retrospective calculation and shall be calculated as the "benefits incurred" divided by the "premiums earned," both measured from the beginning of the "calculating period" to the date of the loss ratio calculations. (3) The "overall loss ratio" shall be calculated as the "benefits incurred" divided by the "premiums earned" over the entire "calculating period" and may involve both retrospective and prospective data. (4) The "calculating period" is the time span over which the actuary expects the premium rates, whether level or increasing, to remain adequate in accordance with his or her best estimate of future experience and during which the actuary does not expect to request a rate increase. (5) The "benefits incurred" is the "claims incurred" plus any increase, or less any decrease, in the "reserves." (6) The "claims incurred" means: (a) Claims paid during the accounting period; plus (b) The change in the liability for claims that have been reported but not paid; plus (c) The change in the liability for claims that have not been reported but which may reasonably be expected. The "claims incurred" does not include expenses incurred in processing the claims, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, or profit. (7) The "reserves," as referred to in sections 218 and 219 of this act include: (a) Active life disability reserves; (b) Additional reserves whether for a specific liability purpose or not; (c) Contingency reserves; (d) Reserves for select morbidity experience; and (e) Increased reserves that may be required by the commissioner. (8) The "premiums earned" means the premiums, less experience credits, refunds, or dividends, applicable to an accounting period whether received before, during, or after such period. (9) Renewal provisions are defined as follows: (a) "Guaranteed renewable" means renewal cannot be declined by the insurance company for any reason, but the insurance company can revise rates on a class basis. (b) "Noncancellable" means renewal cannot be declined nor can rates be revised by the insurance company.

### **PART III--BENEFITS AND SERVICE DELIVERY**

**NEW SECTION. Sec. 301.** A new section is added to chapter 48.43 RCW to read as follows: **EMERGENCY MEDICAL SERVICES.** (1) When conducting a review of the necessity and appropriateness of emergency services or making a benefit determination for emergency services: (a) A health carrier shall cover emergency services necessary to screen and stabilize a covered person if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. In addition, a health carrier shall not require prior authorization of such services provided prior to the point of stabilization if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. With respect to care obtained from a nonparticipating hospital emergency department, a health carrier shall cover emergency services necessary to screen and stabilize a covered person if a prudent layperson would have reasonably believed that use of a participating hospital emergency department would result in a delay that would worsen the emergency, or if a provision of federal, state, or local law requires the use of a specific provider or facility. In addition, a health carrier shall not require prior authorization of such services provided prior to the point of stabilization if a prudent layperson acting reasonably would have believed that an emergency medical condition existed and that use of a participating hospital emergency department would result in a delay that would worsen the emergency. (b) If an authorized representative of a health carrier authorizes coverage of emergency services, the health carrier shall not subsequently retract its authorization after the emergency services have been provided, or reduce payment for an item or service furnished in reliance on approval, unless the approval was based on a material misrepresentation about the covered person's health condition made by the provider of emergency services. (c) Coverage of emergency services may be subject to applicable copayments, coinsurance, and deductibles, and a health carrier may impose reasonable differential cost-sharing arrangements for emergency services rendered by nonparticipating providers, if such differential between cost-sharing amounts applied to emergency services rendered by participating provider versus nonparticipating provider does not exceed fifty dollars. Differential cost sharing for emergency services may not be applied when a covered person presents to a nonparticipating hospital emergency department rather than a participating hospital emergency department when the health carrier requires preauthorization for postevaluation or poststabilization emergency services if: (i) Due to circumstances beyond the covered person's control, the covered person was unable to go to a participating hospital emergency department in a timely fashion without serious impairment to the covered



person's health; or (ii) A prudent layperson possessing an average knowledge of health and medicine would have reasonably believed that he or she would be unable to go to a participating hospital emergency department in a timely fashion without serious impairment to the covered person's health. (d) If a health carrier requires preauthorization for postevaluation or poststabilization services, the health carrier shall provide access to an authorized representative twenty-four hours a day, seven days a week, to facilitate review. In order for postevaluation or poststabilization services to be covered by the health carrier, the provider or facility must make a documented good faith effort to contact the covered person's health carrier within thirty minutes of stabilization, if the covered person needs to be stabilized. The health carrier's authorized representative is required to respond to a telephone request for preauthorization from a provider or facility within thirty minutes. Failure of the health carrier to respond within thirty minutes constitutes authorization for the provision of immediately required medically necessary postevaluation and poststabilization services, unless the health carrier documents that it made a good faith effort but was unable to reach the provider or facility within thirty minutes after receiving the request. (e) A health carrier shall immediately arrange for an alternative plan of treatment for the covered person if a nonparticipating emergency provider and health plan cannot reach an agreement on which services are necessary beyond those immediately necessary to stabilize the covered person consistent with state and federal laws. (2) Nothing in this section is to be construed as prohibiting the health carrier from requiring notification within the time frame specified in the contract for inpatient admission or as soon thereafter as medically possible but no less than twenty-four hours. Nothing in this section is to be construed as preventing the health carrier from reserving the right to require transfer of a hospitalized covered person upon stabilization. Follow-up care that is a direct result of the emergency must be obtained in accordance with the health plan's usual terms and conditions of coverage. All other terms and conditions of coverage may be applied to emergency services.

#### **PART IV--MISCELLANEOUS**

**NEW SECTION. Sec. 401. WICKLINE CLAUSE STUDY.** (1) There is some question regarding who should be liable when a health carrier or other third-party payer refuses to pay for or provide health services recommended by a health care provider and the patient suffers injury as a result of not receiving the recommended care. This issue typically arises in managed care systems, which integrate the financing and delivery of health care services to covered persons through selected providers. Contracts between a health carrier and a provider may address potential liability issues regarding the relationship between the carrier and the provider. Some contracts shift potential liability for a health carrier's decision not to pay for recommended health services to the provider or patient through what are commonly referred to as "Wickline clauses." These clauses generally state it is a medical decision between the provider and patient as to whether the patient receives services that the carrier refuses to cover; this ignores the fact that the decision not to provide coverage influences the decision of the patient whether to receive the recommended care. The legislature intends to review the policy questions raised by this issue, particularly to what extent the carrier should be able to avoid liability for its decisions by insulating itself through its contracts with providers. (2) A joint task force on Wickline clauses shall review the practice of contractually assigning or avoiding potential liability for decisions by a health carrier or other third-party payer not to pay for health care services recommended by a health care provider. The task force shall be comprised of two members of the house of representatives appointed by the speaker of the house, one from each major caucus, two members of the senate appointed by the president of the senate, one from each major caucus, and eight persons appointed by the legislative members of the task force. The eight nonlegislative persons on the task force shall consist of: Two representatives of health care providers; two representatives of health care consumers; two representatives of health carriers; and two representatives of self-funded health plans. The legislative members shall organize and administer the task force. Staffing shall be provided by the office of program research and senate committee services. (3) The task force shall report to the health care committees of the legislature by December 1, 1997. The report shall discuss the policy issues regarding Wickline clauses and the more general issue of potential liability for decisions of a health carrier and others not to cover health care recommended by the provider. The report may contain recommendations for the legislature to consider. **NEW SECTION. Sec. 402. COMMON TITLE.** This act shall be known as the consumer assistance and insurance market stabilization act. **NEW SECTION. Sec. 403. Part headings and section captions used in this act are not part of the law. NEW SECTION. Sec. 404. SEVERABILITY CLAUSE.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 405. EFFECTIVE DATES.** (1) Sections 104 through 108 and 301 of this act take effect January 1, 1998. (2) Section 111 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997. (3) Section 205 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### **MOTIONS**

On motion of Senator Deccio, the following title amendment was adopted:

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 48.43.055, 48.43.005, 48.43.025, 48.43.035, 48.43.045, 48.20.028, 48.44.022, 48.46.064, 48.41.030, 48.41.060, 48.41.080, 48.41.110, 48.41.200, and 48.41.130; reenacting and amending RCW 70.47.060; adding new sections to chapter 48.43 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.21 RCW; adding new sections to chapter 48.20 RCW; creating new sections; repealing RCW 48.46.100; providing effective dates; and declaring an emergency." On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 2018, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### **POINT OF INQUIRY**

Senator Haugen: "Senator Deccio, I have a constituent who has an individual health insurance policy. My constituent also has been treated for cancer. What provisions are included in Engrossed House Bill No. 2018 to ensure that necessary benefits will continue to be available so long as the premium is paid?"

Senator Deccio: "Engrossed Substitute House Bill No. 2018 provides many protections for individuals like your constituent. First, Engrossed Substitute House Bill No. 2018 makes no change to the current law relating to portability of

benefits. Individuals with coverage may freely move from a health plan offered by one insurer to any other similar plan offered by that insurer or any other insurer.

"Additionally, Engrossed Substitute House Bill No. 2018 provides that if a carrier intends to modify a health plan, the benefits extended in the subsequent plan must have an overall value that is within fifteen percent of the value of the prior plan. Carriers must also continue to offer the Model BHP plan. This plan contains good benefits and must be available to any individual."

Further debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Johnson, McDonald and Deccio called for the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2018, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2018, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 19. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, Engrossed Substitute House Bill No. 2018, as amended by the Senate, was immediately transmitted to the House of Representatives.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1201, by House Committee on Appropriations (originally sponsored by Representatives Buck, Johnson, Sheldon, Blalock, Regala, Linville, Hatfield, Kessler, Tokuda, Anderson, Morris, Zellinsky, Dunn, Conway, Doumit, Ogden, Grant, Mastin, Butler and Murray)

Providing for reauthorization of assistance to areas impacted by the rural natural resources crisis.

The bill was read the second time.

#### MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove, Morton, Anderson and Snyder be considered simultaneously and be adopted:

On page 4, line 31, after "defined in" strike "RCW 43.31.601" and insert "~~((RCW 43.31.601))~~ this section" Beginning on page 5, line 38, after "employment" strike all material through "and" on page 6, line 2, and insert "~~((resided in or was employed in a rural natural resources impact area defined in RCW 43.31.601 and determined by the office of financial management and the employment security department))~~ resides in a county with an unemployment rate for 1996 at least twenty percent or more above the state average and at least fifteen percent above their own county unemployment rate in 1988 and the county meets one of the following two criteria: (A) It is a county with a lumber and woods products employment quotient at least three times the state average and has experienced actual job losses in these industries since 1988 of one hundred jobs or more or fifty or more jobs in a county with a population of forty thousand or less; or (B) It is a county with a commercial salmon fishing employment quotient at least three times the state average and has experienced actual job losses in this industry since 1988 of one hundred jobs or more or fifty or more jobs in a county with a population of forty thousand or less; and (D) The exhaustee has during his or her base year earned wages of at least one thousand hours; and (II) The exhaustee is determined by the employment security department in consultation with its labor market and economic analysis division to be a displaced worker; or" On page 6, beginning on line 3, after "least" strike "six hundred eighty" and insert "~~((six hundred eighty))~~ one thousand" On page 6, line 17, after "unlikely" insert ", in the determination of the employment security department in consultation with its labor market and economic analysis division." On page 6, line 31, after "training." insert "By April 1, 1998, the employment security department must redetermine a new list of eligible and ineligible counties based on a comparison of 1988 and 1997 employment rates. Any changed eligibility status will apply only to new claims for regular unemployment insurance effective after April 1, 1998." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Hargrove, Morton, Anderson and Snyder on pages 4, 5, and 6, to Second Substitute House Bill No. 1201.

The motion by Senator Hargrove carried and the amendments were adopted.

#### MOTION

Senator Spanel moved that the following amendment by Senators Spanel and Swanson be adopted:  
On page 6, line 2, after "department;" strike "((€)) and" and insert "or" Debate ensued.  
The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel and Swanson on page 6, line 2, to Second Substitute House Bill No. 1201.  
The motion by Senator Spanel failed and the amendment was not adopted.

#### MOTION

On motion of Senator Schow, the rules were suspended, Second Substitute House Bill No. 1201, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Hargrove: "Senator Anderson, will this bill as amended, reduce or restrict the benefits of current training participants?"

Senator Anderson: "No, Senator Hargrove. This bill will apply to workers filing new claims for regular benefits that begin after the effective date of this bill."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1201, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1201, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SECOND SUBSTITUTE HOUSE BILL NO. 1201, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303, by House Committee on Appropriations (originally sponsored by Representatives Hickel, Johnson, Talcott, Smith, Backlund, McMorris, Radcliff, Thompson, Clements, Sheahan, B. Thomas, D. Schmidt, L. Thomas, Huff, Crouse, Robertson, Schoesler, Pennington, Cooke, Sullivan, Mitchell, Kastama, Dyer, Cairnes, Sump, Sterk, McDonald and Koster)

Changing education provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Finkbeiner, the following Committee on Education amendment was not adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. As we face a more complex society and increasing demands are placed on schools and the educational services they provide for children, it is important that school districts are provided with flexibility to determine how best to work within their communities to ensure students are meeting high academic standards. It is the intent of the legislature to allow schools to approach their educational mission with both increased flexibility and accountability that will assist them in better meeting the needs of the students in their district. NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows: (1) As provided in sections 3 through 20 of this act, the board of directors of each school district may grant waivers, or partial waivers, of state laws and rules to schools within the district. The school board shall grant waivers in accordance with this section. (2) To apply for waivers, a school principal must prepare an application to the board of directors that identifies which laws and rules are being requested for waiver and the rationale for the request. The rationale must identify how granting the waivers will improve student learning or the delivery of education services in the school. The application must include evidence that the school's teachers, classified employees, site council, parents, and students, as appropriate, are committed to working cooperatively in implementing the waiver. (3) The school board shall provide for public review and comment regarding the waiver request. (4) The duration, renewal, and rescission of the waivers shall be determined by the school district board of directors. The renewal of a waiver shall be subject to the review process by the superintendent of public instruction and the state board of education as provided in subsection (7) of this section. (5) The following may not be waived, unless otherwise provided by law: (a) Laws and rules pertaining to health, safety, and civil rights; (b) Provisions of the basic education act relating to certificated instructional staff ratios, RCW 28A.150.100; goals, RCW 28A.150.210; funding allocations, formulas, and definitions, RCW 28A.150.250 and 28A.150.260; and salary and compensation minimum amounts and limitations, RCW 28A.400.200; (c) The essential academic learning requirements being developed by the commission on student learning in RCW 28A.630.885; (d) The assessment, accountability, and reporting requirements in RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230, the eighth grade standardized test; RCW 28A.230.240, the eleventh

grade standardized test; RCW 28A.630.885, assessment requirements as developed by the commission on student learning; and RCW 28A.320.205, the annual performance report; (e) Requirements in RCW 28A.150.220 pertaining to the total number of program hours that must be offered; (f) State and federal financial reporting and auditing requirements; (g) State constitutional requirements; and (h) Certification and other requirements in chapter 28A.410 RCW. (6) A school district may not include provisions in a collective bargaining agreement that limit the district's authority to grant waivers under this section. (7) School district boards of directors granting waivers to state laws and rules shall certify to the superintendent of public instruction that they have a waiver review process in effect and shall transmit to the superintendent of public instruction and the state board of education a list of laws and rules that have been waived in accordance with this section and a description of the process used in considering the waivers. The superintendent of public instruction and the state board of education shall review the waivers of state laws and rules within their respective jurisdictions. The waivers shall be approved by the superintendent of public instruction or the state board of education, as appropriate, if the school district board of directors complied with the requirements of this section. The superintendent of public instruction or state board of education, as appropriate, shall approve or deny the waiver request, in whole or in part, within forty calendar days of receiving the list of waivers. If the district receives no response from either the superintendent of public instruction or the state board of education after forty days, the waiver shall be deemed uncontested. If a waiver is contested by the superintendent of public instruction or the state board of education, either as appropriate, may make recommendations to the district that will assist the district in accomplishing the goal sought through the waiver. The state board of education may delegate the responsibility for reviewing and approving or denying the waivers to its staff if an appeal procedure to the board is provided. (8) School district boards of directors granting waivers shall report annually to the superintendent of public instruction the impact on student learning or delivery of education services resulting from the waivers granted. (9) The superintendent of public instruction and state board of education shall report to the legislature by November 1, 2000, the laws and rules that have been waived in accordance with this section. (10) This section expires June 30, 1999. NEW SECTION. Sec. 3. A new section is added to chapter 28A.150 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 4. A new section is added to chapter 28A.155 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. School districts may not waive the district's obligation to meet all federal statutes applicable to the education of individuals with disabilities. (2) This section expires June 30, 1999. NEW SECTION. Sec. 5. A new section is added to chapter 28A.165 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 6. A new section is added to chapter 28A.175 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 7. A new section is added to chapter 28A.180 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 8. A new section is added to chapter 28A.185 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 9. A new section is added to chapter 28A.220 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 10. A new section is added to chapter 28A.225 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 11. A new section is added to chapter 28A.230 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 12. A new section is added to chapter 28A.235 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 13. A new section is added to chapter 28A.300 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also

may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 14. A new section is added to chapter 28A.305 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 15. A new section is added to chapter 28A.320 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. No waivers may be obtained from section 2 of this act. (2) This section expires June 30, 1999. NEW SECTION. Sec. 16. A new section is added to chapter 28A.330 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 17. A new section is added to chapter 28A.400 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 18. A new section is added to chapter 28A.405 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 19. A new section is added to chapter 28A.600 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. Sec. 20. A new section is added to chapter 28A.640 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. Sec. 21. RCW 28A.405.100 and 1994 c 115 s 1 are each amended to read as follows: (1) The superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter. Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district. Except as provided in subsection (5) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period. ~~((Every))~~ At any time after October 15th, an employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of ((stated)) the specific areas of deficiencies along with a ((suggested-specific-and)) reasonable program for improvement ((on or before February 1st of each year)). During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established ((beginning on or before February 1st and ending no later than May 1st)). The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement ~~((shall be))~~ during the established probationary period, as specifically documented

in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210. ~~((The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW 28A.405.300.))~~ Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term. (2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel. (3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance. (4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300. (5) After an employee has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. However, the evaluation process set forth in subsection (1) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) of this section may be used as a basis for determining that an employee's work is unsatisfactory under subsection (1) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. (6) This section expires June 30, 1999. **Sec. 22.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to read as follows: Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding: (1) Salary or compensation increases in excess of those authorized in accordance with RCW 28A.150.410 and 28A.400.200; or (2) Limiting the employer's authority to grant waivers under section 2 of this act. (3) This section expires June 30, 1999. **Sec. 23.** RCW 28A.630.945 and 1995 c 208 s 1 are each amended to read as follows: (1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district. (2) School districts may use the application process in RCW 28A.305.140 or 28A.300.138 to apply for the waivers under subsection (1) of this section. (3) ~~((The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997))~~ This section expires June 30, 1999. **NEW SECTION. Sec. 24.** The superintendent of public instruction, in collaboration with school district personnel and the state board of education, shall conduct a study to identify additional actions that can be taken to increase flexibility for individual schools and school districts. The study shall review the superintendent of public instruction's rule-making process, the granting of waivers from provisions of collective bargaining agreements, and other policies and practices that reduce school and school district flexibility. The study shall be submitted to the education committees of the senate and house of representatives by December 1, 1997."

#### MOTIONS

Senator Hochstatter moved that the following amendment by Senators Hochstatter and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** As we face a more complex society and increasing demands are placed on schools and the educational services they provide for children, it is important that school districts are provided with flexibility to determine how best to work within their communities to ensure students are meeting high academic standards. It is the intent of the legislature to allow schools to approach their educational mission with both increased flexibility and accountability that will assist them in better meeting the needs of the students in their district. **NEW SECTION. Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows: (1) As provided in sections 3 through 20 of this act, the board of directors of each school district may grant waivers, or partial waivers, of state laws and rules to schools within the district. The school board shall grant waivers in accordance with this section. (2) To apply for waivers, a school principal must prepare an application to the board of directors that identifies which laws and rules are being requested for waiver and the rationale for the request. The rationale must identify how granting the waivers will improve student learning or the delivery of education services in the school. The application must include evidence that the school's teachers, classified employees, site council, parents, and students, as appropriate, are committed to

working cooperatively in implementing the waiver. (3) The school board shall provide for public review and comment regarding the waiver request. (4) The duration, renewal, and rescission of the waivers shall be determined by the school district board of directors. The renewal of a waiver shall be subject to the review process by the superintendent of public instruction and the state board of education as provided in subsection (7) of this section. (5) The following may not be waived: (a) Laws and rules pertaining to health, safety, and civil rights; (b) Provisions of the basic education act relating to certificated instructional staff ratios, RCW 28A.150.100, except for waivers provided in accordance with RCW 28A.630.945; goals, RCW 28A.150.210; funding allocations, formulas, and definitions, RCW 28A.150.250 and 28A.150.260, except for waivers provided in accordance with RCW 28A.150.250; and salary and compensation minimum amounts and limitations, RCW 28A.400.200; (c) The essential academic learning requirements being developed by the commission on student learning in RCW 28A.630.885; (d) The assessment, accountability, and reporting requirements in RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230, the eighth grade standardized test; RCW 28A.230.240, the eleventh grade standardized test; RCW 28A.630.885, assessment requirements as developed by the commission on student learning; and RCW 28A.320.205, the annual performance report; (e) Requirements in RCW 28A.150.220 pertaining to the total number of program hours that must be offered, except for waivers provided in accordance with RCW 28A.305.140; (f) State and federal financial reporting and auditing requirements; (g) State constitutional requirements; and (h) Certification and other requirements in chapter 28A.410 RCW. (6) A school district may not include provisions in a collective bargaining agreement that limit the district's authority to grant waivers under this section. (7) School district boards of directors granting waivers to state laws and rules shall certify to the superintendent of public instruction that they have a waiver review process in effect and shall transmit to the superintendent of public instruction and the state board of education a list of laws and rules that have been waived in accordance with this section and a description of the process used in considering the waivers. The superintendent of public instruction and the state board of education shall review the waivers of state laws and rules within their respective jurisdictions. The waivers shall be approved by the superintendent of public instruction or the state board of education, as appropriate, if the school district board of directors complied with the requirements of this section. The superintendent of public instruction or state board of education, as appropriate, shall approve or deny the waiver request, in whole or in part, within forty calendar days of receiving the list of waivers. If the district receives no response from either the superintendent of public instruction or the state board of education after forty days, the waiver shall be deemed uncontested. If a waiver is contested by the superintendent of public instruction or the state board of education, either as appropriate, may make recommendations to the district that will assist the district in accomplishing the goal sought through the waiver. The state board of education may delegate the responsibility for reviewing and approving or denying the waivers to its staff if an appeal procedure to the board is provided. (8) School district boards of directors granting waivers shall report annually to the superintendent of public instruction the impact on student learning or delivery of education services resulting from the waivers granted. (9) The superintendent of public instruction and state board of education shall report to the legislature by November 1, 2000, the laws and rules that have been waived in accordance with this section. (10) This section expires June 30, 1999. **NEW SECTION. Sec. 3.** A new section is added to chapter 28A.150 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. **NEW SECTION. Sec. 4.** A new section is added to chapter 28A.155 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools, except that the statutory requirements of RCW 28A.155.105 and RCW 28A.155.115 may not be waived. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements, except that any rules adopted to implement RCW 28A.155.105 and RCW 28A.155.115 may not be waived. School districts may not waive the district's obligation to meet all federal statutes applicable to the education of individuals with disabilities. (2) This section expires June 30, 1999. **NEW SECTION. Sec. 5.** A new section is added to chapter 28A.165 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. **NEW SECTION. Sec. 6.** A new section is added to chapter 28A.175 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. **NEW SECTION. Sec. 7.** A new section is added to chapter 28A.180 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. **NEW SECTION. Sec. 8.** A new section is added to chapter 28A.185 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. **NEW SECTION. Sec. 9.** A new section is added to chapter 28A.220 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. **NEW SECTION. Sec. 10.** A new section is added to chapter 28A.225 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any

rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.230 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.235 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.300 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.305 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.320 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. No waivers may be obtained from section 2 of this act. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.330 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.400 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.405 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.600 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.640 RCW to read as follows: (1) Schools may obtain, in accordance with section 2 of this act, waivers from the statutory requirements in this chapter that pertain to the instructional program, operation, and management of schools. Waivers also may be obtained, in accordance with section 2 of this act, from any rules of the state board of education and superintendent of public instruction adopted to implement the statutory requirements. (2) This section expires June 30, 1999. **Sec. 21.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to read as follows: (1) The superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter. Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district. Except as provided in subsection (5) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period. ~~((Every))~~ At any time after October 15th, an employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of ((stated)) the specific areas of deficiencies along with a ((suggested specific and)) reasonable program for improvement ((on or before February 1st of each year)). During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as



contemplated by either the individual or the school district. A probationary period of sixty school days shall be established ~~((beginning on or before February 1st and ending no later than May 1st))~~. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement ~~((shall be))~~ during the established probationary period, as specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210. ~~((The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW 28A.405.300.))~~ Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term. (2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel. (3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance. (4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300. (5) After an employee has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. However, the evaluation process set forth in subsection (1) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) of this section may be used as a basis for determining that an employee's work is unsatisfactory under subsection (1) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. (6) ~~This section expires June 30, 1999.~~ **Sec. 22.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to read as follows: (1) Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding: (a) Salary or compensation increases in excess of those authorized in accordance with RCW 28A.150.410 and 28A.400.200; or (b) Limiting the employer's authority to grant waivers under section 2 of this act. (2) This section expires June 30, 1999. **Sec. 23.** RCW 28A.630.945 and 1995 c 208 s 1 are each amended to read as follows: (1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district. (2) School districts may use the application process in RCW 28A.305.140 or 28A.300.138 to apply for the waivers under subsection (1) of this section. (3) ~~((The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997)) This section expires June 30, 1999.~~ **NEW SECTION. Sec. 24.** The superintendent of public instruction, in collaboration with school district personnel and the state board of education, shall conduct a study to identify additional actions that can be taken to increase flexibility for individual schools and school districts. The study shall review the superintendent of public instruction's rule-making process, the granting of waivers from provisions of collective bargaining agreements, and other policies and practices that reduce school and school district flexibility. The study shall be submitted to the education committees of the senate and house of representatives by December 1, 1997." On motion of Senator Long, the following amendments by Senators Long and Hochstatter to the striking amendment by Senators Hochstatter and Finkbeiner were considered simultaneously and were adopted:

On page 3, line 36, after "schools" insert the following: ", except that the statutory requirements of RCW 28A.155.105 and RCW 28A.155.115 may not be waived" On page 4, line 2, after "requirements" insert the following:", except that any rules adopted to implement RCW 28A.155.105 and RCW 28A.155.115 may not be waived" The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hochstatter and Finkbeiner, as amended, to Engrossed Second Substitute House Bill No. 1303.

The striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Finkbeiner, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.405.100, 41.59.935, and 28A.630.945; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.640 RCW; creating new sections; and providing expiration dates." On motion of Senator Finkbeiner, the rules were suspended, Engrossed Second Substitute House Bill No. 1303, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1303, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1303, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Winsley and Wood - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Prince, Rasmussen, Schow, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Wojahn and Zarelli - 24. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2267, by Representative Huff, H. Sommers, Hatfield, Kessler, Lambert, Ogden, Dickerson, Kenney and Wensman (by request of Office of Financial Management)

Creating the disaster response account.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 2267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2267.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2267 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senators Hochstatter and McCaslin - 2. HOUSE BILL NO. 2267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, under the provisions of Rule 15, we are supposed to have ninety minutes for lunch and so I think I probably should make a motion to recess for lunch until 1:53 p.m."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, was that a motion? You said 'should.'"

Senator Snyder: "Well, I guess I will."

President Owen: "Senator Snyder--"

Senator Snyder: "Under the circumstances, I think it would cause a greater melt-down than we already have--if we go to lunch--so I would move to suspend Rule 15."

President Owen: "Senator Snyder has moved to suspend Rule 15. If there are no objections, so ordered."

EDITOR'S NOTE: Rule 15 states, 'The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.'

#### MOTIONS

On motion of Senator Hale, Senator McCaslin was excused.

On motion of Senator Franklin, Senators Bauer and Prentice were excused.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850, by House Committee on Appropriations (originally sponsored by Representatives Dyer, Backlund, Skinner, Talcott, Schoesler, Mitchell and Cooke)

Adopting the long-term care reorganization and standards of care reform act.

The bill was read the second time.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "Mr. President, I am concerned about the process here. This is a bill that didn't go to a policy committee; it hasn't gone to the Ways and Means Committee. It is, I believe, on the volume two list, which came out of Rules at a late date and we have had no chance to caucus on this bill. I understand it is a long-term care bill and I think it is just a complete circumvention of the legislative process and I highly object to the bill being in front of us without any briefing by staff in committee or in the Ways and Means Committee and without an opportunity to find out what is in the bill before we have the opportunity to vote on it."

#### MOTION

On motion of Senator Johnson, further consideration of Engrossed Second Substitute House Bill No. 1850 was deferred.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2097, by House Committee on Financial Institutions and Insurance (originally sponsored by Representative L. Thomas)

Regulating the investment practices of insurance companies.

The bill was read the second time.

#### MOTIONS

On motion of Senator Heavey, the following amendment by Senators Heavey, Winsley and Hale was adopted:

On page 1, line 12, after "insurance commissioner;" insert (b) Derivative instruments shall not be used for speculative purposes, but only as stated in subsection (1)(a);" Renummer the sections consecutively and correct any internal references accordingly On motion of Senator Hale, the rules were suspended, Substitute House Bill No. 2097, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2097, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2097, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Finkbeiner - 1. Excused: Senators Bauer, McCaslin and Prentice - 3. SUBSTITUTE HOUSE BILL NO. 2097, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2227, by House Committee on Commerce and Labor (originally sponsored by Representatives Clements and McMorris)

Establishing requirements for health services providers under industrial insurance.

The bill was read the second time.

## MOTIONS

On motion of Senator Horn, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 23, strike "class C felony" and insert "gross misdemeanor" On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 2227, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## MOTIONS

On motion of Senator Hale, Senators Finkbeiner and Prince were excused.

On motion of Senator Franklin, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2227, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2227, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senator Heavey - 1. Excused: Senators Bauer, Fairley, Finkbeiner, McCaslin, Prentice and Prince - 6. SUBSTITUTE HOUSE BILL NO. 2227, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Newhouse assumed the Chair.

## SECOND READING

HOUSE BILL NO. 1708, by Representative McMorris

Eliminating farm implement commissioned salespeople from the minimum rate of compensation for employment in excess of a forty-hour work week requirement.

The bill was read the second time.

## MOTIONS

Senator Heavey moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 49.46.130 and 1995 c 5 s 1 are each amended to read as follows: (1) Except as otherwise provided in this section and section 2 of this act, no employer shall employ any of his employees for a work week longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is

employed. (2) This section does not apply to: (a) Any person exempted pursuant to RCW 49.46.010(5). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(5)(c); (b) Employees who request compensating time off in lieu of overtime pay; (c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel; (d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year; (e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay; (f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week; (g) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; (h) Any industry in which federal law provides for an overtime payment based on a work week other than forty hours. However, the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259)). (3) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, ~~((or))~~ manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of: (a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or (b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary. (4) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed. **NEW SECTION. Sec. 2.** A new section is added to chapter 49.46 RCW to read as follows: RCW 49.46.130(1) does not apply to any individual employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer software field who, if compensated on an hourly basis, is compensated at a rate of not less than twenty-seven dollars and sixty-three cents an hour, and whose primary duty is: (1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications; (2) The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; (3) The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or (4) A combination of duties described in subsections (1), (2), and (3) of this section, the performance of which requires the same level of skills." Senator Fraser moved that the following amendment to the Committee on Commerce and Labor striking amendment be adopted:

On page 2, after "(g)" on line 3, strike all material through "(h)" on line 19 and insert the following: "~~((Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; (h)))~~" Renummer the sections consecutively and correct any internal references accordingly. Debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of House Bill No. 1708 was deferred.

#### MOTION

On motion of Senator Sellar, Senator Deccio was excused.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2276, by House Committee on Law and Justice (originally sponsored by Representatives Lisk, Huff and Sheahan)

Promoting civil legal services for indigent persons.

The bill was read the second time.

### MOTION

Senator Roach moved that the following amendment by Senators Roach, Sellar, Swecker, Zarelli, Rossi, Stevens and Heavey be adopted:

On page 2, line 16, after "(c)" strike "~~(public)~~" and insert "public" Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Roach, Sellar, Swecker, Zarelli, Rossi, Stevens and Heavey on page 2, line 16, to Engrossed Substitute House Bill No. 2276.

### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Benton, Finkbeiner, Hale, Hochstatter, Horn, McDonald, Morton, Newhouse, Oke, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West and Zarelli - 19. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 27. Excused: Senators Deccio, McCaslin and Prince - 3.

### MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 2276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

### MOTIONS

On motion of Senator Spanel, Senator Sheldon was excused.

On motion of Senator Franklin, Senator Wojahn was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2276.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2276 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Excused: Senators Deccio, McCaslin, Sheldon and Wojahn - 4. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

### MOTION

On motion of Senator Hale, Senators Roach, Schow and Benton were excused.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 1850, deferred earlier today after the bill was read the second time.

### MOTION

Senator Deccio moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 16, after "disease" insert "including chemical dependency" On page 3, line 34, after "disease," insert "chemical dependency," Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Deccio on page 3, lines 16 and 34 Engrossed Second Substitute House Bill No. 1850.

The motion by Senator Deccio carried and the amendments were adopted

#### MOTIONS

On motion of Senator Deccio, the following amendments were considered simultaneously and were adopted:

On page 4, line 38, after "persons;" strike "and" On page 5, line 3, after "system" insert "; (h) Describe current facilities and services that provide long-term care to all types of chronically disabled individuals in the state including Revised Code of Washington requirements, Washington Administrative Code rules, allowable occupancy, typical clientele, discharge practices, agency oversight, rates, eligibility requirements, entry process, social and health services and other services provided, staffing standards, and physical plant standards; (i) Determine the extent to which the current long-term care system meets the health and safety needs of the state's long-term care population and is appropriate for the specific and identified needs of the residents in all settings; (j) Assess the adequacy of the discharge and referral process in protecting the health and safety of long-term care clients; (k) Determine the extent to which training and supervision of direct care staff are adequate to ensure safety and appropriate care; (l) Identify opportunities for consolidation between categories of care; and (m) Determine if payment rates are adequate to cover the varying costs of clients with different levels of need" On motion of Senator Deccio, the following amendments were considered simultaneously and were adopted:

On page 6, line 23, after "with" strike "fewer than six" and insert "six or fewer" On page 20, line 37, after "violated," strike "are" and insert "shall be" On page 24, line 4, after "RCW" strike "18.20.160" and insert "18.20.190" On page 26, line 2, after "violated," strike "are" and insert "shall be" On page 34, line 33, after "rules" insert ", including emergency rules,"

#### MOTIONS

On motion of Senator Deccio, the rules were suspended, Engrossed Second Substitute House Bill No. 1850, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1850, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1850, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 41. Absent: Senators Finkbeiner, Hargrove, McDonald and West - 4. Excused: Senators Benton, McCaslin, Roach and Schow - 4. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators Fairley, Loveland and Wojahn were excused.

#### SECOND READING

HOUSE BILL NO. 1982, by Representatives Dyer, Cody and Backlund (by request of Health Care Authority)

Limiting basic health plan eligibility for persons in institutions.

The bill was read the second time.

#### MOTIONS

On motion of Senator Deccio, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 70.47.020 and 1995 c 266 s 2 and 1995 c 2 s 3 are each reenacted and amended to read as follows: As used in this chapter: (1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter. (2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority. (3) "Managed health care system" means any health care organization, including health

care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. (4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children(-); (a) Who is not eligible for medicare(-); (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan(-); (d) whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services(-); and (e) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. (5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children(-); (a) Who is not eligible for medicare(-); (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan(~~-and~~); (d) who chooses to obtain basic health care coverage from a particular managed health care system(-); and (e) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan. (6) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2). (7) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee. (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system. **Sec. 2.** RCW 70.47.060 and 1995 c 266 s 1 and 1995 c 2 s 4 are each reenacted and amended to read as follows: The administrator has the following powers and duties: (1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. (2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section. (b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. (c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee. (d) To develop, as an offering by all health carriers providing coverage identical to the basic health plan, a model plan benefits package with uniformity in enrollee cost-sharing requirements. (3) To design and implement a structure of enrollee cost sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. (4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. (5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator. (6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan. (7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for



health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services. (8) To receive periodic premiums from or on behalf of subsidized and unsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems. (9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or unsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan. (10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or unsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. (11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant. (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort. (13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state. (14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter. (15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color. (16) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions." On motion of Senator Deccio, the following title amendment was adopted:

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "and reenacting and amending RCW 70.47.020 and 70.47.060."

#### MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1982, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1982, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1982, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 45. Excused: Senators Fairley, Loveland, Schow and Wojahn - 4. HOUSE BILL NO. 1982, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1605, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Radcliff, Ballasiotes, Quall, Dunn and Sullivan)

Providing for disclosure of information concerning the disease status of offenders.

The bill was read the second time.

#### MOTION

Senator Long moved that the following Committee on Human Services and Corrections amendment be adopted: Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. (1) The legislature finds that department of corrections staff and jail staff perform essential public functions that are vital to our communities. The health and safety of these workers is often placed in jeopardy while they perform the responsibilities of their jobs. There is a special need to allay the concerns of employees who are substantially exposed to the bodily fluids of offenders or detainees. Great mental anguish can be avoided by a prompt blood test and immediate disclosure to the exposed employee. Therefore, the legislature intends that the results of any HIV tests conducted on an offender or detainee under RCW 70.24.340, 70.24.360, or 70.24.370 be immediately disclosed to the superintendent or administrator of the department of corrections facility or local jail housing the offender or detainee, and also be immediately disclosed to any member of a jail staff or department of corrections staff who has been substantially exposed to the bodily fluids of an offender or detained person. The legislature finds that the system of universal precautions required under federal and state law in all settings where risk of occupational exposure to communicable diseases exists are an effective way to reduce the risk of communicable disease transmission. The legislature does not intend to discourage the use of universal precautions but to provide supplemental information for corrections and jail staff to utilize as part of their universal precautions with all offenders and detained people. (2) The legislature further finds that, through the efforts of health care professionals and corrections staff, offenders in department of corrections facilities and people detained in local jails are being encouraged to take responsibility for their health by requesting voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling. The legislature does not intend, through this act, to mandate disclosure of the results of voluntary and anonymous tests. The legislature intends to continue to protect the confidential exchange of medical information related to voluntary and anonymous pretest counseling, HIV testing, posttest counseling, and AIDS counseling as provided by chapter 70.24 RCW. Sec. 2. RCW 70.24.105 and 1994 c 72 s 1 are each amended to read as follows: (1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter. (2) No person may disclose or be compelled to disclose the identity of any person upon whom an HIV antibody test is performed, or the results of such a test, nor may the result of a test for any other sexually transmitted disease when it is positive be disclosed, except as authorized by this chapter. This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection and for any other confirmed sexually transmitted disease. The following persons, however, may receive such information: (a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent; (b) Any person who secures a specific release of test results or information relating to HIV or confirmed diagnosis of or treatment for any other sexually transmitted disease executed by the subject or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent; (c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease; (d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens; (e) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, provided that such record was obtained by means of court ordered HIV testing pursuant to RCW 70.24.024; or when disclosure is pursuant to RCW 70.24.340 ((or 70.24.024)), 70.24.360, or 70.24.370; (f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section; (g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary; (h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, jail staff person, department of corrections staff person, or other persons as defined by the board in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test or the test is conducted under RCW 70.24.340, 70.24.360, or 70.24.370; (i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment; (~~and~~) (j) A department of

social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency; this information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services; and (k) A department of corrections superintendent or administrator, or a jail administrator regarding tests of offenders and detained persons under subsection (4) of this section. (3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as ~~((authorized))~~ otherwise required by ((that subsection)) law. (4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(e) of this section, shall be governed as follows: (a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of correction's jurisdiction. (b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The results of any test of a person detained in a jail conducted under RCW 70.24.340 or 70.24.360 shall be made available to the jail administrator. The information may be submitted to transporting officers and receiving facilities. (c) Information regarding ~~((a department of corrections offender's))~~ the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law. (d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted under RCW 70.24.340, 70.24.360, or 70.24.370 shall be immediately disclosed by the department of corrections health care provider or the local public health officer or the officer's designee to the correctional superintendent or administrator or local jail administrator. The superintendent or administrator shall then immediately disclose these results to the staff member who was substantially exposed. The superintendent or administrator and the health care provider or public health officer shall make a good faith effort to provide disclosure to the exposed person within seventy-two hours of exposure. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing and treatment. (e) The receipt by an individual of information disclosed under this subsection (4) shall be utilized only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. Use of this information for any other purpose, including harassment or discrimination, may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law. (5) Whenever disclosure is made pursuant to this section, except for subsections (2)(a) and (6) of this section, it shall be accompanied by a statement in writing ~~((which))~~ that includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days. (6) The requirements of this section shall not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor shall they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties. (7) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW shall be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. Such disclosure shall be accompanied by appropriate counseling, including information regarding follow-up testing. **NEW SECTION. Sec. 3.** A new section is added to chapter 72.10 RCW to read as follows: (1) The department must develop and implement policies and procedures for the uniform distribution of communicable disease prevention protocols to all corrections staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders with communicable diseases. (2) The protocols must identify the offender and special precautions necessary to reduce the risk of transmission of the communicable disease but must not identify the offender's particular communicable disease. (3) For the purposes of this section, "communicable disease" means an illness caused by an infectious agent that can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air. **NEW SECTION. Sec. 4.** A new section is added to chapter 70.48 RCW to read as follows: (1) Local jail administrators must develop and implement policies and procedures for the uniform distribution of communicable disease prevention protocols to all jail staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders or detainees with communicable diseases. (2) The protocols must identify the offender or detainee and special precautions necessary to reduce the risk of transmission of the communicable disease but must not identify the offender's or detainee's particular communicable disease. (3) For the purposes of this section, "communicable disease" means an illness caused by an infectious agent that can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air. **NEW SECTION. Sec. 5.** The department of health and the department of corrections must each adopt rules to implement this act. The department of health and the department of corrections with the cooperation of local jail administrators must also report to the legislature by January 1, 1998, on the following: (1) Changes made in rules and department of corrections and local jail policies and procedures to implement this act; and (2) a summary of the number and circumstances of mandatory test results that were disclosed to department of corrections staff and jail staff under RCW 70.24.105.

**Sec. 6.** RCW 70.24.340 and 1988 c 206 s 703 are each amended to read as follows: (1) Local health departments ~~((authorized under this chapter))~~ shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest

counseling of all persons: (a) Convicted of a sexual offense under chapter 9A.44 RCW; (b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; ~~((c))~~ (c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles; or (d) Who are offenders or arrested or detained persons and who have subjected a law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections staff person, jail staff person, or other category of employee, as determined by the board, to substantial exposure to their bodily fluids. Persons tested under this subsection (1)(d) shall also be tested for hepatitis B. (2) ~~((Sueh))~~ Testing of persons convicted under subsection (1)(a) through (c) of this section shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge. Testing of persons causing a substantial exposure under subsection (1)(d) of this section shall be conducted as soon as possible, but not later than forty-eight hours after the exposure. Consent of the persons tested under this section is not required. (3) ~~((This section applies))~~ Subsection (1)(a) through (c) of this section applies only to offenses committed after March 23, 1988, and subsection (1)(d) of this section applies only to exposures occurring after the effective date of this act. (4)(a) A law enforcement officer, fire fighter, health care provider, health care facility staff person, any member of a jail staff or department of corrections staff, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, hepatitis B testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. (b) If the person who is subject to the order is not an offender or arrested or detained person tested under subsection (1) of this section, the person shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order is not an offender or arrested or detained person tested under subsection (1) of this section and refuses to comply, the state or local public health officer may petition the superior court for a hearing. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order. (c) The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial ((and presents a possible risk)) as defined by the board of health by rule. **Sec. 7.** RCW 70.24.360 and 1988 c 206 s 706 are each amended to read as follows: Jail administrators, ~~((with the approval of))~~ after consultation with and receiving written recommendations from the local public health officer, may order pretest counseling, HIV testing, and posttest counseling for persons detained in the jail if the ((local public health officer)) jail administrator determines that actual or threatened behavior presents a possible risk to the staff, general public, or other persons. ((Approval of the local public health officer shall be based on RCW 70.24.024(3) and may be contested through RCW 70.24.024(4).)) The administrator shall establish, pursuant to RCW 70.48.071, a procedure to document the possible risk ~~((which))~~ that is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the jail administrator after consultation with the board ((in rule)). Possible risk, as used in the documentation of the behavior, or threat thereof, shall be reviewed with the person ((to try to assure that the person understands the basis for testing)). **Sec. 8.** RCW 70.24.024 and 1988 c 206 s 909 are each amended to read as follows: (1) Subject to the provisions of this chapter, the state and local public health officers or their authorized representatives may examine and counsel or cause to be examined and counseled persons reasonably believed to be infected with or to have been exposed to a sexually transmitted disease. (2) Orders or restrictive measures directed to persons with a sexually transmitted disease shall be used as the last resort when other measures to protect the public health have failed, including reasonable efforts, which shall be documented, to obtain the voluntary cooperation of the person who may be subject to such an order. The orders and measures shall be applied serially with the least intrusive measures used first. The burden of proof shall be on the state or local public health officer to show that specified grounds exist for the issuance of the orders or restrictive measures and that the terms and conditions imposed are no more restrictive than necessary to protect the public health. (3) When the state or local public health officer within his or her respective jurisdiction knows or has reason to believe, because of direct medical knowledge or reliable testimony of others in a position to have direct knowledge of a person's behavior, that a person has a sexually transmitted disease and is engaging in specified conduct, as determined by the board by rule based upon generally accepted standards of medical and public health science, that endangers the public health, he or she shall conduct an investigation in accordance with procedures prescribed by the board to evaluate the specific facts alleged, if any, and the reliability and credibility of the person or persons providing such information and, if satisfied that the allegations are true, he or she may issue an order according to the following priority to: (a) Order a person to submit to a medical examination or testing, seek counseling, or obtain medical treatment for curable diseases, or any combination of these, within a period of time determined by the public health officer, not to exceed fourteen days. (b) Order a person to immediately cease and desist from specified conduct ~~((which))~~ that endangers the health of others by imposing such restrictions upon the person as are necessary to prevent the specified conduct that endangers the health of others only if the public health officer has determined that clear and convincing evidence exists to believe that such person has been ordered to report for counseling as provided in (a) of this subsection and continues to demonstrate behavior ((which)) that endangers the health of others. Any restriction shall be in writing, setting forth the name of the person to be restricted and the initial period of time, not to exceed three months, during which the order shall remain effective, the terms of the restrictions, and such other conditions as may be necessary to protect the public health. Restrictions shall be imposed in the least-restrictive manner necessary to protect the public health.

(4)(a) Upon the issuance of any order by the state or local public health officer or an authorized representative pursuant to subsection (3) of this section or RCW 70.24.340(4) to a person who is not an offender or arrested or detained person tested under RCW 70.24.340(1), such public health officer shall give written notice promptly, personally, and confidentially to the person who is the subject of the order stating the grounds and provisions of the order, including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order, and notifying the person who is the subject of the order that, if he or she contests the order, he or she may appear at a judicial hearing on the enforceability of the order, to be held in superior court. He or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary. The hearing shall be held within seventy-two hours of receipt of the notice, unless the person subject to the order agrees to comply. If the person contests the order, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to this

subsection. If the person does not contest the order within seventy-two hours of receiving it, and the person does not comply with the order within the time period specified for compliance with the order, the state or local public health officer may request a warrant be issued by the superior court to insure appearance at the hearing. The hearing shall be within seventy-two hours of the expiration date of the time specified for compliance with the original order. The burden of proof shall be on the public health officer to show by clear and convincing evidence that the specified grounds exist for the issuance of the order and for the need for compliance and that the terms and conditions imposed therein are no more restrictive than necessary to protect the public health. Upon conclusion of the hearing, the court shall issue appropriate orders affirming, modifying, or dismissing the order. (b) If the superior court dismisses the order of the public health officer, the fact that the order was issued shall be expunged from the records of the department or local department of health. (5) Any hearing conducted pursuant to this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by the order of the court. **NEW SECTION. Sec. 9.** A new section is added to chapter 70.28 RCW to read as follows: (1) The tuberculosis status of a department of corrections offender who is in the infectious stage shall be made available by department of corrections health care providers and local public health officers to a department of corrections superintendent or administrator. The information made available under this subsection (1) shall be utilized by a superintendent or administrator only as provided in section 3 of this act. (2) The tuberculosis status of a person detained in a jail who is in the infectious stage shall be made available by the local public health officer to the jail administrator. The information made available under this subsection (2) shall be utilized by the jail administrator only as provided in section 4 of this act. **NEW SECTION. Sec. 10.** A new section is added to chapter 72.10 RCW to read as follows: (1) The department shall conduct or cause to be conducted an inspection, examination, and test for the purposes of determining the presence of tuberculosis in the infectious stage of all offenders sentenced to the department. Initial testing shall be conducted within five days of reception, with follow-up testing as medically indicated. (2) All offenders received by the department, those offenders who are remanded from community custody or work training release, and all offenders who return or are received at a department facility from the community or a local jail after being out of the department's custody for ninety days or more shall be tested for tuberculosis within five days of reception or return to the department's custody, followed by a second test with follow-up testing as medically indicated."

MOTION

On motion of Senator Long, and there being no objection, the motion to adopt the Committee on Human Services and Corrections striking amendment to Substitute House Bill No. 1605 was withdrawn.

MOTION

On motion of Senator Long, the Committee on Human Services and Corrections striking amendment to Substitute House Bill No. 1605 was not adopted.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Hargrove, Long and Franklin be adopted:

On page 7, beginning on line 16, after "(4)" strike all material through "rule." on line 38, and insert "A law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections' staff person, jail staff person, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. If the state or local public health officer refuses to order counseling and testing under this subsection, the person who made the request may petition the superior court for a hearing to determine whether an order shall be issued. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review to determine whether the public health officer shall be required to issue the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order. The person who is subject to the state or local public health officer's order to receive counseling and testing shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order refuses to comply, the state or local public health officer may petition the superior court for a hearing. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order. The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial and presents a possible risk as defined by the board of health by rule or if he or she is ordered to do so by a court. The counseling and testing required under this subsection shall be completed as soon as possible after the substantial exposure or after an order is issued by a court, but shall begin not later than seventy-two hours after the substantial exposure or an order is issued by the court." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Hargrove, Long and Franklin on page 7, beginning on line 16, to Substitute House Bill No. 1605.

The motion by Senator Zarelli carried and the amendment was adopted.

MOTION

On motion of Senator Long, the rules were suspended, Substitute House Bill No. 1605, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

#### MOTION

On motion of Senator Hale, Senator Deccio was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1605, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1605, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 43. Voting nay: Senators Sheldon and Thibaudeau - 2. Excused: Senators Deccio, Fairley, Loveland and Wojahn - 4. SUBSTITUTE HOUSE BILL NO. 1605, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Heavey moved to reconsider the vote by which Engrossed Second Substitute House Bill No. 1303, as amended by the Senate, passed the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Heavey to reconsider the vote by which Engrossed Second Substitute House Bill No. 1303, as amended by the Senate, passed the Senate.

The motion by Senator Heavey for reconsideration failed.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771, by House Committee on Law and Justice (originally sponsored by Representatives Mitchell, Tokuda, Constantine, Sheahan, Keiser, Mason, Blalock, Costa, Conway, Butler, Murray and Cody; by request of Secretary of State)

Providing for certification of professional guardians.

The bill was read the second time.

#### MOTIONS

On motion of Senator Long, the following Committee on Human Services and Corrections amendment was adopted: Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 11.88.020 and 1990 c 122 s 3 are each amended to read as follows: (1) Any suitable person over the age of eighteen years, or any parent under the age of eighteen years or, if the petition is for appointment of a professional guardian, any individual or guardianship service that meets any certification requirements established by the administrator for the courts, may, if not otherwise disqualified, be appointed guardian or limited guardian of the person and/or the estate of an incapacitated person(~~(; any trust company regularly organized under the laws of this state and national banks when authorized so to do may act as guardian or limited guardian of the estate of an incapacitated person; and any nonprofit corporation may act as guardian or limited guardian of the person and/or estate of an incapacitated person if the articles of incorporation or bylaws of such corporation permit such action and such corporation is in compliance with all applicable provisions of Title 24 RCW)).~~ A financial institution subject to the jurisdiction of the department of financial institutions and authorized to exercise trust powers, and a federally chartered financial institution when authorized to do so, may act as a guardian of the estate of an incapacitated person without having to meet the certification requirements established by the administrator for the courts. No person is qualified to serve as a guardian who is ((4)) (a) under eighteen years of age except as otherwise provided herein; ((2)) (b) of unsound mind; ((3)) (c) convicted of a felony or of a misdemeanor involving moral turpitude; ((4)) (d) a nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court; ((5)) (e) a corporation not authorized to act as a fiduciary, guardian, or limited guardian in the state; ((6)) (f) a person whom the court finds unsuitable. (2) The professional guardian certification requirements required under this section shall not apply to a testamentary guardian appointed under RCW 11.88.080. NEW SECTION. **Sec. 2.** A new section is added to chapter 11.88 RCW to read as follows: As used in this chapter, "professional guardian" means a guardian appointed under this chapter who is not a member of the incapacitated person's family and who charges fees for carrying out the duties of court-appointed guardian of three or more incapacitated persons. NEW SECTION. **Sec. 3.** (1) The administrator for the courts shall study, and make recommendations on, standards and criteria for implementing a system of certification of professional guardians as defined in section 2 of this act and improved coordination between guardians and guardians ad litem. (2) In conducting the study and preparing the recommendations, the administrator

may include examination of: (a) Criteria for certification as a professional guardian; (b) Whether persons other than an alleged incapacitated person should be given standing to request a jury trial to determine incapacity; (c) Whether, following the appointment of a guardian, a guardian ad litem may continue to serve at public expense; (d) Whether the superior court should have authority to limit fees for attorneys, guardians, and guardians ad litem; (e) The appropriate entity to certify professional guardians; and (f) Grounds for discipline of professional guardians. (3) In conducting the study, the administrator shall consult with the appropriate groups and interested parties including, but not limited to, representatives of senior citizens, members of both chambers of the legislature, the bar association, superior court judges, associations affiliated with persons with developmental and chronic functional disabilities, health care organizations, persons who act as guardians for compensation and on a voluntary basis, and guardians ad litem. (4) The administrator shall submit the results of the study and recommendations to the governor and legislature not later than January 1, 1998. **NEW SECTION. Sec. 4.** Sections 1 and 2 of this act take effect January 1, 1999." On motion of Senator Long, the following amendment by Senators Long and Franklin to the Committee on Human Services and Corrections striking amendment was adopted:

On page 2, line 22, after "guardian;" insert the following: "(b) A fee structure that will make the certification process self-supporting;" Renumber the remaining subsections consecutively and correct any internal references accordingly. The President declared the question before the Senate to be the adoption of the Committee on Human Services and Corrections striking amendment, as amended, to Engrossed Substitute House Bill No. 1771.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Long, the following title amendment was adopted:

On page 1, line 1 of the title, after "guardians;" strike the remainder of the title and insert "amending RCW 11.88.020; adding a new section to chapter 11.88 RCW; creating a new section; and providing an effective date." On motion of Senator Long, the rules were suspended, Engrossed Substitute House Bill No. 1771, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1771, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1771, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 46. Absent: Senator Prince - 1. Excused: Senators Fairley and Wojahn - 2. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2091, by Representatives Cairnes, Gardner, Linville and Reams

Allowing counties planning under the growth management act to establish industrial land banks as permissible urban growth outside of an urban growth area.

The bill was read the second time.

#### MOTION

On motion of Senator Anderson, the following Committee on Government Operations striking amendment was not adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 36.70A.367 and 1996 c 167 s 2 are each amended to read as follows: (1) In addition to the major industrial development allowed under RCW 36.70A.365, a county required or choosing to plan under RCW 36.70A.040 (~~that has a population greater than two hundred fifty thousand and that is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand~~) may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating ((a)) industrial land banks of no more than two ((master-planned locations for major industrial activity outside)) noncontiguous locations, which may include multiple development sites, as permissible urban growth outside of urban growth areas. The industrial land bank location must be characterized by: (a) Some existing industrial or commercial development or must be adjacent to an area characterized by such development; or (b) a unique physical or locational characteristic that supports its designation as an industrial land bank. (2) ~~((A master-planned location for major industrial developments outside an urban growth area may be included in the urban)) "Industrial land bank" means a location designated for one or more manufacturing, industrial, commercial, or high-technology businesses, related office uses, and incidental retail or commercial uses designed to serve or support the industrial land bank, that requires a location with characteristics such as size or proximity to transportation facilities, natural resources, or related industries, such that the county finds there is no suitable~~

location in an existing urban growth area. The industrial land bank shall not be for the purpose of retail commercial development or multiple tenant office parks. (3) In order to designate an industrial land bank, the county must make findings that: (a) An inventory has been conducted and there is no suitable location available for the industrial land bank within an existing urban growth area; (b) the establishment of the industrial land bank is important to achieving documented economic development goals, policies, or plans of the county or state; and (c) the necessary infrastructure to support the industrial land bank is available or can be provided by private or public sources in a reasonable manner and time frame. (4) Development in an industrial land bank (for the county if criteria including, but not limited to, the following are met) must address the following: (a) (New) Infrastructure is provided for and/or applicable impact fees are paid; (b) (Transit-oriented site planning) Transportation impacts are addressed and traffic demand management programs are implemented where appropriate; (c) Buffers are provided between the (major) industrial (development) land bank and adjacent nonurban areas; (d) Environmental protection including air and water quality has been addressed and provided for; (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and (g) The plan for the (major) industrial development is consistent with the county's development regulations established for protection of critical areas(;; and (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365). ((3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area. (4)) (5) Final approval of (inclusion of a master planned location in the urban) an industrial land bank shall be ((considered)) through adoption of the comprehensive plan or an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of ((master planned)) industrial land bank locations may be considered at any time. ((5)) Once ((a master planned location)) an industrial land bank has been ((included in the urban industrial land bank, manufacturing and industrial)) approved, businesses that the local jurisdiction determines qualify ((as major industrial development)) under ((RCW 36.70A.365)) subsection (2) of this section may be located there. (6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW. ((7) The authority of a county to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, 1998. However, any location included in the urban industrial land bank on December 31, 1998, shall remain available for major industrial development as long as the criteria of subsection (2) of this section continue to be met. (8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks-))"

#### MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Patterson be adopted:

Strike everything after the enacting clause and insert the following: "Sec. 1. RCW 36.70A.367 and 1996 c 167 s 2 are each amended to read as follows: (1) In addition to the major industrial development allowed under RCW 36.70A.365 and in addition to the authority to establish an urban growth area outside of a city allowed under RCW 36.70A.110, a county required or choosing to plan under RCW 36.70A.040 ((that has a population greater than two hundred fifty thousand and that is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand)) may establish, in consultation with cities consistent with procedures and provisions of RCW 36.70A.210, a process for designating ((a bank of no more than two master planned locations for major industrial activity outside)) and determining the allowed uses within industrial land banks. The industrial land banks shall consist of no more than two noncontiguous locations, which may include multiple development sites outside urban growth areas. (2) ((A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met) "Industrial land bank" means a location designated for one or more manufacturing, industrial, commercial, or high-technology businesses, and related office uses. The industrial land bank shall not be for the purpose of retail commercial development or multiple tenant office parks. An industrial land bank may be designated at (a) a unique location or a location with unique physical characteristics, or (b) a location already characterized by, or adjacent to, some existing industrial or commercial development. (3) In order to designate an industrial land bank characterized by a unique location or unique physical characteristics, the county must make findings that: (a) The location of the industrial land bank is unique or is characterized by unique physical characteristics such as size, or proximity to transportation facilities, natural resources, or related industries that support its designation as an industrial land bank; and (b) the necessary infrastructure to support the industrial land bank is available or can be provided by private or public sources in a reasonable manner and time frame. (4) In order to designate an industrial land bank already characterized by some existing industrial or commercial development, the county must make findings that: (a) An inventory has been conducted and there are no suitable locations available for the industrial land bank within existing urban growth areas within the county; (b) the establishment of the industrial land bank is important to achieving documented economic development goals, policies, or plans of the county or state; (c) the necessary infrastructure to support the industrial land bank is available or can be provided by private or public sources in a reasonable manner and time frame; and (d) the industrial land bank location is characterized by some existing industrial or commercial development or is adjacent to an area characterized by such development. (5) Final approval of an industrial land bank shall be through adoption of the comprehensive plan or an adopted amendment to the comprehensive plan, and development regulations that are consistent with and implement the comprehensive plan, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of industrial land bank locations may be considered at any time. (6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW. Once an industrial land bank has been approved, development that qualifies as an allowed use and that the county determines meets the requirements of subsections (7) and (8) of this section may be located there. (7) Development in an industrial land bank characterized by unique location or unique physical characteristics must meet the following: (a) ((New)) Infrastructure is provided for and/or applicable impact fees are paid; (b) ((Transit-oriented site planning)) Transportation impacts are mitigated and traffic demand management programs are implemented; (c) Buffers are provided between the



~~((major)) industrial ((development)) land bank and adjacent nonurban areas; (d) Environmental ((protection)) impacts including impacts to air and water quality ((has)) have been ((addressed and provided for)) mitigated in accordance with chapter 43.21C and/or 36.70A RCW; (e) Comprehensive plan policies and development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and (g) ((The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365. (3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area. (4) Final approval of inclusion of a master planned location in the urban industrial land bank shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time. (5) Once a master planned location has been included in the urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there. (6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW. (7) The authority of a county to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, 1998. However, any location included in the urban industrial land bank on December 31, 1998, shall remain available for major industrial development as long as the criteria of subsection (2) of this section continue to be met. (8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks)) Development relates to the unique location or unique physical characteristics that were the basis for designation of the industrial land bank such as size, or proximity to transportation facilities, natural resources, or related industries. (8) Development in an industrial land bank already characterized by some existing industrial or commercial development must meet the following: (a) Infrastructure is provided for and/or applicable impact fees are paid; (b) Transportation impacts are mitigated and traffic demand management programs are implemented; (c) Buffers are provided between the industrial land bank and adjacent nonurban areas; (d) Environmental impacts including impacts to air and water quality have been mitigated in accordance with chapter 43.21C and/or 36.70A RCW; (e) Comprehensive plan policies and development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; and (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands." Debate ensued.~~

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Anderson and Patterson to House Bill No. 2091.

The motion by Senator Anderson carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "banks;" strike the remainder of the title and insert "and amending RCW 36.70A.367." On motion of Senator Anderson, the rules were suspended, House Bill No. 2091, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2091, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2091, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 39. Voting nay: Senators Fairley, Fraser, Haugen, Jacobsen, Kline, Kohl, McAuliffe, Sheldon, Swanson and Thibaudeau - 10. HOUSE BILL NO. 2091, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1316, by Representatives Honeyford, Lisk, Boldt, Sump, Fisher and Dunn

Designating state route number 35.

The bill was read the second time.

#### MOTION

On motion of Senator Prince, the rules were suspended, House Bill No. 1316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1316.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1316 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Deccio - 1. HOUSE BILL NO. 1316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senators Deccio and Johnson were excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1513, by House Committee on Transportation Policy and Budget (originally sponsored by Representatives Radcliff, Scott, Sterk, O'Brien, Robertson, Hatfield, Skinner, Murray, Cairnes, Wolfe and Wensman) (by request of Commute Trip Reduction Task Force)

Enhancing transportation demand management.

The bill was read the second time.

#### MOTION

On motion of Senator Wood, the rules were suspended, Substitute House Bill No. 1513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1513.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1513 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Kline, Long, Loveland, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 40. Voting nay: Senators Fairley, Kohl, McAuliffe, Spanel, Thibaudeau and Wojahn - 6. Absent: Senator McDonald - 1. Excused: Senators Deccio and Johnson - 2. SUBSTITUTE HOUSE BILL NO. 1513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1888, by House Committee on Trade and Economic Development (originally sponsored by Representatives Van Luven, Voloria, Dunn, McDonald, Alexander, Ballasiotes, Sheldon, Morris, Mason, Kastama, Wensman, Wolfe, Doumit, Hatfield, Thompson, Butler, Chandler, Kessler, Dickerson, Constantine, Ogden, Conway, Costa, Cole and O'Brien)

Creating the executive-legislative task force on international trade.

The bill was read the second time.

#### MOTION

Senator Fraser moved that the following amendments by Senators Anderson and Fraser be considered simultaneously and be adopted:

On page 2, line 12, after "of" strike "twenty-two" and insert "twenty-three" On page 2, line 17, after "representatives" insert "and a member of the senate selected by and from the three members appointed by the president of the

senate" On page 2, line 17, after "vice" strike "chair" and insert "chairs" On page 2, after "(iv)" strike all material through "party" on line 21, and insert "Three members from the senate, appointed by the president of the senate, at least one from each political party" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Anderson and Fraser on page 1, lines 12, 17(2), and after (iv) to Substitute House Bill No. 1888.

The motion by Senator Fraser carried and the amendments were adopted.

#### MOTION

Senator Sellar moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 7, after "trade" insert "and tourism" On page 2, line 8, after "increased" insert "tourism and" On page 4, strike all material on line 24, and insert the following: "**NEW SECTION. Sec. 5.** The legislature finds that: (1) The attraction of visitors to this state can enhance the economic well-being of our citizens by increasing the jobs and income derived from commerce with tourists traveling in the state. (2) The state has valuable natural beauty, man-made, and scenic attractions, and the promotion of these attractions by cooperative efforts between the public and private sectors can significantly contribute to economic growth and employment opportunities. Cooperation between the public and private sectors requires a mechanism to coordinate the variety of efforts aimed at promoting and developing tourism in our state. **NEW SECTION. Sec. 6.** A task force to the legislature on tourism promotion and marketing is hereby created. The task force shall consist of nine members from the private sector, four members from the public sector, and three ex officio members. The private sector members shall represent the Washington state hotel/motel association, the Washington state restaurant association, the Washington association of convention & visitor bureaus, the Washington festivals and events association, the association of Washington business, the Washington retail council, the Washington public ports association, and the Washington chamber of commerce executives. The governor shall appoint the private sector members from recommendations made by each of the associations to be represented. Consideration shall be given so as to maintain a state-wide balance of representatives appointed. The public members must include two members from the house of representatives and two members from the senate. The public members must be chosen respectively by the lieutenant governor and the speaker of the house of representatives. The director of the tourism development division, or the director's designee, the director of the state parks and recreation commission, or the director's designee, and a representative of the attorney general's office shall sit as ex officio members of the task force. **NEW SECTION. Sec. 7.** (1) The task force may by majority vote establish working groups to focus on specific issues in the tourism industry. (2) The task force shall by majority vote prescribe rules of procedure for itself and its working groups that are consistent with this act. **NEW SECTION. Sec. 8.** The task force or its working groups are authorized to study tourism promotion and related issues and prepare, for legislative and executive consideration, a comprehensive proposal for the establishment of a private commission to market Washington state and its tourism advantages. The proposal must include, but is not limited to: (1) An evaluation of existing state laws, policies, and programs that promote or affect state tourism marketing; (2) The level of state interdepartmental cooperation needed to ensure an effective and coordinated continuing tourism program within the state agencies; (3) A clear determination of the economic impact to the state of an aggressive, continuous state-wide tourism marketing program; (4) Recommendations from public and private sector organizations concerning the establishing of a legislatively established state-wide tourism commission, its structure, its membership, and its objectives; (5) A specific proposal and plan for the funding from private sources of an acceptable working budget for the commission; (6) The procedure for the established commission to develop a state-wide marketing plan that addresses all areas of the state and the state's relationship to the commission, to other states, and to other nations. The task force shall study the roles and responsibilities of the public and private sector and make recommendations for the roles, responsibilities, and interrelationship between the tourism division and the private commission. **NEW SECTION. Sec. 9.** The department of community, trade, and economic development shall provide the task force with the necessary staff support. **NEW SECTION. Sec. 10.** Members of the task force shall serve without additional compensation, but must be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 44.04.120, incurred while attending sessions of the task force or meetings of working groups, engaged on other task force business authorized by the task force, or going to and coming from task force meetings. **NEW SECTION. Sec. 11.** All expenses of the task force, including salaries and expenses of employees, must be paid upon voucher forms as provided by the auditor and signed by the chairperson or vice-chairperson of the task force and attested by the secretary of the task force. The authority of the chairperson and secretary to sign vouchers continues until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature or upon any special appropriation that is provided by the legislature for the expenses of the task force, or both. **NEW SECTION. Sec. 12.** The task force shall cooperate, act, and function with legislative committees, executive agencies, and private organizations within the tourism industry. The task force shall report to the legislature by January 31, 1998, outlining its findings and recommendations. **NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 14.** Sections 1 through 4 of this act expire March 1, 1998. Sections 5 through 13 of this act expire June 30, 1998." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Sellar on page 2, lines 7 and 8, and page 4, striking everything on line 24, to Substitute House Bill No. 1888.

The motion by Senator Sellar carried and the amendments were adopted.

#### MOTIONS

On motion of Senator Sellar, the following title amendments were considered simultaneously and were adopted:

On page 1, on line 1 of the title, strike "force" and insert "forces" On page 1, line 2 of the title, after "trade" insert "and tourism promotion and development" On page 1, line 2 of the title, strike "an" On page 1, line 3 of the title, strike "date" and insert "dates" On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1888, as

amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1888, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1888, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 46. Voting nay: Senator Zarelli - 1. Absent: Senator Goings - 1. Excused: Senator Deccio - 1. SUBSTITUTE HOUSE BILL NO. 1888, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1708 and the pending amendment by Senator Fraser on page 2, after line 3, to the Committee on the Commerce and Labor striking amendment, deferred earlier today.

#### MOTION

On motion of Senator Fraser, and there being no objection, the amendment on page 2, after line 3, to the Committee on Commerce and Labor striking amendment was withdrawn.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to House Bill No. 1708.

The committee striking amendment was adopted.

#### MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 2 of the title, after "week;" strike the remainder of the title and insert "amending RCW 49.46.130; and adding a new section to chapter 49.46 RCW." On motion of Senator Horn, the rules were suspended, House Bill No. 1708, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Swanson: "Senator Horn, does this working beyond the forty hours--would that preclude these people from doing manual labor like unloading freight trucks and this type of thing? Do I have your assurance of that?"

Senator Horn: "These people are hired as salesmen, so they would be doing the same job that they are hired for, not jobs they are not hired for."

Senator Swanson: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1708, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1708, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Fraser - 1. Absent: Senator Goings - 1. HOUSE BILL NO. 1708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1439, by Representatives B. Thomas, Sherstad, Murray, L. Thomas, Wolfe, Cole, DeBolt and Wensman

Authorizing counties to set deadlines for petitioning for changes in assessed valuation.

The bill was read the second time.

## MOTIONS

On motion of Senator McCaslin, the following Committee on Government Operations amendment was adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 84.40.038 and 1994 c 123 s 4 are each amended to read as follows: (1) The owner or person responsible for payment of taxes on any property may petition the county board of equalization for a change in the assessed valuation placed upon such property by the county assessor. Such petition must be made on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed shall not be considered by the board. The petition must be filed with the board on or before July 1st of the year of the assessment ~~((or))~~, within thirty days after the date an assessment or value change notice has been mailed, or within a time limit of up to sixty days adopted by the county legislative authority, whichever is later. If a county legislative authority sets a time limit, the authority may not change the limit for three years from the adoption of the limit. (2) The board of equalization may waive the filing deadline if the petition is filed within a reasonable time after the filing deadline and the petitioner shows good cause for the late filing. The decision of the board of equalization regarding a waiver of the filing deadline is final and not appealable under RCW 84.08.130. Good cause may be shown by one or more of the following events or circumstances: (a) Death or serious illness of the taxpayer or his or her immediate family; (b) The taxpayer was absent from the address where the taxpayer normally receives the assessment or value change notice, was absent for more than fifteen days of the ~~((thirty))~~ days ~~((prior to))~~ allowed in subsection (1) of this section before the filing deadline, and the filing deadline is after July 1; (c) Incorrect written advice regarding filing requirements received from board of equalization staff, county assessor's staff, or staff of the property tax advisor designated under RCW 84.48.140; (d) Natural disaster such as flood or earthquake; (e) Delay or loss related to the delivery of the petition by the postal service, and documented by the postal service; or (f) Other circumstances as the department may provide by rule. (3) The owner or person responsible for payment of taxes on any property may request that the appeal be heard by the state board of tax appeals without a hearing by the county board of equalization when the assessor, the owner or person responsible for payment of taxes on the property, and a majority of the county board of equalization agree that a direct appeal to the state board of tax appeals is appropriate. The state board of tax appeals may reject the appeal, in which case the county board of equalization shall consider the appeal under RCW 84.48.010. Notice of such a rejection, together with the reason therefor, shall be provided to the affected parties and the county board of equalization within thirty days of receipt of the direct appeal by the state board." On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 3 of the title, after "valuation;" strike the remainder of the title and insert "and amending RCW 84.40.038."

## MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1439, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1439, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1439, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. HOUSE BILL NO. 1439, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Wood, Senator Deccio was excused.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1757, by House Committee on Commerce and Labor (originally sponsored by Representatives Delvin, Sterk, Zellinsky and Hickle)

Revising security guard licensing and requirements.

The bill was read the second time.

## MOTION

On motion of Senator Schow, the rules were suspended, Substitute House Bill No. 1757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1757.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1757 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Absent: Senator Finkbeiner - 1. Excused: Senator Deccio - 1. SUBSTITUTE HOUSE BILL NO. 1757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2117, by Representatives McMorris and Conway

Lowering the rate of taxation for social card games.

The bill was read the second time.

## MOTION

On motion of Senator Schow, the rules were suspended, House Bill No. 2117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2117.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2117 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 2; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senators Fairley, Hargrove, Kline, Long and Oke - 5. Absent: Senators Haugen and West - 2. HOUSE BILL NO. 2117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1657, deferred on April 15, 1997, after the amendments by Senator Rasmussen on page 1, line 14, and page 2, line 10 and after line 15, were ruled out of order.

## MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Franklin: "Senator Brown, you mentioned that as a member of the Energy and Utilities Committee that this is a bill that should have come for preview before your committee and also, Senator, since it is, right now restricted, does this mean that the residents of my county, which is Pierce, could have a rate increase? I am very nervous about this bill."

Senator Brown: "Senator Franklin, as I am not familiar with the specifics of the Pierce County situation, I believe it may be the case that the county, itself, is reviewing and setting rates for solid waste disposal in Pierce County. That is my understanding at this point. However, there are several other counties in the state where the UTC is in the position of doing that and this bill would require them to include charges of affiliated companies in the state, which they use to calculate customer rates."

Senator Franklin: "Senator, just to follow up. You mentioned the regulation of a monopoly. Are we in the business of regulating monopolies? I thought competitiveness was what this country was built on."

Senator Brown: "Senator Franklin, I think to understand this clearly, you might want to consider that in the case where a utility is granted a monopoly to service a specific group of customers, then in exchange for that right, the Utilities and Transportation Commission does review and regulate the charges that they are able to charge their customers--who are a captive group. So, in fact, yes, we do regulate monopolies and this particular bill would direct the UTC in a particular direction with respect to that regulation."

Senator Franklin: "Thank you, Senator. I am still a bit nervous."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1657.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1657 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Goings, Hale, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 34. Voting nay: Senators Brown, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Thibaudeau and Wojahn - 15. SUBSTITUTE HOUSE BILL NO. 1657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Johnson, Engrossed Senate Bill No. 6072 and Engrossed Second Substitute House Bill No. 1303, as amended by the Senate, which passed the Senate earlier today, were ordered to be immediately transmitted to the House of Representatives.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1292, deferred on third reading April 15, 1997.

Debate ensued.

## MOTION

Senator Haugen moved to suspend rules and return Engrossed Substitute House Bill No. 1292 to second reading. Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Haugen to suspend the rules and return Engrossed Substitute House Bill No. 1292 to second reading.

## ROLL CALL

The Secretary called the roll and the motion to return the bill to second reading failed by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson and Thibaudeau - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 27. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1292.

Debate ensued.

## CALL FOR PREVIOUS QUESTION

Senators Johnson, Schow and Anderson demanded the previous question.

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

The President declared the question before the Senate to be the roll call on the demand for the previous question.

## ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1292.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1292 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen,

Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 24. ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

Senator Sheldon moved that the remarks by Senators Goings and Haugen on the final passage of Engrossed Substitute House Bill No. 1292 be spread upon the Journal.

Senator McDonald objected.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Sheldon that the remarks by Senators Goings and Haugen on the final passage of Engrossed Substitute House Bill No. 1292 be spread upon the Journal.

#### ROLL CALL

The Secretary called the roll and the motion to spread the remarks upon the Journal failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 23. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### PERSONAL PRIVILEGE

Senator Swanson: "Mr. President, I think I rise to a point of personal privilege. I heard this wild rumor this morning that if this side of the aisle talks to much, that side of the aisle was going to call for the question. Believe it or not, it appears that has happened that way. I feel offended."

#### POINT OF ORDER

Senator Johnson: "A point of order." (microphone not activated)

#### REPLY BY THE PRESIDENT

President Owen: "Senator Johnson, I believe her remarks are within order and if she is concerned about an action of the Senate, she may rise to a point of personal privilege to explain that point. Senator Swanson."

Senator Swanson: "Thank you, Mr. President, and members of the Senate. Democracy is a great thing. I came down here as a layman, learning as I went, learning from each of the speeches that I heard--and to be cut off from full debate when many of these bills we just had minutes and sometimes just a half hour to review before we were called to a full vote. I don't think that was right, so I wanted to let you all know how I felt. I don't think that was right and I don't think it was democratic."

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "Thank you, Mr. President. I guess I have a question of parliamentary procedure. Is it permissible for Senators to rise and question rumors about other sides or if I hear a rumor about the Democrats, should I get up and discuss that rumor in this body--or are we dealing with facts, Mr. President?"

#### REPLY BY THE PRESIDENT

President Owen: "I don't believe that is a question the President should respond to, Senator McCaslin."

Senator McCaslin: "Then, if there is no policy on that, then I assume we can proceed with rumors and personal points of privileges whenever we hear a rumor regardless of what the rumor is or what it says?"

President Owen: "Senator McCaslin, you can rise to a point of personal privilege; that is your privilege."

Senator McCaslin: "On anything?"

President Owen: "I believe the President would exercise some discretion."

Senator McCaslin: "I appreciate that, Mr. President."

#### PERSONAL PRIVILEGE



Senator Franklin: "I rise to a point of personal privilege. I think we are getting a little bit testy. It is great to hear you laugh. Maybe we can get on with the business, Mr. President."

#### REPLY BY THE PRESIDENT

President Owen: "I would hope so, Senator Franklin."  
Senator Franklin: "Thank you."

#### SECOND READING

HOUSE BILL NO. 1420, by Representatives McDonald, Regala, Huff, Talcott, Conway, Smith, Mitchell, Fisher and Bush

Modifying local public health financing.

The bill was read the second time.

#### MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 1420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1420.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1420 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 44. Voting nay: Senators Benton, Finkbeiner, Hochstatter, Stevens and Zarelli - 5. HOUSE BILL NO. 1420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1176, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Koster, Boldt, Smith, Backlund, Dunn, McMorris, Schoesler, Sheldon, Johnson, DeBolt and Mulliken)

Adding child rape to the two strikes list.

The bill was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1176.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1176 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 49. SUBSTITUTE HOUSE BILL NO. 1176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

On motion of Senator Johnson, Second Substitute House Bill No. 2054 will be made a special order of business at 4:59 p.m. today.

#### SENATE RULE 34 CITED

Pursuant to Senate Rule 34, Senator Haugen requested that her remarks on the final passage of Engrossed Substitute House Bill No. 1292 be spread upon the Journal:

#### REMARKS BY SENATOR HAUGEN ON FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292

Senator Haugen: "Well, I would disagree. What we are trying to do is to get a bill with some reasonable, what we consider reasonable, information to be available to the people who enroll in these retros. We are not asking for anything more than what you would get from your stock broker if you were buying stock. I think that we need to have this opportunity to roll this back and put, what I consider, a very, very reasonable amendment on it. With that, Mr. President, I would call for a roll call vote."

#### FURTHER REMARKS BY SENATOR HAUGEN ON FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292

Senator Haugen: "Thank you, Mr. President. Well, I am reluctantly standing to ask you to vote 'no' on this bill. I feel really sad about this, because I really think that this has some real opportunity for a lot of small business people. What we were proposing was some reasonable information to be made to the employers, not the employees, to the employers to participate in this program--reasonable information about the refund that is coming back to them and how it is being spent. It was very, very tightly drafted. It provides the department and the retro employers that request it--not necessarily even mandating, they would have to ask for it--financial information on the use of the retrospective rating program refund. Such information would not have been subject to public inspection, not used as the basis of a financial audit and it could only be used in the aggregate for the study of the retro program to prove--to prove how well it was doing.

"What's the matter with that? This puts a big cloud over these programs, as far as I am concerned, when you won't even let the people know who are in these programs some basic information. If you invest in a stock company, you could get this information. No matter what you invest in, you could get this information. This is a reasonable amendment. To me, it would have helped prove how successful these could be, but without this amendment, I simply can't vote for this bill. I feel bad about that. Once again, the bully boys have won; they have won and I think it is unfortunate. A lot of work has gone into this, but I simply cannot vote for it."

#### SENATE RULE 34 CITED

Pursuant to Senate Rule 34, Senator Goings requested that his remarks on the final passage of Engrossed Substitute House Bill No. 1292 be spread upon the Journal:

#### REMARKS BY SENATOR GOINGS ON FINAL PASSAGE OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292

Senator Goings: "Thank you, Mr. President. I am also rising to encourage the members of this chamber to vote 'no' and I am doing this--and it is very difficult to be doing this. I had planned to vote for this bill and it is very, very unfortunate that we were not even allowed to go back to the second reading to even consider the amendments that were put together in a bipartisan fashion--to hopefully address some of the concerns that we all share. Instead of having a bill that would have probably come out of here in a very bipartisan fashion with at least thirty 'yes' votes, we are going to have a bill that comes out in a straight party line and that is very, very unfortunate. So, all the people who are listening right now, there were a lot of us who did want to vote for the bill, but the process broke down. I urge all the members on this side of the aisle, and hopefully the members who believe in the process on the other side of the aisle to vote 'no' so we can look at this again--the right way. Thank you, Mr. President."

EDITOR'S NOTE: Senate Rule 34 states, 'Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.'

#### MOTION

On motion of Senator McCaslin, the Senate advanced to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1280 on reconsideration, deferred on April 17, 1997.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute House Bill No. 1280, on reconsideration, was deferred.

#### MOTION

On motion of Senator Johnson, the Senate returned to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1935, by House Committee on Government Reform and Land Use (originally sponsored by Representative Reams)

Permitting development of inherited property.

The bill was read the second time.

#### MOTION

Senator McCaslin moved that the following Committee on Government Operations amendment be adopted:

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 35.63 RCW to read as follows: (1) Notwithstanding any zoning provision pertaining to minimum lot sizes, inherited property that is exempt from subdivision and platting requirements pursuant to RCW 58.17.040(3) may be developed, so long as: (a) The property is developed for a use that is authorized for that property under current zoning laws; (b) Each lot that is created contains sufficient area for a single-family residence and an on-site sewage disposal system using any method of on-site sewage disposal appropriate for the lot under standards that exist when the lots are created, as determined by the local health department with such lot and on-site sewage disposal system submitted for final approval to the legislative body of the city or town within five years of the date of creation of the lot; (c) The people inheriting the property are immediate family members of the deceased; and (d) The number of parcels into which the property is divided equals no more than the number of immediate family members who inherit property under this section, not to exceed ten parcels. (2) For purposes of this section, "immediate family members" means a spouse, children, grandchildren, or parents. NEW SECTION. Sec. 2. A new section is added to chapter 35A.63 RCW to read as follows: (1) Notwithstanding any zoning provision pertaining to minimum lot sizes, inherited property that is exempt from subdivision and platting requirements pursuant to RCW 58.17.040(3) may be developed, so long as: (a) The property is developed for a use that is authorized for that property under current zoning laws; (b) Each lot that is created contains sufficient area for a single-family residence and an on-site sewage disposal system using any method of on-site sewage disposal appropriate for the lot under standards that exist when the lots are created, as determined by the local health department with such lot and on-site sewage disposal system submitted for final approval to the legislative body of the city within five years of the date of creation of the lot; (c) The people inheriting the property are immediate family members of the deceased; and (d) The number of parcels into which the property is divided equals no more than the number of immediate family members who inherit property under this section, not to exceed ten parcels. (2) For purposes of this section, "immediate family members" means a spouse, children, grandchildren, or parents. NEW SECTION. Sec. 3. A new section is added to chapter 36.70 RCW to read as follows: (1) Notwithstanding any zoning provision pertaining to minimum lot sizes, inherited property that is exempt from subdivision and platting requirements pursuant to RCW 58.17.040(3) may be developed, so long as: (a) The property is developed for a use that is authorized for that property under current zoning laws; (b) Each lot that is created contains sufficient area for a single-family residence and an on-site sewage disposal system using any method of on-site sewage disposal appropriate for the lot under standards that exist when the lots are created, as determined by the local health department with such lot and on-site sewage disposal system submitted for final approval to the legislative body of the county within five years of the date of creation of the lot; (c) The people inheriting the property are immediate family members of the deceased; and (d) The number of parcels into which the property is divided equals no more than the number of immediate family members who inherit property under this section, not to exceed ten parcels. (2) For purposes of this section, "immediate family members" means a spouse, children, grandchildren, or parents. NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW to read as follows: (1) Notwithstanding any zoning provision pertaining to minimum lot sizes, inherited property that is exempt from subdivision and platting requirements pursuant to RCW 58.17.040(3) may be developed, so long as: (a) The property is developed for a use that is authorized for that property under current zoning laws; (b) Each lot that is created contains sufficient area for a single-family residence and an on-site sewage disposal system using any method of on-site sewage disposal appropriate for the lot under standards that exist when the lots are created, as determined by the local health department with such lot and on-site sewage disposal system submitted for final approval to the legislative body of the county, city, or town within five years of the date of creation of the lot; (c) The people inheriting the property are immediate family members of the deceased; and (d) The number of parcels into which the property is divided equals no more than the number of immediate family members who inherit property under this section, not to exceed ten parcels. (2) For purposes of this section, "immediate family members" means a spouse, children, grandchildren, or parents." Debate ensued.

#### CALL FOR PREVIOUS QUESTION

Senators Johnson, Sellar and McCaslin called for the previous question and the demand was sustained on a rising vote.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations striking amendment to Substitute House Bill No. 1935.

The motion by Senator McCaslin carried and the committee striking amendment was adopted.

#### MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW." On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1935, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1935, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1935, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 19. SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1086, by House Committee on Education (originally sponsored by Representatives Mulliken, Johnson, Koster, Sump, Thompson, Crouse, Mielke and Sherstad)

Establishing criteria that limit school employees' ability to remove students from school.

The bill was read the second time.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. This doesn't seem to be on any of the four sheets here and I would like to be able to find it on one of the two calendars before we get into discussion."

#### REPLY BY THE PRESIDENT

President Owen: "The bill is on page 73 of volume 2 of your yellow calendar."

Senator Snyder: "Thank you. I appreciate it."

#### MOTIONS

Senator Hochstatter moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28A.605.010 and 1975 1st ex.s. c 248 s 1 are each amended to read as follows: The board of directors of each school district by rule or regulation shall set forth proper procedure to ensure that each school within their district is carrying out district policy providing that no child ~~((will))~~ may be removed from any school grounds or building thereon during school hours except by a person so authorized by a parent or legal guardian having legal custody thereof(~~(= PROVIDED, That such rules and regulations need not be applicable to any child in grades nine through twelve)).~~ Such rules shall be applicable to school employees or their designees who may not remove, cause to be removed, or allow to be removed, any student from school grounds without authorization from the student's parent or legal guardian unless the employee is: The student's parent, legal guardian, or immediate family member, a school employee providing school bus transportation services in accordance with chapter 28A.160 RCW, a school employee supervising an extracurricular activity in which the student is participating and the employee is providing transportation to or from the activity; or, the student is in need of emergent medical care, and the employee is unable to reach the parent for transportation of the student. School security personnel may remove a student from school grounds without parental authorization for disciplinary reasons. Nothing in this section shall be construed to limit removal of a student from school grounds by any person acting in his or her official capacity in response to a 911 emergency call." On motion of Senator Zarelli, the following amendment by Senators Zarelli and McAuliffe to the Committee on Education striking amendment was adopted:

On page 1, line 16, after "~~twelve~~")" insert the following: ", except that students who have gained consent may leave secondary school grounds during lunch hours in accordance with the school district's open campus lunch policy under RCW

28A.600.035" The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Substitute House Bill No. 1086.

The committee striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Hochstatter, the following title amendment was adopted:

On page 1, line 1 of the title, after "grounds;" strike the remainder of the title and insert "and amending RCW 28A.605.010." On motion of Senator Hochstatter, the rules were suspended, Substitute House Bill No. 1086, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1086, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1086, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 48. Voting nay: Senator Wojahn - 1. SUBSTITUTE HOUSE BILL NO. 1086, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE JOINT RESOLUTION NO. 4208, by Representatives Wensman, B. Thomas, H. Sommers, Talcott, Cole, Regala, Constantine, Ballasiotes, Radcliff, D. Schmidt, Carlson, Clements, Dyer, Bush, Johnson, Cairnes, Quall, Morris, Keiser, Linville, Sterk, Dunn, Blalock, Hatfield, Dickerson, Conway, Thompson, Scott, Wood, O'Brien, Backlund, Cooke, Costa, Ogden, Cody, Kessler, Kenney, Cooper and Gardner

Allowing school levies for four-year periods.

The joint resolution was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, House Joint Resolution No. 4208 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4208.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4208 and the joint resolution passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Sellar, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 40. Voting nay: Senators Benton, Hochstatter, Morton, Newhouse, Rossi, Schow, Stevens, Strannigan and Zarelli - 9. HOUSE JOINT RESOLUTION NO. 4208, having received the constitutional majority, was declared passed.

#### SECOND READING

HOUSE BILL NO. 2011, by Representatives Wensman, Cole, H. Sommers, Talcott, B. Thomas, Regala, Constantine, Ballasiotes, Radcliff, D. Schmidt, Carlson, Clements, Dyer, Bush, Johnson, Cairnes, Quall, Morris, Keiser, Linville, Voloria, L. Thomas, Backlund, Cooke, Kenney, Poulsen, Hatfield, Dickerson, Ogden, Kessler, Blalock, Tokuda, Conway, Costa and Honeyford

Authorizing school levies for periods not exceeding four years.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, House Bill No. 2011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2011.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2011 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Sellar, Sheldon, Snyder, Spanel, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 41. Voting nay: Senators Hochstatter, Newhouse, Roach, Rossi, Schow, Stevens, Strannigan and Zarelli - 8. HOUSE BILL NO. 2011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Benton served notice that he would move to reconsider the vote by which House Bill No. 2011 passed the Senate.

#### SECOND READING

HOUSE BILL NO. 1267, by Representatives B. Thomas, Zellinsky and Dickerson

Providing a use tax exemption for vessel manufacturers and dealers.

The bill was read the second time.

#### MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1267.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1267 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Absent: Senator Goings - 1. HOUSE BILL NO. 1267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I missed voting on Engrossed Second Substitute House Bill No. 1866 because of a family emergency. As the record now stands, the roll call shows that I was excused. I would like to go on record that had I been able to be in session at the time the vote was taken, I would have voted 'no' on this bill.

SENATOR LISA BROWN, Third District

#### STATEMENT FOR THE JOURNAL

Please let the journal record show that had Senator Patterson not been excused, she would have been a 'nay' vote on Engrossed Second Substitute House Bill No. 1866, as amended by the Senate. Thank you.

SENATOR JULIA PATTERSON, Thirty-third District

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1866, by House Committee on Appropriations  
(originally sponsored by Representatives Chandler, Linville, Lisk, Delvin and Schoesler)

Allowing for the creation of environmental excellence program agreements.

The bill was read the second time.

#### MOTION

On motion of Senator Morton, the following Committee on Agriculture and Environment striking amendment was not adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The purpose of this act is to create a voluntary program authorizing environmental excellence program agreements with persons regulated under the environmental laws of the state of Washington, and to direct agencies of the state of Washington to solicit and support the development of agreements that use innovative environmental measures or strategies to achieve environmental results more effectively or efficiently. Agencies shall encourage environmental excellence program agreements that favor or promote pollution prevention, source reduction, or improvements in practices that are transferable to other interested entities or that can achieve better overall environmental results than required by otherwise applicable rules and requirements. In enacting this act it is not the intent of the legislature that state environmental standards be applied in a manner that could result in these state standards being waived under section 121 of the federal comprehensive environmental response, compensation, and liability act (42 U.S.C. Sec. 9261). **NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "State, regional, or local agency" means an agency, board, department, authority, or commission that administers environmental laws. (2) "Coordinating agency" means the state, regional, or local agency with the primary regulatory responsibility for the proposed environmental excellence program agreement. If multiple agencies have jurisdiction to administer state environmental laws affected by an environmental excellence agreement, the department of ecology shall designate or act as the coordinating agency. (3) "Director" means the individual or body of individuals in whom the ultimate legal authority of an agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the director. (4) "Environmental laws" means chapters 43.21A, 70.94, 70.95, 70.105, 70.119A, 75.20, 90.48, 90.52, 90.58, 90.64, and 90.71 RCW, and RCW 90.54.020(3)(b) and rules adopted under those chapters and section. The term environmental laws as used in this chapter does not include any provision of the Revised Code of Washington, or of any municipal ordinance or enactment, that regulates the selection of a location for a new facility. (5) "Facility" means a site or activity that is regulated under any of the provisions of the environmental laws. (6) "Legal requirement" includes any provision of an environmental law, rule, order, or permit. (7) "Sponsor" means the owner or operator of a facility, including a municipal corporation, subject to regulation under the environmental laws of the state of Washington, or an authorized representative of the owner or operator, that submits a proposal for an environmental excellence program agreement. (8) "Stakeholder" means a person who has a direct interest in the proposed environmental excellence program agreement or who represents a public interest in the proposed environmental excellence program agreement. Stakeholders may include communities near the project, local or state governments, permittees, businesses, environmental and other public interest groups, employees or employee representatives, or other persons. **NEW SECTION. Sec. 3.** An environmental excellence program agreement entered into under this chapter must achieve more effective or efficient environmental results than the results that would be otherwise achieved. The basis for comparison shall be a reasonable estimate of the overall impact of the participating facility on the environment in the absence of an environmental excellence program agreement. More effective environmental results are results that are better overall than those that would be achieved under the legal requirements superseded or replaced by the agreement. More efficient environmental results are results that are achieved at reduced cost but do not decrease the overall environmental results achieved by the participating facility. An environmental excellence program agreement may not authorize either (1) the release of pollutants that will exceed, at established points of compliance in the ambient environment, numeric ambient air quality standards adopted as rules under chapter 70.94 RCW or numeric surface water or ground water quality criteria or numeric sediment quality criteria adopted as rules under chapter 90.48 RCW; or (2) a decrease in the overall environmental results achieved by the participating facility compared with results achieved over a representative period before the date on which the agreement is proposed by the sponsor. However, an environmental excellence program agreement may authorize reasonable increases in the release of pollutants to permit increases in facility production or facility expansion. **NEW SECTION. Sec. 4.** (1) The director of a state, regional, or local agency may enter into an environmental excellence program agreement with any sponsor, even if one or more of the terms of the environmental excellence program agreement would be inconsistent with an otherwise applicable legal requirement. An environmental excellence program agreement must meet the requirements of section 3 of this act. Otherwise applicable legal requirements identified according to section 7(1) of this act shall be superseded and replaced in accordance with section 9 of this act. (2) The director of a state, regional, or local agency may enter into an environmental excellence program agreement only to the extent the state, regional, or local agency has jurisdiction to administer state environmental laws either directly or indirectly through the adoption of rules. (3) Where a sponsor proposes an environmental excellence program agreement that would affect legal requirements applicable to the covered facility that are administered by more than one state, regional, or local agency, the coordinating agency shall take the lead in developing the environmental excellence program agreement with the sponsor and other agencies administering legal requirements applicable to the covered facility and affected by the agreement. To be effective, the environmental excellence program agreement must be signed by the director of each agency administering legal requirements identified according to section 7(1) of this act. (4) No director may enter into an environmental excellence program agreement applicable to a remedial action conducted under the Washington model toxics control act, chapter 70.105D RCW, or the federal comprehensive environmental response, compensation and liability act (42 U.S.C. Sec. 9601 et seq). No action taken under this chapter shall be deemed a waiver of any applicable, relevant, or appropriate requirements for any remedial action conducted under the Washington model toxics control act or the federal comprehensive environmental response, compensation and liability act. (5) The directors of state,

regional, or local agencies shall not enter into an environmental excellence program agreement or a modification of an environmental excellence program agreement containing terms affecting legal requirements adopted to comply with provisions of a federal regulatory program and to which the responsible federal agency objects after notice under the terms of section 8(4) of this act. (6) The directors of regional or local governments may not enter into an environmental excellence program agreement or a modification of an environmental excellence program agreement containing terms affecting legal requirements that are subject to review or appeal by a state agency, including but not limited to chapters 70.94, 70.95, and 90.58 RCW, and to which the responsible state agency objects after notice is given under the terms of section 8(4) of this act. **NEW SECTION. Sec. 5.** (1) A sponsor may propose an environmental excellence program agreement. A trade association or other authorized representative of a sponsor or sponsors may propose a programmatic environmental excellence program agreement for multiple facilities. (2) A sponsor must submit, at a minimum, the following information and other information that may be requested by the director or directors required to sign the agreement: (a) A statement that describes how the proposal is consistent with the purpose of this chapter and the project approval criteria in section 3 of this act; (b)(i) For a site-specific proposal, a comprehensive description of the proposed environmental excellence project that includes the nature of the facility and the operations that will be affected, how the facility or operations will achieve results more effectively or efficiently, and the nature of the results anticipated; or (ii) For a programmatic proposal, a comprehensive description of the proposed environmental excellence project that identifies the facilities and the operations that are expected to participate, how participating facilities or operations will achieve environmental results more effectively or efficiently, the nature of the results anticipated, and the method to identify and document the commitments made by individual participants; (c) An environmental checklist, containing sufficient information to reasonably inform the public of the nature of the proposed environmental excellence program agreement and describing probable significant adverse environmental impacts and environmental benefits expected from implementation of the proposal; (d) A draft environmental excellence program agreement; (e) A description of the stakeholder process as provided in section 6 of this act; (f) A preliminary identification of the permit amendments or modifications that may be necessary to implement the proposed environmental excellence program agreement. **NEW SECTION. Sec. 6.** (1) Stakeholder participation in and support for an environmental excellence program agreement is vital to the integrity of the environmental excellence program agreement and helps to inform the decision whether an environmental excellence program agreement can be approved. (2) A proposal for an environmental excellence program agreement shall include the sponsor's plan to identify and contact stakeholders, to advise stakeholders of the facts and nature of the project, and to request stakeholder participation and review. Stakeholder participation and review shall occur during the development, consideration, and implementation stages of the proposed environmental excellence program agreement. The plan shall include notice to the employees of the facility to be covered by the proposed environmental excellence program agreement and public notice in the area of the covered facility. (3) The coordinating agency shall extend an invitation to participate in the development of the proposal to a broad and representative sector of the public likely to be affected by the environmental excellence program agreement, including representatives of local community, labor, environmental, and neighborhood advocacy groups. The coordinating agency shall select participants to be included in the stakeholder process that are representative of the diverse sectors of the public that are interested in the agreement. The stakeholder process shall include the opportunity for discussion and comment at multiple stages of the process and access to the information relied upon by the directors in approving the agreement. (4) The coordinating agency will identify any additional provisions for the stakeholder process that the director of the coordinating agency, in the director's sole discretion, considers appropriate to the success of the stakeholder process, and provide for notice to the United States environmental protection agency or other responsible federal agency of each proposed environmental excellence program agreement that may affect legal requirements of any program administered by that agency. **NEW SECTION. Sec. 7.** An environmental excellence program agreement must contain the following terms and conditions: (1) An identification of all legal requirements that are superseded or replaced by the environmental excellence program agreement; (2) A description of all legal requirements that are enforceable as provided in section 13(1) of this act that are different from those legal requirements applicable in the absence of the environmental excellence program agreement; (3) A description of the voluntary goals that are or will be pursued by the sponsor; (4) A statement describing how the environmental excellence program agreement will achieve the purposes of this chapter; (5) A statement describing how the environmental excellence program agreement will be implemented, including a list of steps and an implementation schedule; (6) A statement that the proposed environmental excellence program agreement will not increase overall worker safety risks or cause an unjust or disproportionate and inequitable distribution of environmental risks among diverse economic and cultural communities; (7) A summary of the stakeholder process that was followed in the development of the environmental excellence program agreement; (8) A statement describing how any participating facility shall measure and demonstrate its compliance with the environmental excellence program agreement including, without limitation, a description of the methods to be used to monitor performance, criteria that represent acceptable performance, and the method of reporting performance to the public and local communities. The facility's compliance with the agreement must be independently verifiable; (9) A description of and plan for public participation in the implementation of the environmental excellence program agreement and for public access to information needed to assess the benefits of the environmental excellence program agreement and the sponsor's compliance with the environmental excellence program agreement; (10) A schedule of periodic performance review of the environmental excellence program agreement by the directors that signed the agreement; (11) Provisions for voluntary and involuntary termination of the agreement; (12) The duration of the environmental excellence program agreement and provisions for renewal; (13) Statements approving the environmental excellence program agreement made by the sponsor and by or on behalf of directors of each state, regional, or local agency administering legal requirements that are identified according to section 7(1) of this act; (14) Additional terms as requested by the directors signing the environmental excellence program agreement and consistent with this chapter; (15) Draft permits or permit modifications as needed to implement the environmental excellence program agreement; (16) With respect to a programmatic environmental excellence program agreement, a statement of the method with which to identify and document the specific commitments to be made by individual participants. **NEW SECTION. Sec. 8.** (1) The coordinating agency shall provide at least thirty days after notice has been published in a newspaper under subsection (2) of this section for public comment on a proposal to enter into or modify an environmental excellence program agreement. The coordinating agency may provide for an additional period of public comment if required by the complexity of the proposed environmental excellence program agreement and the degree of public interest. Before the start of the comment period, the coordinating



agency shall prepare a proposed agreement, a public notice and a fact sheet. The fact sheet shall: (a) Briefly describe the principal facts and the significant factual, legal, methodological and policy questions considered by the directors signing the agreement, and the directors' proposed decisions; and (b) briefly describe how the proposed action meets the requirements of section 3 of this act. (2) The coordinating agency shall publish notice of the proposed agreement in the Washington State Register and in a newspaper of general circulation in the vicinity of the facility or facilities covered by the proposed environmental excellence program agreement. The notice shall generally describe the agreement or modification; the facilities to be covered; summarize the changes in legal requirements that will result from the agreement; summarize the reasons for approving the agreement or modifications; identify an agency person to contact for additional information; state that the proposed agreement or modification and fact sheet are available on request; and state that comments may be submitted to the agency during the comment period. The coordinating agency shall order a public informational meeting or a public hearing to receive oral comments if the written comments during the comment period demonstrate considerable public interest in the proposed agreement. (3) The coordinating agency shall prepare and make available a responsiveness summary indicating the agencies' actions taken in response to comments and the reasons for those actions. (4) With respect to an environmental excellence program agreement that affects legal requirements adopted to comply with provisions of a federal regulatory program, the coordinating agency shall provide a copy of the environmental excellence program agreement, and a copy of the notice required by subsection (1) of this section, to the federal agency that is responsible for administering that program at least thirty days before entering into or modifying the environmental excellence program agreement, and shall afford the federal agency the opportunity to object to those terms of the environmental excellence program agreement or modification of an environmental excellence program agreement affecting the legal requirements. Regional or local governments shall provide similar notice to state agencies that have statutory review or appeal responsibilities regarding provisions of the environmental excellence program agreement. **NEW SECTION. Sec. 9.** (1) Notwithstanding any other provision of law, any legal requirement identified under section 7(1) of this act shall be superseded or replaced in accordance with the terms of the environmental excellence program agreement. Legal requirements contained in a permit that are affected by an environmental excellence program agreement will continue to be enforceable until such time as the permit is revised in accordance with subsection (2) of this section. With respect to any other legal requirements, the legal requirements contained in the environmental excellence program agreement, are effective as provided by the environmental excellence program agreement, and the facility or facilities covered by an environmental excellence program agreement shall comply with the terms of the environmental excellence program agreement in lieu of the legal requirements that are superseded and replaced by the approved environmental excellence program agreement. (2) Any permits affected by an environmental excellence program agreement shall be revised to conform to the environmental excellence program agreement by the agency with jurisdiction. The permit revisions will be completed within one hundred twenty days of the effective date of the agreement in accordance with otherwise applicable procedural requirements, including, where applicable, public notice and the opportunity for comment, and the opportunity for review and objection by federal agencies. (3) Other than as superseded or replaced as provided in an approved environmental excellence program agreement, any existing permit requirements remain in effect and are enforceable. (4) A programmatic environmental excellence program agreement shall become applicable to an individual facility when the director or directors entering into the programmatic agreement approve the owner or operator's commitment to comply with the agreement. A programmatic agreement may not take effect, however, until notice and an opportunity to comment for the individual facility has been provided in accordance with the requirements of section 8 (1) through (3) of this act. **NEW SECTION. Sec. 10.** (1) A decision by the directors of state, regional, or local agencies to approve a proposed environmental excellence program agreement, or to terminate or modify an approved environmental excellence program agreement, is subject to judicial review in superior court. For purposes of judicial review, the court may grant relief from the decision to approve or modify an environmental excellence program agreement only if it determines that the action: (a) Violates constitutional provisions; (b) exceeds the statutory authority of the agency; (c) was arbitrary and capricious; or (d) was taken without compliance with the procedures provided by this chapter. However, the decision of the director or directors shall be accorded substantial deference by the court. A decision not to enter into or modify an environmental excellence program agreement and a decision not to accept a commitment under section 9(4) of this act to comply with the terms of a programmatic environmental excellence agreement are within the sole discretion of the directors of the state, regional, or local agencies and are not subject to review. (2) An appeal from a decision to approve or modify a facility specific or a programmatic environmental excellence program agreement is not timely unless filed with the superior court and served on the parties to the environmental excellence program agreement within thirty days of the date on which the agreement or modification is signed by the director. For an environmental excellence program agreement or modification signed by more than one director, there is only one appeal, and the time for appeal shall run from the last date on which the agreement or modification is signed by a director. (3) A decision to accept the commitment of a specific facility to comply with the terms of a programmatic environmental excellence program agreement, or to modify the application of an agreement to a specific facility, is subject to judicial review as described in subsection (1) of this section. An appeal is not timely unless filed with the superior court and served on the directors signing the agreement, the sponsor, and the owner or operator of the specific facility within thirty days of the date the director or directors that signed the programmatic agreement approve the owner or operator's commitment to comply with the agreement. For a programmatic environmental excellence program agreement or modification signed by more than one director, there shall be only one appeal and the time for appeal shall run from the last date on which a director approves the commitment. (4) The issuance of permits and permit modifications is subject to review under otherwise applicable law. (5) An appeal of a decision by a director under section 11 of this act to terminate in whole or in part a facility specific or programmatic environmental excellence program agreement is not timely unless filed with the superior court and served on the director within thirty days of the date on which notice of the termination is issued under section 11(2) of this act. **NEW SECTION. Sec. 11.** (1) In addition to any termination provisions contained in an environmental excellence program agreement, a director of an agency may terminate an environmental excellence program agreement in whole or in part with respect to a legal requirement administered by that agency, if the director finds: (a) That after notice and a reasonable opportunity to cure, the covered facility is in violation of a material requirement of the agreement; (b) that the facility has repeatedly violated any requirements of the agreement; (c) that the operation of the facility under the agreement has caused endangerment to public health or the environment that cannot be remedied by modification of the agreement; or (d) the facility has failed to make substantial progress in achieving the voluntary goals identified under

section 6(4) of this act, and these goals are material to the overall objectives of the agreement. (2) A director of an agency terminating an environmental excellence program agreement in any respect shall provide each of the parties to the agreement with a written notice of that action specifying the extent to which the environmental excellence program agreement is to be terminated, the factual and legal basis for termination, and a description of the opportunity for judicial review of the decision to terminate the environmental excellence program agreement. (3) If a director terminates less than the entire environmental excellence program agreement, the owner or operator of the covered facility may elect to terminate the entire agreement as it applies to the facility. (4) If a director decides to terminate an environmental excellence program agreement because the facility has not been able to meet the legal requirements established under the agreement, or because operation of the facility under the agreement has caused endangerment to public health or the environment, as provided in subsection (1)(c) of this section, the director may establish in the notice of termination: (a) Practical interim requirements for the facility that are no less stringent than the legal requirements that would apply to the facility in the absence of the agreement; and (b) a practical schedule of compliance for meeting the interim requirements. The interim requirements and schedule of compliance shall be subject to judicial review under the provisions of section 10(5) of this act. The facility shall comply with the interim requirements established under this subsection after they are final and no longer subject to judicial review until applicable permits or permit modifications have been issued under section 12 of this act. **NEW SECTION. Sec. 12.** After a termination under section 11 of this act is final and no longer subject to judicial review, the sponsor has sixty days in which to apply for any permit or approval affected by any terminated portion of the environmental excellence program agreement. An application filed during the sixty-day period shall be deemed a timely application for renewal of a permit under the terms of any applicable law. Except as provided in section 11(4) of this act, the terms and conditions of the environmental excellence program agreement and of permits issued will continue in effect until a final permit or approval is issued. If the sponsor fails to submit a timely or complete application, any affected permit or approval may be modified at any time that is consistent with applicable law. **NEW SECTION. Sec. 13.** (1) The legal requirements contained in the environmental excellence program agreement in accordance with section 7(2) of this act are enforceable commitments of the facility covered by the agreement. Any violation of these legal requirements is subject to penalties and remedies to the same extent as the legal requirements that they superseded or replaced. (2) The voluntary goals stated in the environmental excellence program agreement in accordance with section 7(3) of this act are voluntary commitments of the facility covered by the agreement. If the facility fails to meet these goals, it shall not be subject to any form of enforcement action, including penalties, orders, or any form of injunctive relief. The failure to make substantial progress in meeting these goals may be a basis on which to terminate the environmental excellence program agreement under section 11 of this act. (3) Nothing in this chapter limits the authority of an agency, the attorney general, or a prosecuting attorney to initiate an enforcement action for violation of any applicable legal requirement. However, no civil, criminal, or administrative action may be brought with respect to any legal requirement that is superseded or replaced under the terms of an environmental excellence program agreement. (4) This chapter does not create any new authority for citizen suits, and does not alter or amend other statutory provisions authorizing citizen suits. **NEW SECTION. Sec. 14.** An environmental excellence program agreement may contain a reduced fee schedule with respect to a program applicable to the covered facility or facilities. **NEW SECTION. Sec. 15.** A decision to approve an environmental excellence program agreement is not subject to the requirements of the state environmental policy act, chapter 43.21C RCW, including the requirement to prepare an environmental impact statement under RCW 43.21C.031. However, the consideration of a proposed environmental excellence program agreement will integrate an assessment of environmental impacts. **NEW SECTION. Sec. 16.** Any state, regional, or local agency administering programs under an environmental law may adopt rules or ordinances to implement this chapter. However, it is not necessary that an agency adopt rules or ordinances in order to consider or enter into environmental excellence program agreements. **NEW SECTION. Sec. 17.** The director of the department of ecology shall appoint an advisory committee to review the effectiveness of the environmental excellence program agreement program and to make a recommendation to the legislature concerning the continuation, termination, or modification of the program. The committee also may make recommendations it considers appropriate for revision of any regulatory program that is affected by an environmental excellence program agreement. The committee shall be composed of one representative each from two state agencies, two representatives of the regulated community, and two representatives of environmental organizations or other public interest groups. The committee must submit a report and its recommendation to the legislature not later than October 31, 2001. The department of ecology shall provide the advisory committee with such support as they may require. **NEW SECTION. Sec. 18.** (1) Agencies authorized to enter into environmental excellence program agreements may assess and collect a fee to recover the costs of processing environmental excellence program agreement proposals. The amount of the fee may not exceed the direct and indirect costs of processing the environmental excellence program agreement proposal. Processing includes, but is not limited to: Working with the sponsor to develop the agreement, meeting with stakeholder groups, conducting public meetings and hearings, preparing a record of the decision to enter into or modify an agreement, and defending any appeal from a decision to enter into or modify an agreement. Fees also may include, to the extent specified by the agreement, the agencies' direct costs of monitoring compliance with those specific terms of an agreement not covered by permits issued to the participating facility. (2) Agencies assessing fees may graduate the initial fees for processing an environmental excellence program agreement proposal to account for the size of the sponsor and to make the environmental excellence program agreement program more available to small businesses. An agency may exercise its discretion to waive all or any part of the fees. (3) Sponsors may voluntarily contribute funds to the administration of an agency's environmental excellence program agreement program. **NEW SECTION. Sec. 19.** The authority of a director to enter into a new environmental excellence program agreement program shall be terminated June 30, 2002. Environmental excellence program agreements entered into before June 30, 2002, shall remain in force and effect subject to the provisions of this chapter. **NEW SECTION. Sec. 20.** A new section is added to chapter 43.21A RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 21.** A new section is added to chapter 70.94 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 22.** A new section is added to chapter 70.95 RCW to read as follows: Notwithstanding

any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 23. A new section is added to chapter 70.105 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 24. A new section is added to chapter 70.119A RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 25. A new section is added to chapter 75.20 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 26. A new section is added to chapter 90.48 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 27. A new section is added to chapter 90.52 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 28. A new section is added to chapter 90.58 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 29. A new section is added to chapter 90.64 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 30. A new section is added to chapter 90.71 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). Sec. 31. RCW 90.54.020 and 1989 c 348 s 1 are each amended to read as follows: Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals: (1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost. (3) The quality of the natural environment shall be protected and, where possible, enhanced as follows: (a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if: (i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and (ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result. (4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs. (5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions. (6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. (7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public. (8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters. (9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions. (10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest. (11) Notwithstanding any other provision of law, any legal requirement under this section, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). NEW SECTION. Sec. 32. The environmental excellence account is hereby created in the state treasury. All fees and voluntary contributions collected by state agencies under section 18 of this act shall be deposited

into the account. Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes consistent with the environmental excellence program created under sections 2 through 19 of this act. NEW SECTION. Sec. 33. Sections 2 through 19 of this act constitute a new chapter in Title 43 RCW."

#### MOTIONS

Senator Morton moved that the following amendment be adopted;

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The purpose of this act is to create a voluntary program authorizing environmental excellence program agreements with persons regulated under the environmental laws of the state of Washington, and to direct agencies of the state of Washington to solicit and support the development of agreements that use innovative environmental measures or strategies to achieve environmental results more effectively or efficiently. Agencies shall encourage environmental excellence program agreements that favor or promote pollution prevention, source reduction, or improvements in practices that are transferable to other interested entities or that can achieve better overall environmental results than required by otherwise applicable rules and requirements. In enacting this act it is not the intent of the legislature that state environmental standards be applied in a manner that could result in these state standards being waived under section 121 of the federal comprehensive environmental response, compensation, and liability act (42 U.S.C. Sec. 9261). NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "State, regional, or local agency" means an agency, board, department, authority, or commission that administers environmental laws. (2) "Coordinating agency" means the state, regional, or local agency with the primary regulatory responsibility for the proposed environmental excellence program agreement. If multiple agencies have jurisdiction to administer state environmental laws affected by an environmental excellence agreement, the department of ecology shall designate or act as the coordinating agency. (3) "Director" means the individual or body of individuals in whom the ultimate legal authority of an agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the director. (4) "Environmental laws" means chapters 43.21A, 70.94, 70.95, 70.105, 70.119A, 75.20, 90.48, 90.52, 90.58, 90.64, and 90.71 RCW, and RCW 90.54.020(3)(b) and rules adopted under those chapters and section. The term environmental laws as used in this chapter does not include any provision of the Revised Code of Washington, or of any municipal ordinance or enactment, that regulates the selection of a location for a new facility. (5) "Facility" means a site or activity that is regulated under any of the provisions of the environmental laws. (6) "Legal requirement" includes any provision of an environmental law, rule, order, or permit. (7) "Sponsor" means the owner or operator of a facility, including a municipal corporation, subject to regulation under the environmental laws of the state of Washington, or an authorized representative of the owner or operator, that submits a proposal for an environmental excellence program agreement. (8) "Stakeholder" means a person who has a direct interest in the proposed environmental excellence program agreement or who represents a public interest in the proposed environmental excellence program agreement. Stakeholders may include communities near the project, local or state governments, permittees, businesses, environmental and other public interest groups, employees or employee representatives, or other persons. NEW SECTION. Sec. 3. An environmental excellence program agreement entered into under this chapter must achieve more effective or efficient environmental results than the results that would be otherwise achieved. The basis for comparison shall be a reasonable estimate of the overall impact of the participating facility on the environment in the absence of an environmental excellence program agreement. More effective environmental results are results that are better overall than those that would be achieved under the legal requirements superseded or replaced by the agreement. More efficient environmental results are results that are achieved at reduced cost but do not decrease the overall environmental results achieved by the participating facility. An environmental excellence program agreement may not authorize either (1) the release of water pollutants that will cause to be exceeded, at points of compliance in the ambient environment established pursuant to law, numeric surface water or ground water quality criteria or numeric sediment quality criteria adopted as rules under chapter 90.48 RCW; or (2) the emission of any air contaminants that will cause to be exceeded any air quality standard as defined in RCW 70.94.030(3); or (3) a decrease in the overall environmental results achieved by the participating facility compared with results achieved over a representative period before the date on which the agreement is proposed by the sponsor. However, an environmental excellence program agreement may authorize reasonable increases in the release of pollutants to permit increases in facility production or facility expansion and modification. NEW SECTION. Sec. 4. (1) The director of a state, regional, or local agency may enter into an environmental excellence program agreement with any sponsor, even if one or more of the terms of the environmental excellence program agreement would be inconsistent with an otherwise applicable legal requirement. An environmental excellence program agreement must meet the requirements of section 3 of this act. Otherwise applicable legal requirements identified according to section 7(1) of this act shall be superseded and replaced in accordance with section 9 of this act. (2) The director of a state, regional, or local agency may enter into an environmental excellence program agreement only to the extent the state, regional, or local agency has jurisdiction to administer state environmental laws either directly or indirectly through the adoption of rules. (3) Where a sponsor proposes an environmental excellence program agreement that would affect legal requirements applicable to the covered facility that are administered by more than one state, regional, or local agency, the coordinating agency shall take the lead in developing the environmental excellence program agreement with the sponsor and other agencies administering legal requirements applicable to the covered facility and affected by the agreement. The environmental excellence program agreement does not become effective until the agreement is approved by the director of each agency administering legal requirements identified according to section 7(1) of this act. (4) No director may enter into an environmental excellence program agreement applicable to a remedial action conducted under the Washington model toxics control act, chapter 70.105D RCW, or the federal comprehensive environmental response, compensation and liability act (42 U.S.C. Sec. 9601 et seq). No action taken under this chapter shall be deemed a waiver of any applicable, relevant, or appropriate requirements for any remedial action conducted under the Washington model toxics control act or the federal comprehensive environmental response, compensation and liability act. (5) The directors of state, regional, or local agencies shall not enter into an environmental excellence program agreement or a modification of an environmental excellence program agreement containing terms affecting legal requirements adopted to comply with provisions of a federal regulatory program and to which the responsible federal agency objects after notice under the terms of section 8(4) of this act. (6) The directors of regional or local governments may not enter into an environmental excellence program

agreement or a modification of an environmental excellence program agreement containing terms affecting legal requirements that are subject to review or appeal by a state agency, including but not limited to chapters 70.94, 70.95, and 90.58 RCW, and to which the responsible state agency objects after notice is given under the terms of section 8(4) of this act. **NEW SECTION. Sec. 5.** (1) A sponsor may propose an environmental excellence program agreement. A trade association or other authorized representative of a sponsor or sponsors may propose a programmatic environmental excellence program agreement for multiple facilities. (2) A sponsor must submit, at a minimum, the following information and other information that may be requested by the director or directors required to sign the agreement: (a) A statement that describes how the proposal is consistent with the purpose of this chapter and the project approval criteria in section 3 of this act; (b)(i) For a site-specific proposal, a comprehensive description of the proposed environmental excellence project that includes the nature of the facility and the operations that will be affected, how the facility or operations will achieve results more effectively or efficiently, and the nature of the results anticipated; or (ii) For a programmatic proposal, a comprehensive description of the proposed environmental excellence project that identifies the facilities and the operations that are expected to participate, how participating facilities or operations will achieve environmental results more effectively or efficiently, the nature of the results anticipated, and the method to identify and document the commitments made by individual participants; (c) An environmental checklist, containing sufficient information to reasonably inform the public of the nature of the proposed environmental excellence program agreement and describing probable significant adverse environmental impacts and environmental benefits expected from implementation of the proposal; (d) A draft environmental excellence program agreement; (e) A description of the stakeholder process as provided in section 6 of this act; (f) A preliminary identification of the permit amendments or modifications that may be necessary to implement the proposed environmental excellence program agreement. **NEW SECTION. Sec. 6.** (1) Stakeholder participation in and support for an environmental excellence program agreement is vital to the integrity of the environmental excellence program agreement and helps to inform the decision whether an environmental excellence program agreement can be approved. (2) A proposal for an environmental excellence program agreement shall include the sponsor's plan to identify and contact stakeholders, to advise stakeholders of the facts and nature of the project, and to request stakeholder participation and review. Stakeholder participation and review shall occur during the development, consideration, and implementation stages of the proposed environmental excellence program agreement. The plan shall include notice to the employees of the facility to be covered by the proposed environmental excellence program agreement and public notice in the area of the covered facility. (3) The coordinating agency shall extend an invitation to participate in the development of the proposal to a broad and representative sector of the public likely to be affected by the environmental excellence program agreement, including representatives of local community, labor, environmental, and neighborhood advocacy groups. The coordinating agency shall select participants to be included in the stakeholder process that are representative of the diverse sectors of the public that are interested in the agreement. The stakeholder process shall include the opportunity for discussion and comment at multiple stages of the process and access to the information relied upon by the directors in approving the agreement. (4) The coordinating agency will identify any additional provisions for the stakeholder process that the director of the coordinating agency, in the director's sole discretion, considers appropriate to the success of the stakeholder process, and provide for notice to the United States environmental protection agency or other responsible federal agency of each proposed environmental excellence program agreement that may affect legal requirements of any program administered by that agency. **NEW SECTION. Sec. 7.** An environmental excellence program agreement must contain the following terms and conditions: (1) An identification of all legal requirements that are superseded or replaced by the environmental excellence program agreement; (2) A description of all legal requirements that are enforceable as provided in section 13(1) of this act that are different from those legal requirements applicable in the absence of the environmental excellence program agreement; (3) A description of the voluntary goals that are or will be pursued by the sponsor; (4) A statement describing how the environmental excellence program agreement will achieve the purposes of this chapter; (5) A statement describing how the environmental excellence program agreement will be implemented, including a list of steps and an implementation schedule; (6) A statement that the proposed environmental excellence program agreement will not increase overall worker safety risks or cause an unjust or disproportionate and inequitable distribution of environmental risks among diverse economic and cultural communities; (7) A summary of the stakeholder process that was followed in the development of the environmental excellence program agreement; (8) A statement describing how any participating facility shall measure and demonstrate its compliance with the environmental excellence program agreement including, without limitation, a description of the methods to be used to monitor performance, criteria that represent acceptable performance, and the method of reporting performance to the public and local communities. The facility's compliance with the agreement must be independently verifiable; (9) A description of and plan for public participation in the implementation of the environmental excellence program agreement and for public access to information needed to assess the benefits of the environmental excellence program agreement and the sponsor's compliance with the environmental excellence program agreement; (10) A schedule of periodic performance review of the environmental excellence program agreement by the directors that signed the agreement; (11) Provisions for voluntary and involuntary termination of the agreement; (12) The duration of the environmental excellence program agreement and provisions for renewal; (13) Statements approving the environmental excellence program agreement made by the sponsor and by or on behalf of directors of each state, regional, or local agency administering legal requirements that are identified according to section 7(1) of this act; (14) Additional terms as requested by the directors signing the environmental excellence program agreement and consistent with this chapter; (15) Draft permits or permit modifications as needed to implement the environmental excellence program agreement; (16) With respect to a programmatic environmental excellence program agreement, a statement of the method with which to identify and document the specific commitments to be made by individual participants. **NEW SECTION. Sec. 8.** (1) The coordinating agency shall provide at least thirty days after notice has been published in a newspaper under subsection (2) of this section for public comment on a proposal to enter into or modify an environmental excellence program agreement. The coordinating agency may provide for an additional period of public comment if required by the complexity of the proposed environmental excellence program agreement and the degree of public interest. Before the start of the comment period, the coordinating agency shall prepare a proposed agreement, a public notice and a fact sheet. The fact sheet shall: (a) Briefly describe the principal facts and the significant factual, legal, methodological and policy questions considered by the directors signing the agreement, and the directors' proposed decisions; and (b) briefly describe how the proposed action meets the requirements of section 3 of this act. (2) The coordinating agency shall publish notice of the proposed agreement in the Washington State

Register and in a newspaper of general circulation in the vicinity of the facility or facilities covered by the proposed environmental excellence program agreement. The notice shall generally describe the agreement or modification; the facilities to be covered; summarize the changes in legal requirements that will result from the agreement; summarize the reasons for approving the agreement or modifications; identify an agency person to contact for additional information; state that the proposed agreement or modification and fact sheet are available on request; and state that comments may be submitted to the agency during the comment period. The coordinating agency shall order a public informational meeting or a public hearing to receive oral comments if the written comments during the comment period demonstrate considerable public interest in the proposed agreement. (3) The coordinating agency shall prepare and make available a responsiveness summary indicating the agencies' actions taken in response to comments and the reasons for those actions. (4) With respect to an environmental excellence program agreement that affects legal requirements adopted to comply with provisions of a federal regulatory program, the coordinating agency shall provide a copy of the environmental excellence program agreement, and a copy of the notice required by subsection (1) of this section, to the federal agency that is responsible for administering that program at least thirty days before entering into or modifying the environmental excellence program agreement, and shall afford the federal agency the opportunity to object to those terms of the environmental excellence program agreement or modification of an environmental excellence program agreement affecting the legal requirements. The coordinating agency shall provide similar notice to state agencies that have statutory review or appeal responsibilities regarding provisions of the environmental excellence program agreement. **NEW SECTION. Sec. 9.** (1) Notwithstanding any other provision of law, any legal requirement identified under section 7(1) of this act shall be superseded or replaced in accordance with the terms of the environmental excellence program agreement. Legal requirements contained in a permit that are affected by an environmental excellence program agreement will continue to be enforceable until such time as the permit is revised in accordance with subsection (2) of this section. With respect to any other legal requirements, the legal requirements contained in the environmental excellence program agreement are effective as provided by the environmental excellence program agreement, and the facility or facilities covered by an environmental excellence program agreement shall comply with the terms of the environmental excellence program agreement in lieu of the legal requirements that are superseded and replaced by the approved environmental excellence program agreement. (2) Any permits affected by an environmental excellence program agreement shall be revised to conform to the environmental excellence program agreement by the agency with jurisdiction. The permit revisions will be completed within one hundred twenty days of the effective date of the agreement in accordance with otherwise applicable procedural requirements, including, where applicable, public notice and the opportunity for comment, and the opportunity for review and objection by federal agencies. (3) Other than as superseded or replaced as provided in an approved environmental excellence program agreement, any existing permit requirements remain in effect and are enforceable. (4) A programmatic environmental excellence program agreement shall become applicable to an individual facility when all directors entering into the programmatic agreement approve the owner or operator's commitment to comply with the agreement. A programmatic agreement may not take effect, however, until notice and an opportunity to comment for the individual facility has been provided in accordance with the requirements of section 8 (1) through (3) of this act. **NEW SECTION. Sec. 10.** (1) A decision by the directors of state, regional, or local agencies to approve a proposed environmental excellence program agreement, or to terminate or modify an approved environmental excellence program agreement, is subject to judicial review in superior court. For purposes of judicial review, the court may grant relief from the decision to approve or modify an environmental excellence program agreement only if it determines that the action: (a) Violates constitutional provisions; (b) exceeds the statutory authority of the agency; (c) was arbitrary and capricious; or (d) was taken without compliance with the procedures provided by this chapter. However, the decision of the director or directors shall be accorded substantial deference by the court. A decision not to enter into or modify an environmental excellence program agreement and a decision not to accept a commitment under section 9(4) of this act to comply with the terms of a programmatic environmental excellence agreement are within the sole discretion of the directors of the state, regional, or local agencies and are not subject to review. (2) An appeal from a decision to approve or modify a facility specific or a programmatic environmental excellence program agreement is not timely unless filed with the superior court and served on the parties to the environmental excellence program agreement within thirty days of the date on which the agreement or modification is signed by the director. For an environmental excellence program agreement or modification signed by more than one director, there is only one appeal, and the time for appeal shall run from the last date on which the agreement or modification is signed by a director. (3) A decision to accept the commitment of a specific facility to comply with the terms of a programmatic environmental excellence program agreement, or to modify the application of an agreement to a specific facility, is subject to judicial review as described in subsection (1) of this section. An appeal is not timely unless filed with the superior court and served on the directors signing the agreement, the sponsor, and the owner or operator of the specific facility within thirty days of the date the director or directors that signed the programmatic agreement approve the owner or operator's commitment to comply with the agreement. For a programmatic environmental excellence program agreement or modification signed by more than one director, there shall be only one appeal and the time for appeal shall run from the last date on which a director approves the commitment. (4) The issuance of permits and permit modifications is subject to review under otherwise applicable law. (5) An appeal of a decision by a director under section 11 of this act to terminate in whole or in part a facility specific or programmatic environmental excellence program agreement is not timely unless filed with the superior court and served on the director within thirty days of the date on which notice of the termination is issued under section 11(2) of this act. **NEW SECTION. Sec. 11.** (1) In addition to any termination provisions contained in an environmental excellence program agreement, a director of an agency may terminate an environmental excellence program agreement in whole or in part with respect to a legal requirement administered by that agency, if the director finds: (a) That after notice and a reasonable opportunity to cure, the covered facility is in violation of a material requirement of the agreement; (b) that the facility has repeatedly violated any requirements of the agreement; (c) that the operation of the facility under the agreement has caused endangerment to public health or the environment that cannot be remedied by modification of the agreement; or (d) the facility has failed to make substantial progress in achieving the voluntary goals identified under section 6(4) of this act, and these goals are material to the overall objectives of the agreement. (2) A director of an agency terminating an environmental excellence program agreement in any respect shall provide each of the parties to the agreement with a written notice of that action specifying the extent to which the environmental excellence program agreement is to be terminated, the factual and legal basis for termination, and a description of the opportunity for judicial review of the decision

to terminate the environmental excellence program agreement. (3) If a director terminates less than the entire environmental excellence program agreement, the owner or operator of the covered facility may elect to terminate the entire agreement as it applies to the facility. (4) If a director decides to terminate an environmental excellence program agreement because the facility has not been able to meet the legal requirements established under the agreement, or because operation of the facility under the agreement has caused endangerment to public health or the environment, as provided in subsection (1)(c) of this section, the director may establish in the notice of termination: (a) Practical interim requirements for the facility that are no less stringent than the legal requirements that would apply to the facility in the absence of the agreement; and (b) a practical schedule of compliance for meeting the interim requirements. The interim requirements and schedule of compliance shall be subject to judicial review under the provisions of section 10(5) of this act. The facility shall comply with the interim requirements established under this subsection after they are final and no longer subject to judicial review until applicable permits or permit modifications have been issued under section 12 of this act. **NEW SECTION. Sec. 12.** After a termination under section 11 of this act is final and no longer subject to judicial review, the sponsor has sixty days in which to apply for any permit or approval affected by any terminated portion of the environmental excellence program agreement. An application filed during the sixty-day period shall be deemed a timely application for renewal of a permit under the terms of any applicable law. Except as provided in section 11(4) of this act, the terms and conditions of the environmental excellence program agreement and of permits issued will continue in effect until a final permit or approval is issued. If the sponsor fails to submit a timely or complete application, any affected permit or approval may be modified at any time that is consistent with applicable law. **NEW SECTION. Sec. 13.** (1) The legal requirements contained in the environmental excellence program agreement in accordance with section 7(2) of this act are enforceable commitments of the facility covered by the agreement. Any violation of these legal requirements is subject to penalties and remedies to the same extent as the legal requirements that they superseded or replaced. (2) The voluntary goals stated in the environmental excellence program agreement in accordance with section 7(3) of this act are voluntary commitments of the facility covered by the agreement. If the facility fails to meet these goals, it shall not be subject to any form of enforcement action, including penalties, orders, or any form of injunctive relief. The failure to make substantial progress in meeting these goals may be a basis on which to terminate the environmental excellence program agreement under section 11 of this act. (3) Nothing in this chapter limits the authority of an agency, the attorney general, or a prosecuting attorney to initiate an enforcement action for violation of any applicable legal requirement. However, no civil, criminal, or administrative action may be brought with respect to any legal requirement that is superseded or replaced under the terms of an environmental excellence program agreement. (4) This chapter does not create any new authority for citizen suits, and does not alter or amend other statutory provisions authorizing citizen suits. **NEW SECTION. Sec. 14.** An environmental excellence program agreement may contain a reduced fee schedule with respect to a program applicable to the covered facility or facilities. **NEW SECTION. Sec. 15.** A decision to approve an environmental excellence program agreement is not subject to the requirements of the state environmental policy act, chapter 43.21C RCW, including the requirement to prepare an environmental impact statement under RCW 43.21C.031. However, the consideration of a proposed environmental excellence program agreement will integrate an assessment of environmental impacts. **NEW SECTION. Sec. 16.** Any state, regional, or local agency administering programs under an environmental law may adopt rules or ordinances to implement this chapter. However, it is not necessary that an agency adopt rules or ordinances in order to consider or enter into environmental excellence program agreements. **NEW SECTION. Sec. 17.** The director of the department of ecology shall appoint an advisory committee to review the effectiveness of the environmental excellence program agreement program and to make a recommendation to the legislature concerning the continuation, termination, or modification of the program. The committee also may make recommendations it considers appropriate for revision of any regulatory program that is affected by an environmental excellence program agreement. The committee shall be composed of one representative each from two state agencies, two representatives of the regulated community, and two representatives of environmental organizations or other public interest groups. The committee must submit a report and its recommendation to the legislature not later than October 31, 2001. The department of ecology shall provide the advisory committee with such support as they may require. **NEW SECTION. Sec. 18.** (1) Agencies authorized to enter into environmental excellence program agreements may assess and collect a fee to recover the costs of processing environmental excellence program agreement proposals. The amount of the fee may not exceed the direct and indirect costs of processing the environmental excellence program agreement proposal. Processing includes, but is not limited to: Working with the sponsor to develop the agreement, meeting with stakeholder groups, conducting public meetings and hearings, preparing a record of the decision to enter into or modify an agreement, and defending any appeal from a decision to enter into or modify an agreement. Fees also may include, to the extent specified by the agreement, the agencies' direct costs of monitoring compliance with those specific terms of an agreement not covered by permits issued to the participating facility. (2) Agencies assessing fees may graduate the initial fees for processing an environmental excellence program agreement proposal to account for the size of the sponsor and to make the environmental excellence program agreement program more available to small businesses. An agency may exercise its discretion to waive all or any part of the fees. (3) Sponsors may voluntarily contribute funds to the administration of an agency's environmental excellence program agreement program. **NEW SECTION. Sec. 19.** The authority of a director to enter into a new environmental excellence program agreement program shall be terminated June 30, 2002. Environmental excellence program agreements entered into before June 30, 2002, shall remain in force and effect subject to the provisions of this chapter. **NEW SECTION. Sec. 20.** A new section is added to chapter 43.21A RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 21.** A new section is added to chapter 70.94 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 22.** A new section is added to chapter 70.95 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 23.** A new section is added to chapter 70.105 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this

chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 24.** A new section is added to chapter 70.119A RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 25.** A new section is added to chapter 75.20 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 26.** A new section is added to chapter 90.48 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 27.** A new section is added to chapter 90.52 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 28.** A new section is added to chapter 90.58 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 29.** A new section is added to chapter 90.64 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 30.** A new section is added to chapter 90.71 RCW to read as follows: Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **Sec. 31.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to read as follows: Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals: (1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows: (a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if: (i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and (ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result. (4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs. (5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions. (6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. (7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public. (8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters. (9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions. (10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest. (11) Notwithstanding any other provision of law, any legal requirement under subsection (3)(b) of this section is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.-- RCW (sections 2 through 19 of this act). **NEW SECTION. Sec. 32.** The environmental excellence account is hereby created in the state treasury. All fees and voluntary contributions collected by state agencies under section 18 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes consistent with the environmental excellence program created under sections 2 through 19 of this act. Moneys in the account may be appropriated to each agency in an amount equal to the amount each agency collects and deposits into the



account. NEW SECTION. Sec. 33. Sections 2 through 19 of this act constitute a new chapter in Title 43 RCW." Senator Fairley moved that the following amendments by Senators Fairley and Fraser to the striking amendment by Senator Morton be considered simultaneously and be adopted:

On page 2, line 6, delete "75.20," On page 2, line 6, delete "90.58," On page 4, line 23, delete ", 70.95, and 90.58" and insert "and 70.95"

On page 15, beginning on line 31, delete all of section 25 On page 16, beginning on line 18, delete all of section 28 Renumber sections consecutively and correct internal references accordingly. On page 19, line 27, delete "adding a new section to chapter 75.20 RCW;" On page 19, line 29, delete "adding a new section to chapter 90.58 RCW;" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fairley and Fraser on page 2, lines 6 (2); page 4, line 23; page 15, beginning on line 31; page 16, beginning on line 18; and page 19, lines 27 and 29; to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Fairley failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Fairley moved that the following amendment by Senators Fairley, Fraser and Thibaudeau to the striking amendment by Senator Morton be adopted:

On page 2, after line 27 delete all of section 3 and insert the following: "NEW SECTION. Sec. 3. (1) An environmental excellence program agreement will achieve better results than would otherwise be required by existing law or reasonably anticipated future requirements. Agreements will allow for exemptions from existing law only in so far as those exemptions are necessary to achieve better results. (2) Under no circumstances shall an environmental excellence program agreement result in increased risk to human health or the environment. Moreover, no agreement shall exceed any adopted numeric standard designed to protect human health or the environment." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Fairley, Fraser and Thibaudeau on page 2, after line 27, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

#### ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau, Winsley and Wojahn - 24. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Wood and Zarelli - 25.

#### POINT OF ORDER

Senator Johnson: "Mr. President, I rise to a point of order. We have now reached the time for the Special Order of Business on Second Substitute House Bill No. 2054."

There being no objection, the President deferred further consideration of Engrossed Second Substitute House Bill No. 1866.

#### STATEMENT FOR THE JOURNAL

I missed voting on Second Substitute House Bill No. 2054 because of a family emergency. As the record now stands, the roll call shows that I was excused. I would like to go on record that had I been able to be in session at the time the vote was taken, I would have voted 'no' on this bill.

SENATOR LISA BROWN, Third District

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2054, by House Committee on Appropriations (originally sponsored by Representatives Chandler, Clements, Mastin and Honeyford)

Authorizing local watershed planning and modifying water resource management.

The bill was read the second time.

#### POINT OF ORDER

Senator Kline: "Mr. President, I raise an objection to the scope and object of Second Substitute House Bill No. 2054."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Kline, you are raising your objection to the scope and object--do you mean of the amendment to the bill?"

Senator Kline: "Yes, to the amendment--the striker."

President Owen: "To the committee amendment?"

Senator Kline: "Right."

President Owen: "You may want to hold your scope request in abeyance for a moment, because I believe a motion is going to be made to not adopt the committee amendment."

#### MOTION

On motion of Senator Morton, the following Committee on Ways and Means amendment was not adopted:

Strike everything after the enacting clause and insert the following: **'PART IBASIN PLANS NEW SECTION.**

**Sec. 101.** The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development. It is necessary for the legislature to establish processes and policies that will result in providing state agencies with more specific guidance to manage the water resources of the state consistent with current law and direction provided by local entities and citizens through the process established in accordance with this chapter. **NEW SECTION. Sec. 102.** The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources. The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting fish and other wildlife, by providing for the economic well-being of the state's citizenry and communities, and by protecting water-related fish and wildlife habitat. Therefore, the legislature believes it necessary for units of local government throughout the state to engage in the orderly development of these watershed plans. **NEW SECTION. Sec. 103.** When considering applications to appropriate public waters or the perfection, transfer, change, or cancellation of water right permits, the department shall not have discretion to take any action except in a manner consistent with the standards set forth in chapters 90.03, 90.44, and 90.54 RCW. **NEW SECTION. Sec. 104.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Department" means the department of ecology. (2) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997. (3) "Water supply utility" means a water, combined water-sewer, irrigation, reclamation, or public utility district that provides water to persons or other water users within the district or a division or unit responsible for administering a publicly governed water supply system on behalf of a city, town, or county. (4) "WRIA plan" or "plan" means the product of the planning unit including any rules adopted in conjunction with the product of the planning unit. **NEW SECTION. Sec. 105.** (1) In order to have the best possible water resource program administration for the state, the legislature establishes the following principles and criteria to carry out the purpose and intent of chapter . . . , Laws of 1997 (this act). (2) All WRIA planning units established under this chapter shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process. The following general principles shall guide the process: (a) All general categories of directly affected and closely related locally based interest groups shall have an equal voice in decision making; (b) State agencies with major water resource management responsibilities shall be available to share information on state-wide statutorily designated interests and responsibilities are duly considered; (c) Planning activities shall receive funding from the general fund; (d) The program development process carries an official and legal status by virtue of adoption of the plan by local governments; (e) The utmost flexibility is allowed for each WRIA unit in deciding the extent of the plan; and (f) WRIA planning units may incorporate elements into the plan in addition to those required under section 111 of this act. **NEW SECTION. Sec. 106.** Once a WRIA planning unit has been organized and has established priorities under section 111 of this act, it shall notify the department and may apply to the department for funding assistance for conducting the planning. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose. The department shall allocate funds to WRIA planning units based on demonstrated need and readiness to proceed. Preference shall be given to planning units requesting funding for conducting multi-WRIA planning under section 109 of this act. Preference shall also be given to planning projects that are clearly intended to respond to endangered species act listings or to attempt to resolve problems that may lead to such listings or to address water availability to meet projected growth based on office of financial management twenty-year population projections. Funding provided under this section shall be considered to be a contractual obligation against the moneys appropriated for this purpose.

**NEW SECTION. Sec. 107.** (1) This chapter shall not be construed as creating a new cause of action against the state or any county, city, town, water supply utility, conservation district, or planning unit.

(2) Notwithstanding RCW 4.92.090, 4.96.010, and 64.40.020, no claim for damages may be filed against the state or any county, city, town, water supply utility, Indian tribes, conservation district, or planning unit that or member of a planning unit who participates in a WRIA planning unit for performing responsibilities under this chapter. The exclusion from liability contained in this subsection does not apply to a county, city, town, or water supply utility that votes to adopt provisions in a WRIA plan that have been identified by the department as being in conflict with state or federal law with regard to those provisions if advice regarding the conflict was provided under section 113(2) of this act.

**NEW SECTION. Sec. 108.** Except as provided in section 109 of this act for multi-WRIA planning, the county with the largest area within the boundaries of a WRIA may choose to initiate water resource planning for the WRIA under this chapter. If it does so choose, it shall make application to the department of ecology to declare its intent to conduct watershed planning. Upon making application to the department, the county with the largest area within the WRIA shall convene a meeting of the members of the legislative authorities of the

counties with territory within a WRIA for the appointment of a WRIA planning unit. The county shall also notify the cities, water supply utilities, and conservation districts with territory within the WRIA that these groups are to meet to appoint their members of the WRIA planning unit. For the purposes of this section and sections 109 and 113 of this act, a county is considered to have territory within a WRIA only if the territory of the county located in the WRIA constitutes at least fifteen percent of the area of the WRIA. For conducting planning under this chapter, the county with the largest area within the boundaries of the WRIA is the lead agency for the WRIA planning, except as provided in section 109 of this act for multi-WRIA planning. By a majority vote of the county legislative authorities within the WRIA, an alternative lead agency may be selected.

(2)(a) One WRIA planning unit shall be appointed for the WRIA as provided by this section or for a multi-WRIA area as provided by section 109 of this act for multi-WRIA planning. The planning unit shall be composed of: One member from each county with territory in the WRIA representing the county and appointed by the county; one member for each county with territory in the WRIA, but not less than two members, representing cities with territory in the WRIA and appointed jointly by those cities and incorporated towns; two members representing all water supply utilities with territory within the WRIA and appointed jointly by those districts; one member representing all conservation districts with territory within the WRIA and appointed jointly by those districts; and nine members representing various special interest groups appointed jointly by the counties with territory within the WRIA. If one or more federal Indian reservations are located in whole or in part within the boundaries of the WRIA, the planning unit shall include one member representing each reservation with territory in the WRIA, appointed by the tribes. Two members shall be appointed by the governor to represent state agencies. (b) In addition, for a WRIA located within Pierce, King, or Snohomish county, a representative of the water supply utility that is the largest water purveyor using water from the WRIA shall be an ex officio member of the planning unit whether the principal offices of the purveyor are or are not located within the WRIA. (3) Except for a person who is an ex officio member of the planning unit under subsection (2)(b) of this section, each person appointed to a WRIA planning unit shall have been a resident and a property owner of the WRIA for at least five years. State employees or state officials may be appointed to the planning unit as ex officio, nonvoting members. In appointing persons to the WRIA planning unit representing special interest groups, the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the WRIA. (4)(a) In voting to appoint the members of a WRIA planning unit, to select a lead agency for water resource planning under section 109 of this act, to approve a WRIA plan under section 113 of this act, or to request or concur with a request for multi-WRIA planning under section 109 of this act, each county with territory within the WRIA shall have three votes, divided equally among the members of the county's legislative authority and these actions shall be made by majority vote based on the votes allocated under this section. In voting to appoint members of a WRIA planning unit: Each city with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such cities; each water supply utility with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts; and each conservation district with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts. All appointments shall be made within sixty days of the date the appointing authorities other than the counties are notified to convene to make appointments or the appointments shall be made by the counties with territory in the WRIA in the same manner the counties make other appointments. (b) In selecting the membership of the planning unit in accordance with this subsection (4), the local governments may choose by majority vote to modify the membership of the planning unit. If the local governments choose to modify the membership, such changes shall be agreed to in accordance with subsection (a) of this subsection within thirty days of the filing of an application to plan with the department of ecology. If a modified planning unit composition cannot be agreed to within thirty days of the filing of an application, the membership shall be as provided in subsection (2)(a) of this section. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership.

**NEW SECTION. Sec. 109.** (1) The counties with territory in a WRIA may elect to conduct multi-WRIA planning with the counties with territory in one or more other WRIs. If the counties with territory in these other WRIs concur, all of the counties with territory in these WRIs shall convene and shall appoint one planning unit to conduct the water resource planning for the multi-WRIA area.

(a) The planning unit shall be composed of: Up to one member, as that number is determined by the counties jointly, for each county with territory in the multi-WRIA area representing the counties and appointed by the counties jointly; up to one member, as that number is determined by the cities jointly, for each county with territory in the multi-WRIA area, representing cities with territory in the multi-WRIA area and appointed jointly by those cities; up to three members, as that number is determined by the districts, representing all water supply utilities with territory within the multi-WRIA area and appointed jointly by those districts; up to two members, as that number is determined by the districts, representing all conservation districts with territory within the multi-WRIA area and appointed jointly by those districts; four members representing the general citizenry, of which at least two shall be holders of water rights, appointed jointly by the counties with territory within the multi-WRIA area; and six members representing various special interest groups appointed jointly by the counties with territory within the multi-WRIA area. If one or more federal Indian reservations are located in whole or in part within the boundaries of the multi-WRIA area, the planning unit shall include one member representing each reservation with territory in the multi-WRIA area, appointed by the tribes. Two members shall be appointed by the governor to represent state agencies. (b) In addition, for a WRIA located within Pierce, King, or Snohomish county, a representative of the largest water purveyor using water from the multi-WRIA area shall be an ex officio member of the planning unit whether the principal offices of the purveyor are or are not located within the multi-WRIA area. (c) Except for a person who is an ex officio member of the planning unit under subsection (1)(b) of this section, each person appointed to a multi-WRIA planning unit shall have been a resident and property owner within the multi-WRIA area for at least five years. State employees or state officials may be appointed to the planning unit as ex officio, nonvoting members. In appointing persons to the multi-WRIA planning unit representing special interest groups the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the multi-WRIA area. (2)(a) The counties in the multi-WRIA area shall select, by a majority vote, a governmental entity in the multi-WRIA area to act as lead agency for water resource planning in the multi-WRIA area under this chapter. Such an entity shall serve as the lead agency if it agrees

in writing to do so. All appointments shall be made within sixty days of the date the lead agency in the multi-WRIA area notifies the other appointing authorities to convene to make appointments or the appointments shall be made by the counties with territory in the multi-WRIA area in the same manner the counties make other appointments. (b) In selecting the membership of the planning unit in accordance with this subsection (2), the local governments may choose by majority vote to modify the membership of the planning unit. If the local governments choose to modify the membership, such changes shall be agreed to within thirty days of the filing of an application to plan with the department of ecology. If a modified planning unit composition cannot be agreed to within thirty days of the filing of an application, the membership shall be as provided in subsection (1)(a) of this section. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership. (3) A planning unit for a multi-WRIA area shall perform all of the functions assigned by this chapter to a WRIA planning unit and is subject to all of the provisions of this chapter that apply to a WRIA planning unit.

**NEW SECTION. Sec. 110.** The lead agency shall provide staff support for the work of the WRIA planning unit. Each WRIA planning unit may establish its own methods of operation that are consistent with this chapter and may establish methods for reviewing the operations of its lead agency. No planning unit appointed or selected under this chapter may possess or exercise the power of eminent domain. No planning unit appointed or selected under this chapter may take any action that affects in any manner a general adjudication proceeding for water rights, completed or ongoing. Each WRIA planning unit is encouraged to: Consider information and plans that may have been previously developed by other entities in establishing water resource management plans for the WRIA; consider existing data regarding water resources in the WRIA; and, for a WRIA that borders another state, cooperate with local government counterparts in the adjacent state regarding water resource planning. Water resource plans developed under this chapter for a WRIA may not interfere in any manner with a general adjudication of water rights, completed or ongoing. Such a WRIA plan may not in any manner impair, diminish, or interfere with a water right that exists before the adoption of the plan by the department under section 113 of this act.

All meetings of a WRIA planning unit shall be conducted as public meetings as required for such meetings by the open public meetings act, chapter 42.30 RCW. Some time shall be set aside at the end of each meeting of a WRIA planning unit for public comments. Each planning unit shall establish procedures to be followed by the unit in making decisions. The objective to be sought by the planning unit in making decisions is to reach consensus among its members on the decisions. Decisions by majority vote will be used only after the unit has found that attempts at achieving consensus have not been successful. No person who is a member of a WRIA planning unit may designate another to act on behalf of the person as a member or to attend as a member a meeting of the unit on behalf of the person. If a member of a WRIA planning unit is absent from more than five meetings of the WRIA planning unit that constitute twenty percent or more of the meetings that have been conducted by the planning unit while the person is a member of the unit and these absences have not been excused as provided by this section, the member's position on the WRIA planning unit is to be considered vacant. A person's absence from a meeting may be excused: By the chair of the planning unit if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the planning unit at the meeting during which the member is absent.

**NEW SECTION. Sec. 111.** (1) Each WRIA planning unit shall develop a water resource plan. The plan must contain the elements listed in subsection (2) of this section and may include other elements added by the planning unit. Once organized, the first task of the planning unit is to prioritize these elements regarding their importance in the WRIA and in developing a water resource plan for the WRIA. A plan shall not be developed such that its provisions are in conflict with state or federal law or impair, diminish, or interfere in any manner with a water right existing prior to its adoption or with the construction, operation, or maintenance of a federal reclamation project. Each plan shall acknowledge that the water rights of citizens are private rights to real property.

(2) The plan must include the following: (a) An assessment of water supply and use in the WRIA, including: (i) A quantitative estimation of the amount of surface and ground water present in the planning unit, using United States geological survey information and other existing sources of information; (ii) A quantitative estimation using existing sources of information, of the amount of precipitation and surface and ground water available, using currently available or likely available technologies, collectively for both current and future water uses, including for instream purposes and for withdrawal or diversion; (iii) A quantitative estimation using existing sources of information, of the amount of surface and ground water actually being used, and the months of peak and minimum use, both in-stream and by withdrawal, for agricultural, industrial, fisheries, recreational, environmental, municipal, and residential purposes, and including amounts claimed, permitted, or certificated for future municipal needs; and (iv) A quantitative estimation of the amount of water, approximately, that is represented by amounts in claims in the water rights claims registry, in water use permits, in certificated rights, and in rules establishing instream flows; (b) A quantitative description of future water-based instream and out-of-stream needs in the planning unit, based on projected population and agricultural and other economic growth. That is, an identification of the water needed collectively for use for agricultural, fisheries, recreational, environmental, industrial, municipal, and residential purposes. If a federal reclamation project is providing water for reclamation purposes within the WRIA or multi-WRIA area, federal reclamation water use requirements shall be those for project lands within the WRIA or multi-WRIA area; (c) Instream flows. (i) Except for the main stem of the Columbia river or the main stem of the Snake river, a planning unit may propose instream flow levels as part of its plan for other rivers and streams in its WRIA or multi-WRIA area. (ii) The planning unit may propose adjustments to instream flow levels that have been set by the state before the adoption of the planning unit's plan and will propose instream flow levels as part of the plan for the other rivers, streams, and lakes for which it determines the establishment of flows or levels to be appropriate in the WRIA, or in the multi-WRIA area for multi-WRIA planning under section 109 of this act, and for which flows have not been previously set. An instream flow or base flow or level set for a body of water in a WRIA plan adopted by the department under section 113 of this act supersedes any other such flow or level previously established for the body of water; (d) A quantitative description of the ground water and of the surface water available for further appropriation including water that may be obtained through reuse. As used in this subsection (2)(d), "available" means available on the date the plan takes effect as a rule under section 113 of this act; (e) An identification of known areas that provide for the recharge of aquifers from the surface and areas where aquifers recharge surface bodies of water; (f) Strategies for increasing water supplies in the WRIA, including: (i) Water conservation measures; and (ii) Storage enhancements, including modifications to existing reservoirs, new reservoirs, and underground storage. Any quantity of water made available under these strategies is a quantity that is in addition to the water declared available for appropriation under (d) of this subsection; and (g) An identification of areas where voluntary water-related habitat improvement projects or voluntary transactions providing for the purchase of water-related habitat or water-related habitat easements would provide the

greatest benefit to habitat in the WRIA, and a prioritization of the areas based on their potential for providing such benefits. The purpose of this element of the plan is to provide a means of coordinating nonregulatory, voluntary efforts for improving water-related habitat in the WRIA. No aspect of the plan may establish standards for water quality or regulate water quality in any manner whatsoever. (3) The department shall assist the planning unit in drafting proposed implementing rules for the elements of the plan over which the department has authority. The draft rules shall accompany the plan as it is reviewed under the provisions of this chapter. (4) A plan shall not be developed under this chapter to require directly or indirectly the implementation of laws, rules, or programs that are designed primarily to control water pollution or discharges of pollutants to water, to regulate effluent discharges or wastewater treatment systems or facilities, or to establish or require the achievement of water quality standards, including but not limited to chapter 90.48 RCW and rules adopted under chapter 90.48 RCW, the national pollutant discharge elimination system permit program, and the state waste discharge permit program.

**NEW SECTION. Sec. 112.** (1) Water resource management plans developed pursuant to the process in this chapter and subsequently adopted by the department under section 113 of this act are presumed valid. This presumption shall apply in any petition or action filed against a plan.

(2) All actions and decisions of the department regarding water resources in the WRIA shall be consistent with and based upon such an adopted plan for the WRIA.

**NEW SECTION. Sec. 113.** (1) Upon completing a proposed water resource plan for the WRIA, the WRIA planning unit shall publish notice of and conduct at least one public hearing in the WRIA on the proposed plan. The planning unit shall take care to provide notice of the hearing throughout the WRIA or multi-WRIA area. As a minimum, it shall publish a notice of the hearing in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After considering the public comments presented at the hearing or hearings, the planning unit shall submit a copy of its proposed plan to the department. A proposed plan may be submitted to the department only if the unit has provided interim approval of the plan for this purpose by a majority vote of the members of the planning unit.

(2) The department shall conduct at least one public hearing, announced in accordance with chapter 34.05 RCW, on each proposed WRIA water resource plan submitted under this section. The department shall provide advice as to any specific subsections or sections of the plan that the department believes to be in conflict with state or federal law and may provide other recommendations regarding the plan. The department shall transmit its advice and recommendations regarding the plan to the WRIA planning unit within sixty days of receiving it for review. (3) The WRIA planning unit shall vote on each recommendation provided by the department and on the department's advice regarding any subsections or sections of the proposed WRIA plan the department believed to be in conflict with state or federal law. The planning unit may adopt such a recommendation or provide changes to respond to the advice of the department by a majority vote of the members of the planning unit. The WRIA planning unit shall approve a water resource plan for the WRIA by a two-thirds majority vote of the members of the planning unit. An approved plan shall be submitted to the counties with territory within the WRIA for adoption. If a WRIA planning unit receives funding for WRIA or multi-WRIA planning under section 106 of this act and does not approve a plan for submission to the counties within four years of the date the planning unit receives the first of that funding from the department for the planning, the department shall develop and adopt a water resource plan for the WRIA or multi-WRIA area. (4) Upon receipt of the completed plan by the county, the county shall submit for review a copy of the plan to the tribal council of each reservation with territory within the WRIA. The tribal council may review and provide comments and recommendations to the county within thirty days of the receipt of the plan. Public hearings required under subsection (5) of this section may not commence before the thirty-day period provided in this subsection for comments from tribal councils. (5) The legislative authority of each of the counties with territory within the WRIA shall provide public notice for and conduct at least one public hearing on the WRIA plan submitted to the county under this section. The counties shall take care to provide notice of the hearings throughout the WRIA or multi-WRIA area. As a minimum, they shall publish a notice of the hearings in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the plan. The counties may approve or reject the plan, but may not amend the plan. Approval of a plan, or of recommendations for a plan that is not approved, shall be made by a majority vote of the members of the various legislative authorities of the counties with territory in the WRIA based on the votes allocated under section 102 of this act. If the plan is not approved, it shall be returned to the WRIA planning unit with recommendations for revisions. Any revised plan and implementing rules prepared by the planning unit shall be submitted to the department and to the counties as provided by this section for WRIA water resource plans generally. (6) If the plan is approved by the members of the legislative authorities, the plan shall be transmitted to the department for adoption. The department shall adopt such an approved WRIA water resource plan by rule. The department has no discretion to amend or reject the plan. A copy of the plan and notice of its adoption as rules shall be published in the state register under chapter 34.05 RCW. The public hearing required by chapter 34.05 RCW shall be deemed to have been satisfied by public hearings held by county legislative authorities. (7) If the department finds that an element of its WRIA plan is in conflict with state or federal law, the planning unit may either redraft the plan to be consistent with state and federal law, or if it believes the department's findings are in error, may petition the superior court for an order to require performance by the department under RCW 34.05.570(3). If the superior court finds that an element of the plan is in conflict with state or federal law, that element of the plan shall be invalid. Decisions on such petitions are reviewable as in other civil cases. This subsection shall not be construed as establishing such state liability for any other element of the plan adopted as rules. The planning unit may request that the legislature modify a state law in order to implement a portion of a plan found to be in conflict with the law.

**NEW SECTION. Sec. 114.** The WRIA planning units may accept grants, funds, and other financing, as well as enter into cooperative agreements with private and public entities for planning assistance and funding.

**NEW SECTION. Sec. 115.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall rule in a timely manner upon complete applications to appropriate public surface and ground water. For complete applications that seek to appropriate water from within a WRIA for which a WRIA plan has been adopted, the department shall grant or deny the application within one hundred eighty days of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. For applications that seek to appropriate water from within a WRIA for which no WRIA plan has been adopted, the department shall grant or deny the application within two years of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. The times allowed in this section to rule upon an application shall not include the time it takes the applicant to respond to an explicit request for additional information reasonably required to make a determination on the application. The department shall be allowed only one such request for additional information. The cost of obtaining such information shall be reasonable in relation to the quantity and value of the water right applied for. Once the applicant responds to an information request, the stay of the time allowed for the permit decision shall end. (2) If a detailed statement,

generally referred to as an environmental impact statement, must be prepared under chapter 43.21C RCW for or in regard to an application to appropriate water, the department shall grant or deny the application within ninety days of the date the final environmental impact statement is available from the official responsible for it under chapter 43.21C RCW. NEW SECTION.

**Sec. 116.** A new section is added to chapter 34.05 RCW to read as follows: (1) Once the department of ecology receives a water resource plan submitted by a WRIA planning unit for advice and recommendations under section 113 of this act, the department shall conduct at least one public hearing on the plan and shall provide notice of the hearing and proposed plan as provided in RCW 34.05.320 for the proposal of a rule. The department shall maintain a file for the plan. Once the plan has been adopted by the counties in the WRIA under section 113 of this act and the plan has been submitted to the department of ecology, the department shall file the plan with the code reviser along with an order adopting the plan as rules. The code reviser shall cause the order and the water resource plan to be published in the Washington state register in the manner provided for the adoption of final rules and shall incorporate the plan into the Washington Administrative Code. No other aspect of this chapter that establishes procedures for the adoption of rules applies to the adoption of the plan by the department. (2) For the purposes of this section, "WRIA" has the meaning established in section 104 of this act. **PART**

**IISTORAGE Sec. 201.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to read as follows: Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals: (1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost. (3) The quality of the natural environment shall be protected and, where possible, enhanced as follows: (a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if: (i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and (ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result. (4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 102 or 109 of this act shall evaluate the potential for the development of new storage projects and the benefits of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses. (5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

~~((5))~~ (6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions. ~~((6))~~ (7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. ~~((7))~~ (8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public. ~~((8))~~ (9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters. ~~((9))~~ (10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions. ~~((10))~~ (11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest. **Sec. 202.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows: Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following: (1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred. (2) Increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, including waste water recycling, and (impoundment) storage of waters. (3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses. (4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1). (5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where projected water

needs, including those for instream flows, exceed available supplies. (6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes. **PART III GENERAL ADJUDICATIONS NEW SECTION.** **Sec. 301.** A new section is added to chapter 90.03 RCW to read as follows: The legislature finds that the lack of certainty regarding water rights within a water resource basin may impede management and planning for water resources. The legislature further finds that planning units conducting water resource planning under chapter 90.-- RCW (sections 101 through 114 of this act) may find that the certainty provided by a general adjudication of water rights under this chapter is required for water planning or water management in a water resource inventory area or in a portion of the area. Therefore, such planning units may petition the department to conduct such a general adjudication and the department shall give high priority to such a request in initiating any such general adjudications under this chapter. **PART IV MISCELLANEOUS NEW SECTION.** **Sec. 401.** As used in this act, part headings constitute no part of the law. **NEW SECTION.** **Sec. 402.** Sections 101 through 114 of this act constitute a new chapter in Title 90 RCW. **NEW SECTION.** **Sec. 403.** This act takes effect July 1, 1998."

#### MOTION

On motion of Senator Morton, the following Committee on Agriculture and Environment amendment was not adopted:

Strike everything after the enacting clause and insert the following: **"PART I BASIN PLANS NEW SECTION.** **Sec. 101.** The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development. It is necessary for the legislature to establish processes and policies that will result in providing state agencies with more specific guidance to manage the water resources of the state consistent with current law and direction provided by local entities and citizens through the process established in accordance with this chapter. **NEW SECTION.** **Sec. 102.** The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources. The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting fish and other wildlife, by providing for the economic well-being of the state's citizenry and communities, and by protecting water-related fish and wildlife habitat. Therefore, the legislature believes it necessary for units of local government throughout the state to engage in the orderly development of these watershed plans. **NEW SECTION.** **Sec. 103.** When considering applications to appropriate public waters or the perfection, transfer, change, or cancellation of water right permits, the department shall not have discretion to take any action except in a manner consistent with the standards set forth in chapters 90.03, 90.44, and 90.54 RCW. **NEW SECTION.** **Sec. 104.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Department" means the department of ecology. (2) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997. (3) "Water supply utility" means a water, combined water-sewer, irrigation, reclamation, or public utility district that provides water to persons or other water users within the district or a division or unit responsible for administering a publicly governed water supply system on behalf of a city, town, or county. (4) "WRIA plan" or "plan" means the product of the planning unit including any rules adopted in conjunction with the product of the planning unit. **NEW SECTION.** **Sec. 105.** (1) In order to have the best possible water resource program administration for the state, the legislature establishes the following principles and criteria to carry out the purpose and intent of chapter . . . , Laws of 1997 (this act). (2) All WRIA planning units established under this chapter shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process. The following general principles shall guide the process: (a) All general categories of directly affected and closely related locally based interest groups shall have an equal voice in decision making; (b) State agencies with major water resource management responsibilities shall be available to share information on state-wide statutorily designated interests and responsibilities are duly considered; (c) Planning activities shall receive funding from the general fund; (d) The program development process carries an official and legal status by virtue of adoption of the plan by local governments; (e) The utmost flexibility is allowed for each WRIA unit in deciding the extent of the plan; and (f) WRIA planning units may incorporate elements into the plan in addition to those required under section 111 of this act. **NEW SECTION.** **Sec. 106.** Once a WRIA planning unit has been organized and has established priorities under section 111 of this act, it shall notify the department and may apply to the department for funding assistance for conducting the planning. The department shall provide fifty thousand dollars per WRIA to each unit applying. Planning units may apply to the department for additional funds to plan under this chapter to initiate such planning, provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose. Preference shall be given to planning units requesting funding for conducting multi-WRIA planning under section 109 of this act. Preference shall also be given to planning projects that are clearly intended to respond to endangered species act listings or to attempt to resolve problems that may lead to such listings or to address water availability to meet projected growth based on office of financial management twenty-year population projections. Funding provided under this section shall be considered to be a contractual obligation against the moneys appropriated for this purpose. **NEW SECTION.** **Sec. 107.** (1) This chapter shall not be construed as creating a new cause of action against the state or any county, city, town, water supply utility, conservation district, or planning unit. (2) Notwithstanding RCW 4.92.090, 4.96.010, and 64.40.020, no claim for damages may be filed against the state or any county, city, town, water supply utility, Indian tribes, conservation district, or planning unit that or member of a planning unit who participates in a WRIA planning unit for performing responsibilities under this chapter. The exclusion from liability contained in this subsection does not apply to a county, city, town, or water supply utility that votes to adopt provisions in a WRIA plan that have been identified by the department as being in conflict with state or federal law with regard to those provisions if advice regarding the conflict was provided under section 113(2) of

this act. **NEW SECTION. Sec. 108.** Except as provided in section 109 of this act for multi-WRIA planning, the county with the largest area within the boundaries of a WRIA may choose to initiate water resource planning for the WRIA under this chapter. If it does so choose, it shall make application to the department of ecology to declare its intent to conduct watershed planning. Upon making application to the department, the county with the largest area within the WRIA shall convene a meeting of the members of the legislative authorities of the counties with territory within a WRIA for the appointment of a WRIA planning unit. The county shall also notify the cities, water supply utilities, and conservation districts with territory within the WRIA that these groups are to meet to appoint their members of the WRIA planning unit. For the purposes of this section and sections 109 and 113 of this act, a county is considered to have territory within a WRIA only if the territory of the county located in the WRIA constitutes at least fifteen percent of the area of the WRIA. For conducting planning under this chapter, the county with the largest area within the boundaries of the WRIA is the lead agency for the WRIA planning, except as provided in section 109 of this act for multi-WRIA planning. By a majority vote of the county legislative authorities within the WRIA, an alternative lead agency may be selected. (2)(a) One WRIA planning unit shall be appointed for the WRIA as provided by this section or for a multi-WRIA area as provided by section 109 of this act for multi-WRIA planning. The planning unit shall be composed of: One member from each county with territory in the WRIA representing the county and appointed by the county; one member for each county with territory in the WRIA, but not less than two members, representing cities with territory in the WRIA and appointed jointly by those cities and incorporated towns; two members representing all water supply utilities with territory within the WRIA and appointed jointly by those districts; one member representing all conservation districts with territory within the WRIA and appointed jointly by those districts; and nine members representing various special interest groups appointed jointly by the counties with territory within the WRIA. If one or more federal Indian reservations are located in whole or in part within the boundaries of the WRIA, the planning unit shall include one member representing each reservation with territory in the WRIA, appointed by the tribes. Two members shall be appointed by the governor to represent state agencies. (b) In addition, for a WRIA located within Pierce, King, or Snohomish county, a representative of the water supply utility that is the largest water purveyor using water from the WRIA shall be an ex officio member of the planning unit whether the principal offices of the purveyor are or are not located within the WRIA. (3) Except for a person who is an ex officio member of the planning unit under subsection (2)(b) of this section, each person appointed to a WRIA planning unit shall have been a resident and a property owner of the WRIA for at least five years. State employees or state officials may be appointed to the planning unit as ex officio, nonvoting members. In appointing persons to the WRIA planning unit representing special interest groups, the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the WRIA. (4)(a) In voting to appoint the members of a WRIA planning unit, to select a lead agency for water resource planning under section 109 of this act, to approve a WRIA plan under section 113 of this act, or to request or concur with a request for multi-WRIA planning under section 109 of this act, each county with territory within the WRIA shall have three votes, divided equally among the members of the county's legislative authority and these actions shall be made by majority vote based on the votes allocated under this section. In voting to appoint members of a WRIA planning unit: Each city with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such cities; each water supply utility with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts; and each conservation district with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts. All appointments shall be made within sixty days of the date the appointing authorities other than the counties are notified to convene to make appointments or the appointments shall be made by the counties with territory in the WRIA in the same manner the counties make other appointments. (b) In selecting the membership of the planning unit in accordance with this subsection (4), the local governments may choose by majority vote to modify the membership of the planning unit. If the local governments choose to modify the membership, such changes shall be agreed to in accordance with subsection (a) of this subsection within thirty days of the filing of an application to plan with the department of ecology. If a modified planning unit composition cannot be agreed to within thirty days of the filing of an application, the membership shall be as provided in subsection (2)(a) of this section. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership. **NEW SECTION. Sec. 109.** (1) The counties with territory in a WRIA may elect to conduct multi-WRIA planning with the counties with territory in one or more other WRIs. If the counties with territory in these other WRIs concur, all of the counties with territory in these WRIs shall convene and shall appoint one planning unit to conduct the water resource planning for the multi-WRIA area. (a) The planning unit shall be composed of: Up to one member, as that number is determined by the counties jointly, for each county with territory in the multi-WRIA area representing the counties and appointed by the counties jointly; up to one member, as that number is determined by the cities jointly, for each county with territory in the multi-WRIA area, representing cities with territory in the multi-WRIA area and appointed jointly by those cities; up to three members, as that number is determined by the districts, representing all water supply utilities with territory within the multi-WRIA area and appointed jointly by those districts; up to two members, as that number is determined by the districts, representing all conservation districts with territory within the multi-WRIA area and appointed jointly by those districts; four members representing the general citizenry, of which at least two shall be holders of water rights, appointed jointly by the counties with territory within the multi-WRIA area; and six members representing various special interest groups appointed jointly by the counties with territory within the multi-WRIA area. If one or more federal Indian reservations are located in whole or in part within the boundaries of the multi-WRIA area, the planning unit shall include one member representing each reservation with territory in the multi-WRIA area, appointed by the tribes. Two members shall be appointed by the governor to represent state agencies. (b) In addition, for a WRIA located within Pierce, King, or Snohomish county, a representative of the largest water purveyor using water from the multi-WRIA area shall be an ex officio member of the planning unit whether the principal offices of the purveyor are or are not located within the multi-WRIA area. (c) Except for a person who is an ex officio member of the planning unit under subsection (1)(b) of this section, each person appointed to a multi-WRIA planning unit shall have been a resident and property owner within the multi-WRIA area for at least five years. State employees or state officials may be appointed to the planning



unit as ex officio, nonvoting members. In appointing persons to the multi-WRIA planning unit representing special interest groups the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the multi-WRIA area. (2)(a) The counties in the multi-WRIA area shall select, by a majority vote, a governmental entity in the multi-WRIA area to act as lead agency for water resource planning in the multi-WRIA area under this chapter. Such an entity shall serve as the lead agency if it agrees in writing to do so. All appointments shall be made within sixty days of the date the lead agency in the multi-WRIA area notifies the other appointing authorities to convene to make appointments or the appointments shall be made by the counties with territory in the multi-WRIA area in the same manner the counties make other appointments. (b) In selecting the membership of the planning unit in accordance with this subsection (2), the local governments may choose by majority vote to modify the membership of the planning unit. If the local governments choose to modify the membership, such changes shall be agreed to within thirty days of the filing of an application to plan with the department of ecology. If a modified planning unit composition cannot be agreed to within thirty days of the filing of an application, the membership shall be as provided in subsection (1)(a) of this section. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership. (3) A planning unit for a multi-WRIA area shall perform all of the functions assigned by this chapter to a WRIA planning unit and is subject to all of the provisions of this chapter that apply to a WRIA planning unit. **NEW SECTION. Sec. 110.** The lead agency shall provide staff support for the work of the WRIA planning unit. Each WRIA planning unit may establish its own methods of operation that are consistent with this chapter and may establish methods for reviewing the operations of its lead agency. No planning unit appointed or selected under this chapter may possess or exercise the power of eminent domain. No planning unit appointed or selected under this chapter may take any action that affects in any manner a general adjudication proceeding for water rights, completed or ongoing. Each WRIA planning unit is encouraged to: Consider information and plans that may have been previously developed by other entities in establishing water resource management plans for the WRIA; consider existing data regarding water resources in the WRIA; and, for a WRIA that borders another state, cooperate with local government counterparts in the adjacent state regarding water resource planning. Water resource plans developed under this chapter for a WRIA may not interfere in any manner with a general adjudication of water rights, completed or ongoing. Such a WRIA plan may not in any manner impair, diminish, or interfere with a water right that exists before the adoption of the plan by the department under section 113 of this act. All meetings of a WRIA planning unit shall be conducted as public meetings as required for such meetings by the open public meetings act, chapter 42.30 RCW. Some time shall be set aside at the end of each meeting of a WRIA planning unit for public comments. Each planning unit shall establish procedures to be followed by the unit in making decisions. The objective to be sought by the planning unit in making decisions is to reach consensus among its members on the decisions. Decisions by majority vote will be used only after the unit has found that attempts at achieving consensus have not been successful. No person who is a member of a WRIA planning unit may designate another to act on behalf of the person as a member or to attend as a member a meeting of the unit on behalf of the person. If a member of a WRIA planning unit is absent from more than five meetings of the WRIA planning unit that constitute twenty percent or more of the meetings that have been conducted by the planning unit while the person is a member of the unit and these absences have not been excused as provided by this section, the member's position on the WRIA planning unit is to be considered vacant. A person's absence from a meeting may be excused: By the chair of the planning unit if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the planning unit at the meeting during which the member is absent. **NEW SECTION. Sec. 111.** (1) Each WRIA planning unit shall develop a water resource plan. The plan must contain the elements listed in subsection (2) of this section and may include other elements added by the planning unit. Once organized, the first task of the planning unit is to prioritize these elements regarding their importance in the WRIA and in developing a water resource plan for the WRIA. A plan shall not be developed such that its provisions are in conflict with state or federal law or impair, diminish, or interfere in any manner with a water right existing prior to its adoption or with the construction, operation, or maintenance of a federal reclamation project. Each plan shall acknowledge that the water rights of citizens are private rights to real property. (2) The plan must include the following: (a) An assessment of water supply and use in the WRIA, including: (i) A quantitative estimation of the amount of surface and ground water present in the planning unit, using United States geological survey information and other existing sources of information; (ii) A quantitative estimation using existing sources of information, of the amount of precipitation and surface and ground water available, using currently available or likely available technologies, collectively for both current and future water uses, including for instream purposes and for withdrawal or diversion; (iii) A quantitative estimation using existing sources of information, of the amount of surface and ground water actually being used, and the months of peak and minimum use, both in-stream and by withdrawal, for agricultural, industrial, fisheries, recreational, environmental, municipal, and residential purposes, and including amounts claimed, permitted, or certificated for future municipal needs; and (iv) A quantitative estimation of the amount of water, approximately, that is represented by amounts in claims in the water rights claims registry, in water use permits, in certificated rights, and in rules establishing instream flows; (b) A quantitative description of future water-based instream and out-of-stream needs in the planning unit, based on projected population and agricultural and other economic growth. That is, an identification of the water needed collectively for use for agricultural, fisheries, recreational, environmental, industrial, municipal, and residential purposes. If a federal reclamation project is providing water for reclamation purposes within the WRIA or multi-WRIA area, federal reclamation water use requirements shall be those for project lands within the WRIA or multi-WRIA area; (c) Instream flows. (i) Except for the main stem of the Columbia river or the main stem of the Snake river, a planning unit may propose instream flow levels as part of its plan for other rivers and streams in its WRIA or multi-WRIA area. (ii) The planning unit may propose adjustments to instream flow levels that have been set by the state before the adoption of the planning unit's plan and will propose instream flow levels as part of the plan for the other rivers, streams, and lakes for which it determines the establishment of flows or levels to be appropriate in the WRIA, or in the multi-WRIA area for multi-WRIA planning under section 109 of this act, and for which flows have not been previously set. An instream flow or base flow or level set for a body of water in a WRIA plan adopted by the department

under section 113 of this act supersedes any other such flow or level previously established for the body of water; (d) A quantitative description of the ground water and of the surface water available for further appropriation including water that may be obtained through reuse. As used in this subsection (2)(d), "available" means available on the date the plan takes effect as a rule under section 113 of this act; (e) An identification of known areas that provide for the recharge of aquifers from the surface and areas where aquifers recharge surface bodies of water; (f) Strategies for increasing water supplies in the WRIA, including: (i) Water conservation measures; and (ii) Storage enhancements, including modifications to existing reservoirs, new reservoirs, and underground storage. Any quantity of water made available under these strategies is a quantity that is in addition to the water declared available for appropriation under (d) of this subsection; and (g) An identification of areas where voluntary water-related habitat improvement projects or voluntary transactions providing for the purchase of water-related habitat or water-related habitat easements would provide the greatest benefit to habitat in the WRIA, and a prioritization of the areas based on their potential for providing such benefits. The purpose of this element of the plan is to provide a means of coordinating nonregulatory, voluntary efforts for improving water-related habitat in the WRIA. No aspect of the plan may establish standards for water quality or regulate water quality in any manner whatsoever. (3) The department shall assist the planning unit in drafting proposed implementing rules for the elements of the plan over which the department has authority. The draft rules shall accompany the plan as it is reviewed under the provisions of this chapter. (4) A plan shall not be developed under this chapter to require directly or indirectly the implementation of laws, rules, or programs that are designed primarily to control water pollution or discharges of pollutants to water, to regulate effluent discharges or wastewater treatment systems or facilities, or to establish or require the achievement of water quality standards, including but not limited to chapter 90.48 RCW and rules adopted under chapter 90.48 RCW, the national pollutant discharge elimination system permit program, and the state waste discharge permit program. **NEW SECTION. Sec. 112.** (1) Water resource management plans developed pursuant to the process in this chapter and subsequently adopted by the department under section 113 of this act are presumed valid. This presumption shall apply in any petition or action filed against a plan. (2) All actions and decisions of the department regarding water resources in the WRIA shall be consistent with and based upon such an adopted plan for the WRIA. **NEW SECTION. Sec. 113.** (1) Upon completing a proposed water resource plan for the WRIA, the WRIA planning unit shall publish notice of and conduct at least one public hearing in the WRIA on the proposed plan. The planning unit shall take care to provide notice of the hearing throughout the WRIA or multi-WRIA area. As a minimum, it shall publish a notice of the hearing in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After considering the public comments presented at the hearing or hearings, the planning unit shall submit a copy of its proposed plan to the department. A proposed plan may be submitted to the department only if the unit has provided interim approval of the plan for this purpose by a majority vote of the members of the planning unit. (2) The department shall conduct at least one public hearing, announced in accordance with chapter 34.05 RCW, on each proposed WRIA water resource plan submitted under this section. The department shall provide advice as to any specific subsections or sections of the plan that the department believes to be in conflict with state or federal law and may provide other recommendations regarding the plan. The department shall transmit its advice and recommendations regarding the plan to the WRIA planning unit within sixty days of receiving it for review. (3) The WRIA planning unit shall vote on each recommendation provided by the department and on the department's advice regarding any subsections or sections of the proposed WRIA plan the department believed to be in conflict with state or federal law. The planning unit may adopt such a recommendation or provide changes to respond to the advice of the department by a majority vote of the members of the planning unit. The WRIA planning unit shall approve a water resource plan for the WRIA by a two-thirds majority vote of the members of the planning unit. An approved plan shall be submitted to the counties with territory within the WRIA for adoption. If a WRIA planning unit receives funding for WRIA or multi-WRIA planning under section 106 of this act and does not approve a plan for submission to the counties within four years of the date the planning unit receives the first of that funding from the department for the planning, the department shall develop and adopt a water resource plan for the WRIA or multi-WRIA area. (4) Upon receipt of the completed plan by the county, the county shall submit for review a copy of the plan to the tribal council of each reservation with territory within the WRIA. The tribal council may review and provide comments and recommendations to the county within thirty days of the receipt of the plan. Public hearings required under subsection (5) of this section may not commence before the thirty-day period provided in this subsection for comments from tribal councils. (5) The legislative authority of each of the counties with territory within the WRIA shall provide public notice for and conduct at least one public hearing on the WRIA plan submitted to the county under this section. The counties shall take care to provide notice of the hearings throughout the WRIA or multi-WRIA area. As a minimum, they shall publish a notice of the hearings in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the plan. The counties may approve or reject the plan, but may not amend the plan. Approval of a plan, or of recommendations for a plan that is not approved, shall be made by a majority vote of the members of the various legislative authorities of the counties with territory in the WRIA based on the votes allocated under section 102 of this act. If the plan is not approved, it shall be returned to the WRIA planning unit with recommendations for revisions. Any revised plan and implementing rules prepared by the planning unit shall be submitted to the department and to the counties as provided by this section for WRIA water resource plans generally. (6) If the plan is approved by the members of the legislative authorities, the plan shall be transmitted to the department for adoption. The department shall adopt such an approved WRIA water resource plan by rule. The department has no discretion to amend or reject the plan. A copy of the plan and notice of its adoption as rules shall be published in the state register under chapter 34.05 RCW. The public hearing required by chapter 34.05 RCW shall be deemed to have been satisfied by public hearings held by county legislative authorities. (7) If the department finds that an element of its WRIA plan is in conflict with state or federal law, the planning unit may either redraft the plan to be consistent with state and federal law, or if it believes the department's findings are in error, may petition the superior court for an order to require performance by the department under RCW 34.05.570(3). If the superior court finds that an element of the plan is in conflict with state or federal law, that element of the plan shall be invalid. Decisions on such petitions are reviewable as in other civil cases. This subsection shall not be construed as establishing such state liability for any other element of the plan adopted as rules. The planning unit may request that the legislature modify a state law in order to implement a portion of a plan found to be in conflict with the law. **NEW SECTION. Sec. 114.** The WRIA planning units may accept grants, funds, and other financing, as well as enter into cooperative agreements with private and public entities for planning assistance and funding. **NEW SECTION. Sec. 115.** A new section is added to chapter 90.03 RCW to read as

follows: (1) The department shall rule in a timely manner upon complete applications to appropriate public surface and ground water. For complete applications that seek to appropriate water from within a WRIA for which a WRIA plan has been adopted, the department shall grant or deny the application within one hundred eighty days of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. For applications that seek to appropriate water from within a WRIA for which no WRIA plan has been adopted, the department shall grant or deny the application within two years of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. The times allowed in this section to rule upon an application shall not include the time it takes the applicant to respond to an explicit request for additional information reasonably required to make a determination on the application. The department shall be allowed only one such request for additional information. The cost of obtaining such information shall be reasonable in relation to the quantity and value of the water right applied for. Once the applicant responds to an information request, the stay of the time allowed for the permit decision shall end. (2) If a detailed statement, generally referred to as an environmental impact statement, must be prepared under chapter 43.21C RCW for or in regard to an application to appropriate water, the department shall grant or deny the application within ninety days of the date the final environmental impact statement is available from the official responsible for it under chapter 43.21C RCW. **NEW SECTION.**

**Sec. 116.** A new section is added to chapter 34.05 RCW to read as follows: (1) Once the department of ecology receives a water resource plan submitted by a WRIA planning unit for advice and recommendations under section 113 of this act, the department shall conduct at least one public hearing on the plan and shall provide notice of the hearing and proposed plan as provided in RCW 34.05.320 for the proposal of a rule. The department shall maintain a file for the plan. Once the plan has been adopted by the counties in the WRIA under section 113 of this act and the plan has been submitted to the department of ecology, the department shall file the plan with the code reviser along with an order adopting the plan as rules. The code reviser shall cause the order and the water resource plan to be published in the Washington state register in the manner provided for the adoption of final rules and shall incorporate the plan into the Washington Administrative Code. No other aspect of this chapter that establishes procedures for the adoption of rules applies to the adoption of the plan by the department. (2) For the purposes of this section, "WRIA" has the meaning established in section 104 of this act. **PART HISTORICAL STORAGE Sec. 201.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to read as follows: Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals: (1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost. (3) The quality of the natural environment shall be protected and, where possible, enhanced as follows: (a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if: (i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and (ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result. (4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 102 or 109 of this act shall evaluate the potential for the development of new storage projects and the benefits of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses. (5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs. ~~((5))~~ (6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions. ~~((6))~~ (7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. ~~((7))~~ (8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public. ~~((8))~~ (9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters. ~~((9))~~ (10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions. ~~((10))~~ (11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest. **Sec. 202.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows: Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following: (1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred. (2) Increased water use

efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, including waste water recycling, and ((impoundment)) storage of waters. (3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses. (4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1). (5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where projected water needs, including those for instream flows, exceed available supplies. (6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes. **PART III GENERAL ADJUDICATIONS NEW SECTION. Sec. 301.** A new section is added to chapter 90.03 RCW to read as follows: The legislature finds that the lack of certainty regarding water rights within a water resource basin may impede management and planning for water resources. The legislature further finds that planning units conducting water resource planning under chapter 90.-- RCW (sections 101 through 114 of this act) may find that the certainty provided by a general adjudication of water rights under this chapter is required for water planning or water management in a water resource inventory area or in a portion of the area. Therefore, such planning units may petition the department to conduct such a general adjudication and the department shall give high priority to such a request in initiating any such general adjudications under this chapter. **PART IV MISCELLANEOUS NEW SECTION. Sec. 401.** As used in this act, part headings constitute no part of the law. **NEW SECTION. Sec. 402.** Sections 101 through 114 of this act constitute a new chapter in Title 90 RCW. **NEW SECTION. Sec. 403.** This act takes effect July 1, 1998."

#### MOTION

Senator Morton moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: **"PART I BASIN PLANS NEW SECTION. Sec. 101.** The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development. It is necessary for the legislature to establish processes and policies that will result in providing state agencies with more specific guidance to manage the water resources of the state consistent with current law and direction provided by local entities and citizens through the process established in accordance with this chapter. **NEW SECTION. Sec. 102.** The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources. The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting instream flows for fish, and by providing for the economic well-being of the state's citizenry and communities. Therefore, the legislature believes it necessary for units of local government throughout the state to engage in the orderly development of these watershed plans. **NEW SECTION. Sec. 103.** When considering applications to appropriate public waters or the perfection, transfer, change, or cancellation of water right permits, the department shall not have discretion to take any action except in a manner consistent with the standards set forth in chapters 90.03, 90.22, 90.44, and 90.54 RCW. **NEW SECTION. Sec. 104.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Department" means the department of ecology. (2) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997. (3) "Water supply utility" means a water, combined water-sewer, irrigation, reclamation, or public utility district that provides water to persons or other water users within the district or a division or unit responsible for administering a publicly governed water supply system on behalf of a city, town, or county. (4) "WRIA plan" or "plan" means the product of the planning unit including any rules adopted in conjunction with the product of the planning unit. **NEW SECTION. Sec. 105.** In order to have the best possible program for appropriating and administering water use in the state, the legislature establishes the following principles and criteria to carry out the purpose and intent of chapter . . . , Laws of 1997 (this act). (1) All WRIA planning units established under this chapter shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process. (2) State agencies with major water resource management responsibilities shall be available to share information on state-wide statutorily designated interests. (3) Plans developed under chapter . . . , Laws of 1997 (this act) shall be consistent with and not duplicative of efforts already under way in a WRIA, including but not limited to watershed analysis conducted under state forest practices statutes and rules. **NEW SECTION. Sec. 106.** (1) Once a WRIA planning unit has been organized and designated a lead agency, it shall notify the department and may apply to the department for funding assistance for conducting the planning. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose. (2) Each planning unit that has complied with subsection (1) of this section is eligible to receive fifty thousand dollars for each WRIA to initiate the planning process. The department shall allocate additional funds to WRIA planning units based on demonstrated need. Each WRIA planning unit may receive up to two hundred fifty thousand dollars for each WRIA during the first two-year period of planning, with a maximum allocation of five hundred thousand dollars for each WRIA. Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose. (3) Preference shall be given to planning units requesting funding for conducting multi-WRIA planning under section 109 of this act. Preference shall also be given to planning projects that are clearly intended to respond to endangered species act listings

or to attempt to resolve problems that may lead to such listings or to address water availability to meet projected growth based on office of financial management twenty-year population projections. (4) The department may retain up to one percent of funds allocated under this section to defray administrative costs. **NEW SECTION. Sec. 107.** (1) This chapter shall not be construed as creating a new cause of action against the state or any county, city, town, water supply utility, conservation district, or planning unit. (2) Notwithstanding RCW 4.92.090, 4.96.010, and 64.40.020, no claim for damages may be filed against the state or any county, city, town, water supply utility, Indian tribes, conservation district, or planning unit that or member of a planning unit who participates in a WRIA planning unit for performing responsibilities under this chapter. The exclusion from liability contained in this subsection does not apply to a county, city, town, or water supply utility that votes to adopt provisions in a WRIA plan that have been identified by the superior court as being in conflict with state statute or federal law with regard to those provisions if advice regarding the conflict was provided under section 113(2) of this act. **NEW SECTION. Sec. 108.** (1)(a) Except as provided in section 109 of this act for multi-WRIA planning, the county with the largest area within the boundaries of a WRIA or a municipal corporation obtaining its water supply from the WRIA may choose to initiate water resource planning for the WRIA under this chapter. If it does so choose, it shall make application to the department of ecology to declare its intent to conduct watershed planning. Upon making application to the department, the county with the largest area within the WRIA shall convene meetings of the members of the legislative authorities of the counties with territory within a WRIA for the appointment of a WRIA planning unit. The county or municipal corporation shall also notify the cities, water supply utilities, Indian tribes, and conservation districts with territory within the WRIA that these groups are to meet to appoint their members of the WRIA planning unit. For the purposes of this section and sections 109 and 113 of this act, a county is considered to have territory within a WRIA only if the territory of the county located in the WRIA constitutes at least fifteen percent of the area of the WRIA. For conducting planning under this chapter, the county with the largest area within the boundaries of the WRIA is the lead agency for the WRIA planning, except as provided in section 109 of this act for multi-WRIA planning. When the counties of a WRIA have convened jointly to make appointments to the planning unit, they may, by a majority vote, choose as the lead agency for WRIA planning any governmental entity in the WRIA. Such a governmental entity shall act as the lead agency for this purpose if it agrees in writing to accept the designation. (b) For a WRIA located within Pierce, King, or Snohomish county, the lead agency shall be the water supply utility that is using the largest amount of water from the WRIA. (2) In a WRIA where water resource planning efforts have commenced before the effective date of this section, such as but not limited to the Kettle river WRIA, the county legislative authorities with territory within the WRIA in accordance with subsection (1) of this section may, by majority vote, choose to adopt the existing planning unit membership for purposes of planning under chapter . . . , Laws of 1997 (this act). (3)(a) One WRIA planning unit shall be appointed for the WRIA as provided by this section or for a multi-WRIA area as provided by section 109 of this act for multi-WRIA planning. The planning unit shall be composed of: (i) One member from each county with territory in the WRIA representing the county and appointed by the county; (ii) one member for each county with territory in the WRIA, but not less than two members, representing cities with territory in the WRIA and appointed jointly by those cities and incorporated towns; (iii) two members representing water supply utilities other than those of a city or town with territory within the WRIA and appointed jointly by those districts; (iv) one member representing all conservation districts with territory within the WRIA and appointed jointly by those districts; (v) three members representing various special interest groups appointed jointly by the cities with territory within the WRIA; and six members representing various special interest groups appointed jointly by the counties with territory within the WRIA; (vi) one member representing the general citizenry appointed jointly by the cities with territory within the WRIA; (vii) three members representing the general citizenry appointed jointly by the counties with territory in the WRIA, of which at least one shall be a holder of a water right certificate and at least one shall be a holder of a water right for which a statement of claim was in the state's water rights claims registry before January 1, 1997; (viii) if one or more federal Indian reservations are located in whole or in part within the boundaries of the WRIA, the planning unit shall extend an invitation to the tribal government of each reservation to appoint one member representing the tribal government; and (ix) three members representing state agencies including the secretary of the department of transportation or the secretary's designee, the director of the department of fish and wildlife or the director's designee, and the director of the department of ecology or the director's designee. The three members representing state government shall have a single vote representing state agency interests. (b) In addition, for a WRIA located within Pierce, King, or Snohomish county, one representative of the water supply utility that is the water purveyor using the largest amount of water from the WRIA shall be a voting member of the planning unit whether the principal offices of the purveyor are or are not located within the WRIA. (4) Except for a person appointed under subsection (3)(a)(ix) or (b) of this section, each person appointed to a WRIA planning unit shall have been a resident and a property owner of the WRIA for at least three years. State employees or state officials other than members appointed under subsection (3)(a)(ix) or (b) of this section may be appointed to the planning unit unless they have state water resource-related duties. In appointing persons to the WRIA planning unit representing special interest groups, the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the WRIA. Counties shall attempt to provide for a balanced group of interests on the planning unit, with emphasis given to local interests and concerns. (5)(a) In voting to appoint the members of a WRIA planning unit, to select a lead agency for water resource planning under section 108 or 109 of this act, to approve a WRIA plan under section 113 of this act, or to request or concur with a request for multi-WRIA planning under section 109 of this act, each county with territory within the WRIA shall have three votes, divided equally among the members of the county's legislative authority and these actions shall be made by majority vote based on the votes allocated under this section. In voting to appoint members of a WRIA planning unit: Each city with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such cities; each water supply utility other than those of a city or town with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts; and each conservation district with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts. All appointments shall be made within sixty days of the date the appointing authorities other than the counties are notified to convene to make appointments or the appointments shall be made by the counties with territory in the WRIA in the same manner the counties make other appointments. (b) The local governments of the WRIA planning unit may, by majority vote, add up to two additional members representing interests that are not included in the planning unit. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for

appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership. **NEW SECTION. Sec. 109.** (1) The counties with territory in a WRIA may elect to conduct multi-WRIA planning with the counties with territory in one or more other WRIsAs. If the counties with territory in these other WRIsAs concur, all of the counties with territory in these WRIsAs shall convene and shall appoint one planning unit to conduct the water resource planning for the multi-WRIA area. (a) The planning unit shall be composed of: (i) Up to one member, as that number is determined by the counties jointly, for each county with territory in the multi-WRIA area representing the counties and appointed by the counties jointly; (ii) up to one member, as that number is determined by the cities jointly, for each county with territory in the multi-WRIA area, representing cities with territory in the multi-WRIA area and appointed jointly by those cities; (iii) up to three members, as that number is determined by the districts, representing water supply utilities other than those of a city or town with territory within the multi-WRIA area and appointed jointly by those districts; (iv) up to two members, as that number is determined by the districts, representing all conservation districts with territory within the multi-WRIA area and appointed jointly by those districts; (v) three members representing various special interest groups appointed jointly by the cities with territory within the multi-WRIA area; and six members representing various special interest groups appointed jointly by the counties with territory within the multi-WRIA area; (vi) one member representing the general citizenry appointed jointly by the cities with territory within the multi-WRIA area; (vii) three members representing the general citizenry appointed jointly by the counties with territory in the multi-WRIA area, of which at least one shall be a holder of a water right certificate and at least one shall be a holder of a water right for which a statement of claim was in the state's water rights claims registry before January 1, 1997; (viii) if one or more federal Indian reservations are located in whole or in part within the boundaries of the multi-WRIA area, the planning unit shall extend an invitation to the tribal government of each reservation to appoint one member representing the tribal government; and (ix) three members representing state agencies including the secretary of the department of transportation or the secretary's designee, the director of the department of fish and wildlife or the director's designee, and the director of the department of ecology or the director's designee. The three members representing state government shall have a single vote representing state agency interests. (b) In addition, for a multi-WRIA planning unit located within Pierce, King, or Snohomish county, one representative of the water purveyor using the largest amount of water from the multi-WRIA area shall be a voting member of the planning unit whether the principal offices of the purveyor are or are not located within the multi-WRIA area. (c) Except for a person appointed under (a)(ix) or (b) of this subsection, each person appointed to a multi-WRIA planning unit shall have been a resident and property owner within the multi-WRIA area for at least three years. State employees or state officials other than members appointed under subsection (a)(ix) or (b) of this subsection may be appointed to the planning unit unless they have state water resource-related duties. In appointing persons to the multi-WRIA planning unit representing special interest groups the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the multi-WRIA area. Counties shall attempt to provide for a balanced group of interests on the planning unit, with emphasis given to local interests and concerns. (2) In a multi-WRIA area where water resource planning efforts have commenced before the effective date of this section, such as but not limited to the Kettle river WRIA, the county legislative authorities with territory within the WRIA in accordance with subsection (1) of this section may, by majority vote, choose to adopt the existing planning unit membership for purposes of planning under chapter . . . , Laws of 1997 (this act). (3)(a) The counties in the multi-WRIA area shall select, by a majority vote, a governmental entity in the multi-WRIA area to act as lead agency for water resource planning in the multi-WRIA area under this chapter. Such an entity shall serve as the lead agency if it agrees in writing to do so. All appointments shall be made within sixty days of the date the lead agency in the multi-WRIA area notifies the other appointing authorities to convene to make appointments or the appointments shall be made by the counties with territory in the multi-WRIA area in the same manner the counties make other appointments. (b) The local governments of the WRIA planning unit may, by majority vote, add up to two additional members representing interests that are not included in the planning unit. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership. (4) A planning unit for a multi-WRIA area shall perform all of the functions assigned by this chapter to a WRIA planning unit and is subject to all of the provisions of this chapter that apply to a WRIA planning unit. **NEW SECTION. Sec. 110.** The lead agency shall provide staff support from resources provided for planning under chapter . . . , Laws of 1997 (this act) for the work of the WRIA planning unit. Each WRIA planning unit may establish its own methods of operation that are consistent with this chapter and may establish methods for reviewing the operations of its lead agency. No planning unit appointed or selected under this chapter may possess or exercise the power of eminent domain. No planning unit appointed or selected under this chapter may take any action that affects in any manner a general adjudication proceeding for water rights, completed or ongoing. Each WRIA planning unit is encouraged to: Consider information and plans that may have been previously developed by other entities in establishing water resource management plans for the WRIA; consider existing data regarding water resources in the WRIA; and, for a WRIA that borders another state, cooperate with local government counterparts in the adjacent state regarding water resource planning. Water resource plans developed under this chapter for a WRIA may not interfere in any manner with a general adjudication of water rights, completed or ongoing. Such a WRIA plan may not in any manner impair, diminish, or interfere with a water right that exists before the adoption of the plan by the department under section 113 of this act. All meetings of a WRIA planning unit shall be conducted as public meetings as required for such meetings by the open public meetings act, chapter 42.30 RCW. Some time shall be set aside at the end of each meeting of a WRIA planning unit for public comments. Each planning unit shall establish procedures to be followed by the unit in making decisions. The objective to be sought by the planning unit in making decisions is to reach consensus among its members on the decisions. Decisions by a two-thirds majority vote may be used if the unit has found that attempts at achieving consensus have not been successful. No person who is a member of a WRIA planning unit may designate another to act on behalf of the person as a member or to attend as a member a meeting of the unit on behalf of the person. If a member

of a WRIA planning unit is absent from more than five meetings of the WRIA planning unit that constitute twenty percent or more of the meetings that have been conducted by the planning unit while the person is a member of the unit and these absences have not been excused as provided by this section, the member's position on the WRIA planning unit is to be considered vacant. A person's absence from a meeting may be excused: By the chair of the planning unit if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the planning unit at the meeting during which the member is absent. **NEW SECTION. Sec. 111.** (1) Each WRIA planning unit shall develop a water resource plan. The plan must address the elements listed in subsection (2) of this section and may include other elements added by the planning unit. Once organized, the first task of the planning unit is to prioritize these elements regarding their importance in the WRIA and in developing a water resource plan for the WRIA. A plan shall not be developed such that its provisions are in conflict with state statute or federal law or impair, diminish, or interfere in any manner with a water right existing prior to its adoption or with the construction, operation, or maintenance of a federal reclamation project or an instream flow requirement or condition established for hydroelectric power project licensed under the federal power act. No aspect of the plan may establish standards for water quality or regulate water quality in any manner whatsoever. (2) The plan must include the following: (a) An assessment of water supply and use in the WRIA, including: (i) A quantitative estimation of the amount of surface and ground water present in the planning unit, using United States geological survey information and other existing sources of information; (ii) A quantitative estimation using existing sources of information, of the amount of precipitation and surface and ground water available, using currently available or likely available technologies, collectively for both current and future water uses, including for instream purposes and for withdrawal or diversion; (iii) A quantitative estimation using existing sources of information, of the amount of surface and ground water actually being used, and the months of peak and minimum use, both in-stream and by withdrawal, for agricultural, industrial, fisheries, recreational, environmental, municipal, and residential purposes, and including amounts claimed, permitted, or certificated for future municipal needs; and (iv) A quantitative estimation of the amount of water, approximately, that is represented by amounts in claims in the water rights claims registry, in water use permits, in certificated rights, and in rules establishing instream flows; (b) A quantitative description of future water-based instream and out-of-stream needs in the planning unit, based on projected population and agricultural and other economic growth. That is, an identification of the water needed collectively for use for agricultural, fisheries, recreational, environmental, industrial, municipal, and residential purposes. If a federal reclamation project is providing water for reclamation purposes within the WRIA or multi-WRIA area, federal reclamation water use requirements shall be those for project lands within the WRIA or multi-WRIA area; (c) Instream flows. (i) Except for the main stem of the Columbia river or the main stem of the Snake river, a planning unit may propose instream flow levels as part of its plan for other rivers and streams in its WRIA or multi-WRIA area. (ii) The planning unit, by unanimous recorded vote of all voting members, may set specific instream flow levels, and such flow levels shall be adopted by rule of the department. (iii) If the planning unit is unable to approve specific instream flow levels unanimously, such levels may be submitted as a recommended instream flow in the WRIA plan for consideration by the department. Such recommendations must be approved by a two-thirds majority vote of the voting members of the planning unit. (iv) Instream flow levels proposed under this subsection may not conflict with flow requirements or conditions in effect under a license issued under the federal power act. (v) The planning unit may propose adjustments to instream flow levels that have been set by the state before the adoption of the planning unit's plan and will propose instream flow levels as part of the plan for the other rivers, streams, and lakes for which it determines the establishment of flows or levels to be appropriate in the WRIA, or in the multi-WRIA area for multi-WRIA planning under section 109 of this act. (vi) The planning unit, by unanimous recorded vote of all voting members, may adjust established instream flow levels, and such flow levels shall be adopted by rule of the department. (vii) If the planning unit is unable to approve such adjustments unanimously, such levels may be submitted as a recommended adjustment to established instream flows in the WRIA plan for consideration by the department. Such recommendations must be approved by a two-thirds majority vote of the voting members of the planning unit. (viii) An instream flow or base flow or level set for a body of water in a WRIA plan adopted by the department under section 113 of this act supersedes any other such flow or level previously established for the body of water; (d) A quantitative description of the ground water and of the surface water available for further appropriation including water that may be obtained through reuse. As used in this subsection (2)(d), "available" means available on the date the plan takes effect as a rule under section 113 of this act; (e) An identification of known areas that provide for the recharge of aquifers from the surface and areas where aquifers recharge surface bodies of water; (f) Strategies for increasing water supplies in the WRIA, including: (i) Water conservation and reuse measures; and (ii) Storage enhancements, including modifications to existing reservoirs, new reservoirs, and underground storage. Any quantity of water made available under these strategies is a quantity that is in addition to the water declared available for appropriation under (d) of this subsection; and (g) An identification of areas where voluntary water-related habitat improvement projects or voluntary transactions providing for the purchase of water-related habitat or water-related habitat easements would provide the greatest benefit to habitat in the WRIA, and a prioritization of the areas based on their potential for providing such benefits. The purpose of this element of the plan is to provide a means of coordinating nonregulatory, voluntary efforts for improving water-related habitat in the WRIA. (3) Upon request the department shall assist the planning unit in drafting proposed implementing rules for the elements of the plan over which the department has authority. The draft rules shall accompany the plan as it is reviewed under the provisions of this chapter. (4) A plan shall not be developed under this chapter to require directly or indirectly the implementation of laws, rules, or programs that are designed primarily to control water pollution or discharges of pollutants to water, to regulate effluent discharges or wastewater treatment systems or facilities, or to establish or require the achievement of water quality standards, including but not limited to chapter 90.48 RCW and rules adopted under chapter 90.48 RCW, the national pollutant discharge elimination system permit program, and the state waste discharge permit program. **NEW SECTION. Sec. 112.** (1) Water resource management plans developed pursuant to the process in this chapter and subsequently adopted by the department under section 113 of this act are presumed valid. This presumption shall apply in any petition or action filed against a plan. (2) Any action taken by a state agency regarding or affecting water resources within a WRIA for which a plan has been adopted under section 113 of this act and any planning conducted by a state agency regarding or affecting water resources within a WRIA for which a plan has been adopted under section 113 of this act shall be taken or conducted in a manner that is consistent with the plan. All actions and decisions of the department regarding water resources in the WRIA shall be consistent with and based upon such an adopted plan for the WRIA. Any other authority of the department exercised

within the WRIA regarding or affecting water resources shall be exercised in a manner that is consistent with such an adopted plan. **NEW SECTION. Sec. 113.** (1) Upon completing a proposed water resource plan for the WRIA, the WRIA planning unit shall publish notice of and conduct at least one public hearing in the WRIA on the proposed plan. The planning unit shall take care to provide notice of the hearing throughout the WRIA or multi-WRIA area. As a minimum, it shall publish a notice of the hearing in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After considering the public comments presented at the hearing or hearings, the planning unit shall submit a copy of its proposed plan to the department and to the tribal council of each reservation with territory within the WRIA. (2)(a) The department shall provide advice as to any specific subsections or sections of the plan that the department believes to be in conflict with state statute or federal law and may provide other recommendations regarding the plan. The department shall transmit its advice and recommendations regarding the plan to the WRIA planning unit within sixty days of receiving it for review. (b) The tribal council may review and provide comments and recommendations to the planning unit within sixty days of the receipt of the plan. (3) The WRIA planning unit shall consider each recommendation provided under subsection (2) of this section. The planning unit may adopt such a recommendation or provide changes to respond to the advice of the department and the tribal council by a two-thirds majority vote of the members of the planning unit. The WRIA planning unit shall approve a water resource plan for the WRIA by a two-thirds majority vote of the members of the planning unit. An approved plan shall be submitted to the counties with territory within the WRIA for adoption. If a WRIA planning unit receives funding for WRIA or multi-WRIA planning under section 106 of this act and does not approve a plan for submission to the counties within four years of the date the planning unit receives the first of that funding from the department for the planning, the department shall develop and adopt a water resource plan for the WRIA or multi-WRIA area. (4) The legislative authority of each of the counties with territory within the WRIA shall provide public notice for and conduct at least one public hearing on the WRIA plan submitted to the county under this section. The counties shall take care to provide notice of the hearings throughout the WRIA or multi-WRIA area. As a minimum, they shall publish a notice of the hearings in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the plan. The counties may approve or reject the plan, but may not amend the plan. Approval of a plan, or of recommendations for a plan that is not approved, shall be made by a majority vote of the members of the various legislative authorities of the counties with territory in the WRIA based on the votes allocated under section 108 of this act. If the plan is not approved, it shall be returned to the WRIA planning unit with recommendations for revisions. Any revised plan and implementing rules prepared by the planning unit shall be submitted to the department and to the counties as provided by this section for WRIA water resource plans generally. (5) If the plan is approved by the members of the legislative authorities, the plan shall be transmitted to the department for adoption. The department shall adopt such an approved WRIA water resource plan by rule. The department has no discretion to amend or reject the plan except as provided in section 111(2)(c) (iii) or (vii) of this act. A copy of the plan and notice of its adoption as rules shall be published in the state register under chapter 34.05 RCW. The public hearing required by chapter 34.05 RCW shall be deemed to have been satisfied by public hearings held by county legislative authorities. (6) If the department finds that an element of a WRIA plan is in conflict with state statute or federal law and the unit does not remove the conflict created by the element from its plan, the state is not liable for any judgment that may be awarded regarding the conflict. The department may file a petition for declaratory judgment in the superior court to determine whether the element is or is not in conflict with state statute or federal law. The petition shall be filed in the superior court in the county with the largest area in the WRIA or multi-WRIA area governed by the plan. The counties that approved the plan shall be named as parties to the proceeding. The superior court shall review the potential conflict under the error of law standard. If the superior court finds that an element of the plan is in conflict with state statute or federal law, that element of the plan shall be invalid. Decisions on such petitions are reviewable as in other civil cases. This subsection shall not be construed as establishing such state liability for any other element of the plan adopted as rules. **NEW SECTION. Sec. 114.** The WRIA planning units may accept grants, funds, and other financing, as well as enter into cooperative agreements with private and public entities for planning assistance and funding. **NEW SECTION. Sec. 115.** A new section is added to chapter 90.03 RCW to read as follows: (1) The department shall rule in a timely manner upon complete applications to appropriate public surface and ground water. For complete applications that seek to appropriate water from within a WRIA for which a WRIA plan has been adopted, the department shall grant or deny the application within one hundred eighty days of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. For applications filed after July 1, 1999, that seek to appropriate water from within a WRIA for which no WRIA plan has been adopted, the department shall grant or deny the application within one year of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. The times allowed in this section to rule upon an application shall not include the time it takes the applicant to respond to an explicit request for additional information reasonably required to make a determination on the application. The department shall be allowed only one such request for additional information. The cost of obtaining such information shall be reasonable in relation to the quantity and value of the water right applied for. Once the applicant responds to an information request, the stay of the time allowed for the permit decision shall end. (2) If a detailed statement, generally referred to as an environmental impact statement, must be prepared under chapter 43.21C RCW for or in regard to an application to appropriate water, the department shall grant or deny the application within ninety days of the date the final environmental impact statement is available from the official responsible for it under chapter 43.21C RCW. **NEW SECTION. Sec. 116.** A new section is added to chapter 34.05 RCW to read as follows: (1) Once the department of ecology receives a water resource plan submitted by a WRIA planning unit for advice and recommendations under section 113 of this act, the department shall conduct at least one public hearing on the plan and shall provide notice of the hearing and proposed plan as provided in RCW 34.05.320 for the proposal of a rule. The department shall maintain a file for the plan. Once the plan has been adopted by the counties in the WRIA under section 113 of this act and the plan has been submitted to the department of ecology, the department shall file the plan with the code reviser along with an order adopting the plan as rules. The code reviser shall cause the order and the water resource plan to be published in the Washington state register in the manner provided for the adoption of final rules and shall incorporate the plan into the Washington Administrative Code. No other aspect of this chapter that establishes procedures for the adoption of rules applies to the adoption of the plan by the department. (2) For the purposes of this section, "WRIA" has the meaning established in section 104 of this act. **Sec. 117.** RCW 90.54.040 and 1997 c . . . s 2 (Senate Bill 5029) are each amended to read as follows: (1) Consistent with chapter . . . , Laws of 1997 (this act) the



department, through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people, to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use. The department may develop the program in segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use. (2) In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section. (3) The department is directed to review all statutes relating to water resources which it is responsible for implementing. When any of the same appear to the department to be ambiguous, unclear, unworkable, unnecessary, or otherwise deficient, it shall make recommendations to the legislature including appropriate proposals for statutory modifications or additions. Whenever it appears that the policies of any such statutes are in conflict with the policies of this chapter, and the department is unable to fully perform as provided in subsection (2) of this section, the department is directed to submit statutory modifications to the legislature which, if enacted, would allow the department to carry out such statutes in harmony with this chapter.

**PART II STORAGE Sec. 201.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to read as follows: Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals: (1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost. (3) The quality of the natural environment shall be protected and, where possible, enhanced as follows: (a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry.

Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if: (i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and (ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result. (4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 108 or 109 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses. (5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs. ~~((5))~~ (6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions. ~~((6))~~ (7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. ~~((7))~~ (8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public. ~~((8))~~ (9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters. ~~((9))~~ (10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions. ~~((10))~~ (11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

**Sec. 202.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows: Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following: (1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred. (2) Increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, including waste water recycling, and ~~((impoundment))~~ storage of waters. (3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses. (4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1). (5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where

projected water needs, including those for instream flows, exceed available supplies. (6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

**PART III GENERAL ADJUDICATIONS NEW SECTION. Sec. 301.** A new section is added to chapter 90.03 RCW to read as follows: The legislature finds that the lack of certainty regarding water rights within a water resource basin may impede management and planning for water resources. The legislature further finds that planning units conducting water resource planning under chapter 90.-- RCW (sections 101 through 114 of this act) may find that the certainty provided by a general adjudication of water rights under this chapter is required for water planning or water management in a water resource inventory area or in a portion of the area. Therefore, such planning units may petition the department to conduct such a general adjudication and the department shall give high priority to such a request in initiating any such general adjudications under this chapter.

**PART IV WATER PURVEYORS Sec. 401.** RCW 90.03.383 and 1991 c 350 s 1 are each amended to read as follows: (1)

The legislature recognizes the value of interties for improving the reliability of public water systems, enhancing their management, and more efficiently utilizing the increasingly limited resource. Given the continued growth in the most populous areas of the state, the increased complexity of public water supply management, and the trend toward regional planning and regional solutions to resource issues, interconnections of public water systems through interties provide a valuable tool to ensure reliable public water supplies for the citizens of the state. Public water systems have been encouraged in the past to utilize interties to achieve public health and resource management objectives. The legislature finds that it is in the public interest to recognize interties existing and in use as of January 1, 1991, and to have associated water rights modified by the department of ecology to reflect current use of water through those interties, pursuant to subsection (3) of this section.

The legislature further finds it in the public interest to develop a coordinated process to review proposals for interties commencing use after January 1, 1991. (2) For the purposes of this section, the following definitions shall apply: (a) "Interties" are interconnections between public water systems permitting exchange, acquisition, or delivery of wholesale and/or retail water between those systems for other than emergency supply purposes, where such exchange, acquisition, or delivery is within established instantaneous and annual withdrawal rates specified in the systems' existing water right permits or certificates, or contained in claims filed pursuant to chapter 90.14 RCW, and which results in better management of public water supply consistent with existing rights and obligations. Interties include interconnections between public water systems permitting exchange, acquisition, or delivery of water to serve as primary or secondary sources of supply (~~but do not include development of new sources of supply to meet future demand~~) and the development of new sources of supply to meet future demands if the water system or systems receiving water through such an intertie make efficient use of existing sources of water supply and the provision of water through such an intertie is consistent with local land use plans. For this purpose, a system's full compliance with the state department of health's conservation guidelines for such systems is deemed efficient use. (b) "Service area" is the area designated as the wholesale and/or retail area in a water system plan or a coordinated water system plan pursuant to chapter 43.20 or 70.116 RCW respectively. When a public water system does not have a designated service area subject to the approval process of those chapters, the service area shall be the designated place of use contained in the water right permit or certificate, or contained in the claim filed pursuant to chapter 90.14 RCW. (3)(a) Public water systems with interties existing and in use as of January 1, 1991, or that have received written approval from the department of health prior to that date, shall file written notice of those interties with the department of health and the department of ecology. The notice may be incorporated into the public water system's five-year update of its water system plan, but shall be filed no later than June 30, 1996. The notice shall identify the location of the intertie; the dates of its first use; the purpose, capacity, and current use; the intertie agreement of the parties and the service areas assigned; and other information reasonably necessary to modify the public water system's water right (~~(permit)~~). Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, for public water systems with interties existing and in use or with written approval as of January 1, 1991, the department of ecology, upon receipt of notice meeting the requirements of this subsection, shall, as soon as practicable, modify the place of use descriptions in the water right permits, certificates, or claims to reflect the actual use through such interties, provided that the place of use is within service area designations established in a water system plan approved pursuant to chapter 43.20 RCW, or a coordinated water system plan approved pursuant to chapter 70.116 RCW, and further provided that the water used is within the instantaneous and annual withdrawal rates specified in the water rights (~~(permit)~~) and that no outstanding complaints of impairment to existing water rights have been filed with the department of ecology prior to September 1, 1991. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties or through available administrative remedies. (b) An intertie meeting the requirements of this subsection (3) for modifying the place of use description in a water right permit, certificate, or claim may be used to its full design or built capacity within the most recently approved retail or wholesale or retail and wholesale service area, without further approval under this section and without regard to the capacity actually used before January 1, 1991. (4) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, exchange, acquisition, or delivery of water through interties approved by the department of health

commencing use after January 1, 1991, shall be permitted when the intertie improves overall system reliability, enhances the manageability of the systems, provides opportunities for conjunctive use, or delays or avoids the need to develop new water sources, and otherwise meets the requirements of this section, provided that each public water system's water use shall not exceed the instantaneous or annual withdrawal rate specified in its water right authorization, shall not adversely affect existing water rights, and shall not be inconsistent with state-approved plans such as water system plans or other plans which include specific proposals for construction of interties. Interties approved and commencing use after January 1, 1991, shall not be inconsistent with regional water resource plans developed pursuant to chapter 90.54 RCW or chapter 90.-- RCW (sections 101 through 114 of this act). (5) For public water systems subject to the approval process of chapter 43.20 RCW or chapter 70.116 RCW, proposals for interties commencing use after January 1, 1991, shall be incorporated into water system plans pursuant to chapter 43.20 RCW or coordinated water system plans pursuant to chapter 70.116 RCW and submitted to the department of health and the department of ecology for review and approval as provided for in subsections (5) through (9) of this section. The plan shall state how the proposed intertie will improve overall system reliability, enhance the manageability

of the systems, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources. (6) The department of health shall be responsible for review and approval of proposals for new interties. In its review the department of health shall determine whether the intertie satisfies the criteria of subsection (4) of this section, with the exception of water rights considerations, which are the responsibility of the department of ecology, and shall determine whether the intertie is necessary to address emergent public health or safety concerns associated with public water supply. (7) If the intertie is determined by the department of health to be necessary to address emergent public health or safety concerns associated with public water supply, the public water system shall amend its water system plan as required and shall file an application with the department of ecology to change its existing water right to reflect the proposed use of the water as described in the approved water system plan. The department of ecology shall process the application for change pursuant to RCW 90.03.380 or 90.44.100 as appropriate, except that, notwithstanding the requirements of those sections regarding notice and protest periods, applicants shall be required to publish notice one time, and the comment period shall be fifteen days from the date of publication of the notice. Within sixty days of receiving the application, the department of ecology shall issue findings and advise the department of health if existing water rights are determined to be adversely affected. If no determination is provided by the department of ecology within the sixty-day period, the department of health shall proceed as if existing rights are not adversely affected by the proposed intertie. The department of ecology may obtain an extension of the sixty-day period by submitting written notice to the department of health and to the applicant indicating a definite date by which its determination will be made. No additional extensions shall be granted, and in no event shall the total review period for the department of ecology exceed one hundred eighty days. (8) If the department of health determines the proposed intertie appears to meet the requirements of subsection (4) of this section but is not necessary to address emergent public health or safety concerns associated with public water supply, the department of health shall instruct the applicant to submit to the department of ecology an application for change to the underlying water right or claim as necessary to reflect the new place of use. The department of ecology shall consider the applications pursuant to the provisions of RCW 90.03.380 and 90.44.100 as appropriate. The department of ecology shall not deny or limit a change of place of use for an intertie on the grounds that the holder of a permit has not yet put all of the water authorized in the permit to beneficial use. If in its review of proposed interties and associated water rights the department of ecology determines that additional information is required to act on the application, the department may request applicants to provide information necessary for its decision, consistent with agency rules and written guidelines. Parties disagreeing with the decision of the department of ecology ~~((to))~~ to approve or deny the application for change in place of use may appeal the decision to the pollution control hearings board. (9) The department of health may approve plans containing intertie proposals prior to the department of ecology's decision on the water right application for change in place of use. However, notwithstanding such approval, construction work on the intertie shall not begin until the department of ecology issues the appropriate water right document to the applicant consistent with the approved plan. (10) The 1997 amendments to this section in this act are null and void if any one of sections 101 through 116 of this act is vetoed by June 30, 1997. **Sec. 402.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows: (1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by him, and such certificate shall thereupon be recorded with the department. Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be by the department transmitted to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof. (2) If a public water system is providing water for municipal supply purposes under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected. (3) If a federal reclamation project is providing water for reclamation purposes under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected. (4) If an irrigation district is providing water for the purposes authorized by chapter 87.03 RCW under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected. (5) The 1997 amendments to this section in this act are null and void if any one of sections 101 through 116 of this act is vetoed by June 30, 1997.

**PART VRELINQUISHMENT Sec. 501.** RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows: (1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of: (a) Drought, or other unavailability of water; (b) Active service in the armed forces of the United States during military crisis; (c) Nonvoluntary service in the armed forces of the United States; (d) The operation of legal proceedings; (e) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas; (f) An elapse of time occurring while a request or application is processed for transferring or changing a water right to use by a public water supplier for municipal purposes; (g) The implementation of practices or technologies or the installation or repair of facilities, including but not limited to water conveyance practices, technologies, or facilities, that are more efficient or more water use efficient than practices, technologies, or facilities previously used under the water right. (2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right: (a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or (b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or (c) If such right is claimed for a determined future development to take place ~~((either))~~ at any time within fifteen years of either July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or (d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or (e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended. **PART VIGENERAL PERMITS NEW SECTION. Sec. 601.** The legislature finds that the present delay in the processing of water right applications is not beneficial to the citizens of the state nor is it in keeping with the goal of managing the resource to the highest possible standard and maximum net benefit. The legislature further finds that water conservation efforts would be greatly enhanced by a permit system that encourages water right applicants to use only the amount of water actually necessary to meet their needs. **NEW SECTION. Sec. 602.** A new section is added to chapter 90.03 RCW to read as follows: (1) The department shall develop a

general permit system for appropriating water for nonconsumptive, nonbypass uses. This system must be designed and used to accurately identify and register any water right application that qualifies for the streamlined process of appropriation of water by meeting the requirements in this section and registering the use. The general permit system must be applicable state-wide, and all waters of the state shall be eligible for coverage under the system. The evaluation and report required for an application under RCW 90.03.290 are not required for applications processed under the general permit system. For the purposes of this section: (a) "Nonconsumptive, nonbypass use" means a use of water in which water is diverted from a stream or drawn from an aquifer and following its use is discharged back into or near the point of diversion or withdrawal without diminishment in quality and less than five thousand gallons of net consumption per day; and (b) "Without diminishment of quality" means that, before being discharged back to its source, the water being discharged meets state water quality standards adopted under chapter 90.48 RCW. (2) The department shall, by January 1, 1998, establish the general permit system by adopting rules in accordance with chapter 34.05 RCW. Before the adoption of rules for a system, the department shall consult with representatives of the following interest groups: Agriculture; aquaculture; home construction and development; county government; city government; surface mining; and the environmental community. At least four public hearings must be held at various locations around the state, not less than two of which shall be east of the crest of the Cascade mountains. The rules must identify criteria for proposed uses of water for which applications might be processed under the system and must establish procedures for filing and processing applications and issuing water rights certificates under the general permit system. **NEW SECTION. Sec. 603.** A new section is added to chapter 90.03 RCW to read as follows: An application for registration as a nonconsumptive, nonbypass water user under the general permit system established under section 602 of this act must be made on a form adopted and provided by the department. Within sixty days of receipt of a properly completed application, the department shall determine whether the proposed use is eligible to be processed under the general permit system. If the department determines that the proposed use is eligible to be processed under the system, the application must be processed under the system within the next sixty days. The priority date of the water right established pursuant to this section shall be the date that the properly completed application is submitted. If the department determines that the proposed use is not eligible for the processing, the department shall explain to the applicant in writing the reasons for its determination. For a proposed use determined ineligible for the processing, if the department finds that the information contained on the application form substantially satisfies the information requirements for an application for a use that would normally be filed for processing the application outside of the general permit system, the department shall notify the applicant of its finding and shall process the application as if it were filed for processing outside of the system. If the department finds that the information does not substantially satisfy the requirements, the application must be considered to be incomplete for the processing and the applicant must be notified of this consideration. **NEW SECTION. Sec. 604.** A new section is added to chapter 90.03 RCW to read as follows: Nothing in sections 602 and 603 of this act authorizes the impairment or operates to impair any existing water rights. A water right holder under sections 602 and 603 of this act shall not make withdrawals that impair a senior water right. A holder of a senior water right who believes his or her water right is impaired may file a complaint with the department of ecology. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties. Nothing in section 602 or 603 of this act may be construed as waiving any requirement established under chapter 90.48 RCW or federal law that a permittee secure a discharge permit regarding water quality. **NEW SECTION. Sec. 605.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void. **PART VI APPEALS NEW SECTION. Sec. 701.** The legislature recognizes that in many cases the value of real property directly depends upon the amount of water that is available for use on that property. The legislature also recognizes that water rights are a type of property right in which many different parties may assert an interest. Current statutes require many property rights actions in which different parties assert interests, such as actions for partition or eminent domain, to be filed in superior court. The legislature further finds that informal procedures such as mediation and fact finding have been employed successfully in other areas of the law, and may produce positive results in certain types of water disputes. The legislature therefore finds that property owners should have a choice to select informal or formal hearings before the pollution control hearings board, and that relinquishment proceedings should be appealed to the local superior courts. **Sec. 702.** RCW 34.05.514 and 1995 c 347 s 113 and 1995 c 292 s 9 are each reenacted and amended to read as follows: (1) Except as provided in subsections (2) and (3) of this section, proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. (2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch. (3) For proceedings involving the relinquishment of a water right and appeals of informal hearings of the pollution control hearings board, the petition shall be filed in the superior court for the county in which is located the land upon which the water was used. **Sec. 703.** RCW 43.21B.110 and 1993 c 387 s 22 are each amended to read as follows: (1) The pollution control hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, the administrator of the office of marine safety, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments: (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330. (b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, ((90.14.130,)) and 90.48.120. (c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit. (d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW. (e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080. (f) Any other decision by the department, the administrator of the office of marine safety, or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW. (2) The jurisdiction of the pollution control hearings board is further limited as follows: (a) The hearings board has no jurisdiction to review orders pertaining to the relinquishment of a water right under RCW 90.14.130, or to review proceedings regarding general

adjudications of water rights conducted pursuant to chapter 90.03 or 90.44 RCW. (b) The following hearings shall not be conducted by the hearings board: ~~((a))~~ (i) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW. ~~((b))~~ (ii) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180. ~~((c))~~ Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW. ~~((d))~~ (iii) Hearings conducted by the department to adopt, modify, or repeal rules. (3) ~~(Review of)~~ Rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW. **Sec. 704.** RCW 43.21B.130 and 1990 c 65 s 3 are each amended to read as follows: The administrative procedure act, chapter 34.05 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions were transferred by section 6, chapter 62, Laws of 1970 ex. sess. to the department. ~~(All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this chapter.)~~ **Sec. 705.** RCW 43.21B.240 and 1989 c 175 s 105 are each amended to read as follows: The department and air authorities shall not have authority to hold adjudicative proceedings pursuant to the Administrative Procedure Act, chapter 34.05 RCW. Such hearings, except those involving water quantity decisions, as defined in section 713 of this act, that are appealed directly to a superior court, and appeals of orders pertaining to the relinquishment of a water right issued pursuant to RCW 90.14.130, shall be held by the pollution control hearings board. **Sec. 706.** RCW 43.21B.305 and 1994 c 253 s 5 are each amended to read as follows: In an appeal that involves a penalty of five thousand dollars or less, and in an informal hearing appeal relating to a water quantity decision as defined in section 713 of this act, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. The board shall define by rule alternative procedures to expedite small appeals. These alternatives may include: Mediation, upon agreement of all parties unless initiated as provided in section 713 of this act; submission of testimony by affidavit; conducting hearing by telephone; or other forms that may lead to less formal and faster resolution of appeals. **Sec. 707.** RCW 43.21B.310 and 1992 c 73 s 3 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, any order issued by the department ~~(, the administrator of the office of marine safety,)~~ or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW, ~~(this is)~~ these are the exclusive means of appeal of such an order. ~~((2))~~ (a) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal. ~~((3))~~ (b) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof. ~~((4))~~ (c) Any appeal before the hearings board must contain the following in accordance with the rules of the hearings board: ~~((a))~~ (i) The appellant's name and address; ~~((b))~~ (ii) The date and docket number of the order, permit, or license appealed; ~~((c))~~ (iii) A description of the substance of the order, permit, or license that is the subject of the appeal; ~~((d))~~ (iv) A clear, separate, and concise statement of every error alleged to have been committed; ~~((e))~~ (v) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and ~~((f))~~ (vi) A statement setting forth the relief sought. ~~((5))~~ (d) Upon failure to comply with any final order of the department or the administrator, the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders. ~~((6))~~ (e) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt. (2) Water quantity decisions of the department, as defined in section 713 of this act, may be appealed either to the pollution control hearings board or directly to a superior court as provided in section 713 of this act. Appeals of orders pertaining to the relinquishment of a water right are filed in superior court as provided by RCW 90.14.130. **Sec. 708.** RCW 43.27A.190 and 1987 c 109 s 11 are each amended to read as follows: Notwithstanding and in addition to any other powers granted to the department of ecology, whenever it appears to the department that a person is violating or is about to violate any of the provisions of the following: (1) Chapter 90.03 RCW; or (2) Chapter 90.44 RCW; or (3) Chapter 86.16 RCW; or (4) Chapter 43.37 RCW; or (5) Chapter 43.27A RCW; or (6) Any other law relating to water resources administered by the department; or (7) A rule or regulation adopted, or a directive or order issued by the department relating to subsections (1) through (6) of this section; the department may cause a written regulatory order to be served upon ~~(said)~~ the person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him or her. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the department shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein. Any person aggrieved by such order may appeal the order pursuant to RCW 43.21B.310, except that appeals of orders pertaining to the relinquishment of a water right shall be filed in superior court pursuant to RCW 90.14.130. **Sec. 709.** RCW 90.14.130 and 1987 c 109 s 13 are each amended to read as follows: When it appears to the department of ecology that a person entitled to the use of water has not beneficially used his or her water right or some portion thereof, and it appears that ~~(said)~~ the person's right has or may have reverted to the state because of such nonuse, as provided by RCW 90.14.160, 90.14.170, or 90.14.180, the department of ecology shall notify such person by order: PROVIDED, That where a company, association, district, or the United States has filed a blanket claim under the provisions of RCW 90.14.060 for the total benefits of those served by it, the notice shall be served on such company, association, district or the United States and not upon any of its individual water users who may not have used the water or some portion thereof

which they were entitled to use. The order shall contain: (1) A description of the water right, including the approximate location of the point of diversion, the general description of the lands or places where such waters were used, the water source, the amount involved, the purpose of use, and the apparent authority upon which the right is based; (2) a statement that unless sufficient cause be shown on appeal the water right will be declared relinquished; and (3) a statement that such order may be appealed to the ~~((pollution control hearings board))~~ superior court. Any person aggrieved by such an order may appeal it to the ~~((pollution control hearings board pursuant to RCW 43.21B.310))~~ superior court for the county in which is located the land upon which the water was used. Any such appeal to superior court shall be heard de novo. The order shall be served by registered or certified mail to the last known address of the person and be posted at the point of diversion or withdrawal. The order by itself shall not alter the recipient's right to use water, if any. **Sec. 710.** RCW 90.14.190 and 1987 c 109 s 14 are each amended to read as follows: Any person feeling aggrieved by any decision of the department of ecology may have the same reviewed pursuant to RCW 43.21B.310. However, any order pertaining to the relinquishment of a water right shall be filed in superior court pursuant to RCW 90.14.130. In any such review, the findings of fact as set forth in the report of the department of ecology shall be prima facie evidence of the fact of any waiver or relinquishment of a water right or portion thereof. If the hearings board affirms the decision of the department, a party seeks review in superior court of that hearings board decision pursuant to chapter 34.05 RCW, and the court determines that the party was injured by an arbitrary, capricious, or erroneous order of the department, the court may award reasonable attorneys' fees. **Sec. 711.** RCW 90.14.200 and 1989 c 175 s 180 are each amended to read as follows: (1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.05 RCW, the Administrative Procedure Act, except where the provisions of this chapter expressly conflict with chapter 34.05 RCW. Proceedings held pursuant to RCW 90.14.130 are ~~((adjudicative proceedings within the meaning of chapter 34.05 RCW. Final decisions of the department of ecology in these proceedings))~~ appealable to superior court as provided in that section. Other final decisions of the department of ecology under this chapter are subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW. (2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: PROVIDED, That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights. **Sec. 712.** RCW 90.66.080 and 1979 c 3 s 8 are each amended to read as follows: The department is hereby empowered to promulgate such rules as may be necessary to carry out the provisions of this chapter. Decisions of the department, other than rule making, shall be subject to review by the pollution control hearings board or a superior court in accordance with chapter 43.21B RCW. **NEW SECTION. Sec. 713.** A new section is added to chapter 43.21B RCW to read as follows: (1) A water right claimant, or permit or certificate holder or applicant who is aggrieved or adversely affected by a water quantity decision may appeal the decision either to the pollution control hearings board pursuant to RCW 43.21B.310 or to the superior court for a county in which is located land on which the water is or was put to a beneficial use. (2) At the request of any party, the board shall conduct an informal hearing, consisting of mediation and, if a settlement cannot be agreed upon, fact finding with recommendations. The hearings board shall adopt rules governing the election, practice, and procedures of informal hearings consistent with this section and section 714 of this act. (3) For purposes of this chapter, a "water quantity decision" includes the following: (a) A decision to grant or deny a permit or certificate for a right to the beneficial use of water or to amend, change, or transfer such a right; and (b) A decision to enforce the conditions of a permit for, or right to, the beneficial use of water or to require any person to discontinue the use of water. **NEW SECTION. Sec. 714.** A new section is added to chapter 43.21B RCW to read as follows: (1) When one of the parties elects an informal hearing pursuant to section 713 of this act, a board member or an administrative law judge from the environmental hearings office shall be assigned as the mediator for the appeal. (2) The parties involved in the informal hearing must provide the mediator and the other parties in advance with a clear, concise statement of the disputed issues and the parties' position in relation to the issues and supporting documentation. The mediator shall meet with the parties either jointly or separately, in the general area of the project under review or by telephone, at the discretion of the mediator, and shall take such steps as the mediator deems appropriate to resolve their differences and reach a settlement agreement. If a settlement agreement is reached, the mediator shall prepare and submit to the hearings board a written order of dismissal to which the settlement agreement is attached. The hearings board shall enter the order and dismiss the case unless the hearings board finds that the settlement agreement is contrary to law. If the hearings board finds that the settlement agreement is contrary to law, it shall notify the parties and refer the dispute back to mediation. (3) If the parties are unable to achieve a settlement agreement within ninety days after being appointed, the mediator shall issue a statement that a settlement agreement has not been reached. After issuance of the statement, the party filing the appeal may request the hearings board to submit the dispute to fact finding with recommendations. Notice of the request for fact finding must be sent to the other parties. (4) Within five days of the receipt of the request for fact finding, the hearings board shall assign a board member or an administrative appeals judge from the environmental hearings office to serve as fact finder. The person who served as the mediator to the dispute may serve as the fact finder with the consent of both parties. (5) Within five days of being appointed, the fact finder shall establish a date, time, and place for the fact-finding hearing. The date of the hearing must be within thirty days of the appointment of the fact finder. The hearing shall be conducted in the general area where the project under review is located. At least seven days before the date of the hearing, each party must submit to the fact finder and to the other parties written proposals on all of the issues it intends to submit to fact finding. The fact finder has the power to issue subpoenas requiring the attendance and production of witnesses and the production of evidence. The order of presentation at the hearing shall be as agreed by the parties or as determined by the fact finder. Each documentary exhibit shall be filed with the fact finder and copies shall be provided to the other parties. The fact finder shall declare the hearing closed after the parties have completed presenting their testimony within agreed time limits. (6) The fact finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how the dispute should be resolved. The fact finder may not apply any presumption as part of the findings of fact or recommendations. A copy of the findings and recommendations shall be filed with the hearings board. The findings of fact and recommendations of the fact finder are advisory only, and are not subject to review by the hearings board. (7) The time limits established in this section may be extended by mutual agreement of all the parties. **NEW SECTION. Sec. 715.** A new section is added to chapter 43.21B RCW to read as follows: (1) Within thirty days after the fact finder has filed the findings of fact and recommendations

pursuant to section 714 of this act, a party may request a formal hearing by the hearings board or appeal the water quantity decision directly to superior court. All parties must agree to a formal hearing before a formal hearing is granted. (2) If a party elects to file an action in superior court following an informal hearing, it must be filed in the county in which is located the land upon which the water is or would be used. **NEW SECTION. Sec. 716.** A new section is added to chapter 43.21B RCW to read as follows: In all appeals involving a water quantity decision by the department, as defined in section 713 of this act, the appeal to superior court shall be heard de novo. If an informal hearing on the decision or order had been completed by the pollution control hearings board, no issue may be raised in superior court that was not raised and discussed as part of the fact-finding hearing. No bond may be required on appeals to the superior court or on review by the supreme court unless specifically required by the judge of the superior court. **PART VIII PILOT PROJECTS NEW SECTION. Sec. 801.** A new section is added to chapter 90.03 RCW to read as follows: (1) The legislature finds that increased demand for water supplies in the state requires the state to manage its water resources wisely and that such wise management includes examining innovative policies for maximizing use while minimizing the impact of that use. The legislature declares that one such innovative policy is allowing the withdrawal of freshwater from streams or lakes just before the water would otherwise mix with marine water. To permit the state to evaluate adequately such a policy, the legislature authorizes as an exemption from the normal permitting process such uses for two pilot projects as provided by this section. (2)(a) A diversion of water for municipal purposes made as authorized by this section from a river with an instantaneous minimum flow of at least fifty cubic feet per second, measured at the point of diversion is exempt from the application and permit requirements of RCW 90.03.250 through 90.03.320 if the diversion is made within one mile upstream from the point at which the freshwater of the river begins to mix with saltwater. Such a diversion is subject to all other applicable state law. (b) A diversion of water for municipal purposes made as authorized by this section from the navigation locks at the outlet control facility for the outflow of water to saltwater from Lake Washington and Lake Union is exempt from the application and permit requirements of RCW 90.03.250 through 90.03.320 but is subject to all other applicable state law. (c) A diversion is authorized under this subsection if prior notification is provided to the department and confirmation is provided by the department as required under subsection (5) of this section and the water diverted is not in excess of the applicable limitations established in subsections (3) and (4) of this section. The right for the diversion established under this section is equal to that established by a permit issued under the provisions of this chapter, and is subject to minimum water flows or levels established by rule. (3) For diversions made under subsection (2)(a) of this section, no single diverter may divert more than ten percent of the instantaneous flow of the river in the specific area of the diversion, as such a flow would exist in the absence of diversions made under this section. (4) The total amount of water diverted under subsection (2)(b) of this section shall be not more than ninety percent of the amount released by the operation of the navigation locks. (5) Before a diversion of water is made under this section, the person shall notify the department in writing of the intent to divert water, the location of the point of diversion, and the annual and instantaneous amount of water to be diverted. The first two project notifications received shall be provided the exemption from water right permit processing under subsection (2) of this section. Upon receipt of the two notifications, the department shall provide a letter to the person proposing the diversion confirming that the project is one of the two pilot projects. No proposed diversion may begin until the project applicant has received such a confirmation letter from the department. (6) No diversion under this section may impair any existing water right downstream from the point of diversion unless compensation or mitigation for such impairment is agreed to by the holder of the affected water right. It is the duty of the potential diverter to ensure that the conditions of this subsection are met.

(7) The department shall compile the information provided under this section for diversions and shall make information available upon request. The department shall evaluate the effects and effectiveness of diversions made under this section and shall report its findings to the appropriate committees of the legislature by January 1, 2002. **PART IX MISCELLANEOUS NEW SECTION. Sec. 901.** As used in this act, part headings constitute no part of the law. **NEW SECTION. Sec. 902.** Sections 101 through 114 of this act constitute a new chapter in Title 90 RCW. **NEW SECTION. Sec. 903.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### POINT OF ORDER

Senator Kline: "Thank you, Mr. President. I raise an objection to the scope and object of the amendment to Second Substitute House Bill No. 2054 and I am prepared to argue the relevant part in section 7. The first six parts of Second Substitute House Bill No. 2054 have to do with water resource management, WRIAs, and the allocation of resources among them. The new section 7 entitled 'Appeals' amends the Administrative Procedures Act, a different RCW--RCW 34.05--and creates a new cause of action in superior court for proceedings involving relinquishments of a water right and amends RCW 43.21B, limiting jurisdiction of the Pollution Control Hearings Board. It is clearly outside the scope and object of the original bill, dealing with water management."

Further debate ensued.

#### MOTION

At 5:09 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 6:33 p.m. by President Owen.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 2054 and the pending striking amendment by Senator Morton, which was being considered before the Senate went at ease.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Kline, the President finds that Second Substitute House Bill No. 2054 is a measure which makes various changes in water resource planning, water rights and permit processes, including standards for relinquishment.

"The striking amendment by Senator Morton would also make various changes in water resource planning, water rights and permit processes, including procedures for appeals of relinquishments. In addition, the striking amendment would (EDITOR'S NOTE:) in Part VIII - authorize specific diversions of certain waters for municipal purposes.

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

The striking amendment by Senator Morton to Second Substitute House Bill No. 2054 was ruled out of order.

#### PARLIAMENTARY INQUIRY

Senator Newhouse: "A point of parliamentary inquiry, Mr. President. With your ruling, where do we stand? Do we have a bill? The bill that came over from the House?"

#### REPLY BY THE PRESIDENT

President Owen: "The President ruled on the striking amendment by Senator Morton as being beyond the scope and object of the bill."

Senator Newhouse: "Of the original bill?"

President Owen: "Of the original bill. The original bill is still before us, Senator."

Senator Newhouse: "With no amendments?"

President Owen: "The amendments at the desk were to the striking amendment and, therefore, those amendments would be out of order, unless another striking amendment is offered."

Senator Morton: "In lieu of the President's decision, we are in the process of drafting a striker. It should be here very shortly to allow us to continue on beyond this point, excluding the portion that the President has just acted upon. I have no idea about the length of time, but I would assume within a few moments."

#### PARLIAMENTARY INQUIRY

Senator Johnson: "A parliamentary inquiry, under the special order, which we are in at this time, is there any way that we can, in terms of efficiency, move to the other bill without abandoning or losing Second Substitute House Bill No. 2054?"

#### RULING BY THE PRESIDENT

President Owen: "Senator Johnson, the President believes for the expeditious operation of the Senate, that that would be appropriate."

Debate ensued.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 1866 and the pending striking amendment by Senator Morton, deferred on second reading when the time came for the Special Order of Business on Second Substitute House Bill No. 2054.

#### MOTIONS

On motion of Senator Goings, Senator Haugen was excused.

On motion of Senator Franklin, Senators Bauer, Brown and Patterson were excused.

#### MOTION

Senator McAuliffe moved that the following amendment to the striking amendment by Senator Morton be adopted:

On page 3, after line 14, insert the following: "NEW SECTION. Sec. 4. The environmental excellence pilot program is hereby established under the procedures and limitations of this chapter. The department is authorized to enter up to three environmental excellence program agreements using the procedures of this chapter. The department shall solicit proposals for agreements that will provide important information to form recommendations for an expanded program by the advisory committee pursuant to section 18 of this act." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 3, after line 14, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator McAuliffe failed and the amendment to the striking amendment was not adopted.

#### MOTION



Senator McAuliffe moved that the following amendments to the striking amendment by Senator Morton be considered simultaneously and be adopted:

On page 13, line 32, after "committee" insert "at a minimum" On page 14, line 2, delete "October 31, 2001" and insert "December 31, 1998" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McAuliffe on page 13, line 32, and page 14, line 2, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator McAuliffe failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator McAuliffe moved that the following amendments to the striking amendment by Senator Morton be considered simultaneously and be adopted:

On page 14, line 2, delete "2001" and insert "1999" On page 14, line 29, delete "2002" and insert "1999" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McAuliffe on page 14, line 2, and page 14, line 29, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator McAuliffe failed and the amendments to the striking amendment were not adopted.

#### MOTION

Senator Fraser moved that the following amendment to the striking amendment by Senator Morton be adopted:

On page 3, line 14, after "modification." insert the following: "Where the director of the department of ecology proposes to enter an agreement providing for more efficient environmental results and the agreement includes provisions that supersede otherwise inconsistent legal requirements that will remain applicable to other businesses similarly situated to that of the project agreement sponsor, the director shall take such steps as are available administratively, or recommend legislative action if necessary, to make the alternatives in the agreement generally available to other businesses. In doing so the director shall ensure the overall environmental results achieved by any facility pursuing more efficient environmental results are not decreased below the level achieved through existing legal requirements. The purpose of this requirement is ensure that state approval of agreements with a single sponsor to reduce costs do not adversely affect the relative competitiveness of businesses in the same industrial or commercial activity." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 3, line 14, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Fraser moved that the following amendment to the striking amendment by Senator Morton be adopted:

On page 5, line 10, after "environmental" delete all material through "proposal;" on line 14, and insert the following: "analysis of: (i) the environmental impact of the proposed agreement; (ii) any adverse environmental effects which cannot be avoided should the agreement be implemented; (iii) alternatives to the proposed agreement; (iv) the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity; and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed agreement should it be implemented;" Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 5, beginning on line 10, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted.

#### MOTION

Senator Thibaudeau moved that the following amendments by Senators Thibaudeau, Fraser and Fairley to the striking amendment by Senator Morton be considered simultaneously and be adopted:

On page 5, line 25, after "approved." insert "Both the process and the product in the development of an agreement will be improved by ensuring the participation of stakeholders who are informed regarding the technical elements of an agreement, and therefore it is in the public's interest to assist stakeholders in obtaining expert assistance in the relevant scientific disciplines for this purpose." On page 14 after line 30, insert the following: "**NEW SECTION. Sec. 20.** The department may provide grants to stakeholders to facilitate participation in the review and development of proposed environmental excellence program agreements, including assistance in the technical analysis of proposed agreements. Grants may be extended from funds appropriated to the department from the environmental excellence account created in section 32 of this act. No grant may exceed fifty thousand dollars." Renumber sections consecutively and correct internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Thibaudeau, Fraser and Fairley on page 5, line 25, and page 14, after line 30, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Thibaudeau failed and the amendments to the striking amendment were not adopted.

## MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau, Fraser and Fairley to the striking amendment by Senator Morton be adopted:

On page 6, after line 8 insert the following: "(4) In order to develop the proposed agreement, the coordinating agency shall create a committee composed of, at a minimum, representatives of an environmental group, the affected community, the sponsor, and any agencies involved in the project. Committee members must agree on the terms of any agreement before the agreement is approved by the coordinating agency." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Thibaudeau, Fraser and Fairley on page 6, after line 8, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Thibaudeau failed and the amendment to the striking amendment was not adopted.

## MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Morton to the striking amendment by Senator Morton be adopted:

On page 9, line 3, after "(1)" delete all material through "agreement." on line 6, and insert "Notwithstanding any other provision of law, any legal requirement identified under section 7(1) of this act shall be superseded or replaced in accordance with the requirements of this act and with the terms of the environmental excellence program agreement. Before entering an agreement that will supersede or replace a statute enacted by the Washington state legislature, the director shall consult with the standing committees of the house of representatives and the senate having jurisdiction over environmental quality issues." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Morton on page 9, beginning on line 3, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted.

## MOTION

Senator Kline moved that the following amendment to the striking amendment by Senator Morton be adopted:

On page 9, beginning on line 36, delete all material through "this act." on page 11, line 8, and insert the following: "**NEW SECTION. Sec. 10.** (1) A by the directors of state, regional, or local agencies to approve, modify, or terminate a proposed environmental excellence program agreement or determine that a particular facility is eligible to operate under an approved programmatic environmental excellence agreement is subject to review by the pollution control hearings board pursuant to chapter 43.21B RCW. In any such review the burden of proof to show that all elements of this act have been satisfied shall be on the sponsor. (2) A decision by the directors of state, regional, or local agencies not to enter into an environmental excellence program agreement is within the sole discretion of such directors and is not subject to review." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 9, beginning on line 36, to the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Kline failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Engrossed Second Substitute House Bill No. 1866.

The motion by Senator Morton carried and the striking amendment was adopted.

## MOTIONS

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 2 of the title, after "agreements;" strike the remainder of the title and insert "amending RCW 90.54.020; adding a new section to chapter 43.21A RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 70.119A RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.52 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 90.64 RCW; adding a new section to chapter 90.71 RCW; adding a new chapter to Title 43 RCW; and creating new sections." On motion of Senator Morton, the rules were suspended, Engrossed Second Substitute House Bill No. 1866, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Swecker: "Senator Morton, because section 4(1) of the bill states that the director of a state, regional or local agency may enter into an environmental excellence program agreement with any sponsor, does this mean that a director of a state, regional or local agency may decline to enter into an Environmental Excellence Program Agreement?"

Senator Morton: "Yes, a director of a state, regional or local agency may decline to enter into an EEPA, as we abbreviated it. The EEPA has no effect on legal requirements administered and enforced by a state, regional, or local agency whose director does not enter into that EEPA. The authority of a director of a state, regional or local agency to opt not to

sign the EEPA is an independent authority not restricted by the decisions of a coordinating agency or other state, regional, or local agency.”

Senator Swecker: “What effect, if any, does an EEPA have on legal requirements of environmental laws not identified in section 7(1) of the bill?”

Senator Morton: “Other than as superseded or replaced as provided in an approved environmental excellence program according to section 7(1) of this act, all legal requirements of environmental laws remain in effect and are enforceable.”

Senator Swecker: “Thank you.”

Further debate ensued.

#### CALL FOR THE PREVIOUS QUESTION

Senators Johnson, McDonald and Strannigan called for the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1866, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1866, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 15; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, McAuliffe, Prentice, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 15. Excused: Senators Bauer, Brown, Haugen and Patterson - 4. ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1866, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 2054, deferred earlier today after the striking amendment by Senator Morton was ruled out of order.

#### PARLIAMENTARY INQUIRY

Senator Kline: “Mr. President, just a point of clarification. I seem to recall that along with ruling on part eight, that is the part that no longer appears here, that there is also a ruling from the President regarding part seven on appeals, which I see is still here.”

#### REPLY BY THE PRESIDENT

President Owen: “The President ruled that that section, which I believe is part seven, was within the scope and object of the original bill.”

Senator Kline: “Okay. Thank you.”

EDITOR'S NOTE: In his ruling on page 1603, the President reasoned that Part VIII of the striking amendment was beyond the scope and object of the bill.

#### MOTION

Senator Morton moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following: **PART IBASIN PLANS NEW SECTION.**

**Sec. 101.** The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development. It is necessary for the legislature to establish processes and policies that will result in providing state agencies with more specific guidance to manage the water resources of the state consistent with current law and direction provided by local entities and citizens through the process established in accordance with this chapter. **NEW SECTION. Sec. 102.** The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources. The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting instream flows for fish, and by providing for the economic well-being of the state's citizenry and communities. Therefore, the legislature believes it necessary for units of local government throughout the state to engage in the orderly development of these watershed plans. **NEW SECTION. Sec. 103.** When considering applications to appropriate public waters or the perfection, transfer, change, or cancellation of water right permits, the department shall not have discretion to take any action except in a manner consistent with the standards set forth in chapters 90.03, 90.22, 90.44, and 90.54 RCW. **NEW SECTION. Sec. 104.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Department" means the department of ecology. (2) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997. (3) "Water supply utility" means a water, combined water-sewer, irrigation, reclamation, or public utility district that provides water to persons or other water users within the district or a division or unit responsible for administering a publicly governed water supply system on behalf of a

city, town, or county. (4) "WRIA plan" or "plan" means the product of the planning unit including any rules adopted in conjunction with the product of the planning unit. **NEW SECTION. Sec. 105.** In order to have the best possible program for appropriating and administering water use in the state, the legislature establishes the following principles and criteria to carry out the purpose and intent of chapter . . . , Laws of 1997 (this act). (1) All WRIA planning units established under this chapter shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process. (2) State agencies with major water resource management responsibilities shall be available to share information on state-wide statutorily designated interests. (3) Plans developed under chapter . . . , Laws of 1997 (this act) shall be consistent with and not duplicative of efforts already under way in a WRIA, including but not limited to watershed analysis conducted under state forest practices statutes and rules. **NEW SECTION. Sec. 106.** (1) Once a WRIA planning unit has been organized and designated a lead agency, it shall notify the department and may apply to the department for funding assistance for conducting the planning. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose. (2) Each planning unit that has complied with subsection (1) of this section is eligible to receive fifty thousand dollars for each WRIA to initiate the planning process. The department shall allocate additional funds to WRIA planning units based on demonstrated need. Each WRIA planning unit may receive up to two hundred fifty thousand dollars for each WRIA during the first two-year period of planning, with a maximum allocation of five hundred thousand dollars for each WRIA. Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose. (3) Preference shall be given to planning units requesting funding for conducting multi-WRIA planning under section 109 of this act. Preference shall also be given to planning projects that are clearly intended to respond to endangered species act listings or to attempt to resolve problems that may lead to such listings or to address water availability to meet projected growth based on office of financial management twenty-year population projections. (4) The department may retain up to one percent of funds allocated under this section to defray administrative costs. **NEW SECTION. Sec. 107.** (1) This chapter shall not be construed as creating a new cause of action against the state or any county, city, town, water supply utility, conservation district, or planning unit. (2) Notwithstanding RCW 4.92.090, 4.96.010, and 64.40.020, no claim for damages may be filed against the state or any county, city, town, water supply utility, Indian tribes, conservation district, or planning unit that or member of a planning unit who participates in a WRIA planning unit for performing responsibilities under this chapter. The exclusion from liability contained in this subsection does not apply to a county, city, town, or water supply utility that votes to adopt provisions in a WRIA plan that have been identified by the superior court as being in conflict with state statute or federal law with regard to those provisions if advice regarding the conflict was provided under section 113(2) of this act. **NEW SECTION. Sec. 108.** (1)(a) Except as provided in section 109 of this act for multi-WRIA planning, the county with the largest area within the boundaries of a WRIA or a municipal corporation obtaining its water supply from the WRIA may choose to initiate water resource planning for the WRIA under this chapter. If it does so choose, it shall make application to the department of ecology to declare its intent to conduct watershed planning. Upon making application to the department, the county with the largest area within the WRIA shall convene meetings of the members of the legislative authorities of the counties with territory within a WRIA for the appointment of a WRIA planning unit. The county or municipal corporation shall also notify the cities, water supply utilities, Indian tribes, and conservation districts with territory within the WRIA that these groups are to meet to appoint their members of the WRIA planning unit. For the purposes of this section and sections 109 and 113 of this act, a county is considered to have territory within a WRIA only if the territory of the county located in the WRIA constitutes at least fifteen percent of the area of the WRIA. For conducting planning under this chapter, the county with the largest area within the boundaries of the WRIA is the lead agency for the WRIA planning, except as provided in section 109 of this act for multi-WRIA planning. When the counties of a WRIA have convened jointly to make appointments to the planning unit, they may, by a majority vote, choose as the lead agency for WRIA planning any governmental entity in the WRIA. Such a governmental entity shall act as the lead agency for this purpose if it agrees in writing to accept the designation. (b) For a WRIA located within Pierce, King, or Snohomish county, the lead agency shall be the water supply utility that is using the largest amount of water from the WRIA. (2) In a WRIA where water resource planning efforts have commenced before the effective date of this section, such as but not limited to the Kettle river WRIA, the county legislative authorities with territory within the WRIA in accordance with subsection (1) of this section may, by majority vote, choose to adopt the existing planning unit membership for purposes of planning under chapter . . . , Laws of 1997 (this act). (3)(a) One WRIA planning unit shall be appointed for the WRIA as provided by this section or for a multi-WRIA area as provided by section 109 of this act for multi-WRIA planning. The planning unit shall be composed of: (i) One member from each county with territory in the WRIA representing the county and appointed by the county; (ii) one member for each county with territory in the WRIA, but not less than two members, representing cities with territory in the WRIA and appointed jointly by those cities and incorporated towns; (iii) two members representing water supply utilities other than those of a city or town with territory within the WRIA and appointed jointly by those districts; (iv) one member representing all conservation districts with territory within the WRIA and appointed jointly by those districts; (v) three members representing various special interest groups appointed jointly by the cities with territory within the WRIA; and six members representing various special interest groups appointed jointly by the counties with territory within the WRIA; (vi) one member representing the general citizenry appointed jointly by the cities with territory within the WRIA; (vii) three members representing the general citizenry appointed jointly by the counties with territory in the WRIA, of which at least one shall be a holder of a water right certificate and at least one shall be a holder of a water right for which a statement of claim was in the state's water rights claims registry before January 1, 1997; (viii) if one or more federal Indian reservations are located in whole or in part within the boundaries of the WRIA, the planning unit shall extend an invitation to the tribal government of each reservation to appoint one member representing the tribal government; and (ix) three members representing state agencies including the secretary of the department of transportation or the secretary's designee, the director of the department of fish and wildlife or the director's designee, and the director of the department of ecology or the director's designee. The three members representing state government shall have a single vote representing state agency interests. (b) In addition, for a WRIA located within Pierce, King, or Snohomish county, one representative of the water supply utility that is the water purveyor using the largest amount of water from the WRIA shall be a voting member of the planning unit whether the principal offices of the purveyor are or are not located within the WRIA. (4) Except for a person appointed under subsection (3)(a)(ix) or (b) of this section, each person appointed to a WRIA planning unit shall have been a resident and a property owner of the WRIA for at

least three years. State employees or state officials other than members appointed under subsection (3)(a)(ix) or (b) of this section may be appointed to the planning unit unless they have state water resource-related duties. In appointing persons to the WRIA planning unit representing special interest groups, the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the WRIA. Counties shall attempt to provide for a balanced group of interests on the planning unit, with emphasis given to local interests and concerns. (5)(a) In voting to appoint the members of a WRIA planning unit, to select a lead agency for water resource planning under section 108 or 109 of this act, to approve a WRIA plan under section 113 of this act, or to request or concur with a request for multi-WRIA planning under section 109 of this act, each county with territory within the WRIA shall have three votes, divided equally among the members of the county's legislative authority and these actions shall be made by majority vote based on the votes allocated under this section. In voting to appoint members of a WRIA planning unit: Each city with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such cities; each water supply utility other than those of a city or town with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts; and each conservation district with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts. All appointments shall be made within sixty days of the date the appointing authorities other than the counties are notified to convene to make appointments or the appointments shall be made by the counties with territory in the WRIA in the same manner the counties make other appointments. (b) The local governments of the WRIA planning unit may, by majority vote, add up to two additional members representing interests that are not included in the planning unit. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership. **NEW SECTION. Sec. 109.** (1) The counties with territory in a WIA may elect to conduct multi-WIA planning with the counties with territory in one or more other WRIs. If the counties with territory in these other WRIs concur, all of the counties with territory in these WRIs shall convene and shall appoint one planning unit to conduct the water resource planning for the multi-WIA area. (a) The planning unit shall be composed of: (i) Up to one member, as that number is determined by the counties jointly, for each county with territory in the multi-WIA area representing the counties and appointed by the counties jointly; (ii) up to one member, as that number is determined by the cities jointly, for each county with territory in the multi-WIA area, representing cities with territory in the multi-WIA area and appointed jointly by those cities; (iii) up to three members, as that number is determined by the districts, representing water supply utilities other than those of a city or town with territory within the multi-WIA area and appointed jointly by those districts; (iv) up to two members, as that number is determined by the districts, representing all conservation districts with territory within the multi-WIA area and appointed jointly by those districts; (v) three members representing various special interest groups appointed jointly by the cities with territory within the multi-WIA area; and six members representing various special interest groups appointed jointly by the counties with territory within the multi-WIA area; (vi) one member representing the general citizenry appointed jointly by the cities with territory within the multi-WIA area; (vii) three members representing the general citizenry appointed jointly by the counties with territory in the multi-WIA area, of which at least one shall be a holder of a water right certificate and at least one shall be a holder of a water right for which a statement of claim was in the state's water rights claims registry before January 1, 1997; (viii) if one or more federal Indian reservations are located in whole or in part within the boundaries of the multi-WIA area, the planning unit shall extend an invitation to the tribal government of each reservation to appoint one member representing the tribal government; and (ix) three members representing state agencies including the secretary of the department of transportation or the secretary's designee, the director of the department of fish and wildlife or the director's designee, and the director of the department of ecology or the director's designee. The three members representing state government shall have a single vote representing state agency interests. (b) In addition, for a multi-WIA planning unit located within Pierce, King, or Snohomish county, one representative of the water purveyor using the largest amount of water from the multi-WIA area shall be a voting member of the planning unit whether the principal offices of the purveyor are or are not located within the multi-WIA area. (c) Except for a person appointed under (a)(ix) or (b) of this subsection, each person appointed to a multi-WIA planning unit shall have been a resident and property owner within the multi-WIA area for at least three years. State employees or state officials other than members appointed under subsection (a)(ix) or (b) of this subsection may be appointed to the planning unit unless they have state water resource-related duties. In appointing persons to the multi-WIA planning unit representing special interest groups the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the multi-WIA area. Counties shall attempt to provide for a balanced group of interests on the planning unit, with emphasis given to local interests and concerns. (2) In a multi-WIA area where water resource planning efforts have commenced before the effective date of this section, such as but not limited to the Kettle river WIA, the county legislative authorities with territory within the WIA in accordance with subsection (1) of this section may, by majority vote, choose to adopt the existing planning unit membership for purposes of planning under chapter . . . , Laws of 1997 (this act). (3)(a) The counties in the multi-WIA area shall select, by a majority vote, a governmental entity in the multi-WIA area to act as lead agency for water resource planning in the multi-WIA area under this chapter. Such an entity shall serve as the lead agency if it agrees in writing to do so. All appointments shall be made within sixty days of the date the lead agency in the multi-WIA area notifies the other appointing authorities to convene to make appointments or the appointments shall be made by the counties with territory in the multi-WIA area in the same manner the counties make other appointments. (b) The local governments of the WIA planning unit may, by majority vote, add up to two additional members representing interests that are not included in the planning unit. (c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership. (4) A planning unit for a multi-WIA area shall perform all of the functions assigned by this chapter to a WIA planning unit and is subject to all of the provisions of this chapter that apply to a

WIA planning unit. **NEW SECTION. Sec. 110.** The lead agency shall provide staff support from resources provided for planning under chapter . . . , Laws of 1997 (this act) for the work of the WIA planning unit. Each WIA planning unit may establish its own methods of operation that are consistent with this chapter and may establish methods for reviewing the operations of its lead agency. No planning unit appointed or selected under this chapter may possess or exercise the power of eminent domain. No planning unit appointed or selected under this chapter may take any action that affects in any manner a general adjudication proceeding for water rights, completed or ongoing. Each WIA planning unit is encouraged to: Consider information and plans that may have been previously developed by other entities in establishing water resource management plans for the WIA; consider existing data regarding water resources in the WIA; and, for a WIA that borders another state, cooperate with local government counterparts in the adjacent state regarding water resource planning. Water resource plans developed under this chapter for a WIA may not interfere in any manner with a general adjudication of water rights, completed or ongoing. Such a WIA plan may not in any manner impair, diminish, or interfere with a water right that exists before the adoption of the plan by the department under section 113 of this act. All meetings of a WIA planning unit shall be conducted as public meetings as required for such meetings by the open public meetings act, chapter 42.30 RCW. Some time shall be set aside at the end of each meeting of a WIA planning unit for public comments. Each planning unit shall establish procedures to be followed by the unit in making decisions. The objective to be sought by the planning unit in making decisions is to reach consensus among its members on the decisions. Decisions by a two-thirds majority vote may be used if the unit has found that attempts at achieving consensus have not been successful. No person who is a member of a WIA planning unit may designate another to act on behalf of the person as a member or to attend as a member a meeting of the unit on behalf of the person. If a member of a WIA planning unit is absent from more than five meetings of the WIA planning unit that constitute twenty percent or more of the meetings that have been conducted by the planning unit while the person is a member of the unit and these absences have not been excused as provided by this section, the member's position on the WIA planning unit is to be considered vacant. A person's absence from a meeting may be excused: By the chair of the planning unit if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the planning unit at the meeting during which the member is absent. **NEW SECTION. Sec. 111.** (1) Each WIA planning unit shall develop a water resource plan. The plan must address the elements listed in subsection (2) of this section and may include other elements added by the planning unit. Once organized, the first task of the planning unit is to prioritize these elements regarding their importance in the WIA and in developing a water resource plan for the WIA. A plan shall not be developed such that its provisions are in conflict with state statute or federal law or impair, diminish, or interfere in any manner with a water right existing prior to its adoption or with the construction, operation, or maintenance of a federal reclamation project or an instream flow requirement or condition established for hydroelectric power project licensed under the federal power act. No aspect of the plan may establish standards for water quality or regulate water quality in any manner whatsoever. (2) The plan must include the following: (a) An assessment of water supply and use in the WIA, including: (i) A quantitative estimation of the amount of surface and ground water present in the planning unit, using United States geological survey information and other existing sources of information; (ii) A quantitative estimation using existing sources of information, of the amount of precipitation and surface and ground water available, using currently available or likely available technologies, collectively for both current and future water uses, including for instream purposes and for withdrawal or diversion; (iii) A quantitative estimation using existing sources of information, of the amount of surface and ground water actually being used, and the months of peak and minimum use, both in-stream and by withdrawal, for agricultural, industrial, fisheries, recreational, environmental, municipal, and residential purposes, and including amounts claimed, permitted, or certificated for future municipal needs; and (iv) A quantitative estimation of the amount of water, approximately, that is represented by amounts in claims in the water rights claims registry, in water use permits, in certificated rights, and in rules establishing instream flows; (b) A quantitative description of future water-based instream and out-of-stream needs in the planning unit, based on projected population and agricultural and other economic growth. That is, an identification of the water needed collectively for use for agricultural, fisheries, recreational, environmental, industrial, municipal, and residential purposes. If a federal reclamation project is providing water for reclamation purposes within the WIA or multi-WIA area, federal reclamation water use requirements shall be those for project lands within the WIA or multi-WIA area; (c) Instream flows. (i) Except for the main stem of the Columbia river or the main stem of the Snake river, a planning unit may propose instream flow levels as part of its plan for other rivers and streams in its WIA or multi-WIA area. (ii) The planning unit, by unanimous recorded vote of all voting members, may set specific instream flow levels, and such flow levels shall be adopted by rule of the department. (iii) If the planning unit is unable to approve specific instream flow levels unanimously, such levels may be submitted as a recommended instream flow in the WIA plan for consideration by the department. Such recommendations must be approved by a two-thirds majority vote of the voting members of the planning unit. (iv) Instream flow levels proposed under this subsection may not conflict with flow requirements or conditions in effect under a license issued under the federal power act. (v) The planning unit may propose adjustments to instream flow levels that have been set by the state before the adoption of the planning unit's plan and will propose instream flow levels as part of the plan for the other rivers, streams, and lakes for which it determines the establishment of flows or levels to be appropriate in the WIA, or in the multi-WIA area for multi-WIA planning under section 109 of this act. (vi) The planning unit, by unanimous recorded vote of all voting members, may adjust established instream flow levels, and such flow levels shall be adopted by rule of the department. (vii) If the planning unit is unable to approve such adjustments unanimously, such levels may be submitted as a recommended adjustment to established instream flows in the WIA plan for consideration by the department. Such recommendations must be approved by a two-thirds majority vote of the voting members of the planning unit. (viii) An instream flow or base flow or level set for a body of water in a WIA plan adopted by the department under section 113 of this act supersedes any other such flow or level previously established for the body of water; (d) A quantitative description of the ground water and of the surface water available for further appropriation including water that may be obtained through reuse. As used in this subsection (2)(d), "available" means available on the date the plan takes effect as a rule under section 113 of this act; (e) An identification of known areas that provide for the recharge of aquifers from the surface and areas where aquifers recharge surface bodies of water; (f) Strategies for increasing water supplies in the WIA, including: (i) Water conservation and reuse measures; and (ii) Storage enhancements, including modifications to existing reservoirs, new reservoirs, and underground storage. Any quantity of water made available under these strategies is a quantity that is in addition to the water declared available for appropriation under (d) of this subsection; and (g) An

identification of areas where voluntary water-related habitat improvement projects or voluntary transactions providing for the purchase of water-related habitat or water-related habitat easements would provide the greatest benefit to habitat in the WIA, and a prioritization of the areas based on their potential for providing such benefits. The purpose of this element of the plan is to provide a means of coordinating nonregulatory, voluntary efforts for improving water-related habitat in the WIA. (3) Upon request the department shall assist the planning unit in drafting proposed implementing rules for the elements of the plan over which the department has authority. The draft rules shall accompany the plan as it is reviewed under the provisions of this chapter. (4) A plan shall not be developed under this chapter to require directly or indirectly the implementation of laws, rules, or programs that are designed primarily to control water pollution or discharges of pollutants to water, to regulate effluent discharges or wastewater treatment systems or facilities, or to establish or require the achievement of water quality standards, including but not limited to chapter 90.48 RCW and rules adopted under chapter 90.48 RCW, the national pollutant discharge elimination system permit program, and the state waste discharge permit program. **NEW SECTION. Sec. 112.** (1) Water resource management plans developed pursuant to the process in this chapter and subsequently adopted by the department under section 113 of this act are presumed valid. This presumption shall apply in any petition or action filed against a plan. (2) Any action taken by a state agency regarding or affecting water resources within a WIA for which a plan has been adopted under section 113 of this act and any planning conducted by a state agency regarding or affecting water resources within a WIA for which a plan has been adopted under section 113 of this act shall be taken or conducted in a manner that is consistent with the plan. All actions and decisions of the department regarding water resources in the WIA shall be consistent with and based upon such an adopted plan for the WIA. Any other authority of the department exercised within the WIA regarding or affecting water resources shall be exercised in a manner that is consistent with such an adopted plan. **NEW SECTION. Sec. 113.** (1) Upon completing a proposed water resource plan for the WIA, the WIA planning unit shall publish notice of and conduct at least one public hearing in the WIA on the proposed plan. The planning unit shall take care to provide notice of the hearing throughout the WIA or multi-WIA area. As a minimum, it shall publish a notice of the hearing in one or more newspapers of general circulation in the WIA or multi-WIA area. After considering the public comments presented at the hearing or hearings, the planning unit shall submit a copy of its proposed plan to the department and to the tribal council of each reservation with territory within the WIA. (2)(a) The department shall provide advice as to any specific subsections or sections of the plan that the department believes to be in conflict with state statute or federal law and may provide other recommendations regarding the plan. The department shall transmit its advice and recommendations regarding the plan to the WIA planning unit within sixty days of receiving it for review. (b) The tribal council may review and provide comments and recommendations to the planning unit within sixty days of the receipt of the plan. (3) The WIA planning unit shall consider each recommendation provided under subsection (2) of this section. The planning unit may adopt such a recommendation or provide changes to respond to the advice of the department and the tribal council by a two-thirds majority vote of the members of the planning unit. The WIA planning unit shall approve a water resource plan for the WIA by a two-thirds majority vote of the members of the planning unit. An approved plan shall be submitted to the counties with territory within the WIA for adoption. If a WIA planning unit receives funding for WIA or multi-WIA planning under section 106 of this act and does not approve a plan for submission to the counties within four years of the date the planning unit receives the first of that funding from the department for the planning, the department shall develop and adopt a water resource plan for the WIA or multi-WIA area. (4) The legislative authority of each of the counties with territory within the WIA shall provide public notice for and conduct at least one public hearing on the WIA plan submitted to the county under this section. The counties shall take care to provide notice of the hearings throughout the WIA or multi-WIA area. As a minimum, they shall publish a notice of the hearings in one or more newspapers of general circulation in the WIA or multi-WIA area. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the plan. The counties may approve or reject the plan, but may not amend the plan. Approval of a plan, or of recommendations for a plan that is not approved, shall be made by a majority vote of the members of the various legislative authorities of the counties with territory in the WIA based on the votes allocated under section 108 of this act. If the plan is not approved, it shall be returned to the WIA planning unit with recommendations for revisions. Any revised plan and implementing rules prepared by the planning unit shall be submitted to the department and to the counties as provided by this section for WIA water resource plans generally. (5) If the plan is approved by the members of the legislative authorities, the plan shall be transmitted to the department for adoption. The department shall adopt such an approved WIA water resource plan by rule. The department has no discretion to amend or reject the plan except as provided in section 111(2)(c) (iii) or (vii) of this act. A copy of the plan and notice of its adoption as rules shall be published in the state register under chapter 34.05 RCW. The public hearing required by chapter 34.05 RCW shall be deemed to have been satisfied by public hearings held by county legislative authorities. (6) If the department finds that an element of a WIA plan is in conflict with state statute or federal law and the unit does not remove the conflict created by the element from its plan, the state is not liable for any judgment that may be awarded regarding the conflict. The department may file a petition for declaratory judgment in the superior court to determine whether the element is or is not in conflict with state statute or federal law. The petition shall be filed in the superior court in the county with the largest area in the WIA or multi-WIA area governed by the plan. The counties that approved the plan shall be named as parties to the proceeding. The superior court shall review the potential conflict under the error of law standard. If the superior court finds that an element of the plan is in conflict with state statute or federal law, that element of the plan shall be invalid. Decisions on such petitions are reviewable as in other civil cases. This subsection shall not be construed as establishing such state liability for any other element of the plan adopted as rules. **NEW SECTION. Sec. 114.** The WIA planning units may accept grants, funds, and other financing, as well as enter into cooperative agreements with private and public entities for planning assistance and funding. **NEW SECTION. Sec. 115.** A new section is added to chapter 90.03 RCW to read as follows: (1) The department shall rule in a timely manner upon complete applications to appropriate public surface and ground water. For complete applications that seek to appropriate water from within a WIA for which a WIA plan has been adopted, the department shall grant or deny the application within one hundred eighty days of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. For applications filed after July 1, 1999, that seek to appropriate water from within a WIA for which no WIA plan has been adopted, the department shall grant or deny the application within one year of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. The times allowed in this section to rule upon an application shall not include the time it takes the applicant to respond to an explicit request for additional information

reasonably required to make a determination on the application. The department shall be allowed only one such request for additional information. The cost of obtaining such information shall be reasonable in relation to the quantity and value of the water right applied for. Once the applicant responds to an information request, the stay of the time allowed for the permit decision shall end. (2) If a detailed statement, generally referred to as an environmental impact statement, must be prepared under chapter 43.21C RCW for or in regard to an application to appropriate water, the department shall grant or deny the application within ninety days of the date the final environmental impact statement is available from the official responsible for it under chapter 43.21C RCW. NEW SECTION. Sec. 116. A new section is added to chapter 34.05 RCW to read as follows: (1) Once the department of ecology receives a water resource plan submitted by a WIA planning unit for advice and recommendations under section 113 of this act, the department shall conduct at least one public hearing on the plan and shall provide notice of the hearing and proposed plan as provided in RCW 34.05.320 for the proposal of a rule. The department shall maintain a file for the plan. Once the plan has been adopted by the counties in the WIA under section 113 of this act and the plan has been submitted to the department of ecology, the department shall file the plan with the code reviser along with an order adopting the plan as rules. The code reviser shall cause the order and the water resource plan to be published in the Washington state register in the manner provided for the adoption of final rules and shall incorporate the plan into the Washington Administrative Code. No other aspect of this chapter that establishes procedures for the adoption of rules applies to the adoption of the plan by the department. (2) For the purposes of this section, "WIA" has the meaning established in section 104 of this act. **Sec. 117.** RCW 90.54.040 and 1997 c ... s 2 (Senate Bill 5029) are each amended to read as follows: (1) Consistent with chapter . . . , Laws of 1997 (this act) the department, through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people, to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use. The department may develop the program in segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use. (2) In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section. (3) The department is directed to review all statutes relating to water resources which it is responsible for implementing. When any of the same appear to the department to be ambiguous, unclear, unworkable, unnecessary, or otherwise deficient, it shall make recommendations to the legislature including appropriate proposals for statutory modifications or additions. Whenever it appears that the policies of any such statutes are in conflict with the policies of this chapter, and the department is unable to fully perform as provided in subsection (2) of this section, the department is directed to submit statutory modifications to the legislature which, if enacted, would allow the department to carry out such statutes in harmony with this chapter.

**PART IISTORAGE Sec. 201.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to read as follows: Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals: (1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost. (3) The quality of the natural environment shall be protected and, where possible, enhanced as follows: (a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. (b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if: (i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and (ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result. (4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 108 or 109 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses. (5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs. ~~((5))~~ (6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions. ~~((6))~~ (7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. ~~((7))~~ (8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public. ~~((8))~~ (9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of



surface and ground waters. ~~((9))~~ (10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions. ~~((10))~~ (11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest. **Sec. 202.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows: Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following: (1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred. (2) Increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, including waste water recycling, and ~~((impoundment))~~ storage of waters. (3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses. (4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1). (5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where projected water needs, including those for instream flows, exceed available supplies. (6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes. **PART IIIGENERAL**

#### ADJUDICATIONS

**NEW SECTION. Sec. 301.** A new section is added to chapter 90.03 RCW to read as follows: The legislature finds that the lack of certainty regarding water rights within a water resource basin may impede management and planning for water resources. The legislature further finds that planning units conducting water resource planning under chapter 90. -- RCW (sections 101 through 114 of this act) may find that the certainty provided by a general adjudication of water rights under this chapter is required for water planning or water management in a water resource inventory area or in a portion of the area. Therefore, such planning units may petition the department to conduct such a general adjudication and the department shall give high priority to such a request in initiating any such general adjudications under this chapter.

#### PART IVWATER PURVEYORS

**Sec. 401.** RCW 90.03.383 and 1991 c 350 s 1 are each amended to read as follows: (1) The legislature recognizes the value of interties for improving the reliability of public water systems, enhancing their management, and more efficiently utilizing the increasingly limited resource. Given the continued growth in the most populous areas of the state, the increased complexity of public water supply management, and the trend toward regional planning and regional solutions to resource issues, interconnections of public water systems through interties provide a valuable tool to ensure reliable public water supplies for the citizens of the state. Public water systems have been encouraged in the past to utilize interties to achieve public health and resource management objectives. The legislature finds that it is in the public interest to recognize interties existing and in use as of January 1, 1991, and to have associated water rights modified by the department of ecology to reflect current use of water through those interties, pursuant to subsection (3) of this section. The legislature further finds it in the public interest to develop a coordinated process to review proposals for interties commencing use after January 1, 1991. (2) For the purposes of this section, the following definitions shall apply: (a) "Interties" are interconnections between public water systems permitting exchange, acquisition, or delivery of wholesale and/or retail water between those systems for other than emergency supply purposes, where such exchange, acquisition, or delivery is within established instantaneous and annual withdrawal rates specified in the systems' existing water right permits or certificates, or contained in claims filed pursuant to chapter 90.14 RCW, and which results in better management of public water supply consistent with existing rights and obligations. Interties include interconnections between public water systems permitting exchange, acquisition, or delivery of water to serve as primary or secondary sources of supply ~~((, but do not include development of new sources of supply to meet future demand))~~ and the development of new sources of supply to meet future demands if the water system or systems receiving water through such an intertie make efficient use of existing sources of water supply and the provision of water through such an intertie is consistent with local land use plans. For this purpose, a system's full compliance with the state department of health's conservation guidelines for such systems is deemed efficient use. (b) "Service area" is the area designated as the wholesale and/or retail area in a water system plan or a coordinated water system plan pursuant to chapter 43.20 or 70.116 RCW respectively. When a public water system does not have a designated service area subject to the approval process of those chapters, the service area shall be the designated place of use contained in the water right permit or certificate, or contained in the claim filed pursuant to chapter 90.14 RCW. (3)(a) Public water systems with interties existing and in use as of January 1, 1991, or that have received written approval from the department of health prior to that date, shall file written notice of those interties with the department of health and the department of ecology. The notice may be incorporated into the public water system's five-year update of its water system plan, but shall be filed no later than June 30, 1996. The notice shall identify the location of the intertie; the dates of its first use; the purpose, capacity, and current use; the intertie agreement of the parties and the service areas assigned; and other information reasonably necessary to modify the public water system's water right ~~((permit))~~. Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, for public water systems with interties existing and in use or with written approval as of January 1, 1991, the department of ecology, upon receipt of notice meeting the requirements of this subsection, shall, as soon as practicable, modify the place of use descriptions in the water right permits, certificates, or claims to reflect the actual use through such interties, provided that the place of use is within service area designations established in a water system plan approved pursuant to chapter 43.20 RCW, or a coordinated water system plan approved pursuant to chapter 70.116 RCW, and further provided that the water used is within the instantaneous and annual withdrawal rates specified in the water rights ~~((permit))~~ and that no outstanding complaints of impairment to existing water rights have been filed with the department of ecology prior to September 1, 1991. Where

such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties or through available administrative remedies. (b) An intertie meeting the requirements of this subsection (3) for modifying the place of use description in a water right permit, certificate, or claim may be used to its full design or built capacity within the most recently approved retail or wholesale or retail and wholesale service area, without further approval under this section and without regard to the capacity actually used before January 1, 1991. (4) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, exchange, acquisition, or delivery of water through interties approved by the department of health commencing use after January 1, 1991, shall be permitted when the intertie improves overall system reliability, enhances the manageability of the systems, provides opportunities for conjunctive use, or delays or avoids the need to develop new water sources, and otherwise meets the requirements of this section, provided that each public water system's water use shall not exceed the instantaneous or annual withdrawal rate specified in its water right authorization, shall not adversely affect existing water rights, and shall not be inconsistent with state-approved plans such as water system plans or other plans which include specific proposals for construction of interfiles. Interfiles approved and commencing use after January 1, 1991, shall not be inconsistent with regional water resource plans developed pursuant to chapter 90.54 RCW or chapter 90.-- RCW (sections 101 through 114 of this act). (5) For public water systems subject to the approval process of chapter 43.20 RCW or chapter 70.116 RCW, proposals for interfiles commencing use after January 1, 1991, shall be incorporated into water system plans pursuant to chapter 43.20 RCW or coordinated water system plans pursuant to chapter 70.116 RCW and submitted to the department of health and the department of ecology for review and approval as provided for in subsections (5) through (9) of this section. The plan shall state how the proposed inertia will improve overall system reliability, enhance the manageability of the systems, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources. (6) The department of health shall be responsible for review and approval of proposals for new interfiles. In its review the department of health shall determine whether the inertia satisfies the criteria of subsection (4) of this section, with the exception of water rights considerations, which are the responsibility of the department of ecology, and shall determine whether the inertia is necessary to address emergent public health or safety concerns associated with public water supply. (7) If the inertia is determined by the department of health to be necessary to address emergent public health or safety concerns associated with public water supply, the public water system shall amend its water system plan as required and shall file an application with the department of ecology to change its existing water right to reflect the proposed use of the water as described in the approved water system plan. The department of ecology shall process the application for change pursuant to RCW 90.03.380 or 90.44.100 as appropriate, except that, notwithstanding the requirements of those sections regarding notice and protest periods, applicants shall be required to publish notice one time, and the comment period shall be fifteen days from the date of publication of the notice. Within sixty days of receiving the application, the department of ecology shall issue findings and advise the department of health if existing water rights are determined to be adversely affected. If no determination is provided by the department of ecology within the sixty-day period, the department of health shall proceed as if existing rights are not adversely affected by the proposed inertia. The department of ecology may obtain an extension of the sixty-day period by submitting written notice to the department of health and to the applicant indicating a definite date by which its determination will be made. No additional extensions shall be granted, and in no event shall the total review period for the department of ecology exceed one hundred eighty days. (8) If the department of health determines the proposed intertie appears to meet the requirements of subsection (4) of this section but is not necessary to address emergent public health or safety concerns associated with public water supply, the department of health shall instruct the applicant to submit to the department of ecology an application for change to the underlying water right or claim as necessary to reflect the new place of use. The department of ecology shall consider the applications pursuant to the provisions of RCW 90.03.380 and 90.44.100 as appropriate. The department of ecology shall not deny or limit a change of place of use for an intertie on the grounds that the holder of a permit has not yet put all of the water authorized in the permit to beneficial use. If in its review of proposed interties and associated water rights the department of ecology determines that additional information is required to act on the application, the department may request applicants to provide information necessary for its decision, consistent with agency rules and written guidelines. Parties disagreeing with the decision of the department of ecology ~~((en))~~ to approve or deny the application for change in place of use may appeal the decision to the pollution control hearings board. (9) The department of health may approve plans containing intertie proposals prior to the department of ecology's decision on the water right application for change in place of use. However, notwithstanding such approval, construction work on the intertie shall not begin until the department of ecology issues the appropriate water right document to the applicant consistent with the approved plan. (10) The 1997 amendments to this section in this act are null and void if any one of sections 101 through 116 of this act is vetoed by June 30, 1997. **Sec. 402.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows: (1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by him, and such certificate shall thereupon be recorded with the department. Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be by the department transmitted to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof. (2) If a public water system is providing water for municipal supply purposes under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected. (3) If a federal reclamation project is providing water for reclamation purposes under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected. (4) If an irrigation district is providing water for the purposes authorized by chapter 87.03 RCW under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected. (5) The 1997 amendments to this section in this act are null and void if any one of sections 101 through 116 of this act is vetoed by June 30, 1997.

**PART VRELINQUISHMENT Sec. 501.** RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows: (1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of: (a) Drought, or other unavailability of water; (b) Active service in the armed forces of the United States during military crisis; (c) Nonvoluntary service in the armed forces of the United States; (d) The operation of legal proceedings; (e) Federal laws

imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas; (f) An elapse of time occurring while a request or application is processed for transferring or changing a water right to use by a public water supplier for municipal purposes; (g) The implementation of practices or technologies or the installation or repair of facilities, including but not limited to water conveyance practices, technologies, or facilities, that are more efficient or more water use efficient than practices, technologies, or facilities previously used under the water right. (2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right: (a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or (b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or (c) If such right is claimed for a determined future development to take place (~~either~~) at any time within fifteen years of either July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or (d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or (e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended. **PART VIGENERAL PERMITS NEW SECTION. Sec. 601.** The legislature finds that the present delay in the processing of water right applications is not beneficial to the citizens of the state nor is it in keeping with the goal of managing the resource to the highest possible standard and maximum net benefit. The legislature further finds that water conservation efforts would be greatly enhanced by a permit system that encourages water right applicants to use only the amount of water actually necessary to meet their needs. **NEW SECTION. Sec. 602.** A new section is added to chapter 90.03 RCW to read as follows: (1) The department shall develop a general permit system for appropriating water for nonconsumptive, nonbypass uses. This system must be designed and used to accurately identify and register any water right application that qualifies for the streamlined process of appropriation of water by meeting the requirements in this section and registering the use. The general permit system must be applicable state-wide, and all waters of the state shall be eligible for coverage under the system. The evaluation and report required for an application under RCW 90.03.290 are not required for applications processed under the general permit system. For the purposes of this section: (a) "Nonconsumptive, nonbypass use" means a use of water in which water is diverted from a stream or drawn from an aquifer and following its use is discharged back into or near the point of diversion or withdrawal without diminishment in quality and less than five thousand gallons of net consumption per day; and (b) "Without diminishment of quality" means that, before being discharged back to its source, the water being discharged meets state water quality standards adopted under chapter 90.48 RCW. (2) The department shall, by January 1, 1998, establish the general permit system by adopting rules in accordance with chapter 34.05 RCW. Before the adoption of rules for a system, the department shall consult with representatives of the following interest groups: Agriculture; aquaculture; home construction and development; county government; city government; surface mining; and the environmental community. At least four public hearings must be held at various locations around the state, not less than two of which shall be east of the crest of the Cascade mountains. The rules must identify criteria for proposed uses of water for which applications might be processed under the system and must establish procedures for filing and processing applications and issuing water rights certificates under the general permit system. **NEW SECTION. Sec. 603.** A new section is added to chapter 90.03 RCW to read as follows: An application for registration as a nonconsumptive, nonbypass water user under the general permit system established under section 602 of this act must be made on a form adopted and provided by the department. Within sixty days of receipt of a properly completed application, the department shall determine whether the proposed use is eligible to be processed under the general permit system. If the department determines that the proposed use is eligible to be processed under the system, the application must be processed under the system within the next sixty days. The priority date of the water right established pursuant to this section shall be the date that the properly completed application is submitted. If the department determines that the proposed use is not eligible for the processing, the department shall explain to the applicant in writing the reasons for its determination. For a proposed use determined ineligible for the processing, if the department finds that the information contained on the application form substantially satisfies the information requirements for an application for a use that would normally be filed for processing the application outside of the general permit system, the department shall notify the applicant of its finding and shall process the application as if it were filed for processing outside of the system. If the department finds that the information does not substantially satisfy the requirements, the application must be considered to be incomplete for the processing and the applicant must be notified of this consideration. **NEW SECTION. Sec. 604.** A new section is added to chapter 90.03 RCW to read as follows: Nothing in sections 602 and 603 of this act authorizes the impairment or operates to impair any existing water rights. A water right holder under sections 602 and 603 of this act shall not make withdrawals that impair a senior water right. A holder of a senior water right who believes his or her water right is impaired may file a complaint with the department of ecology. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties. Nothing in section 602 or 603 of this act may be construed as waiving any requirement established under chapter 90.48 RCW or federal law that a permittee secure a discharge permit regarding water quality. **NEW SECTION. Sec. 605.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void. **PART VIIAPPEALS NEW SECTION. Sec. 701.** The legislature recognizes that in many cases the value of real property directly depends upon the amount of water that is available for use on that property. The legislature also recognizes that water rights are a type of property right in which many different parties may assert an interest. Current statutes require many property rights actions in which different parties assert interests, such as actions for partition or eminent domain, to be filed in superior court. The legislature further finds that informal procedures such as mediation and fact finding have been employed successfully in other areas of the law, and may produce positive results in certain types of water disputes. The legislature therefore finds that property owners should have a choice to select informal or formal hearings before the pollution control hearings board, and that relinquishment proceedings should be appealed to the local superior courts. **Sec. 702.** RCW 34.05.514 and 1995 c 347 s 113 and 1995 c 292 s 9 are each reenacted and amended to read as follows: (1) Except as provided in subsections (2) and (3) of this section, proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. (2)

For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch. (3) For proceedings involving the relinquishment of a water right and appeals of informal hearings of the pollution control hearings board, the petition shall be filed in the superior court for the county in which is located the land upon which the water was used. **Sec. 703.** RCW 43.21B.110 and 1993 c 387 s 22 are each amended to read as follows: (1) The pollution control hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, the administrator of the office of marine safety, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments: (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330. (b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, ~~((90.14.130,))~~ and 90.48.120. (c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit. (d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW. (e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080. (f) Any other decision by the department, the administrator of the office of marine safety, or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW. (2) The jurisdiction of the pollution control hearings board is further limited as follows: (a) The hearings board has no jurisdiction to review orders pertaining to the relinquishment of a water right under RCW 90.14.130, or to review proceedings regarding general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW. (b) The following hearings shall not be conducted by the hearings board: ~~((a))~~ (i) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW. ~~((b))~~ (ii) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180. ~~((c) Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW. (d))~~ (iii) Hearings conducted by the department to adopt, modify, or repeal rules. (3) ~~((Review of))~~ Rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW. **Sec. 704.** RCW 43.21B.130 and 1990 c 65 s 3 are each amended to read as follows: The administrative procedure act, chapter 34.05 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions were transferred by section 6, chapter 62, Laws of 1970 ex. sess. to the department. ~~((All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this chapter.))~~ **Sec. 705.** RCW 43.21B.240 and 1989 c 175 s 105 are each amended to read as follows: The department and air authorities shall not have authority to hold adjudicative proceedings pursuant to the Administrative Procedure Act, chapter 34.05 RCW. Such hearings, except those involving water quantity decisions, as defined in section 713 of this act, that are appealed directly to a superior court, and appeals of orders pertaining to the relinquishment of a water right issued pursuant to RCW 90.14.130, shall be held by the pollution control hearings board. **Sec. 706.** RCW 43.21B.305 and 1994 c 253 s 5 are each amended to read as follows: In an appeal that involves a penalty of five thousand dollars or less, and in an informal hearing appeal relating to a water quantity decision as defined in section 713 of this act, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. The board shall define by rule alternative procedures to expedite small appeals. These alternatives may include: Mediation, upon agreement of all parties unless initiated as provided in section 713 of this act; submission of testimony by affidavit; conducting hearing by telephone; or other forms that may lead to less formal and faster resolution of appeals. **Sec. 707.** RCW 43.21B.310 and 1992 c 73 s 3 are each amended to read as follows: (1) Except as provided in subsection (2) of this section, any order issued by the department~~((, the administrator of the office of marine safety,))~~ or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW, ~~((this is))~~ these are the exclusive means of appeal of such an order. ~~((2))~~ (a) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal. ~~((3))~~ (b) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof. ~~((4))~~ (c) Any appeal before the hearings board must contain the following in accordance with the rules of the hearings board: ~~((a))~~ (i) The appellant's name and address; ~~((b))~~ (ii) The date and docket number of the order, permit, or license appealed; ~~((c))~~ (iii) A description of the substance of the order, permit, or license that is the subject of the appeal; ~~((d))~~ (iv) A clear, separate, and concise statement of every error alleged to have been committed; ~~((e))~~ (v) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and ~~((f))~~ (vi) A statement setting forth the relief sought. ~~((5))~~ (d) Upon failure to comply with any final order of the department or the administrator, the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders. ~~((6))~~ (e) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt. (2) Water quantity decisions of the department, as defined in section 713 of this act, may be appealed either to the pollution control hearings board or directly to a superior court as provided in section 713 of this act. Appeals of orders pertaining to the relinquishment of a water right are filed in superior court as provided by RCW 90.14.130. **Sec. 708.** RCW 43.27A.190 and 1987 c 109 s 11 are each amended to read as follows: Notwithstanding and in addition to any other powers granted to the department of ecology, whenever it appears to the department that a person is violating or is about to violate any of the provisions of the following: (1) Chapter 90.03 RCW; or (2) Chapter 90.44 RCW; or (3) Chapter 86.16 RCW; or (4) Chapter 43.37 RCW; or (5) Chapter 43.27A RCW; or (6) Any other law relating to water resources administered by the department; or (7) A rule or regulation adopted, or a directive or order issued by the

department relating to subsections (1) through (6) of this section; the department may cause a written regulatory order to be served upon ~~((said))~~ the person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him or her. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the department shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein. Any person aggrieved by such order may appeal the order pursuant to RCW 43.21B.310, except that appeals of orders pertaining to the relinquishment of a water right shall be filed in superior court pursuant to RCW 90.14.130. **Sec. 709.** RCW 90.14.130 and 1987 c 109 s 13 are each amended to read as follows: When it appears to the department of ecology that a person entitled to the use of water has not beneficially used his or her water right or some portion thereof, and it appears that ~~((said))~~ the person's right has or may have reverted to the state because of such nonuse, as provided by RCW 90.14.160, 90.14.170, or 90.14.180, the department of ecology shall notify such person by order: **PROVIDED,** That where a company, association, district, or the United States has filed a blanket claim under the provisions of RCW 90.14.060 for the total benefits of those served by it, the notice shall be served on such company, association, district or the United States and not upon any of its individual water users who may not have used the water or some portion thereof which they were entitled to use. The order shall contain: (1) A description of the water right, including the approximate location of the point of diversion, the general description of the lands or places where such waters were used, the water source, the amount involved, the purpose of use, and the apparent authority upon which the right is based; (2) a statement that unless sufficient cause be shown on appeal the water right will be declared relinquished; and (3) a statement that such order may be appealed to the ~~((pollution control hearings board))~~ superior court. Any person aggrieved by such an order may appeal it to the ~~((pollution control hearings board pursuant to RCW 43.21B.310))~~ superior court for the county in which is located the land upon which the water was used. Any such appeal to superior court shall be heard de novo. The order shall be served by registered or certified mail to the last known address of the person and be posted at the point of division or withdrawal. The order by itself shall not alter the recipient's right to use water, if any. **Sec. 710.** RCW 90.14.190 and 1987 c 109 s 14 are each amended to read as follows: Any person feeling aggrieved by any decision of the department of ecology may have the same reviewed pursuant to RCW 43.21B.310. However, any order pertaining to the relinquishment of a water right shall be filed in superior court pursuant to RCW 90.14.130. In any such review, the findings of fact as set forth in the report of the department of ecology shall be prima facie evidence of the fact of any waiver or relinquishment of a water right or portion thereof. If the hearings board affirms the decision of the department, a party seeks review in superior court of that hearings board decision pursuant to chapter 34.05 RCW, and the court determines that the party was injured by an arbitrary, capricious, or erroneous order of the department, the court may award reasonable attorneys' fees. **Sec. 711.** RCW 90.14.200 and 1989 c 175 s 180 are each amended to read as follows: (1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.05 RCW, the Administrative Procedure Act, except where the provisions of this chapter expressly conflict with chapter 34.05 RCW. Proceedings held pursuant to RCW 90.14.130 are ~~((adjudicative proceedings within the meaning of chapter 34.05 RCW. Final decisions of the department of ecology in these proceedings))~~ appealable to superior court as provided in that section. Other final decisions of the department of ecology under this chapter are subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW. (2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: **PROVIDED,** That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights. **Sec. 712.** RCW 90.66.080 and 1979 c 3 s 8 are each amended to read as follows: The department is hereby empowered to promulgate such rules as may be necessary to carry out the provisions of this chapter. Decisions of the department, other than rule making, shall be subject to review by the pollution control hearings board or a superior court in accordance with chapter 43.21B RCW. **NEW SECTION. Sec. 713.** A new section is added to chapter 43.21B RCW to read as follows: (1) A water right claimant, or permit or certificate holder or applicant who is aggrieved or adversely affected by a water quantity decision may appeal the decision either to the pollution control hearings board pursuant to RCW 43.21B.310 or to the superior court for a county in which is located land on which the water is or was put to a beneficial use. (2) At the request of any party, the board shall conduct an informal hearing, consisting of mediation and, if a settlement cannot be agreed upon, fact finding with recommendations. The hearings board shall adopt rules governing the election, practice, and procedures of informal hearings consistent with this section and section 714 of this act. (3) For purposes of this chapter, a "water quantity decision" includes the following: (a) A decision to grant or deny a permit or certificate for a right to the beneficial use of water or to amend, change, or transfer such a right; and (b) A decision to enforce the conditions of a permit for, or right to, the beneficial use of water or to require any person to discontinue the use of water. **NEW SECTION. Sec. 714.** A new section is added to chapter 43.21B RCW to read as follows: (1) When one of the parties elects an informal hearing pursuant to section 713 of this act, a board member or an administrative law judge from the environmental hearings office shall be assigned as the mediator for the appeal. (2) The parties involved in the informal hearing must provide the mediator and the other parties in advance with a clear, concise statement of the disputed issues and the parties' position in relation to the issues and supporting documentation. The mediator shall meet with the parties either jointly or separately, in the general area of the project under review or by telephone, at the discretion of the mediator, and shall take such steps as the mediator deems appropriate to resolve their differences and reach a settlement agreement. If a settlement agreement is reached, the mediator shall prepare and submit to the hearings board a written order of dismissal to which the settlement agreement is attached. The hearings board shall enter the order and dismiss the case unless the hearings board finds that the settlement agreement is contrary to law. If the hearings board finds that the settlement agreement is contrary to law, it shall notify the parties and refer the dispute back to mediation. (3) If the parties are unable to achieve a settlement agreement within ninety days after being appointed, the mediator shall issue a statement that a settlement agreement has not

been reached. After issuance of the statement, the party filing the appeal may request the hearings board to submit the dispute to fact finding with recommendations. Notice of the request for fact finding must be sent to the other parties. (4) Within five days of the receipt of the request for fact finding, the hearings board shall assign a board member or an administrative appeals judge from the environmental hearings office to serve as fact finder. The person who served as the mediator to the dispute may serve as the fact finder with the consent of both parties. (5) Within five days of being appointed, the fact finder shall establish a date, time, and place for the fact-finding hearing. The date of the hearing must be within thirty days of the appointment of the fact finder. The hearing shall be conducted in the general area where the project under review is located. At least seven days before the date of the hearing, each party must submit to the fact finder and to the other parties written proposals on all of the issues it intends to submit to fact finding. The fact finder has the power to issue subpoenas requiring the attendance and production of witnesses and the production of evidence. The order of presentation at the hearing shall be as agreed by the parties or as determined by the fact finder. Each documentary exhibit shall be filed with the fact finder and copies shall be provided to the other parties. The fact finder shall declare the hearing closed after the parties have completed presenting their testimony within agreed time limits. (6) The fact finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how the dispute should be resolved. The fact finder may not apply any presumption as part of the findings of fact or recommendations. A copy of the findings and recommendations shall be filed with the hearings board. The findings of fact and recommendations of the fact finder are advisory only, and are not subject to review by the hearings board. (7) The time limits established in this section may be extended by mutual agreement of all the parties. **NEW SECTION. Sec. 715.** A new section is added to chapter 43.21B RCW to read as follows: (1) Within thirty days after the fact finder has filed the findings of fact and recommendations pursuant to section 714 of this act, a party may request a formal hearing by the hearings board or appeal the water quantity decision directly to superior court. All parties must agree to a formal hearing before a formal hearing is granted. (2) If a party elects to file an action in superior court following an informal hearing, it must be filed in the county in which is located the land upon which the water is or would be used. **NEW SECTION. Sec. 716.** A new section is added to chapter 43.21B RCW to read as follows: In all appeals involving a water quantity decision by the department, as defined in section 713 of this act, the appeal to superior court shall be heard de novo. If an informal hearing on the decision or order had been completed by the pollution control hearings board, no issue may be raised in superior court that was not raised and discussed as part of the fact-finding hearing. No bond may be required on appeals to the superior court or on review by the supreme court unless specifically required by the judge of the superior court. **PART VIII MISCELLANEOUS NEW SECTION. Sec. 801.** As used in this act, part headings constitute no part of the law. **NEW SECTION. Sec. 802.** Sections 101 through 114 of this act constitute a new chapter in Title 90 RCW. **NEW SECTION. Sec. 803.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTION

Senator Heavey moved that the following amendments to the striking amendment by Senator Morton be considered simultaneously and be adopted:

On page 4, after line 38, insert "Nothing in this act shall affect ongoing efforts to develop new resources and the sharing of existing resources. No moratorium may be imposed on water resource decision making by the department solely because of ongoing planning efforts or the absence of a plan or planning effort. Any new planning units formed under this act shall recognize efforts already in progress." On page 8, after line 34, insert "Nothing in this act shall affect ongoing efforts to develop new resources and the sharing of existing resources. No moratorium may be imposed on water resource decision making by the department solely because of ongoing planning efforts or the absence of a plan or planning effort. Any new planning units formed under this act shall recognize efforts already in progress." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Heavey on page 4, after line 38, and page 8, after line 34, to the striking amendment by Senator Morton to Second Substitute House Bill No. 2054.

The motion by Senator Heavey carried and the amendments to the striking amendment were adopted.

#### MOTION

Senator Kline moved that the following amendment to the striking amendment by Senator Morton be adopted:

On page 11, after line 30, delete everything through "water;" on page 12, line 27 Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 11, after line 30, to the striking amendment by Senator Morton to Second Substitute House Bill No. 2054.

The motion by Senator Kline failed and amendment to the striking amendment was not adopted.

#### MOTION

Senator Morton moved that the following amendment to the striking amendment by Senator Morton be adopted:

On page 17, after line 22, insert "(3) Sections 101 through 116 of this act are null and void if any of sections 401, 402, or 501 of this act is vetoed by June 30, 1997." Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 17, after line 22, to the striking amendment by Senator Morton to Second Substitute House Bill No. 2054.

The motion by Senator Morton carried and amendment to the striking amendment was adopted on a rising vote.

#### MOTION

Senator Spanel moved that the following amendment to the striking amendment by Senator Morton be adopted:

On page 22, after line 5, insert the following: "**PART IV CRITICAL WATERSHED FUNCTIONS NEW SECTION. Sec. 401.** A new section is added to chapter 90.71 RCW to read as follows: (1) The legislature finds that: (a) Environmental laws, rules, and policies to improve water quality have generally been developed in response to specific problems; (b) This case-by-case approach to water quality management has resulted in numerous planning, permit, and funding requirements that are often confusing, contradictory, and inefficient; (c) Lack of integrated water quality policies has resulted in less effective environmental protection, increased taxpayer costs, and considerable public frustration; (d) There is broad consensus that integration of water quality policies is best achieved by adopting a broader geographic approach that is based on how that geographic system works; (e) Scientific knowledge, technology, and data is currently available to identify the critical biological and physical functions of geographic systems, such as watersheds. However, this knowledge, technology, and data is scattered among many federal, state, local, and private entities; and (f) The Puget Sound action team was organized to coordinate federal, state, local, and private efforts across a broad geographic area. (2) The legislature therefore declares that the action team shall undertake the actions identified in section 2 of this act to enhance the ability of state and local governments to develop environmental regulations that are better integrated and make better use of existing science. **NEW SECTION. Sec. 402.** A new section is added to chapter 90.71 RCW to read as follows: (1) The action team shall develop, and thereafter shall periodically update a methodology, using geographic information system maps, to identify critical watershed functions within a water resource inventory area. The methodology must identify, at a minimum: (a) Critical watershed functions; (b) Areas where critical functions are impaired; (c) The causes of function impairment; (d) Areas where functions are working properly; and (e) Current land uses. (2) The action team shall initiate a case study of at least one Puget Sound water resource inventory area, using the information under subsection (1) of this section, to develop policy recommendations to expedite: (a) Agency decision making on mitigation proposals other than traditional on-site, in-kind exchanges; and (b) Preparation of plans required under chapters 36.70A, 86.12, and 90.58 RCW. Recommendations under this subsection shall include specific changes to state laws and rules. (3) In developing policy recommendations under this section, the action team shall involve all interested units of local government and may involve any other interested group or person. (4) As used in this section, the following definitions apply. (a) "Water resource inventory area" has the same meaning as in WAC 173-500-040. (b) "Critical watershed function" means any geological, hydrological, or biological function that preserves, protects, or enhances water quality, water quantity, fish and wildlife, or flood protection. (5) The policy recommendations under subsection (2) of this section shall be submitted to the appropriate standing committees of the legislature by December 1, 1999." Renumber the sections consecutively and correct any internal references accordingly. Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Spanel on page 22, after line 5, to the striking amendment by Senator Morton to Second Substitute House Bill No. 2054.

The motion by Senator Spanel failed and amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton, as amended, to Second Substitute House Bill No. 2054.

The motion by Senator Morton carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.54.040, 90.54.020, 90.54.180, 90.03.383, 90.03.330, 90.14.140, 43.21B.110, 43.21B.130, 43.21B.240, 43.21B.305, 43.21B.310, 43.27A.190, 90.14.130, 90.14.190, 90.14.200, and 90.66.080; reenacting and amending RCW 34.05.514; adding new sections to chapter 90.03 RCW; adding a new section to chapter 34.05 RCW; adding new sections to chapter 43.21B RCW; adding a new chapter to Title 90 RCW; and creating new sections." On motion of Senator Morton, the rules were suspended, Second Substitute House Bill No. 2054, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2054, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2054, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Rossi, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Fairley, Franklin, Fraser, Goings, Hargrove, Jacobsen, Kline, Kohl, McAuliffe, Prentice, Roach, Schow, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 18. Excused: Senators Bauer, Brown, Haugen and Patterson - 4. SECOND SUBSTITUTE HOUSE BILL NO. 2054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, the Senate returned to the third order of business.

MESSAGE FROM THE GOVERNOR

April 18, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 18, 1997, Governor Locke approved the following Senate Bill entitled:

Senate Bill No. 5155

Relating to vehicle width.

Sincerely,  
EVERETT H. BILLINGSLEA, General Counsel

NOTICE OF SENATE RESOLUTION 1997-8669

Copies of the following resolution were placed on the members desks before adjournment:

SENATE RESOLUTION 1997-8669

By Senator McDonald

BE IT RESOLVED, That Senate Resolution No. 1997-8601, adopting the Rules of the Senate for the 55<sup>th</sup> legislature, be amended as follows:

On page 13, add the following to Rule 37:

"3. A majority of those members elected or appointed may order that a vote on final passage of a budget bill be reconsidered more than one time. A motion for reconsideration of a budget bill may be made without notice any time during a legislative session. This rule, 37.3, shall apply retroactively to April 16, 1997, and shall expire at the conclusion (Sine Die) of the regular session of the 1997 Legislature."

MOTION

At 7:49 p.m., on motion of Senator Johnson, the Senate adjourned until 10:00 a.m., Saturday, April 19, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SIXTH DAY, APRIL 18, 1997

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Saturday, April 19, 1997

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Swanson, West and Winsley. On motion of Senator Franklin, Senator Swanson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Emily Shelton and Charles Smith, presented the Colors. Reverend Jim Erlandson, pastor of the Reorganized Church of Jesus Christ of Latter Day Saints of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES



GUBERNATORIAL APPOINTMENTS

April 18, 1997  
GA 9123 GARY MOORE, appointed January 15, 1997, for a term ending at the pleasure of the Governor, as Director of the Department of Labor and Industries.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 18, 1997  
GA 9228 JUDY SCHURKE, reappointed January 28, 1997, for a term ending June 17, 1999, as a member of the Board of Industrial Insurance Appeals.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

April 18, 1997  
GA 9238 CARVER GAYTON, appointed March 1, 1997, for a term ending at the pleasure of the Governor, as Commissioner of the Employment Security Department.  
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 18, 1997  
MR. PRESIDENT:  
The House has failed to pass:  
SUBSTITUTE SENATE BILL NO. 5146,  
SENATE BILL NO 5651, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 18, 1997  
MR. PRESIDENT:  
The House has failed to pass SUBSTITUTE SENATE BILL NO. 5526, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SECOND READING  
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9216, Captain Robert N. Kromann, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF CAPTAIN ROBERT N. KROMANN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Benton - 1. Absent: Senators West and Winsley - 2. Excused: Senator Swanson - 1.

MOTION

On motion of Senator Wood, Gubernatorial Appointment No. 9171, Captain Benjamin L. Watson, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF CAPTAIN BENJAMIN L. WATSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Wojahn, Wood and Zarelli - 48. Absent: Senator Winsley - 1.

MOTION

At 10:25 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 1:49 p.m. by President Pro Tempore Newhouse.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

MR. PRESIDENT: April 18, 1997  
The House has adopted SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT: April 18, 1997  
The House has passed SUBSTITUTE SENATE BILL NO. 5845, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT: April 18, 1997  
The House has passed SUBSTITUTE SENATE BILL NO. 5737, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT: April 18, 1997  
The House has passed:  
SENATE BILL NO. 5559,  
SENATE BILL NO. 5811,  
SENATE BILL NO. 5938,  
SUBSTITUTE SENATE BILL NO. 6045,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT: April 18, 1997  
The House has passed:  
SENATE BILL NO. 5402,  
ENGROSSED SENATE BILL NO. 6072, and the same are herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk  
April 18, 1997

MR. PRESIDENT:  
The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2069, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk

MR. PRESIDENT: April 19, 1997  
The Speaker has signed:  
HOUSE BILL NO. 1102,  
HOUSE BILL NO. 1202,  
HOUSE BILL NO. 1269,  
HOUSE BILL NO. 1349,  
HOUSE BILL NO. 1588,  
SUBSTITUTE HOUSE BILL NO. 1726,  
ENGROSSED HOUSE BILL NO. 1832,

SUBSTITUTE HOUSE BILL NO. 2090,  
SUBSTITUTE HOUSE BILL NO. 2149,  
HOUSE JOINT MEMORIAL NO. 4005,  
HOUSE JOINT RESOLUTION NO. 4209, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 19, 1997

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5353,  
SENATE BILL NO. 5688,  
SUBSTITUTE SENATE BILL NO. 5721,  
SUBSTITUTE SENATE BILL NO. 5868, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5402,  
SENATE BILL NO. 5559,  
SUBSTITUTE SENATE BILL NO. 5737,  
SENATE BILL NO. 5811,  
SUBSTITUTE SENATE BILL NO. 5845,  
SENATE BILL NO. 5938,  
SUBSTITUTE SENATE BILL NO. 6045,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,  
ENGROSSED SENATE BILL NO. 6072,  
SENATE CONCURRENT RESOLUTION NO. 8415.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 1102,  
HOUSE BILL NO. 1202,  
HOUSE BILL NO. 1269,  
HOUSE BILL NO. 1349,  
HOUSE BILL NO. 1588,  
SUBSTITUTE HOUSE BILL NO. 1726,  
ENGROSSED HOUSE BILL NO. 1832,  
SUBSTITUTE HOUSE BILL NO. 2090,  
SUBSTITUTE HOUSE BILL NO. 2149,  
HOUSE JOINT MEMORIAL NO. 4005,  
HOUSE JOINT RESOLUTION NO. 4209.

MOTION

On motion of Senator Hale, Senator McDonald was excused.

MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5334 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 48.32.145 and 1993 sp.s. c 25 s 901 are each amended to read as follows: Every member insurer that prior to April 1, 1993, or after the effective date of this section, shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) shall be entitled to take ~~((--as))~~ a credit against any premium tax falling due under RCW 48.14.020 ~~((--)).~~ The amount of the credit shall be one-fifth of the aggregate amount of such aggregate assessments paid during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid. Whenever ~~((an assessment or uncredited portion of an assessment))~~ the allowable credit is or becomes less than one thousand dollars, the entire amount ~~((may be credited))~~ of the credit may be offset against the premium tax at the next time the premium tax is paid. ~~((This section shall expire January 1, 1999--))~~ **Sec. 2.** RCW 48.32A.090 and 1993 sp.s. c 25 s 902 are each amended to read as follows: (1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue. (2) An outstanding certificate of contribution issued for an assessment paid prior to April 1, 1993, or issued for an assessment paid for an insolvent insurer for which the order of liquidation was entered after the effective date of this section, shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve. Unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows: 100% for the calendar year of issuance; 80% for the first calendar year after the year of

issuance; 60% for the second calendar year after the year of issuance; 40% for the third calendar year after the year of issuance; 20% for the fourth calendar year after the year of issuance; and 0% for the fifth and subsequent calendar years after the year of issuance. Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year. (3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year. (4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and then deposited with the state treasurer for credit to the general fund of the state of Washington. (5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Winsley moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5334. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Winsley to concur in the House amendment to Substitute Senate Bill No. 5334.

The motion by Senator Winsley carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5334.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5334, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5334, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McCaslin, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Brown, Fairley, Fraser, Kline, Kohl, McAuliffe, Patterson, Swanson and Wojahn - 9. Absent: Senators Finkbeiner and Roach - 2. Excused: Senator McDonald - 1. SUBSTITUTE SENATE BILL NO. 5334, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I inadvertently voted 'no' on final passage of Substitute Senate Bill No. 5668, as amended by the House, (Temporary Worker Housing). I intended to vote 'aye.'

SENATE IRV NEWHOUSE, Fifteenth District

#### MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5668 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that the shortage of temporary worker housing is due in part to inappropriate construction requirements for temporary worker shelter and related facilities. It is the intent of the legislature that temporary worker housing developers, including employers, be provided with a regulatory framework that allows shelter to be provided that meets the basic dignity, comfort, common decency, health, and safety needs of workers. It is the intent of chapter . . . , Laws of 1997 (this act) to provide a temporary worker housing building code that will encourage private development of temporary worker housing, and will accommodate a wide range of building materials and new and innovative construction formats that are not possible under previously applicable codes. NEW SECTION. Sec. 2. A new section is added to chapter 19.27 RCW to read as follows: Temporary worker housing shall be constructed, altered, or repaired as provided in chapter 70.114A RCW. The construction, alteration, or repair of temporary worker housing is not subject to the codes adopted under RCW 19.27.031, except as provided in any code adopted under chapter 70.114A RCW. For the purposes of this section "temporary worker housing" means a shelter, place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees for temporary seasonal occupancy, and includes labor camps under RCW 70.54.110. The rules adopted by the state board of health under RCW 70.54.110 apply to all temporary worker housing. Sec. 3. RCW 70.114A.020 and 1995 c 220 s 2 are each amended to read as follows: The definitions in this section apply throughout this chapter. (1) "Department" means the department of health. (2) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, that is: (a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and (b) Physically separated from other sleeping and common-use areas. (3) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter. (4) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site. (5) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or

supervision over the temporary worker housing under a lease or other arrangement. (6) "Temporary worker" means a person employed intermittently and not residing year-round at the same site. (7) "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110. The rules adopted by the state board of health under RCW 70.54.110 apply to all temporary worker housing. **Sec. 4.** RCW 70.114A.080 and 1995 c 220 s 8 are each amended to read as follows: ~~((By December 1, 1996,)) The ((state building code council)) department shall ((develop)) adopt by rule under chapter 34.05 RCW a temporary worker ((housing)) building code, in conformance with the temporary worker housing standards developed under the Washington industrial safety and health act, chapter 49.17 RCW, the rules adopted by the state board of health under RCW 70.54.110, and the following guidelines: (1) The code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements. (2) The code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing. (3) In developing the code the ((council)) department shall consider: (a) The need for dormitory type housing for groups of unrelated individuals; and (b) the need for housing to accommodate families. (4) The code shall include construction standards for a variety of formats, including, but not limited to: (a) ~~((Tents and tent platforms))~~ Straw bale exterior wall structures; and (b) hard-shell, single exterior wall structures. (5) The code shall include standards for temporary worker housing that is to be used only during periods when no auxiliary heat is required. In ~~((developing))~~ adopting the temporary worker ~~((housing))~~ building code, it is the intent of the legislature that the ~~((building code council))~~ department make exceptions to the codes listed in RCW 19.27.031, and chapter 19.27A RCW, in keeping with the guidelines set forth in this section. ~~((The building code council shall appoint a technical advisory committee to assist in the development of the temporary worker housing code, which shall include representatives of industries that most frequently supply temporary housing to their employees.))~~ It is also the intent of the legislature that the initial temporary worker building code adopted by the department be substantially equivalent to the temporary worker building code developed by the state building code council under section 8, chapter 220, Laws of 1995, and presented to the legislature on December 1, 1996. A rule-making advisory and oversight committee is hereby established that shall participate fully throughout the rule-making process authorized by chapter . . . , Laws of 1997 (this act). The advisory and oversight committee is composed of seven members as follows: One member from each caucus in the house of representatives, appointed by the speaker of the house of representatives; one member from each caucus in the senate, appointed by the president of the senate; one member representing migrant and seasonal agricultural workers; one member representing agricultural employers; and one member from the department of labor and industries to serve ex officio, appointed by the governor. The temporary worker building code authorized and required by this section shall be enforced by the department. **Sec. 5.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read as follows: (1) The farmworker housing inspection fund is established in the custody of the state treasury. The department of health shall deposit all funds received under subsection (2) of this section and from the legislature to administer a labor camp inspection program conducted by the department of health. Disbursement from the fund shall be on authorization of the secretary of health or the secretary's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. (2) There is imposed a fee on each operating license issued by the department of health to every operator of a labor camp that is regulated by the state board of health. The fee paid under this subsection shall include all necessary inspection of the units to ensure compliance with applicable state board of health rules on labor camps. (a) Fifty dollars shall be charged for each labor camp containing six or less units. (b) Seventy-five dollars shall be charged for each labor camp containing more than six units. (3) The term of the operating license and the application procedures shall be established, by rule, by the department of health. (4) The department of health shall establish a building permit fee schedule for temporary worker housing subject to chapter 70.114A RCW. The department of health shall develop rules to establish a fee schedule sufficient to cover the cost of all necessary plan reviews and on-site construction inspections of the temporary worker housing to ensure compliance with the codes developed under RCW 70.114A.080.", and the same are herewith transmitted.~~

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Winsley moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5668.  
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Winsley to concur in the House amendment to Substitute Senate Bill No. 5668.

The motion by Senator Winsley carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5668.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5668, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5668, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Voting nay: Senator Newhouse - 1. Absent: Senator Sellar - 1. Excused: Senator McDonald - 1. SUBSTITUTE SENATE BILL NO. 5668, as amended by

the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5002 with the following amendment(s):

Strike everything after the enacting clause and insert the following: **NEW SECTION. Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this title. (1) "Committee" means the Washington education network governance committee. (2) "Network" means the K-20 telecommunications network under chapter 28D.02 RCW. (3) "Network users" means those institutions of higher education, school districts, educational service districts, public libraries, state agencies, and others that use the network for distance education, data transmission, and other uses permitted by the committee. **NEW SECTION. Sec. 2.** The Washington education network governance committee is created. The purpose of the committee is to ensure that the K-20 telecommunications network is operated in a way that serves the broad public interest above the interest of any network user. The committee shall consist of six voting members appointed by the governor with the consent of the senate as follows: Two citizen members and, serving as ex officio members, the superintendent of public instruction, the chair of the higher education coordinating board, the chair of the information services board, and the state librarian. The governor shall appoint the members of the committee by July 30, 1997. Each committee member may appoint a designee to function in his or her place with the right to vote. In selecting the citizen members of the committee, the governor shall strive to avoid any conflict of interest. The citizen members of the committee may not be employees of state or local governments, institutions of higher education, the common schools, or the telecommunications industry, nor may they be members of the governing boards of any educational service district, institution of higher education, or telecommunications company. **NEW SECTION. Sec. 3.** The committee has the following powers and duties: (1) In cooperation with network partners and users and other interested parties, to establish goals and measurable objectives for the network; (2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network; (3) To adopt, modify, and implement policies for network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of service; access to the network by recognized organizations and accredited institutions that deliver educational programming including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network; (4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the committee on any state funding requested for distance education facilities and hardware or software by or for network users; (5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the goals and measurable objectives; (6) To resolve disputes about network use submitted by either subcommittee of the cross-sector advisory committee, or any member of the committee; (7) To approve modifications of the network design and implementation plan under RCW 28D.02.020 and the phased technical plan under RCW 28D.02.070; (8) To review, evaluate, and recommend modifications to the initial and updated location plans prepared by the higher education coordinating board under RCW 28D.02.030 and the superintendent of public instruction under RCW 28D.02.040; (9) To authorize the release of funds from the K-20 technology account under RCW 28D.02.060 for network expenditures; and (10) To adopt rules as necessary to implement this chapter. **NEW SECTION. Sec. 4.** (1) The cross-sector network advisory committee is created to advise the committee and network users on network technical and policy planning matters that require cross-sector and intra-sector coordination. Such matters shall include cross-sector network planning, including identification and resolution of cross-institution and cross-sector technical problems; cost issues; network growth; network usage, including policies on scheduling, identification, and resolution of scheduling conflicts, and conflict resolution; network technical quality; dissemination of information; coordination of assessment and accountability information among network participants; and technical network management. (2) The cross-sector network advisory committee shall be comprised of a policy subcommittee and a technical subcommittee as follows: (a) Initially, the policy subcommittee shall be comprised of two provosts of public baccalaureate institutions, appointed by the council of presidents; two members appointed by the state board for community and technical colleges, one of whom shall be a member of the teaching faculty, selected in consultation with organizations responsible for representing the faculty; four representatives of K-12 education, appointed by the superintendent of public instruction; the Washington state librarian or the librarian's designee; two representatives of independent institutions of higher education, appointed by the governor; and up to four public members, one of whom shall be appointed by each legislative caucus. The public members shall be citizens with an interest in the education of the public and in information technology. All members serve at the pleasure of the appointing authorities. The membership of the policy subcommittee may be revised by the unanimous agreement of the committee; (b) Initially, the technical subcommittee shall be comprised of equal numbers of postsecondary and K-12 representatives, four public members with technical expertise, appointed by the chair of the information services board; and one or more representatives of the department of information services, appointed by the director of the department of information services. At least one member of the technical subcommittee shall be a representative of the independent institutions of higher education, appointed by the committee, and at least one member shall be a representative of public libraries, appointed by the state librarian. Members serve at the pleasure of the appointing authority. The specific duties of the technical subcommittee shall be determined by the committee, in cooperation with network users. The membership of the technical subcommittee may be revised by unanimous agreement of the committee. (3) The cross-sector network advisory committee shall be convened and coordinated by the committee, in cooperation with network users. (4) Recommendations and requests from either subcommittee shall be reviewed by the cross-sector network advisory committee as a whole before submission to the committee. **NEW SECTION. Sec. 5.** (1) The committee is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education. (2) The committee shall not interfere in any curriculum or legally offered programming offered over the network. (3) The coordination of telecommunications planning for institutions of higher education as defined

in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The committee may recommend but not require revisions to the board's telecommunications plan. (4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041. (5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. The committee may recommend but not require revisions to the superintendent's telecommunications plans. **NEW SECTION. Sec. 6.** The two citizen members of the committee shall be compensated in accordance with RCW 43.03.250. The committee may hire staff who shall be exempt from the provisions of chapter 41.06 RCW. The staff shall be housed by the office of financial management, which shall provide accounting and administrative support for the committee. **Sec. 7.** RCW 28D.02.010 and 1996 c 137 s 2 are each amended to read as follows: (1) The K-20 telecommunications oversight and policy committee is established to: Adopt policy goals and objectives for a K-20 telecommunications system, adopt a network design and implementation plan, and authorize release of funds for network purposes. (2) The duties of the committee shall include, but need not be limited to: (a) The adoption of system goals and objectives and timelines for submission of the proposed plans under RCW 28D.02.030 through 28D.02.050 and 28D.02.070 by June 1, 1996; (b) The authorization of the construction and acquisition of a network backbone upon its approval of phase one of a technical plan for the network as specified in RCW 28D.02.070(1); (c) The preparation and subsequent updates of a network design and implementation plan that includes locations to be served by the network, service delivery specifications, a network governance structure, other appropriate components, and a phased technical plan in accordance with RCW 28D.02.070(2). The plan shall be adopted after considering the recommendations of the information services board, the higher education coordinating board, and the superintendent of public instruction; (d) The preparation of an implementation plan that prioritizes access to the network backbone and other telecommunication components; and (e) The authorization of the release of funds for expenditures to construct the network and distance education components. (3) By April 15, 1996, the department of information services shall convene the committee. The committee shall include the following voting members or their designees: The governor; one member from each caucus of the senate, appointed by the president of the senate; one member from each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction; the chair of the higher education coordinating board; and the chair of the information services board. On a nonvoting basis, the committee shall include the following members or their designees: One community college or technical college president, appointed by the state board for community and technical colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, each appointed by the superintendent of public instruction; one representative of independent nonprofit baccalaureate institutions, appointed by the Washington friends of higher education; and one representative of the computer or telecommunications industry, appointed by the information services board. The voting members must reach a consensus in approving the network design and implementation plan. The department shall provide staff support to the committee. **(4) This section expires six months after the appointment of the committee created in section 2 of this act.** **Sec. 8.** RCW 28D.02.060 and 1996 c 137 s 7 are each amended to read as follows: The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account all moneys received from legislative appropriations, gifts, grants, and endowments for the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system (~~approved by the committee under RCW 28D.02.010~~). Disbursements from the account shall be on authorization of the director of the department of information services with approval of the committee under (~~RCW 28D.02.010~~) **sections 1 through 6 of this act.** **NEW SECTION. Sec. 9.** Sections 1 through 6 of this act are each added to chapter 28D.02 RCW. **NEW SECTION. Sec. 10.** Sections 1 through 6 of this act expire June 30, 2002. **NEW SECTION. Sec. 11.** Sections 1, 2, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997.

**NEW SECTION. Sec. 12.** Sections 3 through 5, 8, and 10 of this act take effect six months after the appointment of the committee under section 2 of this act." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Wood moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5002 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Wood that the

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The motion by Senator Wood carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5002 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5082 with the following amendment(s):  
Beginning on page 10, line 33, strike all of section 7 Renumber the remaining sections consecutively and correct any internal references accordingly. On page 6, beginning on line 30, after "agency" strike "no sooner than seven days and no later than ~~((sixty))~~ fourteen days" and insert "who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the hospital providing treatment. The professional person shall conduct the review no later than ~~((sixty days))~~ seventy-two hours" On page 6, line 32, after "appropriate to" strike "continue the ~~((child's))~~ minor's treatment" and insert "~~((continue the child's treatment))~~ treat the minor" On page 7, line 24, after "agency" insert "who neither has an interest in continued inpatient treatment of the minor nor is affiliated with the hospital providing treatment" On page 14, line 12, after "admitted." insert "Prior to a determination by the department, under RCW 71.34.025(1), that it is medically appropriate to treat the minor on an inpatient basis, the hospital shall limit treatment to that which the professional person determines is medically necessary to stabilize the child's condition." On page 20, line 23, after "admitted." insert "Prior to a determination by the department, under RCW 70.96A.097(1), that it is medically appropriate to treat the minor on an inpatient basis, the hospital shall limit treatment to that which the professional person determines is medically necessary to stabilize the child's condition." On page 21, beginning on line 9, after "agency" strike "no sooner than seven days and no later than ~~((sixty))~~ fourteen days" and insert "who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the hospital providing treatment. The professional person shall conduct the review no later than ~~((sixty days))~~ seventy-two hours" On page 22, line 2, after "agency" insert "who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the hospital providing treatment" On page 7, line 19, after "conduct" insert "three" On page 8, line 5, after "(5)" insert "If after the third department review under subsection (2) of this section, the department determines that it is medically appropriate to continue the minor's inpatient treatment, the department shall file a petition for initial detention with the court within seven days. The petition shall meet the requirements of RCW 71.34.060(2). The department shall serve on the minor, the minor's parent, and the minor's attorney a copy of the petition, notice of initial detention, and statement of rights. The minor must be advised of his or her right to communicate with an attorney and have an attorney appointed to represent him or her before and at the hearing if the minor is indigent. The minor shall remain in treatment

unless the court finds that the minor should be released under RCW 71.34.080. (6)" On page 8, line 8, strike "(6)" and insert "(7)" On page 7, line 30, after "determination," insert "The department shall inform the parent and the child of their right to request that the department form a multidisciplinary team." On page 8, line 8, after "(6)" insert "The department may convene a multidisciplinary team, as defined by RCW 13.32A.030, at the request of a child, or the parent of a child, who has been admitted to inpatient treatment under section 13 of this act, or who has been released from inpatient treatment under this section. If the department has reasonable cause to believe that the parents of a child who has been admitted for inpatient treatment under section 13 of this act are unavailable or unwilling to continue efforts to maintain the family structure, the department may convene a multidisciplinary team. The formation of a team under this subsection must meet the requirements of RCW 13.32A.042 (5) and (6) and 13.32A.044. (7)" On page 22, line 8, after "parent," insert "The department shall inform the child and the child's parents of their right to request that the department form a multidisciplinary team." On page 22, line 22, after "(5)" insert "The department may convene a multidisciplinary team, as defined by RCW 13.32A.030, at the request of a child, or the parent of a child, who has been admitted to inpatient treatment under section 13 of this act, or who has been released from inpatient treatment under this section. If the department has reasonable cause to believe that the parents of a child who has been admitted for inpatient treatment under section 13 of this act are unavailable or unwilling to continue efforts to maintain the family structure, the department may convene a multidisciplinary team. The formation of a team under this subsection must meet the requirements of RCW 13.32A.042 (5) and (6) and 13.32A.044. (6)" On page 14, line 21, after "social worker is" insert "certified under RCW 18.19.110 and", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Long moved that the Senate refuse to concur in the House amendments to Engrossed Substitute Senate Bill No. 5082 and requests of the House a conference thereon.

MOTION

Senator Kohl moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5082.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the positive motion by Senator Kohl that

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The motion by Senator Kohl failed and the Senate does not concur in the House amendments to Engrossed Substitute Senate Bill No. 5082.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Long that the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5082 and requests of the House a conference thereon.

The motion by Senator Long carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5082 and requests of the House a conference thereon.

MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5071 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The legislature finds the following: (1) The existing statutory provisions requiring an automatic transfer of territory from one school district to another when a city or town extends its boundaries through annexation of unincorporated territory is archaic, and that such school district transfers should not be automatic; (2) Some current procedural requirements unduly restrict the ability of the state board of education to respond more flexibly to any given proposed transfer of territory; (3) Consistent with the goal of

growth management that public services and facilities necessary to support development be available without a decrease in service levels, citizens should have the opportunity to be heard on whether all land in a planned community which includes industrial, commercial, and residential sites should be in the same school district; and (4) The current laws and rules governing school district organization are outdated and in need of a comprehensive review. **Sec. 2.** RCW 28A.315.250 and 1985 c 385 s 19 are each amended to read as follows: Each incorporated city or town in the state shall be comprised in one school district: **PROVIDED,** That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except as hereafter in this section provided. In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites is included in an incorporated city or town through the extension of the limits of such city or town in the manner provided by law, the ~~((educational service district superintendent shall: (1) Declare))~~ regional committee may, in its discretion, prepare a proposal for transfer of any part or all of the territory so included to ((be a part of)) the school district containing the city or town and ((2)), whenever a part of a district so included contains a school building of the district, ~~((present to the regional committee a proposal))~~ for the disposition of any part or all of the remaining territory of the district. In case of the extension of the limits of a town to include territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, the regional committee ~~((shall))~~ may, in its discretion, prepare a proposal or proposals for annexation to the school district in which the town is located any part or all of the territory aforesaid which has been included in the town and for annexation to the school district in which the town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the limits of the town: PROVIDED, That where no school or school site is located within the territory annexed to the town and not less than seventy-five percent of the registered voters residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the town is located, the educational service district superintendent shall declare the territory so included to be a part of the school district containing said town: PROVIDED FURTHER, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: AND PROVIDED FURTHER, That the provisions and procedural requirements of this chapter as now or hereafter amended not in conflict with or inconsistent with the provisions hereinabove in this section stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school districts involved or affected thereby. In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the educational service district superintendent, except where the incorporation or consolidation would affect a district or districts of the first class, shall: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any other district in existence in the county. The educational service district superintendent shall fix as the effective date of any declaration or order required under this section a date no later than the first day of September next succeeding the date of the issuance of such declaration or order. **Sec. 3.** RCW 28A.315.140 and 1990 c 33 s 300 are each amended to read as follows: The powers and duties of the state board with respect to this chapter shall be: (1) To aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts. (2) To receive, file, and examine the proposals and the maps, reports, records, and other materials relating thereto submitted by regional committees and to approve such proposals and so notify the regional committees when said proposals are found to provide for satisfactory improvement in the school district system of the counties and the state and for an equitable adjustment of the assets and liabilities, including bonded indebtedness and excess tax levies as authorized under RCW 28A.315.110(2), of the school districts involved or affected: **PROVIDED,** That whenever ~~((the state board approves a recommendation from a regional committee for the transfer of territory from one school district to another school district, such state board approval must be made not later than March 1 of any given year for implementation the school year immediately following:--~~ **PROVIDED FURTHER,** That whenever ~~))~~ such proposals are found by the state board to be unsatisfactory or inequitable, the board shall so notify the regional committee and, upon request, assist the committee in making revisions which revisions shall be resubmitted within sixty days after such notification for reconsideration and approval or disapproval. The regional committee may request, and the state board is authorized to grant, an extension of the sixty days. The duration of the extension shall be set by the state board. Implementation of state board-approved transfers of territory from one school district to another school district shall become effective at the commencement of the next school year unless an earlier or later implementation date is agreed upon in writing by the boards of directors of the affected school districts and approved by the state board.

**NEW SECTION. Sec. 4.** (1) On its own motion, or in response to a petition by a school district, the state board of education may modify the boundaries of two school districts if one of the school districts includes territory located in a city or town with a population of less than three thousand and one of the school districts borders a United States military reservation or includes territory located in a United States military reservation. If a petition is filed by such a school district, the state board must make a decision on the potential modification of school district boundaries within ninety days of the filing of the petition. Prior to making any decision on the modification of such boundaries, the state board of education shall hold at least one local public hearing on the issue. The state board shall render a written decision on any petition within ninety calendar days of the date the petition is filed that includes its rationale for the decision.

(2) The state board of education shall report its written decision regarding actions taken under this section to the house and senate education committees. (3) This section shall expire June 30, 1999. **NEW SECTION. Sec. 5.** (1) The joint legislative audit and review committee shall undertake a comprehensive study of the current laws and state board of education's rules governing school district organization. In conducting the study the committee shall seek input from the state board of education, the superintendent of public instruction, the educational service districts, the regional committees on school district organization, the Washington state school directors' association, representatives of cities, towns, and counties,

and citizens. (2) The purpose of the study under subsection (1) is to determine if the existing procedures and requirements for school district organization are adequate and appropriate. (3) The committee shall submit a report on the study to the legislature by January 12, 1998. The report shall include any recommendations for statutory changes and shall indicate whether the fundamental goal of the state's school district organization policy should be to support community/neighborhood schools and parental involvement. (4) Beginning the effective date of this act and through June 30, 1998, there shall be a moratorium on proposed changes to school district boundaries that would be new proposals as of the effective date of this act. Proposals already submitted to a regional committee and/or the state board of education shall not be affected by the moratorium. (5) Section 4 of this act is not subject to the moratorium under subsection (4) of this section." On page 1, line 2 of the title, after "extensions;" strike the remainder of the title and insert "amending RCW 28A.315.250; amending RCW 28A.315.140; and creating new sections." and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Hochstatter moved that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 5071 and asks the House to recede therefrom.

MOTION

Senator McAuliffe moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5071. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the positive motion by Senator McAuliffe

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The motion by Senator McAuliffe failed and the Senate does not concur in the House amendments to Substitute Senate Bill No. 5071.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hochstatter that the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5071 and asks the House to recede therefrom.

The motion by Senator Hochstatter carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5071 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5127 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 70.168 RCW to read as follows: The department shall establish by rule a grant program for designated trauma care services. The grants shall be made from the emergency medical services and trauma care system trust account and shall require regional matching funds. The trust account funds and regional match will be in a seventy-five to twenty-five percent ratio. Sec. 2. RCW 70.168.040 and 1990 c 269 s 17 are each amended to read as follows: The emergency medical services and trauma care system trust account is hereby created in the state treasury. Moneys shall be transferred to the emergency medical services and trauma care system trust account from the public safety education account or other sources as appropriated, and as collected under RCW 46.63.110(6). Disbursements shall be made by the department subject to legislative appropriation. Expenditures may be made only for the purposes of the state trauma care system under this chapter, including emergency medical services, trauma care services, rehabilitative services, and the planning and development of related services under this chapter and for reimbursement by the department of social and health services for trauma care services provided by designated trauma centers. Sec. 3. RCW 46.63.110 and 1993 c 501 s 11 are each amended to read as follows: (1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title. (2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation. (3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a

notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body. (4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter. (5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid. (6) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of twenty dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040. The public safety and education assessment imposed under RCW 3.62.090 does not apply to the fee imposed under this subsection. **NEW SECTION. Sec. 4.** The legislature finds as follows: Emergency medical services and trauma care are provided to all residents of the state regardless of a person's ability to pay. Historically, hospitals and health care providers have been able to recover some of their financial losses incurred in caring for an uninsured or underinsured person by charging persons able to pay more. In recent years, the health care industry has undergone substantial changes. With the advent of managed health care programs and the adoption of new cost control measures, some hospitals and health care providers assert that it is difficult to shift costs for uninsured and underinsured patients onto insured patients. In 1990 the legislature established a coordinated trauma care system. Part of the 1990 legislation included funding for a study to determine the extent to which trauma care is uncompensated and undercompensated. This study focused exclusively on trauma care. The legislature finds that, as a prerequisite to determining the amount of state aid that may be necessary to assist health care providers and facilities, it is necessary to examine trauma care losses within the context of a health care provider or facility's total financial operations. **NEW SECTION. Sec. 5.** The committees on finance and health care of the house of representatives shall conduct a joint interim study on trauma care services funding. (1) The study shall: (a) Review how health care providers and facilities determine which patients are classified as trauma care patients; (b) Examine actual trauma care services information for fiscal year 1997 to determine how the four million six hundred thousand dollars appropriated from the state's general fund for trauma care was spent and whether the appropriation was sufficient to reimburse all eligible trauma care services for treating medically indigent persons who had a trauma index severity score of sixteen or higher; (c) Determine if reimbursement at the medicaid rate covers, on average, the actual costs of trauma care services for treating a medically indigent person. If reimbursement at the medicaid rate does not cover actual costs, then the study shall determine by how much the reimbursement at the medicaid rate fails to cover actual costs; (d) Review grants, contributions, and other income received by trauma center facilities that are not third-party reimbursements; (e) Compare and contrast financial information for trauma care service providers to determine if the overall financial condition of such providers has worsened, improved, or held constant over the last five years; and (f) Analyze any other information which assists the committees to better understand the amount of funding needed for trauma care services. (2) The office of program research shall provide staff support for the study. The department of health, the department of social and health services, and the emergency medical services and trauma care steering committee shall provide information and technical support as needed. (3) For the purposes of this section "trauma care services" means verified ambulance services, designated trauma services, and related services provided by a physician who is an active member of a trauma service team at a designated facility. **NEW SECTION. Sec. 6.** Sections 1 through 3 of this act take effect January 1, 1998." Correct the title accordingly. and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Winsley moved that the Senate refuse to concur in the House amendment to Second Substitute Senate Bill No. 5127 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Winsley that the

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The motion by Senator Winsley carried and the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5127 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5149 with the following amendment(s):  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 42.17.132 and 1995 c 397 s 5 are each amended to read as follows: (1) During the twelve-month period (~~preceding the last day for certification of the election results for a state legislator's election to office~~) beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not mail, either by regular mail or electronic mail, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as (~~provided in this section.~~) follows: (a) The legislator may mail (~~one~~) two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. One such mailing may be mailed no later than thirty days after the start of a regular legislative session (~~and one~~), except that a legislator appointed after the start of the session to fill a vacant seat may have up to thirty days from the date of appointment to send out the first mailing. The other mailing may be mailed no later than sixty days after the end of a regular legislative session (~~of identical newsletters to constituents~~). (b) The legislator may mail an individual letter to (i) an individual constituent who ((+)) has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (~~or (2)~~) (ii) an individual constituent who holds a governmental office with extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize and the Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; (D) a Medal of Honor; (E) a one-hundredth birthday; and (F) a seventy-fifth wedding anniversary. (2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office. (3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180. (4) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings(~~, including~~). Those costs include, but are not

limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total. (5) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents. NEW SECTION. Sec. 2. RCW 42.17.132, as amended by this act, is recodified as a new section in chapter 42.52 RCW, to be placed between RCW 42.52.180 and 42.52.190.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Long moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5149 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Long that the Senate

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The motion by Senator Long carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5149 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5508 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that it is essential for children in the public schools to read well early in elementary school. The legislature further finds that clear and visible goals, assessments to determine the reading level at each building, measurements of annual building improvement, and creating accountability in the educational system will result in a significant increase in the reading ability of children. NEW SECTION. Sec. 2. This act may be known and cited as the primary grades reading accountability act. NEW SECTION. Sec. 3. (1) By November 1, 1997, the commission on student learning, in consultation with the superintendent of public instruction, shall make recommendations to the legislature, governor, and state board of education regarding a state-wide accountability system for reading in the elementary grades. The accountability system must assess each school individually against its own baseline, schools with similar characteristics, and schools state-wide. In preparing its recommendations, the commission shall consult with school district officials and school district board members who have established reading goals, incentives, and accountability programs. The commission also shall consult with legislators, parents, classroom teachers, principals, and other educators. (2) In developing the recommendations, the commission shall consider: (a) The establishment of a state-wide reading goal or goals; (b) The establishment of a financial incentive program for schools that meet or exceed their reading goals; (c) The establishment of a program for technical assistance, and when appropriate, intervention, for schools that persistently do not meet their goals; (d) The development of a process to evaluate principals' effectiveness in providing leadership in reaching the fourth grade reading goal; (e) The reporting of annual state-wide progress that includes information on reading achievement by school building, school district, and state-wide; and (f) Whether other accountability reports, actions, or programs should be developed. (3) Recommendations pertaining to state-wide goals, financial incentives, and intervention shall be based on the reading test scores of students taking the state-wide elementary grade assessment in RCW 28A.630.885. Sec. 4. RCW 28A.230.190 and 1990 c 101 s 6 are each amended to read as follows: (1) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the school district. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district. (2) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a standardized norm-referenced achievement test to be given annually beginning in the 1997-98 school year to all pupils in grade ~~((four))~~ three. The test shall assess students' skill in reading~~((,))~~ and mathematics~~((, and language arts))~~ and shall focus upon appropriate input variables. Results of ~~((such))~~ the test~~((s))~~ shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature~~((,))~~ and to all local school districts ~~((and subsequently))~~. School districts shall make results available to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation. (3) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grade ~~((four))~~ three as measured by the norm-referenced standardized achievement test. Sec. 5. RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows: (1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories. (2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of the restructuring plan for the school; and an invitation to all parents and citizens to participate in school activities. In addition to the annual performance report, each school shall annually present a summary of student scores on all state-mandated tests at an open meeting of the district's board of directors. The report shall include comparisons to the school's performance in preceding years. (3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void.", Correct the title. and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hochstatter moved that the Senate refuse to concur in the House amendment to Second Substitute Senate Bill No. 5508 and asks the House to recede therefrom.

#### PARLIAMENTARY INQUIRY

Senator McAuliffe: "A parliamentary inquiry, please. If we ask them to recede, does it go to conference automatically?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Newhouse: “You are asking a point of parliamentary information. State your question again.”

Senator McAuliffe: “If we do not concur and ask the House to recede, will it go into conference?”

President Pro Tempore Newhouse: “No, to go into conference, it requires a separate motion.”

MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendment to Second Substitute Senate Bill No. 5508 and requests of the House a conference thereon.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McAuliffe that the

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The motion by Senator McAuliffe carried and the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5508 and requests of the House a conference thereon.

MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5710 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 13.34.030 and 1995 c 311 s 23 are each amended to read as follows: For purposes of this chapter: (1) "Alternative response system" means voluntary family-centered services that are: (a) Provided by an entity with which the department contracts; and (b) intended to increase the strengths and cohesiveness of families that the department determines present a low risk of child abuse or neglect. (2) "Child" and "juvenile" means any individual under the age of eighteen years. ~~((2))~~ (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode. ~~((3))~~ (4) "Department" means the department of social and health services. (5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency. ~~((4))~~ (6) "Dependent child" means any child: (a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon; (b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; (c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or (d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist. ~~((5))~~ (7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter. ~~((6))~~ (8) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter. ~~((7))~~ (9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers. ~~((8))~~ (10) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW. ~~((9))~~ (11) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child. NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW to read as follows: The department may create a community-based alternative response system for families referred to child protective services who are identified as low-risk cases. The system shall assess family needs and strengths, and arrange services for eligible families. Services provided through the system shall be contracted for with community-based organizations. NEW SECTION. **Sec. 3.** If specific funding for the purposes of section 2 of this act, referencing this act by bill or chapter and section number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void. NEW SECTION. **Sec. 4.** Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997. NEW SECTION. **Sec. 5.** The legislature intends to consolidate all services provided to children with developmental disabilities through the department of social and health services in the division of developmental disabilities. The legislature also intends to provide a discrete, separate process for children with developmental

disabilities who require home-based or out-of-home care that complies with the federal requirements for receipt of federal funds for services under Title IV-B and Title IV-E of the social security act. The legislature intends by sections 6 through 9 of this act to minimize the embarrassment and inconvenience of children with developmental disabilities and their families caused by complying with these federal requirements. **NEW SECTION. Sec. 6.** A new section is added to chapter 71A.10 RCW to read as follows: As used in this chapter, "developmentally disabled dependent child" is a child who has a developmental disability as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian and with the department mutually agree that services appropriate to the child's needs can not be provided in the home. **NEW SECTION. Sec. 7.** A new section is added to chapter 71A.10 RCW to read as follows: It is the intent of the legislature that parents are responsible for the care and support of children with developmental disabilities. The legislature recognizes that, because of the intense support required to care for a child with developmental disabilities, the help of an out-of-home placement may be needed. It is the intent of the legislature that, when the sole reason for the out-of-home placement is the child's developmental disability, such services be offered by the department to these children and their families through a voluntary placement agreement. In these cases, the parents shall retain legal custody of the child. As used in this section, "voluntary placement agreement" means a written agreement between the department and a child's legal guardian authorizing the department to place the child in a licensed facility. Under the terms of this agreement, the parent or legal guardian shall retain legal custody and the department shall be responsible for the child's placement and care. The agreement shall at a minimum specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement. The agreement must be signed by the child's parent and the department to be in effect. As used in this section, "out-of-home placement" means the placement of a child in a facility licensed to care for children with developmental disabilities on a twenty-four hour basis. Whenever the department places a child in out-of-home care under a voluntary placement pursuant to this section, the department shall have the responsibility for the child's placement and care. When a child remains in out-of-home care under a voluntary agreement for more than one hundred eighty days, the juvenile court shall make a judicial determination, within the first one hundred eighty days of the placement, that the placement is in the best interests of the child. In addition, the juvenile court shall hold a permanency planning hearing as specified in RCW 13.34.145 and thereafter as specified in federal law during the continuation of the placement. The permanency planning hearings shall review whether the child's best interests are served by continued out-of-home placement and determine the future status of the child. The department shall provide for foster care citizen reviews or administrative reviews as required by federal law. A review may be called at any time by either the department or the parent. The court may appoint a guardian ad litem if the court finds an independent investigation is needed to examine the best interests of the child. Nothing in this section shall prevent the department from filing a dependency petition if the child is abused or neglected or the parents discontinue contact with the child. The department shall adopt rules providing for the implementation of sections 8 and 9 of this act and the transfer of responsibility for out-of-home placements from the dependency process under chapter 13.34 RCW to the process under chapter 71A.10 RCW. **NEW SECTION. Sec. 8.** Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. **NEW SECTION. Sec. 9.** A new section is added to chapter 71A.10 RCW to read as follows: The department shall consolidate all services provided through the department to children with developmental disabilities in the division of developmental disabilities. The department shall provide for an orderly transfer of staff, equipment, and related responsibilities from the division of children and family services to the division of developmental disabilities. The division of developmental disabilities shall assume responsibilities for children with developmental disabilities under this section no later than March 1, 1998. Any disputes between the division of children and family services and the division of developmental disabilities regarding the transfer of responsibilities under this section shall be resolved by the secretary of the department of social and health services. **Sec. 10.** RCW 13.34.030 and 1995 c 311 s 23 are each amended to read as follows: For purposes of this chapter: (1) "Child" and "juvenile" means any individual under the age of eighteen years. (2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode. (3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency. (4) "Dependent child" means any child: (a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon; (b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or (c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; ~~(; or (d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist).~~ (5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter. (6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter. (7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but



is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers. (8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW. (9) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child. NEW SECTION.

**Sec. 11.** Sections 5, 6, 9, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997. **Sec. 12.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read as follows: (1) For purposes of this chapter: (a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of family and children's ombudsman, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody; (b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders; (c) "Social file" means the juvenile court file containing the records and reports of the probation counselor; (d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case. (2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file. (3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end: (a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency; (b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and (c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files. (4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records. (5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential. (6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed. (7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion. (8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential. (9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW 13.40.025 and 9.94A.040 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission. (10) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombudsman. **Sec. 13.** RCW 13.50.100 and 1995 c 311 s 16 are each amended to read as follows: (1) This section governs records not covered by RCW 13.50.050. (2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010. (3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system. (4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except: (a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: **PROVIDED,** That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or (b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or (c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported ~~((suspected))~~ **alleged** child abuse or neglect. (5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section. (6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion. (7) Subject to the rules of discovery in civil cases, any party to a proceeding

seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section. **Sec. 14.** RCW 26.44.015 and 1993 c 412 s 11 are each amended to read as follows: (1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety. (2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline. (3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap. (4) A person reporting alleged injury, abuse, or neglect to an adult dependent person shall not suffer negative consequences if the person reporting believes in good faith that the adult dependent person has been found legally incompetent or disabled. **Sec. 15.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read as follows: For the purpose of and as used in this chapter: (1) "Court" means the superior court of the state of Washington, juvenile department. (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff. (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: **PROVIDED, HOWEVER,** That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter. (4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care. (5) "Department" means the state department of social and health services. (6) "Child" or "children" means any person under the age of eighteen years of age. (7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses. (8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution. (9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined herein. (13) "Child protective services section" shall mean the child protective services section of the department. (14) "Adult dependent persons" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW. (15) "Sexual exploitation" includes: (a) Allowing, permitting, encouraging, or engaging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person. (16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. (17) "Developmentally disabled person" means a person who has a disability defined in RCW 71A.10.020. (18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect. (19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty. (20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth." **Sec. 16.** RCW 26.44.030 and 1996 c 278 s 2 are each amended to read as follows: (1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, ~~((or))~~ juvenile probation officer, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. (b) The reporting requirement shall also apply to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. (c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness. (d) The report shall be made at the first opportunity, but in no case longer than

forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known. (2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply. (3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040. (4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter. (5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency. (6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision. (7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege. (8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies. (9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor. (10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation. (11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees. (12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases. (13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention. The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process. (14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting. (15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral. **Sec. 17.** RCW 26.44.035 and 1985 c 259 s 3 are each amended to read as follows: If the department or a law enforcement agency responds to a complaint of alleged child abuse or neglect and discovers that another agency has also responded to the complaint, the agency shall notify the other agency of their presence, and the agencies shall coordinate the investigation and keep each other apprised of progress. The department, each law enforcement agency, each county

prosecuting attorney, each city attorney, and each court shall make as soon as practicable a written record and shall maintain records of all incidents of suspected child abuse reported to that person or agency. Records kept under this section shall be identifiable by means of an agency code for child abuse. **Sec. 18.** RCW 26.44.040 and 1993 c 412 s 14 are each amended to read as follows: An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known: (1) The name, address, and age of the child or adult dependent or developmentally disabled person; (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult dependent or developmentally disabled person; (3) The nature and extent of the alleged injury or injuries; (4) The nature and extent of the alleged neglect; (5) The nature and extent of the alleged sexual abuse; (6) Any evidence of previous injuries, including their nature and extent; and (7) Any other information which may be helpful in establishing the cause of the child's or adult dependent or developmentally disabled person's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators. **Sec. 19.** RCW 26.44.053 and 1996 c 249 s 16 are each amended to read as follows: (1) In any judicial proceeding under this chapter or chapter 13.34 RCW in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child as provided in chapter 13.34 RCW. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings. (2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, or any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the alleged abuse or neglect of the child. (3) A parent or other person having legal custody of a child alleged to be abused or neglected shall be a party to any proceeding that may impair or impede such person's interest in and custody or control of the child. **Sec. 20.** RCW 26.44.060 and 1988 c 142 s 3 are each amended to read as follows: (1)(a) Except as provided in (b) of this subsection, any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions. (b) A person convicted of a violation of subsection (4) of this section shall not be immune from liability under (a) of this subsection. (2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody. (3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW. (4) A person who, intentionally and in bad faith or maliciously, knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021. **Sec. 21.** RCW 70.124.040 and 1981 c 174 s 4 are each amended to read as follows: (1) Where a report is deemed warranted under RCW 70.124.030, an immediate oral report shall be made by telephone or otherwise to either a law enforcement agency or to the department and, upon request, shall be followed by a report in writing. The reports shall contain the following information, if known: (a) The name and address of the person making the report; (b) The name and address of the nursing home or state hospital patient; (c) The name and address of the patient's relatives having responsibility for the patient; (d) The nature and extent of the alleged injury or injuries; (e) The nature and extent of the alleged neglect; (f) The nature and extent of the alleged sexual abuse; (g) Any evidence of previous injuries, including their nature and extent; and (h) Any other information which may be helpful in establishing the cause of the patient's death, injury, or injuries, and the identity of the perpetrator or perpetrators. (2) Each law enforcement agency receiving such a report shall, in addition to taking the action required by RCW 70.124.050, immediately relay the report to the department and to other law enforcement agencies, as appropriate. For any report it receives, the department shall likewise take the required action and in addition relay the report to the appropriate law enforcement agency or agencies. The appropriate law enforcement agency or agencies shall receive immediate notification when the department, upon receipt of such report, has reasonable cause to believe that a criminal act has been committed. **Sec. 22.** RCW 70.129.030 and 1994 c 214 s 4 are each amended to read as follows: (1) The facility must inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. The notification must be made prior to or upon admission. Receipt of the information must be acknowledged in writing. (2) The resident or his or her legal representative has the right: (a) Upon an oral or written request, to access all records pertaining to himself or herself including clinical records within twenty-four hours; and (b) After receipt of his or her records for inspection, to purchase at a cost not to exceed the community standard photocopies of the records or portions of them upon request and two working days' advance notice to the facility. (3) The facility must inform each resident in writing before, or at the time of admission, and at least once every twenty-four months thereafter of: (a) Services available in the facility; (b) charges for those services including charges for services not covered by the facility's per diem rate or applicable public benefit programs; and (c) the rules of operations required under RCW 70.129.140(2). (4) The facility must furnish a written description of residents rights that includes: (a) A description of the manner of protecting personal funds, under RCW 70.129.040; (b) A posting of names, addresses, and telephone numbers of the state survey and certification agency, the state licensure office, the state ombudsmen program, and the protection and advocacy systems; and (c) A statement that the resident may file a complaint with the appropriate state licensing agency concerning alleged resident abuse, neglect, and misappropriation of resident property in the facility. (5) Notification of changes. (a) A facility must immediately consult with the resident's physician, and if known, make reasonable efforts to notify the resident's legal representative or an interested family member when there is: (i) An accident involving the resident which requires or has the potential for requiring physician intervention; (ii) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychosocial status in either life-

threatening conditions or clinical complications). (b) The facility must promptly notify the resident or the resident's representative shall make reasonable efforts to notify an interested family member, if known, when there is: (i) A change in room or roommate assignment; or (ii) A decision to transfer or discharge the resident from the facility. (c) The facility must record and update the address and phone number of the resident's representative or interested family member, upon receipt of notice from them. **Sec. 23.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read as follows: The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall: (1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children. (2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations." (3) Investigate complaints of alleged neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: **PROVIDED**, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency. (4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict. (5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the house and senate committees on social and health services. (6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption. (7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers. (8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department. (9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community. (10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program. (11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care. Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974. **Sec. 24.** RCW 74.15.030 and 1995 c 302 s 4 are each amended to read as follows: The secretary shall have the power and it shall be the secretary's duty: (1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto; (2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed. The minimum requirements shall be limited to: (a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license; (b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose; (c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license; (d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons; (e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served; (f)

The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and (g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served; (3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement; (4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate; (5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served; (6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee; (7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder; (8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and (9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons. **Sec. 25.** RCW 74.34.050 and 1986 c 187 s 3 are each amended to read as follows: (1) A person participating in good faith in making a report under this chapter or testifying about ~~((the))~~ alleged abuse, neglect, abandonment, or exploitation of a vulnerable adult in a judicial proceeding under this chapter is immune from liability resulting from the report or testimony. The making of permissive reports as allowed in RCW 74.34.030 does not create any duty to report and no civil liability shall attach for any failure to make a permissive report under RCW 74.34.030. (2) Conduct conforming with the reporting and testifying provisions of this chapter shall not be deemed a violation of any confidential communication privilege. Nothing in this chapter shall be construed as superseding or abridging remedies provided in chapter 4.92 RCW. **Sec. 26.** RCW 74.34.070 and 1995 1st sp.s. c 18 s 87 are each amended to read as follows: In responding to reports of alleged abuse, exploitation, neglect, or abandonment under this chapter, the department shall provide information to the frail elder or vulnerable adult on protective services available to the person and inform the person of the right to refuse such services. The department shall develop cooperative agreements with community-based agencies servicing the abused elderly and vulnerable adults. The agreements shall cover such subjects as the appropriate roles and responsibilities of the department and community-based agencies in identifying and responding to reports of alleged abuse, the provision of case-management services, standardized data collection procedures, and related coordination activities. **Sec. 27.** RCW 13.34.090 and 1990 c 246 s 4 are each amended to read as follows: (1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder. (2) At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030~~((2))~~ (6), the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency as defined in chapter 10.101 RCW. (3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel. (4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, within twenty days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel. **Sec. 28.** RCW 13.34.120 and 1996 c 249 s 14 are each amended to read as follows: (1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing. (2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030~~((4))~~ (6) (b) or (c) shall contain the following information: (a) A statement of the specific harm or harms to the child that intervention is designed to alleviate; (b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered; (c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the

child; (d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child; (e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and (f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary. **Sec. 29.** RCW 13.34.180 and 1993 c 412 s 2 and 1993 c 358 s 3 are each reenacted and amended to read as follows: A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege: (1) That the child has been found to be a dependent child under RCW 13.34.030((2)) (6); and (2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and (3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030((2)) (6); and (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and (5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors: (a) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or (b) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or (7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been offered or provided. Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights. 1. You have the right to a fact-finding hearing before a judge. 2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure). 3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge. You should be present at this hearing. You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)." **Sec. 30.** RCW 43.43.700 and 1989 c 334 s 6 are each amended to read as follows: There is hereby established within the Washington state patrol a section on identification, child abuse, vulnerable adult abuse, and criminal history hereafter referred to as the section. In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison. The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning

persons arrested for or convicted of crimes under the laws of another state or government. The section shall also contain like information concerning persons, over the age of eighteen years, who have been found, pursuant to a dependency proceeding under RCW 13.34.030((2)) (6)(b) to have physically abused or sexually abused or exploited a child or, pursuant to a protection proceeding under chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult. **Sec. 31.** RCW 43.43.840 and 1989 c 334 s 5 and 1989 c 90 s 5 are each reenacted and amended to read as follows: (1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW ((13.34.030(2)(b))) 13.34.040, domestic relations action under Title 26 RCW, or protection action under chapter 74.34 RCW, in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult. (2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult. (3) When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment. **Sec. 32.** RCW 43.20A.050 and 1979 c 141 s 63 are each amended to read as follows: It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary ((in order that he may)) to institute ((therein)) the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever ((his)) the secretary's authority is not specifically limited by law, he or she shall have complete charge and supervisory powers over the department. ((He)) The secretary is authorized to create such administrative structures as ((he may deem)) deemed appropriate, except as otherwise specified by law. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department((: PROVIDED, That,)). Except as elsewhere specified, such employment ((is)) shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW. **NEW SECTION. Sec. 33.** It is the intent of the legislature, in enacting the chapter . . . , Laws of 1997 changes to RCW 41.64.100 (section 34 of this act), to provide a prompt and efficient method of expediting employee appeals regarding alleged misconduct that may have placed children at serious risk of harm. The legislature recognizes that children are at risk of harm in cases of abuse or neglect and intends to provide a method of reducing such risk as well as mitigating the potential liability to the state associated with employee misconduct involving children. The legislature does not intend to impair any existing rights of appeals held by employees, nor does it intend to restrict consideration of any appropriate evidence or facts by the personnel appeals board. **Sec. 34.** RCW



41.64.100 and 1981 c 311 s 11 are each amended to read as follows: (1) In all appeals over which the board has jurisdiction involving reduction, dismissal, suspension, or demotion, the board shall set the case for hearing, and the final decision, including an appeal to the board from the hearing examiner, if any, shall be rendered within ninety days from the date the appeal was first received(~~(: PROVIDED, That)~~). An extension may be permitted if agreed to by the employee and the employing agency. The board shall furnish the agency with a copy of the appeal in advance of the hearing. (2) Notwithstanding subsection (1) of this section, in a case involving misconduct that has placed a child at serious risk of harm as a result of actions taken or not taken under chapter 13.32A, 13.34, 13.40, 26.44, 74.13, 74.14A, 74.14B, 74.14C, or 74.15 RCW, the board shall hear the case before all other unresolved or unscheduled cases. The board shall issue its order within forty-five days of hearing the case unless there are extraordinary circumstances, in which case, an additional thirty days may elapse until the case is decided. (3) In all appeals made pursuant to RCW 41.06.170(~~((3))~~) (4), as now or hereafter amended, the decision of the board is final and not appealable to court. **NEW SECTION.** **Sec. 35.** Section 34 of this act shall not be construed to alter an existing collective bargaining unit or the provisions of any existing bargaining agreement in place on the effective date of this section before the expiration of such agreement. **Sec. 36.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read as follows: For the purpose of and as used in this chapter: (1) "Court" means the superior court of the state of Washington, juvenile department. (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff. (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: ~~PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.~~ (4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care. (5) "Department" means the state department of social and health services. (6) "Child" or "children" means any person under the age of eighteen years of age. (7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses. (8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution. (9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an

employee or agent of any public or private organization or institution. (10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed. An abused child is a child who has been subjected to child abuse or neglect as defined herein. (13) "Child protective services section" shall mean the child protective services section of the department. (14) "Adult dependent persons" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW. (15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person. (16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. (17) "Developmentally disabled person" means a person who has a disability defined in RCW 71A.10.020. (18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard ~~((the general welfare of))~~ such children ~~((and shall include))~~ from future abuse and neglect, and conduct investigations of child abuse and neglect reports~~((, including reports regarding child care centers and family child care homes, and the development, management, and provision of or)).~~ Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect. (19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty. (20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth." **NEW SECTION. Sec. 37.** A new section is added to chapter 43.20A RCW to read as follows: (1) Notwithstanding the provisions of RCW 26.44.020 and chapter 74.13 RCW, the

secretary may exercise his or her discretion to permit employees of the department to provide child protective services and child welfare services under the following circumstances: (a) The number of employees in an office or the location of an office makes it administratively impractical to require a strict segregation between the delivery of both types of services; or (b) There are exceptional circumstances, including such things as a disproportionately large number of vacant positions in an office; or (2) The changes required to implement RCW 26.44.020 and this section shall not be made until the expiration of any collective bargaining agreement in effect on the effective date of this section, unless the parties to the agreement determine such changes can be made before that time. NEW SECTION. Sec. 38. The Washington institute for public policy shall review the department's programs and policies for the implementation of permanency plans to determine which programs and policies are the most successful in developing plans for children fourteen years of age or older. The institute shall provide a report, including recommendations, to the governor and legislature by June 1, 1998. NEW SECTION. Sec. 39. The Washington institute for public policy shall review the criteria and policies of the department relating to establishment of guardianships for children involved with permanency planning. The review shall include an examination of whether: (1) There are methods of improving the department's role in the lives of children for whom a guardianship has been established, without impairing the duties of a guardian and the guardian's ability to provide the services for which he or she is responsible; (2) criteria for establishing, reviewing, and terminating a guardianship accurately reflects the needs of children of all ages; (3) existing laws and policies facilitate or impair the movement of children from guardianship status to permanent placement; and (4) existing data collection is accurate and adequate. NEW SECTION. Sec. 40. A new section is added to chapter 43.20A RCW to read as follows: The department shall prepare an annual quality assurance report that shall include but is not limited to: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake. The report shall be provided to the governor and legislature not later than July 1. NEW SECTION. Sec. 41. A new section is added to chapter 26.44 RCW to read as follows: (1) When, as a result of a report of alleged child abuse or neglect, an investigation is made that includes an in-person contact with the person who is alleged to have committed the abuse or neglect, there shall be a determination of whether it is probable that the use of alcohol or controlled substances is a contributing factor to the alleged abuse or neglect. (2) The department shall provide appropriate training for persons who conduct the investigations under subsection (1) of this section. The training shall include methods of identifying indicators of abuse of alcohol or controlled substances. (3) If a determination is made under subsection (1) of this section that there is probable cause to believe abuse of alcohol or controlled substances has contributed to the child abuse or neglect, the department shall, within

available funds, cause a comprehensive chemical dependency evaluation to be made of the person or persons so identified. The evaluation shall be conducted by a physician or persons certified under rules adopted by the department to make such evaluation. **NEW SECTION. Sec. 42.** The following acts or parts of acts are each repealed: (1) RCW 43.06A.040 and 1996 c 131 s 5." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Long moved that the Senate refuse to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5710 and requests of the House a conference thereon.  
Debate ensued.

MOTION

On motion of Senator Franklin, Senator Heavey was excused.  
The President Pro Tempore declared the question before the Senate to be the motion by Senator Long that the Senate refuse to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5710 and requests of the House a conference thereon.  
The motion by Senator Long carried and the Senate refuses to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5710 and requests of the House a conference thereon.

MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** (1) The legislature finds that: (a) Each of the state's public baccalaureate institutions plays different but complementary roles in the state's system of higher education; (b) Although each community college has different strengths and special programs, the community colleges as a whole have a common role and mission; (c) College and university governing boards are in a unique position to assess the special needs of their institutions' students, faculty, staff, programs, and facilities; (d) State and institutional financial aid programs should help needy low and middle-income students pay the costs of tuition increases; (e) The primary purpose of the state's public system of higher education is the education and training of resident undergraduate students; and (f) The ability to manage institutional resources in order to meet demand is critical to meeting present and future needs for access to higher education. (2) Therefore, the legislature intends to: (a) Provide some new financial tools to the governing boards of the baccalaureate institutions by allowing the boards to adjust tuition rates, within specified limits, for different categories of students and for graduate programs; (b) Permit the state board for community and technical colleges to adjust tuition rates, within specified limits, for the community colleges as a whole; (c) Revise the statutory funding mechanism for the state's financial aid programs in order to substantially increase the amount of state funding for programs that assist needy low and middle-income students; (d) Ensure that any tuition increases for resident undergraduate students are limited, and, in conjunction with state financial aid programs, do not obstruct access to higher education for low and middle-income students; and (e) Direct the colleges and universities to use part of the revenue from tuition increases over a specified level to help needy low and middle-income resident students pay the costs associated with the tuition increase. **NEW SECTION. Sec. 2.** A new section is added to chapter 28B.15 RCW to read as follows: (1) As used in this section, "excess credit" means any credit taken by either a resident undergraduate student or a resident student who is not enrolled in a first professional, graduate, or law program if the student has accumulated more than one hundred twenty-five percent of the number of credits required to complete the student's baccalaureate degree program. (2)(a) Except as provided in (b) of this subsection, state universities, regional universities, and The Evergreen State College may collect a surcharge from any resident student who is enrolled for excess credit. The amount of the surcharge may vary by credit or percentage thresholds, or may be based on special circumstances, each as established by the institution. (b) Students who are required to take continuing education credits as a condition of licensure or state law are exempt from the excess credit surcharge for any credits taken as a result of the requirements. (3) A surcharge for excess credits shall not exceed twenty-five percent of the tuition fees rates for full-time resident undergraduate students at the college or university. **Sec. 3.** RCW 28B.15.031 and 1996 c 142 s 2 are each amended to read as follows: The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include surcharges for excess credit under section 2 of this act, or fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, technology and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be deposited in a local account containing only operating fees revenue and related interest: **PROVIDED**, That a minimum of three and one-half percent of operating fees shall be retained by the institutions, except the technical colleges, for the purposes of RCW 28B.15.820. Local operating fee accounts shall not be subject to appropriation by the legislature or

allotment procedures under chapter 43.88 RCW. **Sec. 4.** RCW 28B.15.065 and 1977 ex.s. c 322 s 6 are each amended to read as follows: It is the intent of the legislature that needy students not be deprived of access to higher education due to increases in educational costs or consequent increases in tuition and fees. It is the sense of the legislature that state appropriations for student financial aid be adjusted in an amount which together with funds estimated to be available in the form of basic educational opportunity grants as authorized under Section 411 of the federal Higher Education Act of 1965 as now or hereafter amended will equal twenty-four percent of any change in revenue estimated to occur as a result of revisions in tuition and fee levels under the provisions of ~~((this 1977 amendatory act))~~ chapter 322, Laws of 1977 ex. sess. **Sec. 5.** RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended to read as follows: It is the intent of the legislature that: In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following: (1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act; (2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; ~~((and))~~ (3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910; and (4) The appropriation shall not be reduced or increased as a result of adjustments during the 1997-98 and 1998-99 academic years of tuition fees rates above or below the five-year rolling average of the per capita personal income growth rate contained in the even-year September Washington economic and revenue forecast by the office of the forecast council, or by four percent, whichever is the lower amount. **Sec. 6.** RCW 28B.15.067 and 1996 c 212 s 1 are each amended to read as follows: (1) Tuition fees shall be established under the provisions of this chapter. (2) ~~((Academic year tuition for full-time students at the state's institutions of higher education for the 1995-96 academic year, other than the summer term, shall be as provided in this subsection. (a) At the University of Washington and Washington State University: (i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand seven hundred sixty four dollars; (ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eight thousand two hundred sixty eight dollars; (iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand four hundred ninety dollars; (iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eleven thousand six hundred thirty four dollars; (v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand four hundred ninety seven dollars; and (vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, nineteen thousand four hundred thirty one dollars. (b) At the regional universities and The Evergreen State College: (i) For resident undergraduate and all other resident students not in graduate study programs, two thousand forty five dollars; (ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, seven thousand nine hundred ninety two dollars; (iii) For resident graduate students, three thousand four hundred forty three dollars; and (iv) For nonresident graduate students, eleven thousand seventy one dollars. (c) At the community colleges: (i) For resident students, one thousand two hundred twelve dollars; and (ii) For nonresident students, five thousand one hundred sixty two dollars and fifty cents. (3))) Academic year tuition for full-time students at the state's institutions of higher education beginning with the 1996-97 academic year, other than the summer term, shall be as provided in this subsection. (a) At the University of Washington and Washington State University: (i) For resident undergraduate students and other resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand eight hundred seventy-five dollars; (ii) For nonresident undergraduate students and other nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, nine thousand four hundred ninety-one dollars; (iii) For resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand six hundred sixty-nine dollars; (iv) For nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twelve thousand one hundred dollars; (v) For resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand seven hundred ninety-seven dollars; and (vi) For nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twenty thousand two hundred nine dollars. (b) At the regional universities and The Evergreen State College: (i) For resident undergraduate and all other resident students not in graduate study programs, two thousand one hundred twenty-seven dollars; (ii) For nonresident undergraduate and all other nonresident students not in graduate study programs, eight thousand three hundred twelve dollars; (iii) For resident graduate students, three thousand five hundred eighty-one dollars; and (iv) For nonresident graduate students, eleven thousand five hundred fourteen dollars. (c) At the community colleges: (i) For resident students, one thousand two hundred sixty-one dollars; and (ii) For nonresident students, five thousand three hundred sixty-nine dollars and fifty cents. ~~((4)))~~ (3) For each of the 1997-98 and 1998-99 academic years, except as provided under subsections (4) and (5) of this section, the tuition fees rates in subsection (2) of this section shall increase annually based on the five-year rolling average of the per capita personal income growth rate contained in the even-year September Washington economic and revenue forecast by the office of the forecast council, or by four percent, whichever is the lower amount. Increases in tuition fees under this subsection shall be incorporated in the base tuition fees rates for the next academic year. (4) During each of the 1997-98 and 1998-99 academic years, the governing boards of the state universities, the regional universities, The Evergreen State College, and, for the community colleges as a whole, the state board for community and technical colleges, may increase tuition fees rates for nonresident students and for resident students enrolled in programs leading to the degree of juris doctor, up to six percent each year in addition to the tuition fees rates computed under subsection (3) of this section. Any increase in tuition fees adopted under this subsection shall be incorporated in the base tuition fees rates for the next academic year. (5) As a pilot program during the 1997-99 biennium, only for programs and classes at the Cheney campus, the governing board of Eastern Washington University, for each of the 1997-98 and 1998-99 academic years, may increase tuition fees rates for~~

resident students by up to the five-year rolling average of the per capita personal income growth rate contained in the even-year September Washington economic and revenue forecast by the office of the forecast council, or by four percent, whichever is the lower amount, and may increase tuition fees rates for nonresident students by up to six percent in addition to the tuition fees rates for resident students. (6) For tuition increases of more than four percent in any year, the institution shall use at least ten percent of the revenue received from the difference between a four percent increase and the actual percentage increase to assist needy low and middle-income resident students enrolled in the same tuition category or graduate or law program. This requirement is in addition to the deposit requirements of the institutional financial aid fund under RCW 28B.15.820. (7) The tuition fees established under this chapter shall not apply to summer term or to high school students enrolling in community colleges under RCW 28A.600.300 through 28A.600.395. **Sec. 7.** RCW 28B.15.069 and 1995 1st sp.s. c 9 s 5 are each amended to read as follows: (1) As used in this section, each of the following subsections is a separate tuition category: (a) Resident undergraduate students and all other resident students not in first professional, graduate, or law programs; (b) Nonresident undergraduate students and all other nonresident students not in graduate or law programs; (c) Resident graduate and law students; (d) Nonresident graduate and law students; (e) Resident first professional students; and (f) Nonresident students in first professional programs. (2) Unless the context clearly requires otherwise, as used in this section "first professional programs" means programs leading to one of the following degrees: Doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine. (3) ~~((For the 1995-96 and 1996-97 academic years,))~~ The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent. (4) The governing boards of each institution of higher education, except for the technical colleges, shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for the applicable tuition category: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase. (5) Tuition and services and activities fees consistent with subsection (4) of this section shall be set by the state board for community and technical colleges for community college summer school students unless the community college charges fees in accordance with RCW 28B.15.515. (6) Subject to the limitations of RCW 28B.15.910, each governing board of a community college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Wood moved that the Senate refuse to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5927 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Wood that the

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The motion by Senator Wood carried and the Senate refuses to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5927 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5270 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 43.33A RCW to read as follows: (1) The board is authorized to create corporations under Title 23B RCW, limited liability companies under chapter 25.15 RCW, and limited partnerships under chapter 25.10 RCW, of which it may or may not be the general partner, for the purposes of transferring, acquiring, holding, overseeing, operating, or disposing of real estate or other not readily marketable assets. The liability of each entity created by the board is limited to the assets or properties of that entity. No creditor or other person has any right of action against the board, its members or employees, or the state of Washington on account of any debts, obligations, or liabilities of the entity. Entities created under this section may be authorized by the board to make any investment in real estate or other not readily marketable assets that the board may make. (2) Directors, officers, and other principals of entities created under this section must be board members, board staff, or principals or employees of an advisor or manager engaged by contract by the board or the entity to manage real estate or other investment assets of the entity. Directors of entities created under this section must be appointed by the board. Officers and other principals of entities created under this section are appointed by the directors. (3) A public corporation, limited liability company, or limited partnership created under this section has the same immunity or exemption from taxation as that of the state. The entity shall pay an amount equal to the amounts that would be paid for taxes otherwise levied upon real property and personal property to the public official charged with the collection of such real property and personal property taxes as if the property were in private ownership. The proceeds of such payments must be allocated as though the property were in private ownership. NEW SECTION. Sec. 2. A new section is added to chapter 43.33A RCW to read as follows: Rent and other income from real estate or other not readily marketable assets acquired and being held for investment by the board or by an entity created under section 1 of this act by the board, and being managed by an external advisor or other property manager under contract, shall not be deemed income or state funds for the purposes of chapter 39.58 RCW and this title, until distributions are made to the board of such income from the advisor or manager. Bank and other accounts established by the advisor or property manager for the purpose of the management of such investment assets shall not be deemed accounts established by the state for the purpose of chapter 39.58 RCW and this title. NEW SECTION. Sec. 3. A new section is added to chapter 43.33A RCW to read as follows: For the purposes of sections 1 and 2 of this act, an asset is "not readily marketable" when it is not publicly traded on a daily basis or on an organized exchange. Such assets may include, but are not limited to, real estate or other physical assets, and equity interests in, or the indebtedness of, operating companies, whether the asset is held directly or through an interest in an investing entity." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION



Senator Winsley moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5270 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Winsley that the

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The motion by Senator Winsley carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5270 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5763 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that the newly emerging business of providing internet service is providing widespread benefits to all levels of society. The legislature further finds that this business is important to our state's continued growth in the high-technology sector of the economy and that, as this industry emerges, it should not be burdened by new taxes that might not be appropriate for the type

of service being provided. The legislature further finds that there is no clear statutory guidance as to how internet services should be classified for tax purposes and intends to ratify the state's current treatment of such services. **NEW SECTION.**

**Sec. 2.** A new section is added to chapter 35.21 RCW to read as follows: Until July 1, 1999, a city or town may not impose any new taxes or fees specific to internet service providers. A city or town may tax internet service providers under generally applicable business taxes or fees, at a rate not to exceed the rate applied to a general service classification. For the purposes of this section, "internet service" has the same meaning as in section 4 of this act. **Sec. 3.** RCW 82.04.055 and 1993 sp.s. c 25 s 201 are each amended to read as follows: (1) "Selected business services" means: (a) Stenographic, secretarial, and clerical services. (b) Computer services, including but not limited to computer programming, custom software modification, custom software installation, custom software maintenance, custom software repair, training in the use of custom software, computer systems design, and custom software update services. (c) Data processing services, including but not limited to word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. Data processing services also includes the use of a computer or computer time for data processing whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service. (d) Information services, including but not limited to electronic data retrieval or research that entails furnishing financial or legal information, data or research, internet service as defined in section 4 of this act, general or specialized news, or current information unless such news or current information is furnished to a newspaper publisher or to a radio or television station licensed by the federal communications commission. (e) Legal, arbitration, and mediation services, including but not limited to paralegal services, legal research services, and court reporting services. (f) Accounting, auditing, actuarial, bookkeeping, tax preparation, and similar services. (g) Design services whether or not performed by persons licensed or certified, including but not limited to the following: (i) Engineering services, including civil, electrical, mechanical, petroleum, marine, nuclear, and design engineering, machine designing, machine tool designing, and sewage disposal system designing; (ii) Architectural services, including but not limited to: Structural or landscape design or architecture, interior design, building design, building program management, and space planning. (h) Business consulting services. Business consulting services are those primarily providing operating counsel, advice, or assistance to the management or owner of any business, private, nonprofit, or public organization, including but not limited to those in the following areas: Administrative management consulting, general management consulting, human resource consulting or training, management engineering consulting, management information systems consulting, manufacturing management consulting, marketing consulting, operations research consulting, personnel management consulting, physical distribution consulting, site location consulting, economic consulting, motel, hotel, and resort consulting, restaurant consulting, government affairs consulting, and lobbying. (i) Business management services, including but not limited to administrative management, business management, and office management, but not including property management or property leasing, motel, hotel, and resort management, or automobile parking management. (j) Protective services, including but not limited to detective agency services and private investigating services, armored car services, guard or protective services, lie detection or polygraph services, and security system, burglar, or fire alarm monitoring and maintenance services. (k) Public relations or advertising services, including but not limited to layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, marketing research, marketing, or production supervision, but excluding services provided as part of broadcast or print advertising. (l) Aerial and land surveying, geological consulting, and real estate appraising. (2) Subsection (1) of this section notwithstanding, the term "selected business services" does not include: (a) The provision of either permanent or temporary employees. (b) Services provided by a public benefit nonprofit organization, as defined in RCW 82.04.366, to the state of Washington, its political subdivisions, municipal corporations, or quasi-municipal corporations. (c) Services related to the identification, investigation, or cleanup arising out of the release or threatened release of hazardous substances when the services are remedial or response actions performed under federal or state law, or when the services are performed to determine if a release of hazardous substances has occurred or is likely to occur. (d) Services provided to or performed for, on behalf of, or for the benefit of a collective investment fund such as: (i) A mutual fund or other regulated investment company as defined in section 851(a) of the Internal Revenue Code of 1986, as amended; (ii) an "investment company" as that term is used in section 3(a) of the Investment Company Act of 1940 as well as an entity that would be an investment company under section 3(a) of the Investment Company Act of 1940 except for the section 3(c)(1) or (11) exemptions, or except that it is a foreign investment company organized under laws of a foreign country; (iii) an "employee benefit plan," which includes any plan, trust, commingled employee benefit trusts, or custodial arrangement that is subject to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., or that is described in sections 125, 401, 403, 408, 457, and 501(c)(9) and (17) through (23) of the Internal Revenue Code of 1986, as amended, or similar plan maintained by state or local governments, or plans, trusts, or custodial arrangements established to self-insure benefits required by federal, state, or local law; (iv) a fund maintained by a tax exempt organization as defined in section 501(c)(3) or 509(a) of the Internal Revenue Code of 1986, as amended, for operating, quasi-endowment, or endowment purposes; or (v) funds that are established for the benefit of such tax exempt organization such as charitable remainder trusts, charitable lead trusts, charitable annuity trusts, or other similar trusts. (e) Research or experimental services eligible for expense treatment under section 174 of the Internal Revenue Code of 1986, as amended. (f) Financial services provided by a financial institution. The term "financial institution" means a corporation, partnership, or other business organization chartered under Title 30, 31, 32, or 33 RCW, or under the National Bank Act, as amended, the Homeowners Loan Act, as amended, or the Federal Credit Union Act, as amended, or a holding company of any such business organization that is subject to the Bank Holding Company Act, as amended, or the Homeowners Loan Act, as amended, or a subsidiary or affiliate wholly owned or controlled by one or more financial institutions, as well as a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act, as amended. The term "financial services" means those activities authorized by the laws cited in this subsection (2)(f) and includes services such as mortgage servicing, contract collection servicing, finance leasing, and services provided in a fiduciary capacity to a trust or estate. **NEW SECTION.** **Sec. 4.** A new section is added to chapter 82.04 RCW to read as follows: (1) The provision of internet services is a selected business service activity and subject to tax under RCW 82.04.290(1), but if RCW 82.04.055 is repealed then the provision of internet services is taxable under the general service business and occupation tax classification of RCW 82.04.290. (2) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide

web. (3) "Internet service" means a service that includes computer processing applications, provides the user with additional or restructured information, or permits the user to interact with stored information through the internet or a proprietary subscriber network. "Internet service" includes provision of internet electronic mail, access to the internet for information retrieval, and hosting of information for retrieval over the internet or the graphical subnetwork called the world wide web. **Sec. 5.** RCW 82.04.065 and 1983 2nd ex.s. c 3 s 24 are each amended to read as follows: (1) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made. (2) "Network telephone service" means the providing by any person of access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. "Network telephone service" includes the provision of transmission to and from the site of an internet provider via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, ~~((nøf))~~ the providing of broadcast services by radio or television stations, nor the provision of internet service as defined in section 4 of this act, including the reception of dial-in connection, provided at the site of the internet service provider. (3) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in subsections (1) and (2) of this section. (4) "Telephone business" means the business of providing network telephone service, as defined in subsection (2) of this section. It includes cooperative or farmer line telephone companies or associations operating an exchange. **NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Finkbeiner moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5763. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Finkbeiner to concur in the House amendment to Substitute Senate Bill No. 5763.

The motion by Senator Finkbeiner carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5763.

#### MOTION

On motion of Senator Franklin, Senator Prentice was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5763, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5763, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senators Benton, Loveland and Snyder - 3. Excused: Senators Heavey and Prentice - 2. **SUBSTITUTE SENATE BILL NO. 5763**, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senators Loveland and Snyder were excused.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed **SUBSTITUTE SENATE BILL NO. 5011** with the following amendment(s):  
On page 2, line 3, after "of" strike "five" and insert "three", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Winsley, the Senate concurred in the House amendment to Substitute Senate Bill No. 5011.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5011, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Heavey, Loveland and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5011, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5018 with the following amendment(s):

Beginning on page 1, after line 5, strike all material through page 2, line 26, and insert the following: "**Sec. 1.** RCW 18.71.210 and 1995 c 65 s 4 and 1995 c 103 s 1 are each reenacted and amended to read as follows: No act or omission of any physician's trained emergency medical service intermediate life support technician and paramedic, as defined in RCW 18.71.200, or any emergency medical technician or first responder, as defined in RCW 18.73.030, done or omitted in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician or an approved medical program director or delegate(s) to a person who has suffered illness or bodily injury shall impose any liability upon: (1) The physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder; (2) The medical program director; (3) The supervising physician(s); (4) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital; (5) Any training agency or training physician(s); (6) Any licensed ambulance service; or (7) Any federal, state, county, city or other local governmental unit or employees of such a governmental unit. This section shall apply to an act or omission committed or omitted in the performance of the actual emergency medical procedures and not in the commission or omission of an act which is not within the field of medical expertise of the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder, as the case may be. This section shall apply also, as to the entities and personnel described in subsections (1) through (7) of this section, to any act or omission committed or omitted in good faith by such entities or personnel in rendering services at the request of an approved medical program director in the training of emergency medical service (~~medical~~) personnel for certification or recertification pursuant to this chapter. This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

#### EXPLANATORY NOTE

RCW 18.71.210 was amended twice by the 1995 legislature. Chapter 65 s 4 revised the classifications for emergency medical service personnel and chapter 103 s 1 revised the liability immunity for emergency medical service personnel and their supervisors. The purpose of this bill is to give effect to both amendments by reenacting the section including both amendments and making technical corrections." On page 1, line 2 of the title, after "reenacting and amending RCW" insert "18.71.210," On page 1, line 3 of the title, after "57.08.050" insert ",", and after "RCW" strike "18.71.210," and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Roach moved that the Senate do concur in the House amendments to Senate Bill No. 5018.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Roach to concur in the House amendments to Senate Bill No. 5018.

The motion by Senator Roach carried and the Senate concurred in the House amendments to Senate Bill No. 5018.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5018, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5018, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Heavey, Loveland and Snyder - 3. SENATE BILL NO. 5018, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5103 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 75.28 RCW to read as follows: The fish and wildlife commission may, by rule, increase the number of

alternate operators beyond the level authorized by RCW 75.28.030 and 75.28.046 for a commercial fishery license, delivery license, or charter license.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Oke moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5103.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Oke to concur in the House amendment to Substitute Senate Bill No. 5103.

The motion by Senator Oke carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5103.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5103, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5103, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Heavey, Loveland and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5103, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5110 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 11.02.005 and 1994 c 221 s 1 are each amended to read as follows: When used in this title, unless otherwise required from the context: (1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative. (2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate. (3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent. (4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children. (5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts. (6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate. (7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person. (8) "Will" means an instrument validly executed as required by RCW 11.12.020. (9) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will. (10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context. (11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context. (12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context. (13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context. (14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies. (15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in

a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. (16) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, ((1995)) 1997. Words that import the singular number may also be applied to the plural of persons and things. Words importing the masculine gender only may be extended to females also. **Sec. 2.** RCW 11.07.010 and 1994 c 221 s 2 are each amended to read as follows: (1) This section applies to all nonprobate assets, wherever situated, held at the time of entry by a superior court of this state of a decree of dissolution of marriage or a declaration of invalidity. (2)(a) If a marriage is dissolved or invalidated, a provision made prior to that event that relates to the payment or transfer at death of the decedent's interest in a nonprobate asset in favor of or granting an interest or power to the decedent's former spouse is revoked. A provision affected by this section must be interpreted, and the nonprobate asset affected passes, as if the former spouse failed to survive the decedent, having died at the time of entry of the decree of dissolution or declaration of invalidity. (b) This subsection does not apply if and to the extent that: (i) The instrument governing disposition of the nonprobate asset expressly provides otherwise; (ii) The decree of dissolution or declaration of invalidity requires that the decedent maintain a nonprobate asset for the benefit of a former spouse or children of the marriage, payable on the decedent's death either outright or in trust, and other nonprobate assets of the decedent fulfilling such a requirement for the benefit of the former spouse or children of the marriage do not exist at the decedent's death; or (iii) If not for this subsection, the decedent could not have effected the revocation by unilateral action because of the terms of the decree or declaration, or for any other reason, immediately after the entry of the decree of dissolution or declaration of invalidity. (3)(a) A payor or other third party in possession or control of a nonprobate asset at the time of the decedent's death is not liable for making a payment or transferring an interest in a nonprobate asset to a decedent's former spouse whose interest in the nonprobate asset is revoked under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the nonprobate asset, before the payor or other third party has actual knowledge of the dissolution or other invalidation of marriage. A payor or other third party is liable for a payment or transfer made or other action taken after the payor or other third party has actual knowledge of a revocation under this section. (b) This section does not require a payor or other third party to pay or transfer a nonprobate asset to a beneficiary designated in a governing instrument affected by the dissolution or other invalidation of marriage, or to another person claiming an interest in the nonprobate asset, if the payor or third party has actual knowledge of the existence of a dispute between the former spouse and the beneficiaries or other persons concerning rights of ownership of the nonprobate asset as a result of the application of this section among the former spouse and the beneficiaries or among other persons, or if the payor or third party is otherwise uncertain as to who is entitled to the nonprobate asset under this section. In such a case, the payor or third party may, without liability, notify in writing all beneficiaries or other persons claiming an interest in the nonprobate asset of either the existence of the dispute or its uncertainty as to who is entitled to payment or transfer of the nonprobate asset. The payor or third party may also, without liability, refuse to pay or transfer a nonprobate asset in such a circumstance to a beneficiary or other person claiming an interest until the time that either: (i) All beneficiaries and other interested persons claiming an interest have consented in writing to the payment or transfer; or (ii) The payment or transfer is authorized or directed by a court of proper jurisdiction. (c) Notwithstanding subsections (1) and (2) of this section and (a) and (b) of this subsection, a payor or other third party having actual knowledge of the existence of a dispute between beneficiaries or other persons concerning rights to a nonprobate asset as a result of the application of this section may condition the payment or transfer of the nonprobate asset on execution, in a form and with security acceptable to the payor or other third party, of a bond in an amount that is double the fair market value of the nonprobate asset at the time of the decedent's death or the amount of an adverse claim, whichever is the lesser, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset. (d) As used in this subsection, "actual knowledge" means, for a payor or other third party in possession or control of the nonprobate asset at or following the decedent's death, written notice to the payor or other third party, or to an officer of a payor or third party in the course of his or her employment, received after the decedent's death and within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge. The notice must identify the nonprobate asset with reasonable specificity. The notice also must be sufficient to inform the payor or other third party of the revocation of the provisions in favor of the decedent's spouse by reason of the dissolution or invalidation of marriage, or to inform the payor or third party of a dispute concerning rights to a nonprobate asset as a result of the application of this section. Receipt of the notice for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary. (4)(a) A person who purchases a nonprobate asset from a former spouse or other person, for value and without actual knowledge, or who receives from a former spouse or other person payment or transfer of a nonprobate asset without actual knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the nonprobate asset. However, a former spouse or other person who, with actual knowledge, not for value, or not in satisfaction of a legally enforceable obligation, receives payment or transfer of a nonprobate asset to which that person is not entitled under this section is obligated to return the payment or nonprobate asset, or is personally liable for the amount of the payment or value of the nonprobate asset, to the person who is entitled to it under this section. (b) As used in this subsection, "actual knowledge" means, for a person described in (a) of this subsection who purchases or receives a nonprobate asset from a former spouse or other person, personal knowledge or possession of documents relating to the revocation upon dissolution or invalidation of marriage of provisions relating to the payment or transfer at the decedent's death of the nonprobate asset, received within a time after the decedent's death and before the purchase or receipt that is sufficient to afford the person purchasing or receiving the nonprobate asset reasonable opportunity to act upon the knowledge. Receipt of the personal knowledge or possession of the documents for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary. (5) As used in this section, "nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under only the following written instruments or arrangements other than the decedent's

will: (a) A payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account; (b) A payable-on-death, trust, or joint with right of survivorship bank account; (c) A trust of which the person is a grantor and that becomes effective or irrevocable only upon the person's death; or (d) Transfer on death beneficiary designations of a transfer on death or pay on death security, if such designations are authorized under Washington law. However, for the general definition of "nonprobate asset" in this title, RCW 11.02.005 applies. (6) This section is remedial in nature and applies as of July 25, 1993, to decrees of dissolution and declarations of invalidity entered after July 24, 1993, and this section applies as of January 1, 1995, to decrees of dissolution and declarations of invalidity entered before July 25, 1993. **Sec. 3.** RCW 11.18.200 and 1994 c 221 s 19 are each amended to read as follows: (1) Unless expressly exempted by statute, a beneficiary of a nonprobate asset that was subject to satisfaction of the decedent's general liabilities immediately before the decedent's death takes the asset subject to liabilities, claims, estate taxes, and the fair share of expenses of administration reasonably incurred by the personal representative in the transfer of or administration upon the asset. The beneficiary of such an asset is liable to account to the personal representative to the extent necessary to satisfy liabilities, claims, the asset's fair share of expenses of administration, and the asset's share of estate taxes under chapter 83.110 RCW. Before making demand that a beneficiary of a nonprobate asset account to the personal representative, the personal representative shall give notice to the beneficiary, in the manner provided in chapter 11.96 RCW, that the beneficiary is liable to account under this section. (2) The following rules govern in applying subsection (1) of this section: (a) A beneficiary of property passing at death under a community property agreement takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section. However, assets existing as community or separate property immediately before the decedent's death under the community property agreement are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate. (b) A beneficiary of property held in joint tenancy form with right of survivorship, including without limitation United States savings bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section to the extent of the decedent's beneficial ownership interest in the property immediately before death. (c) A beneficiary of payable-on-death or trust bank accounts, bonds, securities, or similar obligations, including without limitation United States bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death. (d) A beneficiary of deeds or conveyances made by the decedent if possession has been postponed until the death of the decedent takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death. (e) A trust for the decedent's use of which the decedent is the grantor is subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the same extent as the trust was subject to claims of the decedent's creditors immediately before death under RCW 19.36.020. (f) A trust not for the use of the grantor but of which the decedent is the grantor and that becomes effective or irrevocable only upon the decedent's death is subject to the decedent's claims, liabilities, estate taxes, and expenses of administration as described in subsection (1) of this section. (g) Anything in this section to the contrary notwithstanding, nonprobate assets that existed as community property immediately before the decedent's death are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate. (h) The liability of a beneficiary of life insurance is governed by chapter 48.18 RCW. (i) The liability of a beneficiary of pension or retirement employee benefits is governed by chapter 6.15 RCW. (j) An inference may not be drawn from (a) through (i) of this subsection that a beneficiary of nonprobate assets other than those assets specifically described in (a) through (i) of this subsection does or does not take the assets subject to claims, liabilities, estate taxes, and administration expenses as described in subsection (1) of this section. (3) Nothing in this section derogates from the rights of a person interested in the estate to recover tax under chapter 83.110 RCW or from the liability of any beneficiary for estate tax under chapter 83.110 RCW. (4) Nonprobate assets that may be responsible for the satisfaction of the decedent's general liabilities and claims abate together with the probate assets of the estate in accord with chapter 11.10 RCW. **Sec. 4.** RCW 11.28.240 and 1985 c 30 s 5 are each amended to read as follows: (1) At any time after the issuance of letters testamentary or of administration or certificate of qualification upon the estate of any decedent, any person interested in the estate as an heir, devisee, distributee, legatee or creditor whose claim has been duly served and filed, or the lawyer for the heir, devisee, distributee, legatee, or creditor may serve upon the personal representative or upon the lawyer for the personal representative, and file with the clerk of the court wherein the administration of the estate is pending, a written request stating that the person desires special notice of any or all of the following named matters, steps or proceedings in the administration of the estate, to wit: ~~((1))~~ (a) Filing of petitions for sales, leases, exchanges or mortgages of any property of the estate. ~~((2))~~ (b) Petitions for any order of solvency or for nonintervention powers. ~~((3))~~ (c) Filing of accounts. ~~((4))~~ (d) Filing of petitions for distribution. ~~((5))~~ (e) Petitions by the personal representative for family allowances and homesteads. ~~((6))~~ (f) The filing of a declaration of completion. ~~((7))~~ (g) The filing of the inventory. ~~((8))~~ (h) Notice of presentation of personal representative's claim against the estate. ~~((9))~~ (i) Petition to continue a going business. ~~((10))~~ (j) Petition to borrow upon the general credit of the estate. ~~((11))~~ (k) Petition for judicial proceedings under chapter 11.96 RCW. ~~((12))~~ (l) Petition to reopen an estate. ~~((13))~~ (m) Intent to distribute estate assets, other than distributions in satisfaction of specific bequests or legacies of specific dollar amounts. ~~((14))~~ (n) Intent to pay attorney's or personal representative's fees. The requests shall state the post office address of the heir, devisee, distributee, legatee or creditor, or his or her lawyer, and thereafter a brief notice of the filing of any of the petitions, accounts, declaration, inventory or claim, except petitions for sale of perishable property, or other tangible personal property which will incur expense or loss by keeping, shall be addressed to the heir, devisee, distributee, legatee or creditor, or his or her lawyer, at the post office address stated in the request, and deposited in the United States post office, with prepaid postage, at least ten days before the hearing of the petition, account or claim or of the proposed distribution or payment of fees; or personal service of the notices may be made on the heir, devisee, distributee, legatee, creditor, or lawyer, not less than five days before the hearing, and the personal service shall have the same effect as deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of the petition, account or claim or of the proposed distribution or payment of fees. If the notice has been regularly given, any distribution or payment of fees and any order or judgment, made in accord therewith is final and conclusive. (2) Notwithstanding subsection (1) of this section, a request for special notice may not be made by a person, and



any request for special notice previously made by a person becomes null and void, when: (a) That person qualifies to request special notice solely by reason of being a specific legatee, all of the property that person is entitled to receive from the decedent's estate has been distributed to that person, and that person's bequest is not subject to any subsequent abatement for the payment of the decedent's debts, expenses, or taxes; (b) That person qualifies to request special notice solely by reason of being an heir of the decedent, none of the decedent's property is subject to the laws of descent and distribution, the decedent's will has been probated, and the time for contesting the probate of that will has expired; or (c) That person qualifies to request special notice solely by reason of being a creditor of the decedent and that person has received all of the property that the person is entitled to receive from the decedent's estate. **Sec. 5.** RCW 11.28.270 and 1965 c 145 s 11.28.270 are each amended to read as follows: If ~~((there-be))~~ more than one personal representative of an estate~~((,-and))~~ is serving when the letters to ~~((part))~~ any of them ~~((be))~~ are revoked or surrendered~~((,-))~~ or ~~((a-part))~~ when any part of them dies or in any way becomes disqualified, those who remain shall perform all the duties required by law unless the decedent provided otherwise in a duly probated will or unless the court orders otherwise. **Sec. 6.** RCW 11.28.280 and 1974 ex.s. c 117 s 26 are each amended to read as follows: Except as otherwise provided in RCW 11.28.270, if ~~((the))~~ a personal representative of an estate dies~~((,-))~~ or resigns~~((,-))~~ or the letters are revoked before the settlement of the estate, letters testamentary or letters of administration of the estate remaining unadministered shall be granted to those to whom ~~((administration))~~ the letters would have been granted if the original letters had not been obtained, or the person obtaining them had renounced administration, and the ~~((administrator de bonis non))~~ successor personal representative shall perform like duties and incur like liabilities as the ~~((former personal representative, and shall serve as administrator with will annexed de bonis non in the event a will has been admitted to probate.~~ Said administrator de bonis non may, upon satisfying the requirements and complying with the procedures provided in chapter 11.68 RCW, administer the estate of the decedent without the intervention of court)) preceding personal representative, unless the decedent provided otherwise in a duly probated will or unless the court orders otherwise. A succeeding personal representative may petition for nonintervention powers under chapter 11.68 RCW. **Sec. 7.** RCW 11.40.010 and 1995 1st sp.s. c 18 s 58 are each amended to read as follows: ~~((Every personal representative shall, after appointment and qualification, give a notice to the creditors of the deceased, stating such appointment and qualification as personal representative and requiring all persons having claims against the deceased to serve the same on the personal representative or the estate's attorney of record, and file an executed copy thereof with the clerk of the court, within four months after the date of the first publication of such notice described in this section or within four months after the date of the filing of the copy of such notice with the clerk of the court, whichever is the later, or within the time otherwise provided in RCW 11.40.013. The four month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of such notice with the clerk of the court is referred to in this chapter as the "four month time limitation." Such notice shall be given as follows: (1) The personal representative shall give actual notice, as provided in RCW 11.40.013, to such creditors who become known to the personal representative within such four month time limitation; (2) The personal representative shall cause such notice to be published once in each week for three successive weeks in the county in which the estate is being administered; (3) The personal representative shall file a copy of such notice with the clerk of the court; and (4) The personal representative shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery. Except as otherwise provided in RCW 11.40.011 or 11.40.013, any claim not filed within the four month time limitation shall be forever barred, if not already barred by any otherwise applicable statute of limitations. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets as described in RCW 11.18.200. Proof by affidavit of the giving and publication of such notice shall be filed with the court by the personal representative. Acts of a notice agent in complying with chapter 221, Laws of 1994 may be adopted and ratified by the personal representative as if done by the personal representative in complying with this chapter, except that if at the time of the appointment and qualification of the personal representative a notice agent had commenced nonprobate notice to creditors under chapter 11.42 RCW, the personal representative shall give published notice as provided in RCW 11.42.180.)) A person having a claim against the decedent may not maintain an action on the claim unless a personal representative has been appointed and the claimant has presented the claim as set forth in this chapter. However, this chapter does not affect the notice under RCW 82.32.240 or the ability to maintain an action against a notice agent under chapter 11.42 RCW. **Sec. 8.** RCW 11.40.020 and 1974 ex.s. c 117 s 34 are each amended to read as follows: ~~((Every claim shall be signed by the claimant, or his attorney, or any person who is authorized to sign claims on his, her, or its behalf, and shall contain the following information: (1) The name and address of the claimant; (2) The name, business address (if different from that of the claimant), and nature of authority of any person signing the claim on behalf of the claimant; (3) A written statement of the facts or circumstances constituting the basis upon which the claim is submitted; (4) The amount of the claim; (5) If the claim is secured, unliquidated or contingent, or not yet due, the nature of the security, the nature of the uncertainty, and due date of the claim: PROVIDED HOWEVER, That failure to describe correctly the security, nature of any uncertainty, or the due date of a claim not yet due, if such failure is not substantially misleading, does not invalidate the presentation made. Claims need not be supported by affidavit.)) A personal representative may give notice to the creditors of the decedent, as directed in RCW 11.40.030, announcing the personal representative's appointment and requiring that persons having claims against the decedent present their claims within the time specified in section 11 of this act or be forever barred as to claims against the decedent's probate and nonprobate assets. If notice is given: (1) The personal representative shall first file the original of the notice with the court; (2) The personal representative shall then cause the notice to be published once each week for three successive weeks in a legal newspaper in the county in which the estate is being administered; (3) The personal representative may, at any time during the probate proceeding, give actual notice to creditors who become known to the personal representative by serving the notice on the creditor or mailing the notice to the creditor at the creditor's last known address, by regular first class mail, postage prepaid; and (4) The personal representative shall also mail a copy of the notice, including the decedent's social security number, to the state of Washington department of social and health services office of financial recovery. The personal representative shall file with the court proof by affidavit of the giving and publication of the notice. **Sec. 9.** RCW 11.40.030 and 1989 c 333 s 7 are each amended to read as follows: ~~((1) Unless the personal representative shall, within two months after the expiration of the four month time limitation, or within two months after receipt of an otherwise timely claim filed after expiration of the four month time limitation, whichever is later, have obtained an order extending the time for his allowance or rejection of claims timely and properly served and filed, all claims not exceeding one thousand dollars presented within the time and in the manner provided~~~~~~

in RCW 11.40.010, 11.40.013, or 11.40.020 as now or hereafter amended, shall be deemed allowed and may not thereafter be rejected, unless the personal representative shall, within two months after the expiration of the four month time limitation, or as to an otherwise timely claim filed after expiration of the four month time limitation, within two months after receipt of such claim, or within any extended time, notify the claimant of its rejection, in whole or in part. (2) When a claim exceeding one thousand dollars is presented within the time and in the manner provided in RCW 11.40.010 and 11.40.020 as now or hereafter amended, it shall be the duty of the personal representative to indorse thereon his allowance or rejection. A claimant after a claim has been on file for at least thirty days may notify the personal representative that he will petition the court to have the claim allowed. If the personal representative fails to file an allowance or rejection of such claim twenty days after the receipt of such notice, the claimant may note the matter up for hearing and the court shall hear the matter and determine whether the claim should be allowed or rejected, in whole or in part. If at the hearing the claim is substantially allowed the court may allow petitioner reasonable attorney's fees of not less than one hundred dollars chargeable against the estate. (3) If the personal representative shall reject the claim, in whole or in part, he shall notify the claimant of said rejection and file in the office of the clerk, an affidavit showing such notification and the date thereof. Said notification shall be by personal service or certified mail addressed to the claimant at his address as stated in the claim; if a person other than the claimant shall have signed said claim for or on behalf of the claimant, and said person's business address as stated in said claim is different from that of the claimant, notification of rejection shall also be made by personal service or certified mail upon said person; the date of the postmark shall be the date of notification. The notification of rejection shall advise the claimant, and the person making claim on his, her, or its behalf, if any, that the claimant must bring suit in the proper court against the personal representative within thirty days after notification of rejection or before expiration of the time for serving and filing claims against the estate, whichever period is longer, and that otherwise the claim will be forever barred. (4) The personal representative may, either before or after rejection of any claim compromise said claim, whether due or not, absolute or contingent, liquidated or unliquidated, if it appears to the personal representative that such compromise is in the best interests of the estate.) Notice under RCW 11.40.020 must contain the following elements in substantially the following form: CAPTION ) No. OF CASE ) PROBATE NOTICE TO ) CREDITORS ) RCW 11.40.030 The personal representative named below has been appointed as personal representative of this estate. Any person having a claim against the decedent must, before the time the claim would be barred by any otherwise applicable statute of limitations, present the claim in the manner as provided in RCW 11.40.070 by serving on or mailing to the personal representative or the personal representative's attorney at the address stated below a copy of the claim and filing the original of the claim with the court. The claim must be presented within the later of: (1) Thirty days after the personal representative served or mailed the notice to the creditor as provided under RCW 11.40.020(3); or (2) four months after the date of first publication of the notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided in section 11 of this act and RCW 11.40.060. This bar is effective as to claims against both the decedent's probate and nonprobate assets. Date of First Publication: Personal Representative: Attorney for the Personal Representative: Address for Mailing or Service: **Sec. 10.** RCW 11.40.040 and 1994 c 221 s 28 are each amended to read as follows: ((Every claim which has been allowed by the personal representative shall be ranked among the acknowledged debts of the estate to be paid expeditiously in the course of administration.)) (1) For purposes of section 11 of this act, a "reasonably ascertainable" creditor of the decedent is one that the personal representative would discover upon exercise of reasonable diligence. The personal representative is deemed to have exercised reasonable diligence upon conducting a reasonable review of the decedent's correspondence, including correspondence received after the date of death, and financial records, including personal financial statements, loan documents, checkbooks, bank statements, and income tax returns, that are in the possession of or reasonably available to the personal representative. (2) If the personal representative conducts the review, the personal representative is presumed to have exercised reasonable diligence to ascertain creditors of the decedent and any creditor not ascertained in the review is presumed not reasonably ascertainable within the meaning of section 11 of this act. These presumptions may be rebutted only by clear, cogent, and convincing evidence. (3) The personal representative may evidence the review and resulting presumption by filing with the court an affidavit regarding the facts referred to in this section. The personal representative may petition the court for an order declaring that the personal representative has made a review and that any creditors not known to the personal representative are not reasonably ascertainable. The petition must be filed under RCW 11.96.070 and the notice specified under RCW 11.96.100 must also be given by publication. **NEW SECTION. Sec. 11.** A new section is added to chapter 11.40 RCW to read as follows: (1) Whether or not notice is provided under RCW 11.40.020, a person having a claim against the decedent is forever barred from making a claim or commencing an action against the decedent, if the claim or action is not already barred by an otherwise applicable statute of limitations, unless the creditor presents the claim in the manner provided in RCW 11.40.070 within the following time limitations: (a) If the personal representative provided notice under RCW 11.40.020 (1) and (2) and the creditor was given actual notice as provided in RCW 11.40.020(3), the creditor must present the claim within the later of: (i) Thirty days after the personal representative's service or mailing of notice to the creditor; and (ii) four months after the date of first publication of the notice; (b) If the personal representative provided notice under RCW 11.40.020 (1) and (2) and the creditor was not given actual notice as provided in RCW 11.40.020(3): (i) If the creditor was not reasonably ascertainable, as defined in RCW 11.40.040, the creditor must present the claim within four months after the date of first publication of notice; (ii) If the creditor was reasonably ascertainable, as defined in RCW 11.40.040, the creditor must present the claim within twenty-four months after the decedent's date of death; and (c) If notice was not provided under this chapter or chapter 11.42 RCW, the creditor must present the claim within twenty-four months after the decedent's date of death. (2) An otherwise applicable statute of limitations applies without regard to the tolling provisions of RCW 4.16.190. (3) This bar is effective as to claims against both the decedent's probate and nonprobate assets. **Sec. 12.** RCW 11.40.060 and 1974 ex. s. c 117 s 37 are each amended to read as follows: ((When a claim is rejected by the personal representative, the holder must bring suit in the proper court against the personal representative within thirty days after notification of the rejection or before expiration of the time for serving and filing claims against the estate, whichever period is longer, otherwise the claim shall be forever barred.)) The time limitations for presenting claims under this chapter do not accrue to the benefit of any liability or casualty insurer. Claims against the decedent or the decedent's marital community that can be fully satisfied by applicable insurance coverage or proceeds need not be presented within the time limitation of section 11 of this act, but the amount of recovery cannot exceed the amount of the insurance. The claims may at any time be presented as provided in RCW 11.40.070, subject to the otherwise relevant statutes of limitations, and do not constitute a cloud, lien, or encumbrance upon

the title to the decedent's probate or nonprobate assets nor delay or prevent the conclusion of probate proceedings or the transfer or distribution of assets of the estate. This section does not serve to extend any otherwise relevant statutes of limitations. **Sec. 13.** RCW 11.40.070 and 1965 c 145 s 11.40.070 are each amended to read as follows: (~~No claim shall be allowed by the personal representative or court which is barred by the statute of limitations.~~) (1) The claimant, the claimant's attorney, or the claimant's agent shall sign the claim and include in the claim the following information: (a) The name and address of the claimant; (b) The name, address, if different from that of the claimant, and nature of authority of an agent signing the claim on behalf of the claimant; (c) A statement of the facts or circumstances constituting the basis of the claim; (d) The amount of the claim; and (e) If the claim is secured, unliquidated, contingent, or not yet due, the nature of the security, the nature of the uncertainty, or the date when it will become due. Failure to describe correctly the information in (c), (d), or (e) of this subsection, if the failure is not substantially misleading, does not invalidate the claim. (2) A claim does not need to be supported by affidavit. (3) A claim must be presented within the time limits set forth in section 11 of this act by: (a) Serving on or mailing to, by regular first class mail, the personal representative or the personal representative's attorney a copy of the signed claim; and (b) filing the original of the signed claim with the court. A claim is deemed presented upon the later of the date of postmark or service on the personal representative, or the personal representative's attorney, and filing with the court. (4) Notwithstanding any other provision of this chapter, if a claimant makes a written demand for payment within the time limits set forth in section 11 of this act, the personal representative may waive formal defects and elect to treat the demand as a claim properly filed under this chapter if: (a) The claim was due; (b) the amount paid is the amount of indebtedness over and above all payments and offsets; (c) the estate is solvent; and (d) the payment is made in good faith. Nothing in this chapter limits application of the doctrines of waiver, estoppel, or detrimental claims or any other equitable principle. **Sec. 14.** RCW 11.40.080 and 1994 c 221 s 29 are each amended to read as follows: (~~No holder of any claim against a decedent shall maintain an action thereon, unless the claim shall have been first presented as provided in this chapter. Nothing in this chapter affects RCW 82.32.240.~~) (1) The personal representative shall allow or reject all claims presented in the manner provided in RCW 11.40.070. The personal representative may allow or reject a claim in whole or in part. (2) If the personal representative has not allowed or rejected a claim within the later of four months from the date of first publication of the notice to creditors or thirty days from presentation of the claim, the claimant may serve written notice on the personal representative that the claimant will petition the court to have the claim allowed. If the personal representative fails to notify the claimant of the allowance or rejection of the claim within twenty days after the personal representative's receipt of the claimant's notice, the claimant may petition the court for a hearing to determine whether the claim should be allowed or rejected, in whole or in part. If the court substantially allows the claim, the court may allow the petitioner reasonable attorneys' fees chargeable against the estate. **Sec. 15.** RCW 11.40.090 and 1965 c 145 s 11.40.090 are each amended to read as follows: (~~The time during which there shall be a vacancy in the administration shall not be included in any limitations herein prescribed.~~) (1) If the personal representative allows a claim, the personal representative shall notify the claimant of the allowance by personal service or regular first class mail to the address stated on the claim. (2) A claim that on its face does not exceed one thousand dollars presented in the manner provided in RCW 11.40.070 must be deemed allowed and may not thereafter be rejected unless the personal representative has notified the claimant of rejection of the claim within the later of six months from the date of first publication of the notice to creditors and two months from the personal representative's receipt of the claim. The personal representative may petition for an order extending the period for automatic allowance of the claims. (3) Allowed claims must be ranked among the acknowledged debts of the estate to be paid expeditiously in the course of administration. (4) A claim may not be allowed if it is barred by a statute of limitations. **Sec. 16.** RCW 11.40.100 and 1974 ex. s. c 117 s 47 are each amended to read as follows: (~~If any action be pending against the testator or intestate at the time of his death, the plaintiff shall within four months after first publication of notice to creditors, or the filing of a copy of such notice, whichever is later, serve on the personal representative a motion to have such personal representative, as such, substituted as defendant in such action, and, upon the hearing of such motion, such personal representative shall be so substituted, unless, at or prior to such hearing, the claim of plaintiff, together with costs, be allowed by the personal representative and court. After the substitution of such personal representative, the court shall proceed to hear and determine the action as in other civil cases.~~) (1) If the personal representative rejects a claim, in whole or in part, the claimant must bring suit against the personal representative within thirty days after notification of rejection or the claim is forever barred. The personal representative shall notify the claimant of the rejection and file an affidavit with the court showing the notification and the date of the notification. The personal representative shall notify the claimant of the rejection by personal service or certified mail addressed to the claimant or the claimant's agent, if applicable, at the address stated in the claim. The date of service or of the postmark is the date of notification. The notification must advise the claimant that the claimant must bring suit in the proper court against the personal representative within thirty days after notification of rejection or the claim will be forever barred. (2) The personal representative may, before or after rejection of any claim, compromise the claim, whether due or not, absolute or contingent, liquidated, or unliquidated, if it appears to the personal representative that the compromise is in the best interests of the estate. **Sec. 17.** RCW 11.40.110 and 1974 ex. s. c 117 s 38 are each amended to read as follows: (~~Whenever any claim shall have been filed and presented to a personal representative, and a part thereof shall be allowed, the amount of such allowance shall be stated in the indorsement. If the creditor shall refuse to accept the amount so allowed in satisfaction of his claim, he shall recover no costs in any action he may bring against the personal representative unless he shall recover a greater amount than that offered to be allowed, exclusive of interest and costs.~~) If an action is pending against the decedent at the time of the decedent's death, the plaintiff shall, within four months after appointment of the personal representative, serve on the personal representative a petition to have the personal representative substituted as defendant in the action. Upon hearing on the petition, the personal representative shall be substituted, unless, at or before the hearing, the claim of the plaintiff, together with costs, is allowed. **Sec. 18.** RCW 11.40.120 and 1965 c 145 s 11.40.120 are each amended to read as follows: The effect of any judgment rendered against ~~(any)~~ a personal representative shall be only to establish the amount of the judgment as an allowed claim. **Sec. 19.** RCW 11.40.130 and 1965 c 145 s 11.40.130 are each amended to read as follows: (~~When any judgment has been rendered against the testator or intestate in his lifetime, no execution shall issue thereon after his death, but it shall be presented to the personal representative, as any other claim, but need not be supported by the affidavit of the claimant, and if justly due and unsatisfied, shall be paid in due course of administration: PROVIDED, HOWEVER, That if it be a lien on any property of the deceased, the same may be sold for the satisfaction thereof, and the officer making the sale shall account to the~~

personal representative for any surplus in his hands.)) If a judgment was entered against the decedent during the decedent's lifetime, an execution may not issue on the judgment after the death of the decedent. The judgment must be presented in the manner provided in RCW 11.40.070, but if the judgment is a lien on any property of the decedent, the property may be sold for the satisfaction of the judgment and the officer making the sale shall account to the personal representative for any surplus. **NEW SECTION. Sec. 20.** A new section is added to chapter 11.40 RCW to read as follows: If a creditor's claim is secured by any property of the decedent, this chapter does not affect the right of a creditor to realize on the creditor's security, whether or not the creditor presented the claim in the manner provided in RCW 11.40.070. **Sec. 21.** RCW 11.40.140 and 1965 c 145 s 11.40.140 are each amended to read as follows: ((If the personal representative is himself a creditor of the testator or intestate, his claim, duly authenticated by affidavit, shall be filed and presented for allowance or rejection to the judge of the court, and its allowance by the judge shall be sufficient evidence of its correctness. This section shall apply to nonintervention and all other wills.)) If the personal representative has a claim against the decedent, the personal representative must present the claim in the manner provided in RCW 11.40.070 and petition the court for allowance or rejection. The petition must be filed under RCW 11.96.070. This section applies whether or not the personal representative is acting under nonintervention powers. **Sec. 22.** RCW 11.40.150 and 1965 c 145 s 11.40.150 are each amended to read as follows: ((In case of resignation, death or removal for any cause of any personal representative, and the appointment of another or others, after notice has been given by publication as required by RCW 11.40.010, by such personal representative first appointed, to persons to file their claims against the decedent, it shall be the duty of the successor or personal representative to cause notice of such resignation, death or removal and such new appointment to be published two successive weeks in a legal newspaper published in the county in which the estate is being administered, but the time between the resignation, death or removal and such publication shall be added to the time within which claims shall be filed as fixed by the published notice to creditors unless such time shall have expired before such resignation or removal or death: PROVIDED, HOWEVER, That no such notice shall be required if the period for filing claims was fully expired during the time that the former personal representative was qualified.)) (1) If a personal representative has given notice under RCW 11.40.020 and then resigns, dies, or is removed, the successor personal representative shall: (a) Publish notice of the vacancy and succession for two successive weeks in the legal newspaper in which notice was published under RCW 11.40.020 if the vacancy occurred within twenty-four months after the decedent's date of death; and (b) Provide actual notice of the vacancy and succession to a creditor if: (i) The creditor filed a claim and the claim had not been accepted or rejected by the prior personal representative; or (ii) the creditor's claim was rejected and the vacancy occurred within thirty days after rejection of the claim. (2) The time between the resignation, death, or removal and first publication of the vacancy and succession or, in the case of actual notice, the mailing of the notice of vacancy and succession must be added to the time within which a claim must be presented or a suit on a rejected claim must be filed. This section does not extend the twenty-four month self-executing bar under section 11 of this act. **NEW SECTION. Sec. 23.** A new section is added to chapter 11.40 RCW to read as follows: If a notice agent had commenced nonprobate notice to creditors under chapter 11.42 RCW, the appointment of the personal representative does not affect the filing and publication of notice to creditors and does not affect actual notice to creditors given by the notice agent. The personal representative is presumed to have adopted or ratified all acts of the notice agent unless, within thirty days of appointment, the personal representative provides notice of rejection or nullification to the affected claimant or claimants by personal service or certified mail addressed to the claimant or claimant's agent, if applicable, at the address stated on the claim. The personal representative shall also provide notice under RCW 11.42.150. **Sec. 24.** RCW 11.42.010 and 1994 c 221 s 31 are each amended to read as follows: (1) Subject to the conditions stated in this ((section)) chapter, and if no personal representative has been appointed ((and qualified in the decedent's estate)) in ((Washington, the following members of a group, defined as the "qualified group," are qualified to give "nonprobate notice to creditors" of the decedent: (a) Decedent's surviving spouse; (b) The person appointed in an agreement made under chapter 11.96 RCW to give nonprobate notice to creditors of the decedent; (c) The trustee, except a testamentary trustee under the will of the decedent not probated in another state, having authority over any of the property of the decedent; and (d) A person who has received any property of the decedent by reason of the decedent's death. (2) The "included property" means the property of the decedent that was subject to satisfaction of the decedent's general liabilities immediately before the decedent's death and that either: (a) Constitutes a nonprobate asset; or (b) Has been received, or is entitled to be received, either under chapter 11.62 RCW or by the personal representative of the decedent's probate estate administered outside the state of Washington, or both. (3) The qualified person shall give the nonprobate notice to creditors. The "qualified person" must be: (a) The person in the qualified group who has received, or is entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property; or (b) If there is no person in (a) of this subsection, then the person who has been appointed by those persons, including any successors of those persons, in the qualified group who have received, or are entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property. (4) The requirement in subsection (3) of this section of the receipt of all, or substantially all, of the included property is satisfied if: (a) The person described in subsection (3)(a) of this section at the time of the filing of the declaration and oath referred to in subsection (5) of this section in reasonable good faith believed that the person had received, or was entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property; or (b) The persons described in subsection (3)(b) of this section at the time of their entry into the agreement under chapter 11.96 RCW in which they appoint the person to give the nonprobate notice to creditors in reasonable good faith believed that they had received, or were entitled to receive, by reason of the decedent's death, all, or substantially all, of the included property. (5) The "notice agent" means the qualified person who: (a) Files a declaration and oath with the clerk of the superior court in a county in which probate may be commenced regarding the decedent as provided in RCW 11.96.050(2); (b) Pays a filing fee to the clerk equal in amount to the filing fee charged by the clerk for the probate of estates; and (c) Receives from the clerk a cause number. The county in which the notice agent files the declaration is the "notice county." The declaration and oath must be made in affidavit form or under penalty of perjury under the laws of the state in the form provided in RCW 9A.72.085 and must state that the person making the declaration believes in reasonable good faith that the person is qualified under this chapter to act as the notice agent and that the person faithfully will execute the duties of the notice agent as provided in this chapter. (6) The following persons may not act as notice agent: (a) Corporations, trust companies, and national banks, except: (i) Professional service corporations that are regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys; and (ii) Other corporations, trust companies, and national banks that are authorized to do trust business in this state; (b) Minors; (c) Persons of unsound mind; or (d) Persons who have

been convicted of a felony or of a misdemeanor involving moral turpitude. (7) A person who has given notice under this chapter and who thereafter becomes of unsound mind or is convicted of a crime or misdemeanor involving moral turpitude is no longer qualified to act as notice agent under this chapter. The disqualification does not bar another person, otherwise qualified, from acting as notice agent under this chapter. (8) A nonresident may act as notice agent if the nonresident appoints an agent who is a resident of the notice county or who is attorney of record for the notice agent upon whom service of all papers may be made. The appointment must be made in writing and filed by the clerk of the notice county with the other papers relating to the notice given under this chapter. (9) The powers and authority of a notice agent cease, and the office of notice agent becomes vacant, upon the appointment and qualification of a personal representative for the estate of the decedent. Except as provided in RCW 11.42.180, the cessation of the powers and authority does not affect a published notice under this chapter if the publication commenced before the cessation and does not affect actual notice to creditors given by the notice agent before the cessation.) this state, a beneficiary or trustee who has received or is entitled to receive by reason of the decedent's death substantially all of the decedent's probate and nonprobate assets, is qualified to give nonprobate notice to creditors under this chapter. If no one beneficiary or trustee has received or is entitled to receive substantially all of the assets, then those persons, who in the aggregate have received or are entitled to receive substantially all of the assets, may, under an agreement under RCW 11.96.170, appoint a person who is then qualified to give nonprobate notice to creditors under this chapter. (2) A person or group of persons is deemed to have received substantially all of the decedent's probate and nonprobate assets if the person or the group, at the time of the filing of the declaration and oath referred to in subsection (3) of this section, in reasonable good faith believed that the person or the group had received, or was entitled to receive by reason of the decedent's death, substantially all of the decedent's probate and nonprobate assets. (3)(a) The "notice agent" means the qualified person who: (i) Pays a filing fee to the clerk of the superior court in a county in which probate may be commenced regarding the decedent, the "notice county", and receives a cause number; and (ii) Files a declaration and oath with the clerk. (b) The declaration and oath must be made in affidavit form or under penalty of perjury and must state that the person making the declaration believes in reasonable good faith that the person is qualified under this chapter to act as the notice agent and that the person will faithfully execute the duties of the notice agent as provided in this chapter. (4) The following persons are not qualified to act as notice agent: (a) Corporations, trust companies, and national banks, except: (i) Such entities as are authorized to do trust business in this state; and (ii) professional service corporations that are regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys; (b) Minors; (c) Persons of unsound mind; (d) Persons who have been convicted of a felony or of a misdemeanor involving moral turpitude; and (e) Persons who have given notice under this chapter and who thereafter become of unsound mind or are convicted of a felony or misdemeanor involving moral turpitude. This disqualification does not bar another person, otherwise qualified, from acting as successor notice agent. (5) A nonresident may act as notice agent if the nonresident appoints an agent who is a resident of the notice county or who is attorney of record for the notice agent upon whom service of all papers may be made. The appointment must be made in writing and filed with the court. **Sec. 25.** RCW 11.42.020 and 1995 1st sp.s. c 18 s 59 are each amended to read as follows: (1) The notice agent may give nonprobate notice to the creditors of the decedent if: (a) As of the date of the filing (of a copy) of the notice to creditors with the ((clerk of the superior)) court ((for the notice county)), the notice agent has no knowledge of another person acting as notice agent or of the appointment ((and qualification)) of a personal representative in the decedent's estate in the state of Washington (or of another person becoming a notice agent); and (b) According to the records of the ((clerk of the superior)) court ((for the notice county as of 8:00 a.m.)) as are available on the date of the filing of the notice to creditors, no cause number regarding the decedent has been issued to any other notice agent and no personal representative of the decedent's estate had been appointed ((and qualified and no cause number regarding the decedent had been issued to any other notice agent by the clerk under RCW 11.42.010)). (2) ((The notice must state that all persons having claims against the decedent shall: (a) Serve the same on the notice agent if the notice agent is a resident of the state of Washington upon whom service of all papers may be made, or on the nonprobate resident agent for the notice agent, if any, or on the attorneys of record of the notice agent at their respective address in the state of Washington; and (b) file an executed copy of the notice with the clerk of the superior court for the notice county, within: (i)(A) Four months after the date of the first publication of the notice described in this section; or (B) four months after the date of the filing of the copy of the notice with the clerk of the superior court for the notice county, whichever is later; or (ii) the time otherwise provided in RCW 11.42.050. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of the notice with the clerk of the court is referred to in this chapter as the "four-month time limitation." (3) The notice agent shall declare in the notice in affidavit form or under the penalty of perjury under the laws of the state of Washington as provided in RCW 9A.72.085 that: (a) The notice agent is entitled to give the nonprobate notice under subsection (1) of this section; and (b) the notice is being given by the notice agent as permitted by this section. (4) The notice agent shall sign the notice and file it with the clerk of the superior court for the notice county. The notice must be given as follows: (a) The notice agent shall give actual notice as to creditors of the decedent who become known to the notice agent within the four-month time limitation as required in RCW 11.42.050; (b) The notice agent shall cause the notice to be published once in each week for three successive weeks in the notice county; (c) The notice agent shall file a copy of the notice with the clerk of the superior court for the notice county; and (d) The notice agent shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery. (5) A claim not filed within the four-month time limitation is forever barred, if not already barred by an otherwise applicable statute of limitations, except as provided in RCW 11.42.030 or 11.42.050. The bar is effective to bar claims against both the probate estate of the decedent and nonprobate assets that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death. If a notice to the creditors of a decedent is published by more than one notice agent and the notice agents are not acting jointly, the four-month time limitation means the four-month time limitation that applies to the notice agent who first publishes the notice. Proof by affidavit or perjury declaration made under RCW 9A.72.085 of the giving and publication of the notice must be filed with the clerk of the superior court for the notice county by the notice agent.)) The notice agent must give notice to the creditors of the decedent, as directed in RCW 11.42.030, announcing that the notice agent has elected to give nonprobate notice to creditors and requiring that persons having claims against the decedent present their claims within the time specified in RCW 11.42.050 or be forever barred as to claims against the decedent's probate and nonprobate assets. (a) The notice agent shall first file the original of the notice with the court. (b) The notice agent shall then cause the notice to be published once each week for three successive

weeks in a legal newspaper in the notice county. (c) The notice agent may at any time give actual notice to creditors who become known to the notice agent by serving the notice on the creditor or mailing the notice to the creditor at the creditor's last known address, by regular first class mail, postage prepaid. (d) The notice agent shall also mail a copy of the notice, including the decedent's social security number, to the state of Washington department of social and health services' office of financial recovery. The notice agent shall file with the court proof by affidavit of the giving and publication of the notice. **Sec. 26.** RCW 11.42.030 and 1994 c 221 s 33 are each amended to read as follows: ((The time limitations under this chapter for serving and filing claims do not accrue to the benefit of a liability or casualty insurer as to claims against either the decedent or the marital community of which the decedent was a member, or both, and: (1) The claims, subject to applicable statutes of limitation, may at any time be: (a) Served on the duly acting notice agent, the duly acting resident agent for the notice agent, or on the attorney for either of them; and (b) filed with the clerk of the superior court for the notice county; or (2) If there is no duly acting notice agent or resident agent for the notice agent, the claimant as a creditor shall proceed as provided in chapter 11.40 RCW. However, if no personal representative ever has been appointed for the decedent, a personal representative must be appointed as provided in chapter 11.28 RCW and the estate opened, in which case the claimant then shall proceed as provided in chapter 11.40 RCW. A claim may be served and filed as provided in this section, notwithstanding that there is no duly acting notice agent and that no personal representative previously has been appointed. However, the amount of recovery under the claim may not exceed the amount of applicable insurance coverages and proceeds, and the claim so served and filed may not constitute a cloud or lien upon the title to the assets of the decedent or delay or prevent the transfer or distribution of assets of the decedent. This section does not serve to extend the applicable statute of limitations regardless of whether a declaration and oath has been filed by a notice agent as provided in RCW 11.42.010.)) Notice under RCW 11.42.020 must contain the following elements in substantially the following form: ) CAPTION ) No. OF CASE ) NONPROBATE ) NOTICE TO CREDITORS ) RCW 11.42.030 ) The notice agent named below has elected to give notice to creditors of the above-named decedent. As of the date of the filing of a copy of this notice with the court, the notice agent has no knowledge of any other person acting as notice agent or of the appointment of a personal representative of the decedent's estate in the state of Washington. According to the records of the court as are available on the date of the filing of this notice with the court, a cause number regarding the decedent has not been issued to any other notice agent and a personal representative of the decedent's estate has not been appointed. Any person having a claim against the decedent must, before the time the claim would be barred by any otherwise applicable statute of limitations, present the claim in the manner as provided in RCW 11.42.070 by serving on or mailing to the notice agent or the notice agent's attorney at the address stated below a copy of the claim and filing the original of the claim with the court. The claim must be presented within the later of: (1) Thirty days after the notice agent served or mailed the notice to the creditor as provided under RCW 11.42.020(2)(c); or (2) four months after the date of first publication of the notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided in RCW 11.42.050 and 11.42.060. This bar is effective as to claims against both the decedent's probate and nonprobate assets. Date of First Publication: The notice agent declares under penalty of perjury under the laws of the state of Washington on \_\_\_\_\_, [year], at [city] \_\_\_\_\_, [state] \_\_\_\_\_ that the foregoing is true and correct.

Signature of Notice Agent: \_\_\_\_\_  
Notice Agent: \_\_\_\_\_  
Attorney for the Notice Agent: \_\_\_\_\_  
Address for Mailing or Service: **Sec. 27.** RCW 11.42.040 and 1994 c 221 s 34 are each amended to read as follows: ((The notice agent shall exercise reasonable diligence to discover, within the four month time limitation, reasonably ascertainable creditors of the decedent. The notice agent is deemed to have exercised reasonable diligence to ascertain the creditors upon: (1) Conducting, within the four month time limitation, a reasonable review of the decedent's correspondence including correspondence received after the date of death and financial records including checkbooks, bank statements, income tax returns, and similar materials, that are in the possession of, or reasonably available to, the notice agent; and (2) Having made, with regard to claimants, inquiry of the nonprobate takers of the decedent's property and of the presumptive heirs, devisees, and legatees of the decedent, all of whose names and addresses are known, or in the exercise of reasonable diligence should have been known, to the notice agent. If the notice agent conducts the review and makes an inquiry, the notice agent is presumed to have exercised reasonable diligence to ascertain creditors of the decedent, and creditors not ascertained in the review or in an inquiry are presumed not reasonably ascertainable. These presumptions may be rebutted only by clear, cogent, and convincing evidence. The notice agent may evidence the review and inquiry by filing an affidavit or declaration under penalty of perjury form as provided in RCW 9A.72.085 to the effect in the nonprobate proceeding in the notice county. The notice agent also may petition the superior court of the notice county for an order declaring that the notice agent has made a review and inquiry and that only creditors known to the notice agent after the review and inquiry are reasonably ascertainable. The petition and hearing must be under the procedures provided in chapter 11.96 RCW, and the notice specified under RCW 11.96.100 must also be given by publication.)) (1) For purposes of RCW 11.42.050, a "reasonably ascertainable" creditor of the decedent is one that the notice agent would discover upon exercise of reasonable diligence. The notice agent is deemed to have exercised reasonable diligence upon conducting a reasonable review of the decedent's correspondence, including correspondence received after the date of death, and financial records, including personal financial statements, loan documents, checkbooks, bank statements, and income tax returns, that are in the possession of or reasonably available to the notice agent. (2) If the notice agent conducts the review, the notice agent is presumed to have exercised reasonable diligence to ascertain creditors of the decedent and any creditor not ascertained in the review is presumed not reasonably ascertainable within the meaning of RCW 11.42.050. These presumptions may be rebutted only by clear, cogent, and convincing evidence. (3) The notice agent may evidence the review and resulting presumption by filing with the court an affidavit regarding the facts referred to in this section. The notice agent may petition the court for an order declaring that the notice agent has made a review and that any creditors not known to the notice agent are not reasonably ascertainable. The petition must be filed under RCW 11.96.070, and the notice specified under RCW 11.96.100 must also be given by publication. **Sec. 28.** RCW 11.42.050 and 1994 c 221 s 35 are each amended to read as follows: ((The actual notice described in RCW 11.42.020(4)(a), as to a creditor becoming known to the notice agent within the four month time limitation, must be given the creditor by personal service or regular first class mail, addressed to the creditor's last known address, postage prepaid. The actual notice must be given before the later of the expiration of the four month time limitation or thirty days after a creditor became known to the notice agent within the four month time limitation. A known creditor is barred unless the creditor has filed a claim, as provided in this chapter, within the four month time limitation or within thirty days following the date of

actual notice to that creditor, whichever is later. If notice is given by mail, the date of mailing is the date of notice. This bar is effective as to claims against the included property as defined in RCW 11.42.010.) (1) If a notice agent provides notice under RCW 11.42.020, any person having a claim against the decedent is forever barred from making a claim or commencing an action against the decedent if the claim or action is not already barred by an otherwise applicable statute of limitations, unless the creditor presents the claim in the manner provided in RCW 11.42.070 within the following time limitations: (a) If the notice agent provided notice under RCW 11.42.020(2) (a) and (b) and the creditor was given actual notice as provided in RCW 11.42.020(2)(c), the creditor must present the claim within the later of: (i) Thirty days after the notice agent's service or mailing of notice to the creditor; and (ii) four months after the date of first publication of the notice; (b) If the notice agent provided notice under RCW 11.42.020(2) (a) and (b) and the creditor was not given actual notice as provided in RCW 11.42.020(2)(c): (i) If the creditor was not reasonably ascertainable, as defined in RCW 11.42.040, the creditor must present the claim within four months after the date of first publication of the notice; (ii) If the creditor was reasonably ascertainable, as defined in RCW 11.42.040, the creditor must present the claim within twenty-four months after the decedent's date of death. (2) Any otherwise applicable statute of limitations applies without regard to the tolling provisions of RCW 4.16.190. (3) This bar is effective as to claims against both the decedent's probate and nonprobate assets. **Sec. 29.** RCW 11.42.060 and 1994 c 221 s 36 are each amended to read as follows: ((1) Whether or not notice under RCW 11.42.020 has been given or should have been given, if no personal representative has been appointed and qualified, a person having a claim against the decedent who has not filed the claim within eighteen months from the date of the decedent's death is forever barred from making a claim against the decedent, or commencing an action against the decedent, if the claim or action is not already barred by any otherwise applicable statute of limitations. However, this eighteen-month limitation does not apply to: (a) Claims described in RCW 11.42.030; (b) A claim if, during the eighteen-month period following the date of death, partial performance has been made on the obligation underlying the claim, and the notice agent has not given the actual notice described in RCW 11.42.020(4)(a); or (c) Claims if, within twelve months after the date of death: (i) No notice agent has given the published notice described in RCW 11.42.020(4)(b); and (ii) No personal representative has given the published notice described in RCW 11.40.010(2). Any otherwise applicable statute of limitations applies without regard to the tolling provisions of RCW 4.16.190. (2) Claims referred to in this section must be filed if there is no duly appointed, qualified, and acting personal representative and there is a duly declared and acting notice agent or resident agent for the notice agent. The claims, subject to applicable statutes of limitation, may at any time be served on the duly declared and acting notice agent or resident agent for the notice agent, or on the attorney for either of them. (3) A claim to be filed under this chapter if there is no duly appointed, qualified, and acting personal representative but there is a duly declared and acting notice agent or resident agent for the notice agent and which claim is not otherwise barred under this chapter must be made in the form and manner provided under RCW 11.42.020, as if the notice under that section had been given.)) The time limitations for presenting claims under this chapter do not accrue to the benefit of any liability or casualty insurer. Claims against the decedent or the decedent's marital community that can be fully satisfied by applicable insurance coverage or proceeds need not be presented within the time limitation of RCW 11.42.050, but the amount of recovery cannot exceed the amount of the insurance. If a notice agent provides notice under RCW 11.42.020, the claims may at any time be presented as provided in RCW 11.42.070, subject to the otherwise relevant statutes of limitations, and does not constitute a cloud, lien, or encumbrance upon the title to the decedent's probate or nonprobate assets nor delay or prevent the transfer or distribution of the decedent's assets. This section does not serve to extend any otherwise relevant statutes of limitations. **Sec. 30.** RCW 11.42.070 and 1994 c 221 s 37 are each amended to read as follows: ((Notice under RCW 11.42.020 must be in substantially the following form: In the Matter of ) ) No. ) ) NONPROBATE NOTICE TO CREDITORS Deceased. ) . . . . . )

....., the undersigned Notice Agent, has elected to give notice to creditors of the decedent above named under RCW 11.42.020. As of the date of the filing of a copy of this notice with the Clerk of this Court, the Notice Agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of any other person becoming a Notice Agent. According to the records of the Clerk of this Court as of 8:00 a.m. on the date of the filing of this notice with the Clerk, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other Notice Agent by the Clerk of this Court under RCW

~~11.42.010. Persons having claims against the decedent named above must, before the time the claims would be barred by any otherwise applicable statute of limitations, serve their claims on: The Notice Agent if the Notice Agent is a resident of the state of Washington upon whom service of all papers may be made; the Nonprobate Resident Agent for the Notice Agent, if any; or the attorneys of record for the Notice Agent at the respective address in the state of Washington listed below, and file an executed copy of the claim with the Clerk of this Court within four months after the date of first publication of this notice, or within four months after the date of the filing of the copy of this notice with the Clerk of the Court, whichever is later, or, except under those provisions included in RCW 11.42.030 or 11.42.050, the claim will be forever barred. This bar is effective as to all assets of the decedent that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death regardless of whether those assets are or would be assets of the decedent's probate estate or nonprobate assets of the decedent. Date of filing of this notice with the Clerk of the Court: . . . . . Date of first publication of this notice: . . . . . The Notice Agent declares under penalty of perjury under the laws of the State of Washington on . . . . ., 19. . . . at [City], [State] that the foregoing is true and correct. \_\_\_\_\_ Notice Agent [signature] Nonprobate Resident Agent [if appointed][address in Washington, if~~



any] [address in  
Washington]

Attorney for Notice Agent[address in Washington][telephone]) (1) The claimant, the claimant's attorney, or the claimant's agent shall sign the claim and include in the claim the following information: (a) The name and address of the claimant; (b) The name, address, if different from that of the claimant, and nature of authority of an agent signing the claim on behalf of the claimant; (c) A statement of the facts or circumstances constituting the basis of the claim; (d) The amount of the claim; and (e) If the claim is secured, unliquidated, contingent, or not yet due, the nature of the security, the nature of the uncertainty, or the date when it will become due. Failure to describe correctly the information in (c), (d), or (e) of this subsection, if the failure is not substantially misleading, does not invalidate the claim. (2) A claim does not need to be supported by affidavit. (3) A claim must be presented within the time limits set forth in RCW 11.42.050 by: (a) Serving on or mailing to, by regular first class mail, the notice agent or the notice agent's attorney a copy of the signed claim; and (b) filing the original of the signed claim with the court. A claim is deemed presented upon the later of the date of postmark or service on the notice agent, or the notice agent's attorney, and filing with the court. (4) Notwithstanding any other provision of this chapter, if a claimant makes a written demand for payment within the time limits set forth in RCW 11.42.050, the notice agent may waive formal defects and elect to treat the demand as a claim properly filed under this chapter if: (a) The claim was due; (b) the amount paid was the amount of indebtedness over and above all payments and offsets; (c) the estate is solvent; and (d) the payment is made in good faith. Nothing in this chapter limits application of the doctrines of waiver, estoppel, or detrimental claims or any other equitable principle. **Sec. 31.** RCW 11.42.080 and 1994 c 221 s 38 are each amended to read as follows: ((RCW 11.40.020 applies to claims subject to this chapter.)) (1) The notice agent shall allow or reject all claims presented in the manner provided in RCW 11.42.070. The notice agent may allow or reject a claim, in whole or in part. (2) If the notice agent has not allowed or rejected a claim within the later of four months from the date of first publication of the notice to creditors and thirty days from presentation of the claim, the claimant may serve written notice on the notice agent that the claimant will petition the court to have the claim allowed. If the notice agent fails to notify the claimant of the allowance or rejection of the claim within twenty days after the notice agent's receipt of the claimant's notice, the claimant may petition the court for a hearing to determine whether the claim should be allowed or rejected, in whole or in part. If the court substantially allows the claim, the court may allow the petitioner reasonable attorneys' fees chargeable against the decedent's assets received by the notice agent or by those appointing the notice agent. **NEW SECTION. Sec. 32.** A new section is added to chapter 11.42 RCW to read as follows: (1) The decedent's nonprobate and probate assets that were subject to the satisfaction of the decedent's general liabilities immediately before the decedent's death are liable for claims. The decedent's probate assets may be liable, whether or not there is a probate administration of the decedent's estate. (2) The notice agent may pay a claim allowed by the notice agent or a judgment on a claim first prosecuted against a notice agent only out of assets received as a result of the death of the decedent by the notice agent or by those appointing the notice agent, except as may be provided by agreement under RCW 11.96.170 or by court order under RCW 11.96.070. **Sec. 33.** RCW 11.42.090 and 1994 c 221 s 39 are each amended to read as follows: ((1) Property of the decedent that was subject to the satisfaction of the decedent's general liabilities immediately before the decedent's death is liable for claims. The property includes, but is not limited to, property of the decedent that is includable in the decedent's probate estate, whether or not there is a probate administration of the decedent's estate. (2) A claim approved by the notice agent, and a judgment on a claim first prosecuted against a notice agent, may be paid only out of assets received as a result of the death of the decedent by the notice agent or by those appointing the notice agent under chapter 11.96 RCW, except as may be provided by agreement under RCW 11.96.170 or by court order under RCW 11.96.070.)) (1) If the notice agent allows a claim, the notice agent shall notify the claimant of the allowance by personal service or regular first class mail to the address stated on the claim. A claim may not be allowed if it is barred by a statute of limitations. (2) The notice agent shall pay claims allowed in the following order from the assets of the decedent that are subject to the payment of claims as provided in section 32 of this act: (a) Costs of administering the assets subject to the payment of claims, including a reasonable fee to the notice agent, any resident agent for the notice agent, reasonable attorneys' fees for the attorney for each of them, filing fees, publication costs, mailing costs, and similar costs and fees; (b) Funeral expenses in a reasonable amount; (c) Expenses of the last sickness in a reasonable amount; (d) Wages due for labor performed within sixty days immediately preceding the death of the decedent; (e) Debts having preference by the laws of the United States; (f) Taxes, debts, or dues owing to the state; (g) Judgments rendered against the decedent in the decedent's lifetime that are liens upon real estate on which executions might have been issued at the time of the death of the decedent and debts secured by mortgages in the order of their priority; and (h) All other demands against the assets subject to the payment of claims. (3) The notice agent may not pay a claim of the notice agent or other person who has received property by reason of the decedent's death unless all other claims that have been filed under this chapter, and all debts having priority to the claim, are paid in full or otherwise settled by agreement, regardless of whether the other claims are allowed or rejected. **Sec. 34.** RCW 11.42.100 and 1994 c 221 s 40 are each amended to read as follows: ((1) The notice agent shall approve or reject claims no later than by the end of a period that is two months after the end of the four-month time limitation defined as the "review period." (2) The notice agent may approve a claim, in whole or in part. (3) If the notice agent rejects a claim, in whole or in part, the notice agent shall notify the claimant of the rejection and file in the office of the clerk of the court in the notice county an affidavit or declaration under penalty of perjury under RCW 9A.72.085 showing the notification and the date of the notification. The notification must be by personal service or certified mail addressed to the claimant at the claimant's address as stated in the claim. If a person other than the claimant signed the claim for or on behalf of the claimant, and the person's business address as stated in the claim is different from that of the claimant, notification of the rejection also must be made by personal service or certified mail upon that person. The date of the postmark is the date of the notification. The notification of the rejection must advise the claimant, and the person making claim on his, her, or its behalf, if any, that the claimant must bring suit in the proper court in the notice county against the notice agent: (a) Within thirty days after notification of rejection if the notification is made during or after the review period; or (b) before expiration of thirty days after the end of the four-month time limitation, if the notification is made during the four-month time limitation, and that otherwise the claim is forever barred. (4) A claimant whose claim either has been rejected by the notice agent or has not been acted upon within twenty days of written demand for the action having been given to the notice agent by the claimant during or after the review period must commence an action against the notice agent in the proper court in the notice county to enforce

the claim of the claimant within the earlier of: (a) If the notice of the rejection of the claim has been sent as provided in subsection (3) of this section: The time for filing an action on a rejected claim is as provided in subsection (3) of this section; or (b) If written demand for approval or rejection is made on the notice agent before the claim is rejected: Within thirty days following the end of the twenty-day written demand period where the demand period ends during or after the review period; otherwise the claim is forever barred. (5) The notice agent may, either before or after rejection of a claim, compromise the claim, whether due or not, absolute or contingent, liquidated or unliquidated. (6) A personal representative of the decedent's estate may revoke either or both of: (a) The rejection of a claim that has been rejected by the notice agent; or (b) the approval of a claim that has been either approved or compromised by the notice agent, or both. (7) If a notice agent pays a claim that subsequently is revoked by a personal representative of the decedent, the notice agent may file a claim in the decedent's estate for the notice agent's payment, and the claim may be allowed or rejected as other claims, at the election of the personal representative. (8) If the notice agent has not received substantially all assets of the decedent that are liable for claims, then although an action may be commenced on a rejected claim by a creditor against the notice agent, the notice agent, notwithstanding any provision in this chapter, may only make an appearance in the litigation. The notice agent may not answer the action, but must, instead, cause a petition to be filed for the appointment of a personal representative of the decedent within thirty days of the service of the creditor's summons and complaint on the notice agent. A judgment may not be entered in an action brought by a creditor against the notice agent earlier than twenty days after the duly appointed, qualified, and acting personal representative of the decedent has been substituted in that action for the notice agent.) (1) If the notice agent rejects a claim, in whole or in part, the claimant must bring suit against the notice agent within thirty days after notification of rejection or the claim is forever barred. The notice agent shall notify the claimant of the rejection and file an affidavit with the court showing the notification and the date of the notification. The notice agent shall notify the claimant of the rejection by personal service or certified mail addressed to the claimant or claimant's agent, if applicable, at the address stated in the claim. The date of service or of the postmark is the date of notification. The notification must advise the claimant that the claimant must bring suit in the proper court against the notice agent within thirty days after notification of rejection or the claim will be forever barred. (2) If a claimant brings suit against the notice agent on a rejected claim and the notice agent has not received substantially all assets of the decedent that are liable for claims, the notice agent may only make an appearance in the action and may not answer the action but must cause a petition to be filed for the appointment of a personal representative within thirty days after service of the creditor's action on the notice agent. Under these circumstances, a judgment may not be entered in an action brought by a creditor against the notice agent earlier than twenty days after the personal representative has been substituted in that action for the notice agent. (3) The notice agent may, before or after rejection of any claim, compromise the claim, whether due or not, absolute or contingent, liquidated, or unliquidated. **Sec. 35.** RCW 11.42.110 and 1994 c 221 s 41 are each amended to read as follows: ((If a claim has been filed and presented to a notice agent, and a part of the claim is allowed, the amount of the allowance must be stated in the indorsement. If the creditor refuses to accept the amount so allowed in satisfaction of the claim, the creditor may not recover costs in an action the creditor may bring against the notice agent and against any substituted personal representative unless the creditor recovers a greater amount than that offered to be allowed, exclusive of interest and costs.)) The effect of a judgment rendered against the notice agent shall be only to establish the amount of the judgment as an allowed claim. **Sec. 36.** RCW 11.42.120 and 1994 c 221 s 42 are each amended to read as follows: ((A debt of a decedent for whose estate no personal representative has been appointed must be paid in the following order by the notice agent from the assets of the decedent that are subject to the payment of claims as provided in RCW 11.42.090: (1) Costs of administering the assets subject to the payment of claims, including a reasonable fee to the notice agent, the resident agent for the notice agent, if any, reasonable attorneys' fees for the attorney for each of them, filing fees, publication costs, mailing costs, and similar costs and fees. (2) Funeral expenses in a reasonable amount. (3) Expenses of the last sickness in a reasonable amount. (4) Wages due for labor performed within sixty days immediately preceding the death of the decedent. (5) Debts having preference by the laws of the United States. (6) Taxes or any debts or dues owing to the state. (7) Judgments rendered against the decedent in the decedent's lifetime that are liens upon real estate on which executions might have been issued at the time of the death of the decedent and debts secured by mortgages in the order of their priority. However, the real estate is subject to the payment of claims as provided in RCW 11.42.100. (8) All other demands against the assets subject to the payment of claims as provided in RCW 11.42.100. A claim of the notice agent or other person who has received property by reason of the decedent's death may not be paid by the notice agent unless all other claims that have been filed under this chapter, and all debts having priority to the claim, are paid in full or otherwise settled by agreement, regardless of whether the other claims are allowed or rejected, or partly allowed or partly rejected. In the event of the probate of the decedent's estate, the personal representative's payment from estate assets of the claim of the notice agent or other person who has received property by reason of the decedent's death is not affected by the priority payment provisions of this section.)) If a judgment was entered against the decedent during the decedent's lifetime, an execution may not issue on the judgment after the death of the decedent. If a notice agent is acting, the judgment must be presented in the manner provided in RCW 11.42.070, but if the judgment is a lien on any property of the decedent, the property may be sold for the satisfaction of the judgment and the officer making the sale shall account to the notice agent for any surplus. **NEW SECTION. Sec. 37.** A new section is added to chapter 11.42 RCW to read as follows: If a creditor's claim is secured by any property of the decedent, this chapter does not affect the right of the creditor to realize on the creditor's security, whether or not the creditor presented the claim in the manner provided in RCW 11.42.070. **Sec. 38.** RCW 11.42.130 and 1994 c 221 s 43 are each amended to read as follows: ((The notice agent may not allow a claim that is barred by the statute of limitations.)) A claim of the notice agent or other person who has received property by reason of the decedent's death must be paid as set forth in RCW 11.42.090(3). **Sec. 39.** RCW 11.42.140 and 1994 c 221 s 45 are each amended to read as follows: ((The time during which there is a vacancy in the office of notice agent is not included in a limitation prescribed in this chapter.)) (1) If a notice agent has given notice under RCW 11.42.020 and the notice agent resigns, dies, or is removed or a personal representative is appointed, the successor notice agent or the personal representative shall: (a) Publish notice of the vacancy and succession for two successive weeks in the legal newspaper in which notice was published under RCW 11.42.020, if the vacancy occurred within twenty-four months after the decedent's date of death; and (b) Provide actual notice of the vacancy and succession to a creditor if: (i) The creditor filed a claim and the claim had not been allowed or rejected by the prior notice agent; or (ii) the creditor's claim was rejected and the vacancy occurred within thirty days after rejection of the claim. (2) The time between the resignation, death, or removal of the notice agent or

appointment of a personal representative and the first publication of the vacancy and succession or, in the case of actual notice, the mailing of the notice of vacancy and succession must be added to the time within which a claim must be presented or a suit on a rejected claim must be filed. This section does not extend the twenty-four-month self-executing bar under RCW 11.42.050. Sec. 40. RCW 11.42.150 and 1994 c 221 s 44 are each amended to read as follows: ((A holder of a claim against a decedent may not maintain an action on the claim against a notice agent, unless the claim has been first presented as provided in this chapter. This chapter does not affect RCW 82.32.240.)) (1) The powers and authority of a notice agent immediately cease, and the office of notice agent becomes vacant, upon appointment of a personal representative for the estate of the decedent. Except as provided in RCW 11.42.140(2), the cessation of the powers and authority does not affect the filing and publication of notice to creditors and does not affect actual notice to creditors given by the notice agent. (2) As set forth in section 23 of this act, a personal representative may adopt, ratify, nullify, or reject any actions of the notice agent. (3) If a personal representative is appointed and the personal representative does not nullify the allowance of a claim that the notice agent allowed and paid, the person or persons whose assets were used to pay the claim may petition for reimbursement from the estate to the extent the payment was not in accordance with chapter 11.10 RCW. Sec. 41. RCW 11.44.015 and 1967 c 168 s 9 are each amended to read as follows: (1) Within three months after ((his)) appointment, unless a longer time shall be granted by the court, every personal representative shall make and ((return upon oath into the court)) verify by affidavit a true inventory and appraisal of all of the property of the estate passing under the will or by laws of intestacy and which shall have come to ((his)) the personal representative's possession or knowledge, including a statement of all encumbrances, liens, or other secured charges against any item. The personal representative shall determine the fair net value, as of the date of the decedent's death, of each item contained in the inventory after deducting the encumbrances, liens, and other secured charges on the item. Such property shall be classified as follows: ((+)) (a) Real property, by legal description ((and assessed valuation of land and improvements thereon)); ((2)) (b) Stocks and bonds; ((3)) (c) Mortgages, notes, and other written evidences of debt; ((4)) (d) Bank accounts and money; ((5)) (e) Furniture and household goods; ((6)) (f) All other personal property accurately identified, including the decedent's proportionate share in any partnership, but no inventory of the partnership property shall be required of the personal representative. (2) The inventory and appraisal may, but need not be, filed in the probate cause, but upon receipt of a written request for a copy of the inventory and appraisal from any heir, legatee, devisee, unpaid creditor who has filed a claim, or beneficiary of a nonprobate asset from whom contribution is sought under RCW 11.18.200, or from the department of revenue, the personal representative shall furnish to the person, within ten days of receipt of a request, a true and correct copy of the inventory and appraisal. Sec. 42. RCW 11.44.025 and 1974 ex.s. c 117 s 48 are each amended to read as follows: Whenever any property of the estate not mentioned in the inventory and appraisal comes to the knowledge of a personal representative, ((he)) the personal representative shall cause the ((same)) property to be inventoried and appraised and shall make and ((return upon oath into the court)) verify by affidavit a true inventory and appraisal of ((said)) the property within thirty days after the discovery thereof, unless a longer time shall be granted by the court, and shall provide a copy of the inventory and appraisal to every person who has properly requested a copy of the inventory and appraisal under RCW 11.44.015(2). Sec. 43. RCW 11.44.035 and 1965 c 145 s 11.44.035 are each amended to read as follows: In an action against the personal representative where ((his)) the administration of the estate, or any part thereof, is put in issue and the inventory and appraisal of the estate ((returned)) by ((him, or the appraisal thereof)) the personal representative is given in evidence, the same may be contradicted or avoided by evidence. Any party in interest in the estate may challenge the inventory ((or)) and appraisal at any stage of the probate proceedings. Sec. 44. RCW 11.44.050 and 1965 c 145 s 11.44.050 are each amended to read as follows: If any personal representative shall neglect or refuse to ((return)) make the inventory and appraisal within the period prescribed, or within such further time as the court may allow, or to provide a copy as provided under RCW 11.44.015, 11.44.025, or 11.44.035, the court may revoke the letters testamentary or of administration; and the personal representative shall be liable on his or her bond to any party interested for the injury sustained by the estate through his or her neglect. Sec. 45. RCW 11.44.070 and 1974 ex.s. c 117 s 50 are each amended to read as follows: The personal representative may employ a qualified and disinterested person to assist in ascertaining the fair market value as of the date of the decedent's death of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The amount of the fee to be paid to any persons assisting the personal representative in any appraisal shall be determined by the personal representative: PROVIDED HOWEVER, That the reasonableness of any such compensation shall, at the time of hearing on any final account as provided in chapter 11.76 RCW or on a request or petition under RCW 11.68.100 or 11.68.110, be reviewed by the court in accordance with the provisions of RCW 11.68.100, and if the court determines the compensation to be unreasonable, a personal representative may be ordered to make appropriate refund. Sec. 46. RCW 11.44.085 and 1965 c 145 s 11.44.085 are each amended to read as follows: The naming or the appointment of any person as personal representative shall not operate as a discharge from any just claim which the testator or intestate had against the personal representative, but the claim shall be included in the inventory and appraisal and the personal representative shall be liable to the same extent as ((he)) the personal representative would have been had he or she not been appointed personal representative. Sec. 47. RCW 11.44.090 and 1965 c 145 s 11.44.090 are each amended to read as follows: The discharge or bequest in a will of any debt or demand of the testator against any executor named in ((his)) the testator's will or against any person shall not be valid against the creditors of the deceased, but shall be construed as a specific bequest of such debt or demand, and the amount thereof shall be included in the inventory and appraisal, and shall, if necessary, be applied in payment of ((his)) the testator's debts; if not necessary for that purpose, it shall be paid in the same manner and proportions as other specific legacies. NEW SECTION. Sec. 48. (1) Subject to section 50 of this act, the surviving spouse of a decedent may petition the court for an award from the property of the decedent. If the decedent is survived by children of the decedent who are not also the children of the surviving spouse, on petition of such a child the court may divide the award between the surviving spouse and all or any of such children as it deems appropriate. If there is not a surviving spouse, the minor children of the decedent may petition for an award. (2) The award may be made from either the community property or separate property of the decedent. Unless otherwise ordered by the court, the probate and nonprobate assets of the decedent abate in accordance with chapter 11.10 RCW in satisfaction of the award. (3) The award may be made whether or not probate proceedings have been commenced in the state of Washington. The court may not make this award unless the petition for the award is filed before the earliest of: (a) Eighteen months from the date of the decedent's death if within twelve months of the decedent's death either: (i) A personal representative has been appointed; or (ii) A notice agent

has filed a declaration and oath as required in RCW 11.42.010(3)(a)(ii); or (b) The termination of any probate proceeding for the decedent's estate that has been commenced in the state of Washington; or (c) Six years from the date of the death of the decedent. **NEW SECTION. Sec. 49.** The amount of the basic award shall be the amount specified in RCW 6.13.030(2) with regard to lands. If an award is divided between a surviving spouse and the decedent's children who are not the children of the surviving spouse, the aggregate amount awarded to all the claimants under this section shall be the amount specified in RCW 6.13.030(2) with respect to lands. The amount of the basic award may be increased or decreased in accordance with sections 51 and 52 of this act. **NEW SECTION. Sec. 50.** (1) The court may not make an award unless the court finds that the funeral expenses, expenses of last sickness, and expenses of administration have been paid or provided for. (2) The court may not make an award to a surviving spouse or child who has participated, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent. **NEW SECTION. Sec. 51.** (1) If it is demonstrated to the satisfaction of the court with clear, cogent, and convincing evidence that a claimant's present and reasonably anticipated future needs during the pendency of any probate proceedings in the state of Washington with respect to basic maintenance and support will not otherwise be provided for from other resources, and that the award would not be inconsistent with the decedent's intentions, the amount of the award may be increased in an amount the court determines to be appropriate. (2) In determining the needs of the claimant, the court shall consider, without limitation, the resources available to the claimant and the claimant's dependents, and the resources reasonably expected to be available to the claimant and the claimant's dependents during the pendency of the probate, including income related to present or future employment and benefits flowing from the decedent's probate and nonprobate estate. (3) In determining the intentions of the decedent, the court shall consider, without limitation: (a) Provisions made for the claimant by the decedent under the terms of the decedent's will or otherwise; (b) Provisions made for third parties or other entities under the decedent's will or otherwise that would be affected by an increased award; (c) If the claimant is the surviving spouse, the duration and status of the marriage of the decedent to the claimant at the time of the decedent's death; (d) The effect of any award on the availability of any other resources or benefits to the claimant; (e) The size and nature of the decedent's estate; and (f) Oral or written statements made by the decedent that are otherwise admissible as evidence. The fact that the decedent has named beneficiaries other than the claimant as recipients of the decedent's estate is not of itself adequate to evidence such an intent as would prevent the award of an amount in excess of that provided for in RCW 6.13.030(2) with respect to lands. (4)(a) A petition for an increased award may only be made if a petition for an award has been granted under section 48 of this act. The request for an increased award may be made in conjunction with the petition for an award under section 48 of this act. (b) Subject to (a) of this subsection, a request for an increased award may be made at any time during the pendency of the probate proceedings. A request to modify an increased award may also be made at any time during the pendency of the probate proceedings by a person having an interest in the decedent's estate that will be directly affected by the requested modification. **NEW SECTION. Sec. 52.** (1) The court may decrease the amount of the award below the amount provided in section 49 of this act in the exercise of its discretion if the recipient is entitled to receive probate or nonprobate property, including insurance, by reason of the death of the decedent. In such a case the award must be decreased by no more than the value of such other property as is received by reason of the death of the decedent. The court shall consider the factors presented in section 51(2) of this act in determining the propriety of the award and the proper amount of the award, if any. (2) An award to a surviving spouse is also discretionary and the amount otherwise allowable may be reduced if: (a) The decedent is survived by children who are not the children of the surviving spouse and the award would decrease amounts otherwise distributable to such children; or (b) the award would have the effect of reducing amounts otherwise distributable to any of the decedent's minor children. In either case the court shall consider the factors presented in section 51 (2) and (3) of this act and whether the needs of the minor children with respect to basic maintenance and support are and will be adequately provided for, both during and after the pendency of any probate proceedings if such proceedings are pending, considering support from any source, including support from the surviving spouse. **NEW SECTION. Sec. 53.** (1) The award has priority over all other claims made in the estate. In determining which assets must be made available to satisfy the award, the claimant is to be treated as a general creditor of the estate, and unless otherwise ordered by the court the assets shall abate in satisfaction of the award in accordance with chapter 11.10 RCW. (2) If the property awarded is being purchased on contract or is subject to any encumbrance, for purposes of the award the property must be valued net of the balance due on the contract and the amount of the encumbrance. The property awarded will continue to be subject to any such contract or encumbrance, and any award in excess of the basic award under section 48 of this act, whether of community property or the decedent's separate property, is not immune from any lien for costs of medical expenses recoverable under RCW 43.20B.080. **NEW SECTION. Sec. 54.** (1) Except as provided in subsection (2) of this section, property awarded and cash paid under this chapter is immune from all debts, including judgments and judgment liens, of the decedent and of the surviving spouse existing at the time of death. (2) Both the decedent's and the surviving spouse's interests in any community property awarded to the spouse under this chapter are immune from the claims of creditors. **NEW SECTION. Sec. 55.** (1) This section applies if the party entitled to petition for an award holds exempt property that is in an aggregate amount less than that specified in RCW 6.13.030(2) with respect to lands. (2) For purposes of this section, the party entitled to petition for an award is referred to as the "claimant." If multiple parties are entitled to petition for an award, all of them are deemed a "claimant" and may petition for an exemption of additional assets as provided in this section, if the aggregate amount of exempt property to be held by all the claimants after the making of the award does not exceed the amount specified in RCW 6.13.030(2) with respect to lands. (3) A claimant may petition the court for an order exempting other assets from the claims of creditors so that the aggregate amount of exempt property held by the claimants equals the amount specified in RCW 6.13.030(2) with respect to lands. The petition must: (a) Set forth facts to establish that the petitioner is entitled to petition for an award under section 48 of this act; (b) State the nature and value of those assets then held by all claimants that are exempt from the claims of creditors; and (c) Describe the nonexempt assets then held by the claimants, including any interest the claimants may have in any probate or nonprobate property of the decedent. (4) Notice of a petition for an order exempting assets from the claims of creditors must be given in accordance with RCW 11.96.100. (5) At the hearing on the petition, the court shall order that certain assets of the claimants are exempt from the claims of creditors so that the aggregate amount of exempt property held by the claimants after the entry of the order is in the amount specified in RCW 6.13.030(2) with respect to lands. In the order the court shall designate those assets of the claimants that are so exempt. **NEW SECTION. Sec. 56.** The petition for an award, for an increased or modified award, or for the exemption of assets from the claims of creditors as authorized by this chapter must be made to the court of the county in which the probate is being

administered. If probate proceedings have not been commenced in the state of Washington, the petition must be made to the court of a county in which the decedent's estate could be administered under RCW 11.96.050 if the decedent held personal property subject to probate in the county of the decedent's domicile. The petition and the hearing must conform to RCW 11.96.070. Notice of the hearing on the petition must be given in accordance with RCW 11.96.100. **NEW SECTION. Sec. 57.** If an award provided by this chapter will exhaust the estate, and probate proceedings have been commenced in the state of Washington, the court in the order of award or allowance shall order the estate closed, discharge the personal representative, and exonerate the personal representative's bond, if any. **Sec. 58.** RCW 11.48.130 and 1965 c 145 s 11.48.130 are each amended to read as follows: The court ~~((shall have power to))~~ may authorize the personal representative, without the necessary nonintervention powers, to compromise and compound any claim owing the estate. Unless the court has restricted the power to compromise or compound claims owing to the estate, a personal representative with nonintervention powers may compromise and compound a claim owing the estate without the intervention of the court. **NEW SECTION. Sec. 59.** A new section is added to chapter 11.68 RCW to read as follows: (1) A personal representative may petition the court for nonintervention powers, whether the decedent died testate or intestate. (2) Unless the decedent has specified in the decedent's will, if any, that the court not grant nonintervention powers to the personal representative, the court shall grant nonintervention powers to a personal representative who petitions for the powers if the court determines that the decedent's estate is solvent, taking into account probate and nonprobate assets, and that: (a) The petitioning personal representative was named in the decedent's probated will as the personal representative; (b) The decedent died intestate, the petitioning personal representative is the decedent's surviving spouse, the decedent's estate is composed of community property only, and the decedent had no issue: (i) Who is living or in gestation on the date of the petition; (ii) whose identity is reasonably ascertainable on the date of the petition; and (iii) who is not also the issue of the petitioning spouse; or (c) The personal representative was not a creditor of the decedent at the time of the decedent's death and the administration and settlement of the decedent's will or estate with nonintervention powers would be in the best interests of the decedent's beneficiaries and creditors. However, the administration and settlement of the decedent's will or estate with nonintervention powers will be presumed to be in the beneficiaries' and creditors' best interest until a person entitled to notice under section 61 of this act rebuts that presumption by coming forward with evidence that the grant of nonintervention powers would not be in the beneficiaries' or creditors' best interests. (3) The court may base its findings of facts necessary for the grant of nonintervention powers on: (a) Statements of witnesses appearing before the court; (b) representations contained in a verified petition for nonintervention powers, in an inventory made and returned upon oath into the court, or in an affidavit filed with the court; or (c) other proof submitted to the court. **NEW SECTION. Sec. 60.** A new section is added to chapter 11.68 RCW to read as follows: A hearing on a petition for nonintervention powers may be held at the time of the appointment of the personal representative or at any later time. **NEW SECTION. Sec. 61.** A new section is added to chapter 11.68 RCW to read as follows: (1) Advance notice of the hearing on a petition for nonintervention powers referred to in section 59 of this act is not required in those circumstances in which the court is required to grant nonintervention powers under section 59(2) (a) and (b) of this act. (2) In all other cases, if the petitioner wishes to obtain nonintervention powers, the personal representative shall give notice of the petitioner's intention to apply to the court for nonintervention powers to all heirs, all beneficiaries of a gift under the decedent's will, and all persons who have requested, and who are entitled to, notice under RCW 11.28.240, except that: (a) A person is not entitled to notice if the person has, in writing, either waived notice of the hearing or consented to the grant of nonintervention powers; and (b) An heir who is not also a beneficiary of a gift under a will is not entitled to notice if the will has been probated and the time for contesting the validity of the will has expired. (3) The notice required by this section must be either personally served or sent by regular mail at least ten days before the date of the hearing, and proof of mailing of the notice must be by affidavit filed in the cause. The notice must contain the decedent's name, the probate cause number, the name and address of the personal representative, and must state in substance as follows: (a) The personal representative has petitioned the superior court of the state of Washington for . . . . county, for the entry of an order granting nonintervention powers and a hearing on that petition will be held on . . . ., the . . . . day of . . . ., . . . ., at . . . . o'clock, . . M.; (b) The petition for an order granting nonintervention powers has been filed with the court; (c) Following the entry by the court of an order granting nonintervention powers, the personal representative is entitled to administer and close the decedent's estate without further court intervention or supervision; and (d) A person entitled to notice has the right to appear at the time of the hearing on the petition for an order granting nonintervention powers and to object to the granting of nonintervention powers to the personal representative. (4) If notice is not required, or all persons entitled to notice have either waived notice of the hearing or consented to the entry of an order granting nonintervention powers as provided in this section, the court may hear the petition for an order granting nonintervention powers at any time. **Sec. 62.** RCW 11.68.050 and 1977 ex.s. c 234 s 21 are each amended to read as follows: (1) If at the time set for the hearing upon ((the)) a petition for ((the entry of an order of solvency)) nonintervention powers, any person entitled to notice of the hearing on the petition under ((the provisions of RCW 11.68.040 as now or hereafter amended,)) section 61 of this act shall appear and object to the granting of nonintervention powers to the personal representative of the estate, the court shall consider ((said objections, if any, and the entry of an order of solvency shall be discretionary with the court upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended. If an order of solvency is entered)) the objections, if any, in connection with its determination under section 59(2)(c) of this act of whether a grant of nonintervention powers would be in the best interests of the decedent's beneficiaries. (2) The nonintervention powers of a personal representative may not be restricted at a hearing on a petition for nonintervention powers in which the court is required to grant nonintervention powers under section 59(2) (a) and (b) of this act, unless a will specifies that the nonintervention powers of a personal representative may be restricted when the powers are initially granted. In all other cases, including without limitation any hearing on a petition that alleges that the personal representative has breached its duties to the beneficiaries of the estate, the court may restrict the powers of the personal representative in such manner as the court determines((- If no objection is made at the time of the hearing by any person entitled to notice thereof, the court shall enter an order of solvency upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended)) to be in the best interests of the decedent's beneficiaries. **Sec. 63.** RCW 11.68.060 and 1977 ex.s. c 234 s 22 are each amended to read as follows: If((- after the entry of an order of solvency,)) any personal representative of the estate of the decedent ((shall)) dies, resigns, or otherwise becomes disabled from any cause from acting as the nonintervention personal representative, ((the successor personal representative, other than a creditor of a decedent not designated as a personal representative in the decedent's will, shall administer the estate of the

decedent without the intervention of court after notice and hearing as required by RCW 11.68.040 and 11.68.050 as now or hereafter amended, unless at the time of said hearing objections to the granting of nonintervention powers to such successor personal representative shall be made by an heir, legatee, devisee, or other person entitled to notice pursuant to RCW 11.28.240 as now existing or hereafter amended, and unless the court, after hearing said objections shall refuse to grant nonintervention powers to such successor personal representative. If no heir, legatee, devisee, or other person entitled to notice shall appear at the time of the hearing to object to the granting of nonintervention powers to such successor personal representative, the court shall enter an order granting nonintervention powers to the successor personal representative, or a person who has petitioned to be appointed as a successor personal representative, may petition the court for nonintervention powers, and the court shall act, in accordance with sections 59 through 61 of this act and RCW 11.68.050. **NEW SECTION. Sec. 64.** A new section is added to chapter 11.68 RCW to read as follows: A beneficiary whose interest in an estate has not been fully paid or distributed may petition the court for an order directing the personal representative to deliver a report of the affairs of the estate signed and verified by the personal representative. The petition may be filed at any time after one year from the day on which the report was last delivered, or, if none, then one year after the order appointing the personal representative. Upon hearing of the petition after due notice as required in chapter 11.96 RCW, the court may, for good cause shown, order the personal representative to deliver to the petitioner the report for any period not covered by a previous report. The report for the period shall include such of the following as the court may order: A description of the amount and nature of all property, real and personal, that has come into the hands of the personal representative; a statement of all property collected and paid out or distributed by the personal representative; a statement of claims filed and allowed against the estate and those rejected; any estate, inheritance, or fiduciary income tax returns filed by the personal representative; and such other information as the order may require. This subsection does not limit any power the court might otherwise have at any time during the administration of the estate to require the personal representative to account or furnish other information to any person interested in the estate. **Sec. 65.** RCW 11.68.080 and 1977 ex.s. c 234 s 24 are each amended to read as follows: ~~((After such notice as the court may require, the order of solvency shall be vacated or restricted upon the petition of any personal representative, heir, legatee, devisee, or creditor, if supported by proof satisfactory to the court that said estate has become insolvent. If, after hearing, the court shall vacate or restrict the prior order of solvency, the court shall endorse the term "Vacated" or "Powers restricted" upon the original order of solvency))~~ (1) Within ten days after the personal representative has received from alleged creditors under chapter 11.40 RCW claims that have an aggregate face value that, when added to the other debts and to the taxes and expenses of greater priority under applicable law, would appear to cause the estate to be insolvent, the personal representative shall notify in writing all beneficiaries under the decedent's will and, if any of the decedent's property will pass according to the laws of intestate succession, all heirs, together with any unpaid creditors, other than a creditor whose claim is then barred under chapter 11.40 RCW or the otherwise applicable statute of limitations, that the estate might be insolvent. The personal representative shall file a copy of the written notice with the court. (2) Within ten days after an estate becomes insolvent, the personal representative shall petition under chapter 11.96 RCW for a determination of whether the court should reaffirm, rescind, or restrict in whole or in part any prior grant of nonintervention powers. Notice of the hearing must be given in accordance with RCW 11.96.100 and 11.96.110. (3) If, upon a petition under chapter 11.96 RCW of any personal representative, beneficiary under the decedent's will, heir if any of the decedent's property passes according to the laws of intestate succession, or any unpaid creditor with a claim that has been accepted or judicially determined to be enforceable, the court determines that the decedent's estate is insolvent, the court shall reaffirm, rescind, or restrict in whole or in part any prior grant of nonintervention powers to the extent necessary to protect the best interests of the beneficiaries and creditors of the estate. (4) If the court rescinds or restricts a prior grant of nonintervention powers, the court shall endorse the term "powers rescinded" or "powers restricted" upon the prior order together with the date of ~~((said))~~ the endorsement. **Sec. 66.** RCW 11.68.090 and 1988 c 29 s 3 are each amended to read as follows: (1) Any personal representative acting under nonintervention powers may borrow money on the general credit of the estate and may mortgage, encumber, lease, sell, exchange, convey, and otherwise ~~((do anything a trustee may do))~~ have the same powers, and be subject to the same limitations of liability, that a trustee has under RCW 11.98.070 and chapters 11.100 and 11.102 RCW with regard to the assets of the estate, both real and personal, all without an order of court and without notice, approval, or confirmation, and in all other respects administer and settle the estate of the decedent without intervention of court. ~~((Any party to any such transaction and his or her successors in interest shall be entitled to have it conclusively presumed that the transaction is necessary for the administration of the decedent's estate.))~~ Except as otherwise specifically provided in this ~~((chapter))~~ title or by order of court, ~~((chapter 11.76 RCW shall not apply to the administration of an estate by))~~ a personal representative acting under nonintervention powers may exercise the powers granted to a personal representative under chapter 11.76 RCW but is not obligated to comply with the duties imposed on personal representatives by that chapter. A party to such a transaction and the party's successors in interest are entitled to have it conclusively presumed that the transaction is necessary for the administration of the decedent's estate. (2) Except as otherwise provided in chapter 11.108 RCW or elsewhere in order to preserve a marital deduction from estate taxes, a testator may by a will relieve the personal representative from any or all of the duties, restrictions, and liabilities imposed: Under common law; by chapters 11.-- (sections 48 through 57 of this act), 11.56, 11.100, 11.102, and 11.104 RCW; or by RCW 11.28.270 and 11.28.280, section 67 of this act, and RCW 11.98.070. In addition, a testator may likewise alter or deny any or all of the privileges and powers conferred by this title, and may add duties, restrictions, liabilities, privileges, or powers to those imposed or granted by this title. If any common law or any statute referenced earlier in this subsection is in conflict with a will, the will controls whether or not specific reference is made in the will to this section. However, notwithstanding the rest of this subsection, a personal representative may not be relieved of the duty to act in good faith and with honest judgment. **NEW SECTION. Sec. 67.** A new section is added to chapter 11.68 RCW to read as follows: All of the provisions of RCW 11.98.016 regarding the exercise of powers by co-trustees of a trust shall apply to the co-personal representatives of an estate in which the co-personal representatives have been granted nonintervention powers, as if, for purposes of the interpretation of that law, co-personal representatives were co-trustees and an estate were a trust. **Sec. 68.** RCW 11.68.110 and 1990 c 180 s 5 are each amended to read as follows: (1) If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration ~~((to that effect, which declaration shall))~~ that must state as follows: ~~((+))~~ (a) The date of the decedent's death~~((;))~~ and the decedent's residence at the time of death~~((;))~~; (b) Whether or

not the decedent died testate or intestate (~~(, and if)~~); (c) If the decedent died testate, the date of the decedent's last will and testament and the date of the order (~~(admitting the will to probate)~~) probating the will; ~~((2))~~ (d) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of estate taxes due as the result of the decedent's death has been determined, settled, and paid; ~~((3))~~ (e) That the personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed; ~~((4))~~ (f) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each heir; and ~~((5))~~ (g) The amount of fees paid or to be paid to each of the following: ~~((a))~~ (i) Personal representative or representatives (~~(, - (b))~~); (ii) lawyer or lawyers (~~(, - (c))~~); (iii) appraiser or appraisers (~~(, - (d))~~); and ~~((4))~~ (iv) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval. (2) Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes. (3) Within five days of the date of the filing of the declaration of completion, the personal representative or the personal representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent ((e)), who has not waived notice of ((said)) the filing, in writing, filed in the cause((h)), or who, not having waived notice, either has not received the full amount of the distribution to which the heir, legatee, or devisee is entitled or has a property right that might be affected adversely by the discharge of the personal representative under this section, together with a notice which shall be substantially as follows:

CAPTION NOTICE OF FILING OF OF DECLARATION OF COMPLETION

CASE OF PROBATE

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the . . . day of . . . , 19. . . ; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, within thirty days after the date of the filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW. If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of your petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on the petition.

Dated this . . . day of . . . , 19. . .

Personal Representative

(4) If all heirs, devisees, and legatees of the decedent entitled to notice under this section waive, in writing, the notice required by this section, the personal representative will be automatically discharged without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion is filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative. NEW SECTION. Sec. 69. A new section is added to chapter 11.68 RCW to read as follows: If the declaration of completion of probate and the notice of filing of declaration of completion of probate state that the personal representative intends to make final distribution within five business days after the final date on which a beneficiary could petition for an order to approve fees or to require an accounting, which date is referred to in this section as the "effective date of the declaration of completion," and if the notice of filing of declaration of completion of probate sent to each beneficiary who has not received everything to which that beneficiary is entitled from the decedent's estate specifies the amount of the minimum distribution to be made to that beneficiary, the personal representative retains, for five business days following the effective date of the declaration of completion, the power to make the stated minimum distributions. In this case, the personal representative is discharged from all claims other than those relating to the actual distribution of the reserve, at the effective date of the declaration of completion. The personal representative is only discharged from liability for the distribution of the reserve when the whole reserve has been distributed and each beneficiary has received at least the distribution which that beneficiary's notice stated that the beneficiary would receive. NEW SECTION. Sec. 70. A new section is added to chapter 11.68 RCW to read as follows: (1) The personal representative retains the powers to: Deal with the taxing authority of any federal, state, or local government; hold a reserve in an amount not to exceed three thousand dollars, for the determination and payment of any additional taxes, interest, and penalties, and of all reasonable expenses related directly or indirectly to such determination or payment; pay from the reserve the reasonable expenses, including compensation for services rendered or goods provided by the personal representative or by the personal representative's employees, independent contractors, and other agents, in addition to any taxes, interest, or penalties assessed by a taxing authority; receive and hold any credit, including interest, from any taxing authority; and distribute the residue of the reserve to the intended beneficiaries of the reserve; if: (a) In lieu of the statement set forth in RCW 11.68.110(1)(e), the declaration of completion of probate states that:

The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed, except for the determination of taxes and of interest and penalties thereon as permitted under this section;

and (b) The notice of the filing of declaration of completion of probate must be in substantially the following form:

CAPTION NOTICE OF FILING OF OF DECLARATION OF COMPLETION CASE OF

PROBATE

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(2) If the requirements in subsection (1) of this section are met, the personal representative is discharged from all claims other than those relating to the settlement of any tax obligations and the actual distribution of the reserve, at the effective date of the declaration of completion. The personal representative is discharged from liability from the settlement of any tax obligations and the distribution of the reserve, and the personal representative's powers cease, thirty days after the personal representative: (a) Has mailed to those persons who would have shared in the distribution of the reserve had the reserve remained intact; and (b) Has filed with the court copies of checks or receipts showing how the reserve was in fact distributed, unless a person with an interest in the reserve petitions the court earlier within the thirty-day period for an order requiring an accounting of the reserve or an order determining the reasonableness, or lack of reasonableness, of distributions made from the reserve. If the personal representative has been required to furnish a bond, any bond furnished by the personal representative is automatically discharged upon the final discharge of the personal representative. **Sec. 71.** RCW 11.76.080 and 1977 ex.s. c 80 s 15 are each amended to read as follows: If there be any alleged (~~incompetent or disabled~~) incapacitated person as defined in RCW 11.88.010 interested in the estate who has no legally appointed guardian or limited guardian, the court: (1) At any stage of the proceeding in its discretion and for such purpose or purposes as it shall indicate, may(~~(-)~~) appoint; and (2) For hearings held (~~pursuant to RCW 11.52.010, 11.52.020, 11.68.040~~) under sections 48 and 61 of this act, RCW 11.68.100, and 11.76.050(~~(- each as now or hereafter amended,-)~~) or for entry of an order adjudicating testacy or intestacy and heirship when no personal representative is appointed to administer the estate of the decedent, shall appoint some disinterested person as guardian ad litem to represent (~~such~~) the allegedly (~~incompetent or disabled~~) incapacitated person with reference to any petition, proceeding report, or adjudication of testacy or intestacy without the appointment of a personal representative to administer the estate of decedent in which the alleged (~~incompetent or disabled~~) incapacitated person may have an interest, who, on behalf of the alleged (~~incompetent or disabled~~) incapacitated person, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his or her services: PROVIDED, HOWEVER, That where a surviving spouse is the sole beneficiary under the terms of a will, the court may grant a motion by the personal representative to waive the appointment of a guardian ad litem for a person who is the minor child of (~~such~~) the surviving spouse and the decedent and who is (~~incompetent~~) incapacitated solely for the reason of his or her being under eighteen years of age. **Sec. 72.** RCW 11.76.095 and 1991 c 193 s 28 are each amended to read as follows: When a decree of distribution is made by the court in administration upon a decedent's estate or when distribution is made by a personal representative under a nonintervention will and distribution is ordered under such decree or authorized under such nonintervention will to a person under the age of eighteen years, it shall be required that: (1) The money be deposited in a bank or trust company or be invested in an account in an insured financial institution for the benefit of the minor subject to withdrawal only upon the order of the court in the original probate proceeding, or upon said minor's attaining the age of eighteen years and furnishing proof thereof satisfactory to the depository; (2) A general guardian shall be appointed and qualify and the money or property be paid or delivered to such guardian prior to the discharge of the personal representative in the original probate proceeding; or (3) (~~The provisions of RCW 11.76.090 are complied with; or~~ (4)) A custodian be selected and the money or property be transferred to the custodian subject to chapter (~~11.93~~) 11.114 RCW. **Sec. 73.** RCW 11.86.041 and 1991 c 7 s 1 are each amended to read as follows: (1) Unless the instrument creating an interest directs to the contrary, the interest disclaimed shall pass as if the beneficiary had died immediately prior to the date of the transfer of the interest. The disclaimer shall relate back to this date for all purposes. (2) Unless the (~~disclaimer directs to the contrary, the beneficiary may receive another interest in the property subject to the disclaimer~~) beneficiary is the surviving spouse of a deceased creator of the interest, the beneficiary shall also be deemed to have disclaimed all interests in the property, including all beneficial interests in any trust into which the disclaimed property may pass. This subsection applies unless the disclaimer specifically refers to this subsection and states to the contrary. (3) Any future interest taking effect in possession or enjoyment after termination of the interest disclaimed takes effect as if the beneficiary had died prior to the date of the beneficiary's final ascertainment as a beneficiary and the indefeasible vesting of the interest. (4) The disclaimer is binding upon the beneficiary and all persons claiming through or under the beneficiary. (5) Unless the instrument creating the interest directs to the contrary, a beneficiary whose interest in a devise or bequest under a will has been disclaimed shall be deemed to have died for purposes of RCW 11.12.110. (6) In the case of a disclaimer that results in property passing to a trust over which the disclaimant has any power to direct the beneficial enjoyment of the disclaimed property, the disclaimant shall also be deemed to have disclaimed any power to direct the beneficial enjoyment of the disclaimed property, unless the power is limited by an ascertainable standard for the health, education, support, or maintenance of any person as described in section 2041 or 2514 of the Internal Revenue Code and the applicable regulations adopted under those sections. This subsection applies unless the disclaimer specifically refers to this subsection and states to the contrary. This subsection shall not be deemed to otherwise prevent such a disclaimant from acting as trustee or executor over disclaimed property. **Sec. 74.** RCW 11.95.140 and 1993 c 339 s 11 are each amended to read as follows: (1)(a) RCW 11.95.100 and 11.95.110 respectively apply to a power of appointment created: (i) Under a will, codicil, trust agreement, or declaration of trust, deed, power of attorney, or other instrument executed after July 25, 1993, unless the terms of the instrument refer specifically to RCW 11.95.100 or 11.95.110 respectively and provide expressly to the contrary; or (ii) Under a testamentary trust, trust agreement, or declaration of trust executed before July 25, 1993, unless: (A) The trust is revoked, or amended to provide otherwise, and the terms of any amendment specifically refer to RCW 11.95.100 or 11.95.110, respectively, and provide expressly to the contrary; (B) All parties in interest, as defined in RCW 11.98.240(3), elect affirmatively, in the manner prescribed in RCW 11.98.240(4), not to be subject to the application of this subsection. The election must be made by the later of September 1, 2000, or three years after the date on which the trust becomes irrevocable; or (C) A person entitled to judicial proceedings for a declaration of rights or legal relations under RCW 11.96.070 obtains a judicial determination, under chapter 11.96 RCW, that the application of this subsection (1)(a)(ii) to the trust is inconsistent with the provisions or purposes of the will or trust. (b) Notwithstanding (a) of this subsection, for the purposes of this section a codicil to a will, an amendment to a trust, or an amendment to another instrument that created the power of appointment in question shall not be deemed to cause that instrument to be executed after July 25, 1993, unless the codicil(~~(-)~~) or amendment(~~(- or other instrument)~~) clearly shows an

intent to have RCW 11.95.100 or 11.95.110 apply. (2) Notwithstanding subsection (1) of this section, RCW 11.95.100 through 11.95.150 shall apply to a power of appointment created under a will, codicil, trust agreement, or declaration of trust, deed, power of attorney, or other instrument executed prior to July 25, 1993, if the person who created the power of appointment had on July 25, 1993, the power to revoke, amend, or modify the instrument creating the power of appointment, unless: (a) The terms of the instrument specifically refer to RCW 11.95.100 or 11.95.110 respectively and provide expressly to the contrary; or (b) The person creating the power of appointment was not competent, on July 25, 1993, to revoke, amend, or modify the instrument creating the power of appointment and did not regain his or her competence to revoke, amend, or modify the instrument creating the power of appointment on or before his or her death or before the time at which the instrument could no longer be revoked, amended, or modified by the person. **Sec. 75.** RCW 11.98.070 and 1989 c 40 s 7 are each amended to read as follows: A trustee, or the trustees jointly, of a trust, in addition to the authority otherwise given by law, have discretionary power to acquire, invest, reinvest, exchange, sell, convey, control, divide, partition, and manage the trust property in accordance with the standards provided by law, and in so doing may: (1) Receive property from any source as additions to the trust or any fund of the trust to be held and administered under the provisions of the trust; (2) Sell on credit; (3) Grant, purchase or exercise options; (4) Sell or exercise subscriptions to stock or other corporate securities and to exercise conversion rights; (5) Deposit stock or other corporate securities with any protective or other similar committee; (6) Assent to corporate sales, leases, and encumbrances; (7) Vote trust securities in person or by proxy with power of substitution; and enter into voting trusts; (8) Register and hold any stocks, securities, or other property in the name of a nominee or nominees without mention of the trust relationship, provided the trustee or trustees are liable for any loss occasioned by the acts of any nominee, except that this subsection shall not apply to situations covered by RCW 11.98.070(31); (9) Grant leases of trust property, with or without options to purchase or renew, to begin within a reasonable period and for terms within or extending beyond the duration of the trust, for any purpose including exploration for and removal of oil, gas and other minerals; enter into community oil leases, pooling and unitization agreements; (10) Subdivide, develop, dedicate to public use, make or obtain the vacation of public plats, adjust boundaries, partition real property, and on exchange or partition to adjust differences in valuation by giving or receiving money or money's worth; (11) Compromise or submit claims to arbitration; (12) Borrow money, secured or unsecured, from any source, including a corporate trustee's banking department, or from the individual trustee's own funds; (13) Make loans, either secured or unsecured, at such interest as the trustee may determine to any person, including any beneficiary of a trust, except that no trustee who is a beneficiary of a trust may participate in decisions regarding loans to such beneficiary from the trust, unless the loan is as described in RCW 83.110.020(2), and then only to the extent of the loan, and also except that if a beneficiary or the grantor of a trust has the power to change a trustee of the trust, the power to loan shall be limited to loans at a reasonable rate of interest and for adequate security; (14) Determine the hazards to be insured against and maintain insurance for them; (15) Select any part of the trust estate in satisfaction of any partition or distribution, in kind, in money or both; make nonpro rata distributions of property in kind; allocate particular assets or portions of them or undivided interests in them to any one or more of the beneficiaries without regard to the income tax basis of specific property allocated to any beneficiary and without any obligation to make an equitable adjustment; (16) Pay any income or principal distributable to or for the use of any beneficiary, whether that beneficiary is under legal disability, to the beneficiary or for the beneficiary's use to the beneficiary's parent, guardian, custodian under the uniform gifts to minors act of any state, person with whom he resides, or third person; (17) Change the character of or abandon a trust asset or any interest in it; (18) Mortgage, pledge the assets or the credit of the trust estate, or otherwise encumber trust property, including future income, whether an initial encumbrance or a renewal or extension of it, for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee; (19) Make ordinary or extraordinary repairs or alterations in buildings or other trust property, demolish any improvements, raze existing structures, and make any improvements to trust property; (20) Create restrictions, easements, including easements to public use without consideration, and other servitudes; (21) Manage any business interest, including any farm or ranch interest, regardless of form, received by the trustee from the trustor of the trust, as a result of the death of a person, or by gratuitous transfer from any other transferor, and with respect to the business interest, have the following powers: (a) To hold, retain, and continue to operate that business interest solely at the risk of the trust, without need to diversify and without liability on the part of the trustee for any resulting losses; (b) To enlarge or diminish the scope or nature or the activities of any business; (c) To authorize the participation and contribution by the business to any employee benefit plan, whether or not qualified as being tax deductible, as may be desirable from time to time; (d) To use the general assets of the trust for the purpose of the business and to invest additional capital in or make loans to such business; (e) To endorse or guarantee on behalf of the trust any loan made to the business and to secure the loan by the trust's interest in the business or any other property of the trust; (f) To leave to the discretion of the trustee the manner and degree of the trustee's active participation in the management of the business, and the trustee is authorized to delegate all or any part of the trustee's power to supervise, manage, or operate to such persons as the trustee may select, including any partner, associate, director, officer, or employee of the business; and also including electing or employing directors, officers, or employees of the trustee to take part in the management of the business as directors or officers or otherwise, and to pay that person reasonable compensation for services without regard to the fees payable to the trustee; (g) To engage, compensate, and discharge or to vote for the engaging, compensating, and discharging of managers, employees, agents, lawyers, accountants, consultants, or other representatives, including anyone who may be a beneficiary of the trust or any trustee; (h) To cause or agree that surplus be accumulated or that dividends be paid; (i) To accept as correct financial or other statements rendered by any accountant for any sole proprietorship or by any partnership or corporation as to matters pertaining to the business except upon actual notice to the contrary; (j) To treat the business as an entity separate from the trust, and in any accounting by the trustee it is sufficient if the trustee reports the earning and condition of the business in a manner conforming to standard business accounting practice; (k) To exercise with respect to the retention, continuance, or disposition of any such business all the rights and powers that the trustor of the trust would have if alive at the time of the exercise, including all powers as are conferred on the trustee by law or as are necessary to enable the trustee to administer the trust in accordance with the instrument governing the trust, subject to any limitations provided for in the instrument; and (l) To satisfy contractual and tort liabilities arising out of an unincorporated business, including any partnership, first out of the business and second out of the estate or trust, but in no event may there be a liability of the trustee, except as provided in RCW 11.98.110 (2) and (4), and if the trustee is liable, the trustee is entitled to indemnification from the business and the trust, respectively; (22) Participate in

the establishment of, and thereafter in the operation of, any business or other enterprise according to subsection (21) of this section except that the trustee shall not be relieved of the duty to diversify; (23) Cause or participate in, directly or indirectly, the formation, reorganization, merger, consolidation, dissolution, or other change in the form of any corporate or other business undertaking where trust property may be affected and retain any property received pursuant to the change; (24) Limit participation in the management of any partnership and act as a limited or general partner; (25) Charge profits and losses of any business operation, including farm or ranch operation, to the trust estate as a whole and not to the trustee; make available to or invest in any business or farm operation additional moneys from the trust estate or other sources; (26) Pay reasonable compensation to the trustee or co-trustees considering all circumstances including the time, effort, skill, and responsibility involved in the performance of services by the trustee; (27) Employ persons, including lawyers, accountants, investment advisors, or agents, even if they are associated with the trustee, to advise or assist the trustee in the performance of the trustee's duties or to perform any act, regardless of whether the act is discretionary, and to act without independent investigation upon their recommendations, except that: ~~(a) A trustee may not delegate all of the trustee's duties and responsibilities~~~~(, and except that this employment does not relieve the trustee of liability for the discretionary acts of a person, which if done by the trustee, would result in liability to the trustee, or of the duty to select and retain a person with reasonable care);~~ (b) This power to employ and to delegate duties does not relieve the trustee of liability for such person's discretionary acts, that, if done by the trustee, would result in liability to the trustee; (c) This power to employ and to delegate duties does not relieve the trustee of the duty to select and retain a person with reasonable care; (d) The trustee, or a successor trustee, may sue the person to collect any damages suffered by the trust estate even though the trustee might not be personally liable for those damages, subject to the statutes of limitation that would have applied had the claim been one against the trustee who was serving when the act or failure to act occurred; (28) Appoint an ancillary trustee or agent to facilitate management of assets located in another state or foreign country; (29) Retain and store such items of tangible personal property as the trustee selects and pay reasonable storage charges thereon from the trust estate; (30) Issue proxies to any adult beneficiary of a trust for the purpose of voting stock of a corporation acting as the trustee of the trust; (31) Place all or any part of the securities at any time held by the trustee in the care and custody of any bank, trust company, or member firm of the New York Stock Exchange with no obligation while the securities are so deposited to inspect or verify the same and with no responsibility for any loss or misapplication by the bank, trust company, or firm, so long as the bank, trust company, or firm was selected and retained with reasonable care, and have all stocks and registered securities placed in the name of the bank, trust company, or firm, or in the name of its nominee, and to appoint such bank, trust company, or firm agent as attorney to collect, receive, receipt for, and disburse any income, and generally may perform, but is under no requirement to perform, the duties and services incident to a so-called "custodian" account; (32) Determine at any time that the corpus of any trust is insufficient to implement the intent of the trust, and upon this determination by the trustee, terminate the trust by distribution of the trust to the current income beneficiary or beneficiaries of the trust or their legal representatives, except that this determination may only be made by the trustee if the trustee is neither the grantor nor the beneficiary of the trust, and if the trust has no charitable beneficiary; ~~and~~ (33) (Rely with acquittance on advice of counsel on questions of law; and (34)) Continue to be a party to any existing voting trust agreement or enter into any new voting trust agreement or renew an existing voting trust agreement with respect to any assets contained in trust. **Sec. 76.** RCW 11.98.240 and 1994 c 221 s 66 are each amended to read as follows: (1)(a)(~~ii~~) RCW 11.98.200 and 11.98.210 respectively apply to: (i) A trust established under a will, codicil, trust agreement, declaration of trust, deed, or other instrument executed after July 25, 1993, unless the instrument's terms refer specifically to RCW 11.98.200 or 11.98.210 respectively and provide expressly to the contrary. However, except for RCW 11.98.200(3), the 1994 c 221 amendments to RCW 11.98.200 apply to a trust established under a will, codicil, trust agreement, declaration of trust, deed, or other instrument executed after January 1, 1995, unless the instrument's terms refer specifically to RCW 11.98.200 and provide expressly to the contrary. (ii) (Notwithstanding (a)(i) of this subsection, for the purposes of this subsection a codicil to a will or an amendment to a trust does not cause that instrument to be executed after July 25, 1993, unless the codicil or amendment clearly shows an intent to have RCW 11.98.200 or 11.98.210 apply.) A trust created under a will, codicil, trust agreement, declaration of trust, deed, or other instrument executed before July 25, 1993, unless: (A) The trust is revoked or amended and the terms of the amendment refer specifically to RCW 11.98.200 and provide expressly to the contrary; (B) All parties in interest, as defined in subsection (3) of this section elect affirmatively, in the manner prescribed in subsection (4) of this section, not to be subject to the application of this subsection. The election must be made by the later of September 1, 2000, or three years after the date on which the trust becomes irrevocable; or (C) A person entitled to judicial proceedings for a declaration of rights or legal relations under RCW 11.96.070 obtains a judicial determination, under chapter 11.96 RCW, that the application of this subsection (1)(a)(ii) to the trust is inconsistent with the provisions or purposes of the will or trust. (b) Notwithstanding (a) of this subsection, RCW 11.98.200 and 11.98.210 respectively apply to a trust established under a will or codicil of a decedent dying on or after July 25, 1993, and to an inter vivos trust to which the trustor had on or after July 25, 1993, the power to terminate, revoke, amend, or modify, unless: (i) The terms of the instrument specifically refer to RCW 11.98.200 or 11.98.210 respectively and provide expressly to the contrary; or (ii) The decedent or the trustor was not competent, on July 25, 1993, to change the disposition of his or her property, or to terminate, revoke, amend, or modify the trust, and did not regain his or her competence to dispose, terminate, revoke, amend, or modify before the date of the decedent's death or before the trust could not otherwise be revoked, terminated, amended, or modified by the decedent or trustor. (2) RCW 11.98.200 neither creates a new cause of action nor impairs an existing cause of action that, in either case, relates to a power proscribed under RCW 11.98.200 that was exercised before July 25, 1993. RCW 11.98.210 neither creates a new cause of action nor impairs an existing cause of action that, in either case, relates to a power proscribed, limited, or qualified under RCW 11.98.210. (3) For the purpose of subsection (1)(a)(ii) of this section, "parties in interest" means those persons identified as "required parties to the dispute" under RCW 11.96.170(6)(b). (4) The affirmative election required under subsection (1)(a)(ii)(B) of this section must be made in the following manner: (a) If the trust is revoked or amended, through a revocation of or an amendment to the trust; or (b) Through a nonjudicial dispute resolution agreement described in RCW 11.96.170. **Sec. 77.** RCW 11.96.070 and 1994 c 221 s 55 are each amended to read as follows: (1) A person with an interest in or right respecting the administration, settlement, or disposition of an interest in a trust or in the estate of an incapacitated, missing, or deceased person may have a judicial proceeding for the declaration of rights or legal relations under this title including but not limited to the following: (a) The ascertaining of any class of creditors, devisees, legatees, heirs, next of kin, or others; (b) The ordering of the personal

representatives or trustees to do or abstain from doing any particular act in their fiduciary capacity; (c) The determination of any question arising in the administration of the estate or trust, including without limitation questions of construction of wills and other writings; (d) The grant to the personal representatives or trustees of any necessary or desirable powers not otherwise granted in the instrument or given by law that the court determines are not inconsistent with the provisions or purposes of the will or trust; (e) The modification of the will or the trust instrument in the manner required to qualify the gift thereunder for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; (f) The modification of the will or the trust instrument in the manner required to qualify any gift thereunder for the benefit of a surviving spouse who is not a citizen of the United States for the estate tax marital deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a qualified domestic trust under section 2056A of the internal revenue code as required by final regulations and rulings of the United States treasury department or internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; (g) The determination of the persons entitled to notice under RCW 11.96.100 and 11.96.110 for the purposes of any judicial proceeding under this subsection (1) and for the purposes of an agreement under RCW 11.96.170; or (h) The resolution of any other matter that arises under this title and references this section. (2) Any person with an interest in or right respecting the administration of a nonprobate asset under this title may have a judicial proceeding for the declaration of rights or legal relations under this title with respect to the nonprobate asset, including without limitation the following: (a) The ascertaining of any class of creditors or others for purposes of chapter 11.18 or 11.42 RCW; (b) The ordering of a qualified person, the notice agent, or resident agent, as those terms are defined in chapter 11.42 RCW, or any combination of them, to do or abstain from doing any particular act with respect to a nonprobate asset; (c) The ordering of a custodian of any of the decedent's records relating to a nonprobate asset to do or abstain from doing any particular act with respect to those records; (d) The determination of any question arising in the administration under chapter 11.18 or 11.42 RCW of a nonprobate asset; (e) The determination of the persons entitled to notice under RCW 11.96.100 and 11.96.110 for the purposes of any judicial proceeding under this subsection (2) and for the purposes of an agreement under RCW 11.96.170; and (f) The determination of any questions relating to the abatement, rights of creditors, or other matter relating to the administration, settlement, or final disposition of a nonprobate asset under this title. (3) The provisions of this chapter apply to disputes arising in connection with estates of incapacitated persons unless otherwise covered by chapters 11.88 and 11.92 RCW. The provisions of this chapter shall not supersede the otherwise applicable provisions and procedures of chapter 11.24, 11.28, 11.40, ~~((41-52,))~~ 11.42, 11.56, or 11.60 RCW with respect to any rights or legal obligations that are subject to those chapters. (4) For the purposes of this section, "a person with an interest in or right respecting the administration, settlement, or disposition of an interest in a trust or in the estate of an incapacitated, missing, or deceased person" includes but is not limited to: (a) The trustor if living, trustee, beneficiary, or creditor of a trust and, for a charitable trust, the attorney general if acting within the powers granted under RCW 11.110.120; (b) The personal representative, heir, devisee, legatee, and creditor of an estate; (c) The guardian, guardian ad litem, and ward of a guardianship, and a creditor of an estate subject to a guardianship; and (d) Any other person with standing to sue with respect to any of the matters for which judicial proceedings are authorized in subsection (1) of this section. (5) For the purposes of this section, "any person with an interest in or right respecting the administration of a nonprobate asset under this title" includes but is not limited to: (a) The notice agent, the resident agent, or a qualified person, as those terms are defined in chapter 11.42 RCW; (b) The recipient of the nonprobate asset with respect to any matter arising under this title; (c) Any other person with standing to sue with respect to any matter for which judicial proceedings are authorized in subsection (2) of this section; and (d) The legal representatives of any of the persons named in this subsection. **Sec. 78.** RCW 11.104.010 and 1985 c 30 s 84 are each amended to read as follows: As used in this chapter: (1) "Income beneficiary" means the person to whom income is presently payable or for whom it is accumulated for distribution as income; (2) Except as provided in RCW 11.104.110, "inventory value" means the cost of property purchased by the trustee and the cost or adjusted basis for federal income tax purposes of other property at the time it became subject to the trust, but in the case of a trust asset that is included on any death tax return the trustee may, but need not, use the value finally determined for the purposes of the federal estate tax if applicable, otherwise for another estate or inheritance tax; (3) "Remainderman" means the person entitled to principal, including income which has been accumulated and added to principal. **NEW SECTION. Sec. 79.** A new section is added to chapter 11.104 RCW to read as follows: (1) Notwithstanding any contrary provision of this chapter, if the trust instrument adopts this section by specific reference, an increase in the value of the following investments, over the value of the investments at the time of acquisition by the trust, is distributable as income when it becomes available for distribution: (a) A zero coupon bond; (b) An annuity contract before annuitization; (c) A life insurance contract before the death of the insured; (d) An interest in a common trust fund as defined in section 584 of the Internal Revenue Code; (e) An interest in a partnership as defined in section 7701 of the Internal Revenue Code; or (f) Any other obligation for the payment of money that is payable at a future time in accordance with a fixed, variable, or discretionary schedule of appreciation in excess of the price at which it was issued. (2) The increase in value of the investments described in subsection (1) of this section is allocable to the beneficiary who is the beneficiary to whom income may be distributed at the time when the trustee receives cash on account of the investment, notwithstanding RCW 11.104.070. (3) For purposes of this section, the increase in value of an investment described in subsection (1) of this section is available for distribution only when the trustee receives cash on account of the investment. **Sec. 80.** RCW 11.104.110 and 1971 c 74 s 11 are each amended to read as follows: ~~((Except as provided in RCW 11.104.090 and 11.104.100, if the principal consists of property subject to depletion, including leaseholds, patents, copyrights, royalty rights, and rights to receive payments on a contract for deferred compensation, receipts from the property, not in excess of five percent per year of its inventory value, are income, and the balance is principal.))~~ (1) Subject to subsection (3) of this section, if the principal of a trust includes a deferred payment right including the right to receive deferred compensation, the proceeds of the right or the amount of deferred compensation, on receipt, are income to the extent determinable without reference to this section, or if not so determinable, are income up to five percent of the inventory value of the right or amount, determined separately for each year in which the right or amount is subject to the trust. The remainder of the proceeds or amount is principal. If not otherwise determinable, the allocation to income is computed in the same manner in which interest under a loan of the initial inventory amount would be computed, at five percent interest compounded

annually, as if annual payments were made by the borrower to the lender. (2) If income is determined under this section, for the first year, inventory value is determined as provided by this chapter or by this section for deferred compensation. For each year after the first year, the inventory value is: (a) Reduced to the extent that the proceeds of the right or amount received during the preceding year were allocated to principal; and (b) Increased to the extent that the proceeds received during the preceding year were less than five percent of the inventory value of that year. (3) While the deferred payment right is under administration in a decedent's estate, income and principal are determined by using the fiscal year of the estate and ending on the date the trust is funded with the right. After the administration of the estate, the fiscal year of the trust is used. The five percent allocation to income is prorated for any year that is less than twelve months. (4) The proceeds of a deferred payment right include all receipts relating to the right, whether or not the receipts are periodic. After the proceeds are received by the trustee and allocated in accordance with this section, this section does not apply to the proceeds except to the extent the proceeds include a continuing deferred payment right or right to receive deferred compensation. (5) In this section: (a) "Deferred compensation" means an amount receivable under an arrangement for the payment of compensation in a year after the year in which the compensation was earned, whether the obligation to pay is funded or unfunded and includes the right to payment: (i) Of benefits under a nonqualified plan of deferred compensation or similar arrangement or agreement; or (ii) Of benefits under an employee benefit plan as defined in this section; (b) "Deferred payment right" means a depletable asset, other than natural resources governed by RCW 11.104.090 or timber governed by RCW 11.104.100, consisting of the right to property under a contract, account, or other arrangement that is payable not earlier than twelve months after the date the right becomes subject to the trust. A deferred payment right includes the right to receive a periodic, annuity, installment, or single-sum future payment: (i) Under a leasehold, patent, copyright, or royalty; (ii) Of income in respect of a decedent under section 691 of the Internal Revenue Code of 1986; or (iii) Of death benefits; (c) "Employee benefit plan" means any of the following, whether funded by a trust, custodian account, annuity, or retirement bond: (i) A plan, individual retirement account, or deferred compensation plan or arrangement that is described in RCW 49.64.020, section 401(a), 403(a), 403(b), 408, or 457 of the Internal Revenue Code of 1986, as amended, or in section 409 of the Internal Revenue Code in effect before January 1, 1984; or (ii) An employee benefit plan established or maintained by: (A) The government of the United States; (B) The state of Washington; (C) A state or territory of the United States; (D) The District of Columbia; or (E) A political subdivision, agency, or instrumentality of the entities in (c)(ii)(A) through (D) of this subsection; and (d) "Year" means the fiscal year of the estate or trust for federal income tax purposes. (6) The deferred compensation payable consisting of the account balance or accrued benefit as of the date of death of the owner of such amount receivable or, if elected, the alternate valuation date for federal estate tax purposes, shall be the inventory value of the deferred compensation as used in this chapter as of that date. **Sec. 81.** RCW 11.108.010 and 1993 c 73 s 2 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) The term "pecuniary bequest" means a gift in a governing instrument which either is expressly stated as a fixed dollar amount or is a gift of a dollar amount determinable by the governing instrument, and a gift expressed in terms of a "sum" or an "amount," unless the context dictates otherwise, is a gift of a dollar amount. (2) As the context might require, the term "marital deduction" means either the federal estate tax deduction or the federal gift tax deduction allowed for transfers to spouses under the Internal Revenue Code. (3) The term "maximum marital deduction" means the maximum amount qualifying for the marital deduction. (4) The term "marital deduction gift" means a gift intended to qualify for the marital deduction as indicated by a preponderance of the evidence including the governing instrument and extrinsic evidence whether or not the governing instrument is found to be ambiguous. (5) The term "governing instrument" includes ((a)), but is not limited to: Will and codicils((-)); ((irrevocable, and)) revocable trusts and amendments or addenda to revocable trusts; irrevocable trusts; beneficiary designations under life insurance policies, annuities, employee benefit plans, and individual retirement accounts; payable-on-death, trust, or joint with right of survivorship bank or brokerage accounts; transfer on death designations or transfer on death or pay on death securities; and documents exercising powers of appointment. (6) The term "fiduciary" means trustee or personal representative. Reference to a fiduciary in the singular includes the plural where the context requires. (7) The term "gift" refers to all legacies, devises, and bequests made in a governing instrument. (8) The term "transferor" means the testator, grantor, or other person making a gift. (9) The term "spouse" includes the transferor's surviving spouse in the case of a deceased transferor. **Sec. 82.** RCW 11.108.020 and 1993 c 73 s 3 are each amended to read as follows: (1) If a governing instrument contains a marital deduction gift, the governing instrument shall be construed to comply with the marital deduction provisions of the Internal Revenue Code in every respect. (2) If a governing instrument contains a marital deduction gift, ((the governing instrument, including any power, duty, or discretionary authority given to the fiduciary, shall be construed to comply with the marital deduction provisions of the Internal Revenue Code in order to conform to that intent. Whether the governing instrument contains a marital deduction gift depends upon the intent of the testator, grantor, or other transferor at the time the governing instrument is executed. If the testator, grantor, or other transferor has adequately evidenced an intention to make a marital deduction gift, the fiduciary shall not take any action or have any power that may impair that deduction, but this does not require the fiduciary to make the election under section 2056(b)(7) of the Internal Revenue Code that is referred to in RCW 11.108.025)) any fiduciary operating under the governing instrument has all the powers, duties, and discretionary authority necessary to comply with the marital deduction provisions of the Internal Revenue Code. The fiduciary shall not take any action or have any power that may impair that deduction, but this does not require the fiduciary to make the elections under either section 2056(b)(7) or 2523(f) of the Internal Revenue Code that is referred to in RCW 11.108.025. **Sec. 83.** RCW 11.108.025 and 1993 c 73 s 4 are each amended to read as follows: Unless a governing instrument directs to the contrary: (1) The fiduciary shall have the power to make elections, in whole or in part, to qualify property for the marital deduction as qualified terminable interest property under section 2056(b)(7) or 2523(f) of the Internal Revenue Code or, if the surviving spouse is not a citizen of the United States, under section 2056A of the Internal Revenue Code. Further, the fiduciary shall have the power to make generation-skipping transfer tax allocations under section 2632 of the Internal Revenue Code. (2) The fiduciary making an election under section 2056(b)(7), 2523(f), or 2056A of the Internal Revenue Code or making an allocation under section 2632 of the Internal Revenue Code may benefit personally from the election or allocation, with no duty to reimburse any other person interested in the election or allocation. The fiduciary shall have no duty to make any equitable adjustment and shall have no duty to treat interested persons impartially in respect of the election or allocation. (3) The fiduciary of a trust, if an election is made under section 2056(b)(7), 2523(f), or 2056A of the Internal Revenue Code, if an allocation is made under section 2632 of the Internal Revenue Code, or if division of a trust is of



benefit to the persons interested in the trust, may divide the trust into two or more separate trusts, of equal or unequal value, ~~((provided that))~~ if: (a) The terms of the separate trusts which result are substantially identical to the terms of the trust before division ~~((, and provided further,));~~ (b) In the case of a trust otherwise qualifying for the marital deduction under the Internal Revenue Code, ~~((that))~~ the division shall not prevent a separate trust for which the election is made from qualifying for the marital deduction; and (c) The allocation of assets shall be based upon the fair market value of the assets at the time of the division. **Sec. 84.** RCW 11.108.050 and 1993 c 73 s 5 are each amended to read as follows: ~~((H))~~ If a governing instrument ~~((indicates the testator's intention to make))~~ contains a marital deduction gift in trust, then in addition to the other provisions of this ~~((section))~~ chapter, each of the following ~~((also))~~ applies to the trust ~~((; provided, however, that such provisions shall not apply to any trust which provides for the entire then remaining trust estate to be paid on the termination of the income interest to the estate of the spouse of the trust's creator, or to a charitable beneficiary, contributions to which are tax deductible for federal income tax purposes: (a) The only income beneficiary of a marital deduction trust is the testator's surviving spouse; (b) The income beneficiary is entitled to all of the trust income until the trust terminates; (c) The trust income is payable to the income beneficiary not less frequently than annually; and (d) Except in the case of a marital deduction gift in trust, described in subsection (2) of this section, or property that has or would otherwise have qualified for the marital deduction only as the result of an election under section 2056(b)(7) of the Internal Revenue Code, upon termination of the trust, all of the remaining trust assets, including accrued or undistributed income, pass either to the income beneficiary or under the exercise of a general power of appointment granted to the income beneficiary in favor of the income beneficiary's estate or to any other person or entity in trust or outright. The general power of appointment is exercisable by the income beneficiary alone and in all events. (2) If a governing instrument indicates the testator's intention to make a marital deduction gift in trust and the surviving spouse is not a citizen of the United States, subsection (1)(a), (b), and (c) of this section and each of the following shall apply to the trust: (a) At least one trustee of the trust shall be an individual citizen of the United States or a domestic corporation, and no distribution, other than a distribution of income, may be made from the trust unless a trustee who is an individual citizen of the United States or a domestic corporation has the right to withhold from the distribution the tax imposed under section 2056A of the Internal Revenue Code on the distribution; (b) The trust shall meet such requirements as the secretary of the treasury of the United States may by regulations prescribe to ensure collection of estate tax, under section 2056A(b) of the Internal Revenue Code; and (c) (a) and (b) of this subsection shall no longer apply to the trust if the surviving spouse becomes a citizen of the United States and (i) the surviving spouse is a resident of the United States at all times after the testator's death and before becoming a citizen, or (ii) no tax has been imposed on the trust under section 2056A(b)(1)(A) of the Internal Revenue Code before the surviving spouse becomes a citizen, or (iii) the surviving spouse makes an election under section 2056A(b)(12)(C) of the Internal Revenue Code regarding tax imposed on distributions from the trust before becoming a citizen. (3) The exercise of the general power of appointment provided in this section shall be done only by the income beneficiary in the manner provided by RCW 11.95.060)) to the extent necessary to qualify the gift for the marital deduction: (1) If the transferor's spouse is a citizen of the United States at the time of the transfer: (a) The transferor's spouse is entitled to all of the income from the trust, payable annually or at more frequent intervals, during the spouse's life; (b) During the life of the transferor's spouse, a person may not appoint or distribute any part of the trust property to a person other than the transferor's spouse; (c) The transferor's spouse may compel the trustee of the trust to make any unproductive property of the trust productive, or to convert the unproductive property into productive property, within a reasonable time; and (d) The transferor's spouse may, alone and in all events, dispose of all of the trust property, including accrued or undistributed income, remaining after the spouse's death under a testamentary general power of appointment, as defined in section 2041 of the Internal Revenue Code. However, this subsection (1)(d) does not apply to: (i) A marital deduction gift in trust which is described in subsection (2) of this section; (ii) that portion of a marital deduction gift in trust that has qualified for the marital deduction as a result of an election under section 2056(b)(7) or 2523(f) of the Internal Revenue Code; and (iii) that portion of marital deduction gift in trust that would have qualified for the marital deduction but for the fiduciary's decision not to make the election under section 2056(b)(7) or 2523(f) of the Internal Revenue Code; (2) If the transferor's spouse is not a citizen of the United States at the time of the transfer, then to the extent necessary to qualify the gift for the marital deduction, subsection (1)(a), (b), and (c) of this section and each of the following applies to the trust: (a) At least one trustee of the trust must be an individual citizen of the United States or a domestic corporation, and a distribution, other than a distribution of income, may not be made from the trust unless a trustee who is an individual citizen of the United States or a domestic corporation has the right to withhold from the distribution the tax imposed under section 2056A of the Internal Revenue Code on the distribution; (b) The trust must meet such requirements as the secretary of the treasury of the United States by regulations prescribes to ensure collection of estate tax, under section 2056A(b) of the Internal Revenue Code; and (c) Subsection (2)(a) and (b) of this section no longer apply to the trust if the transferor's spouse becomes a citizen of the United States and: (i) The transferor's spouse was a resident of the United States at all times after the transferor's death and before becoming a citizen; (ii) tax has not been imposed on the trust under section 2056A(b)(1)(A) of the Internal Revenue Code before the transferor's spouse becomes a citizen; or (iii) the transferor's spouse makes an election under section 2056A(b)(12)(C) of the Internal Revenue Code regarding tax imposed on distributions from the trust before becoming a citizen; and (3) Subsection (1) of this section does not apply to: (a) A trust: (i) That provides for a life estate or term of years for the exclusive benefit of the transferor's spouse, with the remainder payable to the such spouse's estate; or (ii) created exclusively for the benefit of the estate of the transferor's spouse; and (b) An interest of the transferor's spouse in a charitable remainder annuity trust or charitable remainder unitrust described in section 664 of the Internal Revenue Code, if the transferor's spouse is the only noncharitable beneficiary. **Sec. 85.** RCW 11.28.237 and 1994 c 221 s 24 are each amended to read as follows: (1) Within twenty days after appointment, the personal representative of the estate of a decedent shall cause written notice of his or her appointment and the pendency of said probate proceedings, to be served personally or by mail to each heir, legatee and devisee of the estate and each beneficiary or transferee of a nonprobate asset of the decedent whose names and addresses are known to him or her, and proof of such mailing or service shall be made by affidavit and filed in the cause. (2) If the personal representative does not otherwise give notice to creditors under chapter 11.40 RCW within thirty days after appointment, the personal representative shall cause written notice of his or her appointment and the pendency of the probate proceedings to be mailed to the state of Washington department of social and health services office of financial recovery, and proof of the mailing shall be made by affidavit and filed in the cause. **Sec. 86.** RCW 11.108.060 and 1989 c 35 s 1 are each amended to read as follows: ((If a governing instrument contains a marital deduction gift, whether outright or in~~

trust and whether there is a specific reference to this section, any survivorship requirement expressed in the governing instrument in excess of six months, other than survival by a spouse of a common disaster resulting in the death of the decedent, does not apply to property passing under a marital deduction gift, and in addition, is limited to a six-month period beginning with the testator's death.) For an estate that exceeds the amount exempt from tax by virtue of the unified credit under section 2010 of the Internal Revenue Code, if taking into account applicable adjusted taxable gifts as defined in section 2001(b) of the Internal Revenue Code, any marital deduction gift that is conditioned upon the transferor's spouse surviving the transferor for a period of more than six months, is governed by the following: (1) A survivorship requirement expressed in the governing instrument in excess of six months, other than survival by a spouse of a common disaster resulting in the death of the transferor, does not apply to property passing under the marital deduction gift, and for the gift, the survivorship requirement is limited to a six-month period beginning with the transferor's death. (2) The property that is the subject of the marital deduction gift must be held in a trust meeting the requirements of section 2056(b)(7) of the Internal Revenue Code the corpus of which must: (a) Pass as though the spouse failed to survive the transferor if the spouse, in fact, fails to survive the term specified in the governing instrument; and (b) pass to the spouse under the terms of the governing instrument if the spouse, in fact, survives the term specified in the governing instrument. **NEW SECTION. Sec. 87.** The following acts or parts of acts are each repealed: (1) RCW 11.40.011 and 1989 c 333 s 2, 1983 c 201 s 1, & 1967 ex.s. c 106 s 3; (2) RCW 11.40.012 and 1989 c 333 s 3; (3) RCW 11.40.013 and 1994 c 221 s 26 & 1989 c 333 s 4; (4) RCW 11.40.014 and 1989 c 333 s 5; (5) RCW 11.40.015 and 1994 c 221 s 27 & 1989 c 333 s 6; (6) RCW 11.42.160 and 1994 c 221 s 46; (7) RCW 11.42.170 and 1994 c 221 s 47; (8) RCW 11.42.180 and 1994 c 221 s 48; (9) RCW 11.44.066 and 1990 c 180 s 1 & 1974 ex.s. c 117 s 49; (10) RCW 11.52.010 and 1987 c 442 s 1116, 1984 c 260 s 17, 1974 ex.s. c 117 s 7, 1971 ex.s. c 12 s 2, 1967 c 168 s 12, & 1965 c 145 s 11.52.010; (11) RCW 11.52.012 and 1985 c 194 s 1, 1984 c 260 s 18, 1977 ex.s. c 234 s 9, 1974 ex.s. c 117 s 8, & 1965 c 145 s 11.52.012; (12) RCW 11.52.014 and 1965 c 145 s 11.52.014; (13) RCW 11.52.016 and 1988 c 202 s 18, 1972 ex.s. c 80 s 1, & 1965 c 145 s 11.52.016; (14) RCW 11.52.020 and 1985 c 194 s 2, 1984 c 260 s 19, 1974 ex.s. c 117 s 9, 1971 ex.s. c 12 s 3, 1967 c 168 s 13, & 1965 c 145 s 11.52.020; (15) RCW 11.52.022 and 1985 c 194 s 3, 1984 c 260 s 20, 1977 ex.s. c 234 s 10, 1974 ex.s. c 117 s 10, 1971 ex.s. c 12 s 4, & 1965 c 145 s 11.52.022; (16) RCW 11.52.024 and 1972 ex.s. c 80 s 2 & 1965 c 145 s 11.52.024; (17) RCW 11.52.030 and 1965 c 145 s 11.52.030; (18) RCW 11.52.040 and 1965 c 145 s 11.52.040; (19) RCW 11.52.050 and 1967 c 168 s 14; (20) RCW 11.68.010 and 1994 c 221 s 50, 1977 ex.s. c 234 s 18, 1974 ex.s. c 117 s 13, 1969 c 19 s 1, & 1965 c 145 s 11.68.010; (21) RCW 11.68.020 and 1974 ex.s. c 117 s 14 & 1965 c 145 s 11.68.020; (22) RCW 11.68.030 and 1977 ex.s. c 234 s 19, 1974 ex.s. c 117 s 15, & 1965 c 145 s 11.68.030; and (23) RCW 11.68.040 and 1977 ex.s. c 234 s 20, 1974 ex.s. c 117 s 16, & 1965 c 145 s 11.68.040. **NEW SECTION. Sec. 88.** Sections 48 through 57 of this act constitute a new chapter in Title 11 RCW. **NEW SECTION. Sec. 89.** Sections 1 through 73 of this act apply to estates of decedents dying after December 31, 1997." On page 1, line 1 of the title, after "probate;" strike the remainder of the title and insert "amending RCW 11.02.005, 11.07.010, 11.18.200, 11.28.240, 11.28.270, 11.28.280, 11.40.010, 11.40.020, 11.40.030, 11.40.040, 11.40.060, 11.40.070, 11.40.080, 11.40.090, 11.40.100, 11.40.110, 11.40.120, 11.40.130, 11.40.140, 11.40.150, 11.42.010, 11.42.020, 11.42.030, 11.42.040, 11.42.050, 11.42.060, 11.42.070, 11.42.080, 11.42.090, 11.42.100, 11.42.110, 11.42.120, 11.42.130, 11.42.140, 11.42.150, 11.44.015, 11.44.025, 11.44.035, 11.44.050, 11.44.070, 11.44.085, 11.44.090, 11.48.130, 11.68.050, 11.68.060, 11.68.080, 11.68.090, 11.68.110, 11.76.080, 11.76.095, 11.86.041, 11.95.140, 11.98.070, 11.98.240, 11.96.070, 11.104.010, 11.104.110, 11.108.010, 11.108.020, 11.108.025, 11.108.050, 11.28.237, and 11.108.060; adding new sections to chapter 11.40 RCW; adding new sections to chapter 11.42 RCW; adding new sections to chapter 11.68 RCW; adding a new section to chapter 11.104 RCW; adding a new chapter to Title 11 RCW; creating a new section; and repealing RCW 11.40.011, 11.40.012, 11.40.013, 11.40.014, 11.40.015, 11.42.160, 11.42.170, 11.42.180, 11.44.066, 11.52.010, 11.52.012, 11.52.014, 11.52.016, 11.52.020, 11.52.022, 11.52.024, 11.52.030, 11.52.040, 11.52.050, 11.68.010, 11.68.020, 11.68.030, and 11.68.040.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Roach moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5110.  
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Roach to concur in the House amendments to Substitute Senate Bill No. 5110.

The motion by Senator Roach carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5110.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5110, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Heavey, Loveland and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5110, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

## MOTION

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

### SENATE RESOLUTION 1997-8666

By Senators Wood, Winsley, Swecker, Prince, Deccio, Oke, McDonald, Strannigan, Patterson, Snyder, Spanel, Loveland, Heavey, Thibaudeau, Fairley, Sellar, Newhouse, Rossi, Finkbeiner, Benton, Hochstatter, Johnson, McAuliffe, Hargrove, Fraser, Sheldon, Franklin, Morton, Rasmussen, Jacobsen, Kline, Wojahn and Kohl

WHEREAS, Washington's 1993 School Improvement Act (Chapter 336, Laws of 1993) established higher academic standards for Washington State students; and

WHEREAS, In a society increasingly dependent on information and the ability to understand and use that information, a critical component of education is equitable and universal access to technology, media, and information resources; and

WHEREAS, The Washington State Legislature passed legislation in 1996, to establish a state-wide K-20 telecommunications network to provide that access; and

WHEREAS, K-12 educators in Washington State now have access to powerful tools that can dramatically enhance student learning when used effectively and thoughtfully within curricula; and

WHEREAS, Educational technology is an essential tool to all students' achievement of higher academic standards, including the basic skills of reading, writing, mathematics, and communications; and

WHEREAS, Networked technology will enhance the communication, sharing of ideas, skill building, and collaboration between students, teachers, administrators, parents, policymakers, and community leaders in the pursuit of learning; and

WHEREAS, The practical use of computers and the Internet is a required skill for anyone to live, learn, and work in today's and tomorrow's society;

WHEREAS, 1997 was proclaimed as The Year of the Reader, which has focused the attention of Washington citizens on the foundation skill for all learning;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington proclaim 1998 as The Year of Learning Through Technology in Washington State, the purpose of which is:

(1) To acknowledge the completion of the first phase of Washington's telecommunications network, the first of its kind in our nation, and to declare our commitment of bringing the educational promise of this network to fruition;

(2) To continue the focus on high academic standards in Washington schools;

(3) To ensure equitable access to the learning opportunities provided by the state-wide K-20 telecommunications network;

(4) To identify, implement, highlight, and share the best applications of educational technology to the learning environment; and

(5) To enhance learning and raise the academic achievement of all students in Washington State.

Senators Wood, Hochstatter and Kohl spoke to Senate Resolution 1997-8666.

### INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore welcomed and introduced Terry Bergerson, Superintendent of Public Instruction for the state of Washington, who was seated in the gallery.

## MOTION

On motion of Senator Johnson, the Senate reverted to the fifth order of business.

### INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2069 by Committee on appropriations (originally sponsored by Representatives Wensman, Cole, Bush, H. Sommers, Benson, D. Schmidt, L. Thomas, Dyer, B. Thomas, Reams, Doumit, Ballasiotes, Alexander, Hatfield, Lantz, Sullivan, Thompson, Kessler and Butler)

Changing school levy provisions.

Referred to Committee on Education.

## MOTION

At 3:29 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:24 p.m. by President Pro Tempore Newhouse.

## MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 19, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

April 19, 1997

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 19, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1008,  
HOUSE BILL NO. 1019,  
SUBSTITUTE HOUSE BILL NO. 1022,  
SUBSTITUTE HOUSE BILL NO. 1033,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1235,  
SUBSTITUTE HOUSE BILL NO. 1257,  
SUBSTITUTE HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1272,  
SUBSTITUTE HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1325,  
HOUSE BILL NO. 1353,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018.

MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5144 with the following amendment(s):  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 6.36.035 and 1994 c 185 s 7 are each amended to read as follows: (1) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's lawyer shall make and file with the clerk of court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor. (2) Promptly upon the filing of the foreign judgment and the affidavit, the ~~((clerk))~~ judgment creditor shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given ~~((and shall make a note of the mailing in the docket))~~. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer if any in this state. In addition, the judgment creditor ~~((may mail a notice of the filing of the judgment to the judgment debtor and may))~~ shall file proof of mailing with the clerk. ~~((Lack of notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.))~~ (3)(a) No execution or other process for enforcement of a foreign judgment filed in the office of the clerk of a superior court shall ~~((issue until ten days after the date the judgment is filed, or))~~ be allowed until ten days after ~~((mailing the notice of filing, whether mailed by the clerk or))~~ the proof of mailing has been filed with the clerk by the judgment creditor ~~((, whichever is later))~~. (b) No execution or other process for enforcement of a foreign judgment filed in the office of the clerk of a district court shall ~~((issue until fourteen days after the date the judgment is filed, or))~~ be allowed until fourteen days after ~~((mailing the notice of filing, whether mailed by the clerk or))~~ the proof of mailing has been filed with the clerk by the judgment creditor ~~((, whichever is later))~~. **Sec. 2.** RCW 4.64.120 and 1987 c 442 s 1111 and 1987 c 202 s 119 are each reenacted and amended to read as follows: It shall be the duty of the county clerk to enter in the execution docket any duly certified transcript of a judgment of a district court of this state and any duly certified abstract of any judgment of any court mentioned in RCW 4.56.200, filed in the county clerk's office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he or she is clerk. Jurisdiction over the judgment, including modification to or vacation of the original judgment, transfers to the superior court. The superior court may, in its discretion, remand the cause to district court for determination of any motion to vacate or modify the original judgment. **Sec. 3.** RCW 7.68.290 and 1987 c 281 s 2 are each amended to read as follows: If a defendant has paid restitution pursuant to court order

under RCW 9.92.060, 9.94A.140, 9.94A.142, 9.95.210, or 9A.20.030 and the victim entitled to restitution cannot be found or has died, the clerk of the court shall deposit with the county treasurer the amount of restitution unable to be paid to the victim. The county treasurer shall monthly transmit the money to the state treasurer for deposit as provided in RCW 43.08.250. Moneys deposited under this section shall be used to compensate victims of crimes through the crime victims compensation fund. **Sec. 4.** RCW 4.56.100 and 1994 c 185 s 1 are each amended to read as follows: (1) When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his or her attorney of record in such action or his or her assignee acknowledged as deeds are acknowledged. The clerk has the authority to note the satisfaction of judgments for criminal and juvenile legal financial obligations when the clerk's record indicates payment in full or as directed by the court. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such satisfaction by him or her may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged. (2) The department of social and health services shall file a satisfaction of judgment for welfare fraud conviction if a person does not pay money through the clerk as required under subsection (1) of this section. (3) The department of corrections shall file a satisfaction of judgment if a person does not pay money through the clerk's office as required under subsection (1) of this section. **Sec. 5.** RCW 4.64.030 and 1995 c 149 s 1 are each amended to read as follows: The clerk shall enter all judgments in the execution docket, subject to the direction of the court and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action. On the first page of each judgment which provides for the payment of money, including judgments in rem, mandates of judgments, and judgments on garnishments, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. ~~((This information is included in the judgment to assist the county clerk in his or her record-keeping function.))~~ The clerk may not ~~((sign or file))~~ enter a judgment, and a judgment does not take effect, until the judgment has a summary in compliance with this section. The clerk is not liable for an incorrect summary. **Sec. 6.** RCW 4.64.060 and 1987 c 442 s 1105 are each amended to read as follows: Every county clerk shall keep in the clerk's office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it. The record must be indexed both directly and inversely, and include all judgments, abstracts, and transcripts of judgments in the clerk's office. The index must refer to each party against whom the judgment is rendered or whose property is affected by the judgment. **Sec. 7.** RCW 5.44.010 and Code 1881 s 430 are each amended to read as follows: The records and proceedings of any court of the United States, or any state or territory, shall be admissible in evidence in all cases in this state when duly ~~((authenticated))~~ certified by the attestation of the clerk, prothonotary or other officer having charge of the records of such court, with the seal of such court annexed. NEW SECTION. **Sec. 8.** RCW 4.64.070 and 1987 c 442 s 1106, 1935 c 22 s 1, & 1929 c 60 s 5 are each repealed." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Johnson moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5144.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Johnson to concur in the House amendment to Substitute Senate Bill No. 5144.

The motion by Senator Johnson carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5144.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5144, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5144, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Finkbeiner and Sellar - 2. Excused: Senator Heavey - 1. SUBSTITUTE SENATE BILL NO. 5144, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5175 with the following amendment(s):

On page 2, line 3, strike "or processed" and insert "~~(or processed)~~" On page 5, beginning on line 4, after "(16)" strike everything through "(17)" on line 8, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 5175 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Morton that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 5175 and asks the House to recede therefrom.

The motion by Senator Morton carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5175 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5253 with the following amendment(s):

On page 1, line 12, after "(3)" insert "(a)" On page 1, line 17, after "older." insert the following: (b) There is no fee for nonresident juveniles under fifteen years of age if the juvenile is fishing with an adult who holds a current game fish license. The total catch limit for the persons using this exemption, both juvenile and adult, shall be limited to the quantity of game fish that is conveyed by the adult license. The license fee for a nonresident juvenile under fifteen years of age is twenty dollars if the juvenile: (i) is not fishing with an adult who holds a current game fish license; or (ii) desires to have a complete catch limit., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Oke, the Senate refuses to concur in the House amendments to Senate Bill No. 5253 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5336 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 19.16.500 and 1982 c 65 s 1 are each amended to read as follows: (1) Agencies, departments, taxing districts, political subdivisions of the state, counties, and incorporated cities may retain, by written contract, collection agencies licensed under this chapter for the purpose of collecting public debts owed by any person. (2) No debt may be assigned to a collection agency unless (a) there has been an attempt to advise the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid, and (b) at least thirty days have elapsed from the time the notice was sent. (3) Collection agencies assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors. (4) For purposes of this section, the term debt shall include fines, fees, penalties, reasonable costs, assessments, and other debts. (5) The reasonable costs involved in the collection of the debts through the use of a collection agency are reasonable costs that may be added to and included in the debt to be paid by the debtor. **Sec. 2.** RCW 39.30.010 and 1970 ex.s. c 42 s 26 are each amended to read as follows: Any city or town or metropolitan park district or county or library district may execute an executory conditional sales contract with a county or counties, the state or any of its political subdivisions, the government of the United States, or any private party for the purchase of any real or personal property, or property rights in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of three-fourths of one percent of the value of the taxable property in such ~~((city or town or metropolitan park district or county or))~~ library district ~~((: PROVIDED, That))~~ or the maximum amount of nonvoter-approved indebtedness authorized in such county, city, town, or metropolitan park district. If such a proposed contract would result in a total indebtedness in excess of ~~((three-fourths of one percent of the value of the taxable property of such city or town or metropolitan park district or county or library district, as the case may be))~~ this amount, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters ~~((: PROVIDED FURTHER, That))~~. Any city or town or metropolitan park district or county or library district may jointly execute contracts authorized by this section, if the entire amount of the purchase price does not result in a joint total indebtedness in excess of ~~((three-fourths of one percent of the value of the taxable property in such))~~ the nonvoter-approved indebtedness limitation of any city ((€)), town ((€)), metropolitan park district ((€)), county, or library district that participates in the jointly executed contract. The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015. **Sec. 3.** RCW 35.27.070 and 1993 c 47 s 2 are each amended to read as follows: The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor, subject to any applicable law, rule, or regulation relating to civil service, and shall not be subject to confirmation by the town council. **Sec. 4.** RCW 35.07.040 and 1965 c 7 s 35.07.040 are each amended to read as follows: ~~((If the applicable census shows a population of less than four thousand,))~~ The council shall cause an election to be called upon the proposition of disincorporation. If the city or town has any indebtedness or outstanding liabilities, it shall order the election of a receiver at the same time. **Sec. 5.** RCW 9.41.050 and 1996 c 295 s 4 are each amended to read as follows: (1)(a) Except in the person's place of abode or fixed place of business, a person shall not carry a

pistol concealed on his or her person without a license to carry a concealed pistol. (b) Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (1)(b) shall be a class 1 civil infraction under chapter ((7-84)) 7.80 RCW and shall be punished accordingly pursuant to chapter ((7-84)) 7.80 RCW and the infraction rules for courts of limited jurisdiction. (2) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle. (3) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle. (4) Except as otherwise provided in this chapter, no person may carry a firearm unless it is unloaded and enclosed in an opaque case or secure wrapper or the person is: (a) Licensed under RCW 9.41.070 to carry a concealed pistol; (b) In attendance at a hunter's safety course or a firearms safety course; (c) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; (d) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (e) Engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area; (f) In an area where the discharge of a firearm is permitted, and is not trespassing; (g) Traveling with any unloaded firearm in the person's possession to or from any activity described in (b), (c), (d), (e), or (f) of this subsection, except as provided in (h) of this subsection; (h) Traveling in a motor vehicle with a firearm, other than a pistol, that is unloaded and locked in the trunk or other compartment of the vehicle, placed in a gun rack, or otherwise secured in place in a vehicle, provided that this subsection (4)(h) does not apply to motor homes if the firearms are not within the driver's compartment of the motor home while the vehicle is in operation. Notwithstanding (a) of this subsection, and subject to federal and state park regulations regarding firearm possession therein, a motor home shall be considered a residence when parked at a recreational park, campground, or other temporary residential setting for the purposes of enforcement of this chapter; (i) On real property under the control of the person or a relative of the person; (j) At his or her residence; (k) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty; (l) Is a law enforcement officer; (m) Carrying a firearm from or to a vehicle for the purpose of taking or removing the firearm to or from a place of business for repair; or (n) An armed private security guard or armed private detective licensed by the department of licensing, while on duty or enroute to and from employment. (5) Violation of any of the prohibitions of subsections (2) through (4) of this section is a misdemeanor. (6) Nothing in this section permits the possession of firearms illegal to possess under state or federal law. (7) Any city, town, or county may enact an ordinance to exempt itself from the prohibition of subsection (4) of this section. **Sec. 6.** RCW 35A.12.010 and 1994 c 223 s 30 are each amended to read as follows: The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members(~~(- PROVIDED, That)~~). A city with a population of less than twenty-five hundred at the time of reclassification as an optional municipal code city may choose to maintain a seven-member council. The decision concerning the number of councilmembers shall be made by the council and be incorporated as a section of the ordinance adopting for the city the classification of noncharter code city. If the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmembers not exceeding eleven. A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040. However, a noncharter code city that has retained its old mayor-council plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government. **NEW SECTION. Sec. 7.** A new section is added to chapter 35.23 RCW to read as follows: No person is eligible to hold an elective office in a second class city unless the person is a resident and registered voter in the city. **Sec. 8.** RCW 35.27.080 and 1965 c 7 s 35.27.080 are each amended to read as follows: No person shall be eligible to or hold an elective office in a town unless he or she is a resident and ~~((elector therein))~~ registered voter in the town. **Sec. 9.** RCW 35.01.020 and 1994 c 81 s 4 are each amended to read as follows: A second class city is a city with a population of ~~((more than))~~ fifteen hundred or more at the time of its organization or reorganization that does not have a charter adopted under Article XI, section 10, of the state Constitution, and does not operate under Title 35A RCW. **Sec. 10.** RCW 35.01.040 and 1994 c 81 s 5 are each amended to read as follows: A town has a population of less than fifteen hundred ~~((or less))~~ at the time of its organization and does not operate under Title 35A RCW. **Sec. 11.** RCW 35.02.130 and 1994 c 154 s 308 are each

amended to read as follows: The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated. During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW. During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20 and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, ~~((35.23.310, 35.24.220))~~ 35.23.221, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated. RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period. The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town. The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation. The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than twelve months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020. In any newly incorporated city that has adopted the council-manager form of government, the term of office of the mayor, during the interim period only, shall be set by the council, and thereafter shall be as provided by law. The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation. **Sec. 12.** RCW 35.22.010 and 1965 c 7 s 35.22.010 are each amended to read as follows: Cities of the first class shall be organized and governed according to the law providing for the government of cities having a population of ~~((twenty))~~ ten thousand or more inhabitants that have adopted a charter in accordance with Article ~~((H))~~ XI, section 10 of the state Constitution. **Sec. 13.** RCW 35.23.051 and 1995 c 134 s 8 are each amended to read as follows: General municipal elections in second class cities ~~((not operating under the commission form of government))~~ shall be held biennially in the odd-numbered years and shall be subject to general election law. The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected. Council positions shall be numbered in each second class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170. In its discretion the council of a second class city may divide the city by ordinance, into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29.70.100. No change in the boundaries of any ward shall be made within one hundred twenty days next



before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmembers so designated shall be elected by the voters resident in such ward, or by general vote of the whole city as may be designated in such ordinance. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. ~~((When))~~ Additional territory that is added to the city ~~((it may))~~ shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office. Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist. **Sec. 14.** RCW 35.33.020 and 1985 c 175 s 4 are each amended to read as follows: The provisions of this chapter apply to all cities of the first class ~~((which))~~ that have a population of less than three hundred thousand, to all cities of the second ~~((and third classes))~~ class, and to all towns, except those cities and towns ~~((which))~~ that have adopted an ordinance under RCW 35.34.040 providing for a biennial budget. **Sec. 15.** RCW 35.34.020 and 1985 c 175 s 5 are each amended to read as follows: This chapter applies to all cities of the first~~((:))~~ and second~~((-and third))~~ classes and to all towns ~~((which)), that~~ have by ordinance adopted this chapter authorizing the adoption of a fiscal biennium budget. **Sec. 16.** RCW 35.86.010 and 1975 1st ex.s. c 221 s 1 are each amended to read as follows: Cities of the first~~((:))~~ and second~~((-and third))~~ classes are authorized to provide off-street parking space and facilities located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities. In addition a city may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120. **Sec. 17.** RCW 35A.06.020 and 1995 c 134 s 11 are each amended to read as follows: The classifications of municipalities ~~((which existed prior to the time this title goes into effect--))~~ as first class cities, second class cities, unclassified cities, and towns~~((--))~~, and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city abandons its old plan of government and reorganizes and adopts a plan of government under chapter 35A.12 or 35A.13 RCW. **NEW SECTION. Sec. 18.** A new section is added to chapter 35.13 RCW to read as follows: A city or town may not annex territory located in a county with a population of less than six hundred sixty thousand in which the city or town is not currently located, if the territory proposed to be annexed is characterized by industrial or commercial development and was designated as all or part of an urban growth area under RCW 36.70A.110 within two years of the effective date of this act as the result of a decision by a growth management hearings board. This section expires July 1, 1999. **NEW SECTION. Sec. 19.** A new section is added to chapter 35A.14 RCW to read as follows: A code city may not annex territory located in a county with a population of less than six hundred sixty thousand in which the city is not currently located, if the territory proposed to be annexed is characterized by industrial or commercial development and was designated as all or part of an urban growth area under RCW 36.70A.110 within two years of the effective date of this act as the result of a decision by a growth management hearings board. This section expires July 1, 1999. **Sec. 20.** RCW 35.13.005 and 1990 1st ex.s. c 17 s 30 are each amended to read as follows: ~~((No))~~ A city or town may not annex territory located in a county in which urban growth areas have been designated under RCW 36.70A.110 ~~((may annex territory))~~ that is located beyond an urban growth area unless the territory is annexed under RCW 35.13.180. **Sec. 21.** RCW 35A.14.005 and 1990 1st ex.s. c 17 s 31 are each amended to read as follows: ~~((No))~~ A code city may not annex territory located in a county in which urban growth areas have been designated under RCW 36.70A.110 ~~((may annex territory))~~ that is located beyond an urban growth area unless the territory is annexed under RCW 35A.14.300. **Sec. 22.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to read as follows: City and town councils ~~((of second class cities and towns))~~ may by a majority vote annex new unincorporated territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes when such territory is owned by the city or town ~~((or all of the owners of the real property in the territory give their written consent to the annexation)).~~ **Sec. 23.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to read as follows: (1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area, except that an area owned by a city or town that was annexed to the city or town under RCW 35.13.180 or 35A.14.300 may be located outside of an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350. (2) Based upon the growth management population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and

counties have discretion in their comprehensive plans to make many choices about accommodating growth. Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services. (3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350. (4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development. (5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter. (6) Each county shall include designations of urban growth areas in its comprehensive plan. NEW SECTION. Sec. 24. RCW 35.21.620 shall be recodified as a section in chapter 35.22 RCW. NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed: (1) RCW 35.07.030 and 1965 c 7 s 35.07.030; (2) RCW 35.17.160 and 1965 c 7 s 35.17.160; (3) RCW 35.23.390 and 1965 c 7 s 35.23.390; (4) RCW 35.23.400 and 1965 c 7 s 35.23.400; (5) RCW 35.21.600 and 1979 c 151 s 27, 1965 ex.s. c 47 s 6, & 1965 c 7 s 35.21.600; (6) RCW 35.21.610 and 1965 ex.s. c 47 s 1; and (7) RCW 35A.61.010 and 1967 ex.s. c 119 s 35A.61.010. NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator McCaslin moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5336. Debate ensued.

#### WITHDRAWAL OF MOTION

On motion of Senator McCaslin, the motion to concur in the House amendment to Substitute Senate Bill No. 5336 was withdrawn.

#### MOTION

On motion of Senator McCaslin, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5336 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5468 with the following amendment(s)

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature declares that it is the policy of this state to promote beekeeping to maintain and enhance the pollination of plants for the production of commercial and noncommercial products. In support of this policy the legislature declares its recognition and support for efforts to enhance and encourage beekeeping operations in urban and rural areas of the state that benefit a wide range of activities such as commercial agriculture, gardening, and pollination of wildlife-supporting plants. It is the intent of the legislature to recognize the keeping of bees for pollination of agricultural products as an agricultural activity to aid in protection of this essential activity from nuisance lawsuits. It is the intent of the legislature in sections 3 and 4 of this act for the apiary advisory committee to provide advice and input to state agencies that own and manage lands regarding the means necessary to enhance the pollination of plants on state-owned lands while furnishing pasture for honey bees. Sec. 2. RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as follows: As used in RCW 7.48.305: (1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; keeping of bees for pollination of agricultural products; employment and use of labor; roadway movement

of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another. (2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products. (3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other agricultural commodities. (4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur. (5) "Forest practice" means "forest practice" as defined in RCW 76.09.020. NEW SECTION. **Sec. 3.** The commissioner of public lands shall confer with the apiary advisory committee established under RCW 15.60.010, for the purpose of implementing the policy under section 1 of this act and exploring the benefits to resources that could result from locating additional pollinating bees on lands managed by the department of natural resources. The discussion shall also include the benefits to beekeepers of making additional pasture for domesticated bees available at a reasonable cost. The department shall report to the legislature by December 1, 1997, on actions taken to implement the policy in section 1 of this act. NEW SECTION. **Sec. 4.** The department of fish and wildlife shall confer with the apiary advisory committee established under RCW 15.60.010, for the purpose of implementing the policy under section 1 of this act and exploring the benefits to resources that could result from locating additional pollinating bees on lands managed by the department of fish and wildlife. The discussion shall also include the benefits to beekeepers of making additional pasture for domesticated bees available at a reasonable cost. The department shall report to the legislature by December 1, 1997, on actions taken to implement the policy in section 1 of this act. **Sec. 5.** RCW 15.60.040 and 1994 c 178 s 4 are each amended to read as follows: ~~((1) There is hereby established a fee on the use, by growers of agricultural crops, of bee pollination services provided by others. This pollination service fee is in the amount of fifty cents for each setting of each hive containing a colony that is used by the grower. The fee shall be paid by the grower using the service, shall be collected by the beekeeper providing the service, and shall be remitted by the beekeeper to the department as provided by rules adopted by the director. All such fees shall be deposited in the industry apiary program account. Revenues from these fees shall be directed to use in providing services to the apiary industry that assist in ensuring the vitality and availability of bees for commercial pollination services for the agricultural industry. (2))~~ There is established an industry apiary program account within the agricultural local fund. All money collected under this chapter including fees for requested services, required inspections, or treatments, and registration fees~~(, and apiary assessments)~~ shall be placed in the industry apiary program account. Money in the account may only be used to carry out the purposes of this chapter. No appropriation is required for disbursement from the industry apiary program account. NEW SECTION. **Sec. 6.** The apiary advisory committee established under RCW 15.60.010 shall, in consultation with the director of agriculture, examine means of offsetting the reduction in revenues to the industry apiary program account resulting from the amendments to RCW 15.60.040 made by section 5 of this act by providing alternative revenues to the account from sources within the apiary industry. Any recommendation of the committee shall be made to the house agriculture and ecology committee and the senate agriculture and environment committee by December 1, 1997, in the form of legislation providing such offsetting revenues. Any alternative source or sources of revenues included in such a recommendation shall be exclusively from sources within the apiary industry and shall not be in the form of state fees imposed upon other segments of the agricultural community.", Correct the title. and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### POINT OF ORDER

Senator Rasmussen: "Mr. President, I raise the question of scope and object on Senate Bill No. 5468. The bill as it left the committee related to the agricultural lands and the DNR lands that bees could be kept upon and what the House did was send over an amendment that related to funding it and it did not go to the Ways and Means Committee and I would raise the scope on that issue. There are a few others I could raise it on , but as our distinguished gentleman, who is chair of the committee, says that he will get stung on this bill. You didn't get stung on it as it left the Senate, but as it is coming back these bees are running out of the hives and we need to control them."

#### MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5468 was deferred.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5511 with the following amendment(s)

On page 3, after line 12, insert the following: "**Sec. 4.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read as follows: For the purpose of and as used in this chapter: (1) "Court" means the superior court of the state of Washington, juvenile department. (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff. (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter. (4) "Institution" means a private or public hospital or any other facility

providing medical diagnosis, treatment or care. (5) "Department" means the state department of social and health services. (6) "Child" or "children" means any person under the age of eighteen years of age. (7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses. (8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution. (9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution. (12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed. An abused child is a child who has been subjected to child abuse or neglect as defined herein. (13) "Child protective services section" shall mean the child protective services section of the department. (14) "Adult dependent persons" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW. (15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person. (16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. (17) "Developmentally disabled person" means a person who has a disability defined in RCW 71A.10.020. (18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect. (19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty. (20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth." (21) "Information determined to be unfounded" means information related to the allegations in a child protective services referral for which there is reasonable cause for the social worker to believe, based on a child protective services investigation, that the allegations are untrue or that sufficient evidence exists to reasonably conclude that the child has not been abused or neglected nor is at risk of abuse or neglect." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Long moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5511 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Long that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5511 and asks the House to recede therefrom.

The motion by Senator Long carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5511 and asks the House to recede therefrom.

#### MOTION

On motion of Senator Goings, Senator Loveland was excused.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5650 with the following amendment(s)

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 35.13A RCW to read as follows: The board of commissioners of a water-sewer district, with fewer than one hundred twenty customers on the effective date of this act, may by resolution declare that it is in the best interests of the district for a city, with a population greater than one hundred thousand on the effective date of this act, to assume jurisdiction of the district. None of the territory or assessed valuation of the district need be included within the corporate boundaries of the city. If the city legislative body agrees to assume jurisdiction of the district, the district and the city shall enter into a contract under RCW 35.13A.070, acceptable to both the district and the city, to carry out the assumption. The contract must provide for the transfer to the city of all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water and sewer lines, and all other facilities and equipment of the district. The transfers are subject to all financial, statutory, or contractual obligations of the district for the security or performance of which the property may have been pledged. The city may manage, control, maintain, and operate the property, facilities, and equipment and fix and collect service and other charges from owners and occupants of properties so served by the city.

However, the actions of the city are subject to any outstanding indebtedness, bonded or otherwise, of the district payable from taxes, assessments, or revenues of any kind or nature and to any other contractual obligations of the district, including but not limited to the contract entered into by the city and the district under RCW 35.13A.070. Under the contract, the city may assume the obligation of paying the district indebtedness and of levying and collecting or causing to be collected the district taxes, assessments, and utility rates and charges of any kind or nature to pay and secure the payment of the indebtedness, according to all terms, conditions, and covenants incident to the indebtedness. The city shall assume and perform all other outstanding contractual obligations of the district in accordance with all of their terms, conditions, and covenants. The assumption does not impair the obligation of any indebtedness or other contractual obligation entered into after the effective date of this act. Until the outstanding indebtedness of the district has been discharged, the territory of the district and the owners and occupants of property in it, continue to be liable for its and their proportionate share of the indebtedness, including outstanding assessments levied by a local improvement district or utility local improvement district within the water-sewer district. The city shall assume the obligation of paying the indebtedness, collecting the assessments and charges, and observing and performing the other district contractual obligations. The legislative body of the city shall act as the officers of the district for the purpose of certifying the amount of any property tax to be levied and collected in the district, and causing service and other charges and assessments to be collected from the property or owners or occupants of it, enforcing the collection, and performing all other acts necessary to insure performance of the district's contractual obligations. When the city assumes the obligation of paying the outstanding indebtedness, and if property taxes or assessments have been levied and service or other charges have accrued for that purpose but have not been collected by the district before the assumption, the taxes, assessments, and charges collected belong and must be paid to the city and used by the city so far as necessary for payment of indebtedness of the district that existed and was unpaid on the date the city elected to assume the indebtedness. Funds received by the city that have been collected for the purpose of paying bonded or other indebtedness of the district must be used for the purpose for which they were collected and for no other purpose. Outstanding indebtedness must be paid as provided in the bond covenants. The city shall use funds of the district on deposit with the county treasurer at the time of title transfer solely for the benefit of the utility, and shall not transfer them to or use them for the benefit of the city's general fund. This section expires December 31, 1998. **Sec. 2.** RCW 35.13A.070 and 1971 ex.s. c 95 s 7 are each amended to read as follows: Notwithstanding any provision of this chapter to the contrary, one or more cities and one or more (~~water districts or sewer~~) districts may, through their legislative authorities, authorize a contract with respect to the rights, powers, duties, and obligation of such cities, or districts with regard to the use and ownership of property, the providing of services, the maintenance and operation of facilities, allocation of cost, financing and construction of new facilities, application and use of assets, disposition of liabilities and debts, the performance of contractual obligations, and any other matters arising out of the inclusion, in whole or in part, of the district or districts within any city or cities, or the assumption by the city of jurisdiction of a district under section 1 of this act. The contract may provide for the furnishing of services by any party thereto and the use of city or district facilities or real estate for such purpose, and may also provide for the time during which such district or districts may continue to exercise any rights, privileges, powers, and functions provided by law for such district or districts as if the district or districts or portions thereof were not included within a city or were not subject to an assumption of jurisdiction under section 1 of this act, including but not by way of limitation, the right to promulgate rules and regulations, to levy and collect special assessments, rates, charges, service charges, and connection fees, (~~and~~) to adopt and carry out the provisions of a comprehensive plan, and amendments thereto, for a system of improvements, and to issue general obligation bonds or revenue bonds in the manner provided by law. The contract may provide for the transfer to a city of district facilities, property, rights, and powers as provided in RCW 35.13A.030 (~~and~~), 35.13A.050, and section 1 of this act, whether or not sixty percent or any of the area or assessed valuation of real estate lying within the district or districts is included within such city. The contract may provide that any party thereto may authorize, issue, and sell revenue bonds to provide funds for new water or sewer improvements or to refund any water revenue, sewer revenue, or combined water and sewer revenue bonds outstanding of any city, or district which is a party to such contract if such refunding is deemed necessary, providing such refunding will not increase interest costs. The contract may provide that any party thereto may authorize and issue, in the manner provided by law, general obligation or revenue bonds of like amounts, terms, conditions, and covenants as the outstanding bonds of any other party to the contract, and such new bonds may be substituted or exchanged for such outstanding bonds (~~(:- PROVIDED, That)~~). However, no such exchange or substitution shall be effected in such a manner as to impair the obligation or security of any such outstanding bonds. **Sec. 3.** RCW 35.13A.080 and 1971 ex.s. c 95 s 8 are each amended to read as follows: In any of the cases provided for in RCW 35.13A.020, 35.13A.030, (~~and~~) 35.13A.050, and section 1 of this act, and notwithstanding any other method of dissolution provided by law, dissolution proceedings may be initiated by either the city or the district, or both, when the legislative body of the city and the governing body of the district agree to, and petition for, dissolution of the district. The petition for dissolution shall be signed by the chief administrative officer of the city and the district, upon authorization of the legislative body of the city and the governing body of the district, respectively and such petition shall be presented to the superior court of the county in which the city is situated. If the petition is thus authorized by both the city and district, and title to the property, facilities, and equipment of the district has passed to the city pursuant to action taken under this chapter, all indebtedness and local improvement district or utility local improvement district assessments of the district have been discharged or assumed by and transferred to the city, and the petition contains a statement of the distribution of assets and liabilities mutually agreed upon by the city and the district and a copy of the agreement between such city and the district is attached thereto, a hearing shall not be required and the court shall, if the interests of all interested parties have been protected, enter an order dissolving the district. In any of the cases provided for in RCW 35.13A.020 (~~and~~), 35.13A.030, and section 1 of this act, if the petition for an order of dissolution is signed on behalf of the city alone or the district alone, or there is no mutual agreement on the distribution of assets and liabilities, the superior court shall enter an order fixing a hearing date not less than sixty days from the day the petition is filed, and the clerk of the court of the county shall give notice of such hearing by publication in a newspaper of general circulation in the district once a week for three successive weeks and by posting in three public places in the district at least twenty-one days before the hearing. The notice shall set forth the filing of the petition, its purposes, and the date and place of hearing thereon. After the hearing the court shall enter its order with respect to the dissolution of the district. If the court finds that such district should be dissolved and the functions performed by the city, the court shall provide for the transfer of assets and liabilities to the city. The court may provide for the dissolution of the district upon such

conditions as the court may deem appropriate. A certified copy of the court order dissolving the district shall be filed with the county auditor. If the court does not dissolve the district, it shall state the reasons for declining to do so. **Sec. 4.** RCW 57.04.050 and 1996 c 230 s 204 are each amended to read as follows: Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and will benefit the land therein, they shall ~~((call))~~ present a resolution to the county auditor calling for a special election ~~((by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election shall be held on a date decided by the commissioners in accordance with RCW 29.13.020))~~ to be held at a date specified under RCW 29.13.020, that occurs forty-five or more days after the resolution is presented, at which a ballot proposition authorizing the district to be created shall be submitted to voters for their approval or rejection. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. ~~((In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:~~

~~..... District YES  ..... District NO~~

~~giving the name of the district as provided in the petition. The proposition to be effective must be))~~ The district shall be created if the ballot proposition authorizing the district to be created is approved by a majority of the voters voting on the proposition. A separate ballot proposition authorizing the district, if created, to impose a single-year excess levy for the preliminary expenses of the district shall be submitted to voters for their approval or rejection at the same special election ~~((a proposition shall be submitted to the voters, for their approval or rejection, authorizing the district, if formed, to impose on all property located in the district a general tax for one year, in excess of the limitations provided by law)), if the petition to create the district also proposed that a ballot proposition authorizing an excess levy be submitted to voters for their approval or rejection. The excess levy shall be proposed in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, ~~((for general preliminary expenses of the district, that proposition to be expressed on the ballots in the following terms:~~~~

~~One year ..... dollars and ..... cents per thousand dollars of assessed value~~

~~tax YES  NO~~

~~Such a ballot proposition))~~ and may only be submitted to voters for their approval or rejection if the special election is held in February, March, April, or May. The proposition to be effective must be approved ~~((by at least three-fifths of the voters voting on the proposition))~~ in the manner set forth in Article VII, section 2(a) of the state Constitution. **Sec. 5.** RCW 57.08.005 and 1996 c 230 s 301 are each amended to read as follows: A district shall have the following powers: (1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer; (2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed; (3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner; (4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners; (5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, other facilities and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater ~~((and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage and treatment of storm or surface waters, public highways, streets, and roads))~~ with full authority to regulate the use and operation thereof and the service rates to be charged. Sewage facilities may include facilities which result in combined sewage disposal ~~((;))~~ or treatment ~~((; or drainage))~~ and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal ~~((;))~~ or treatment ~~((; or drainage))~~. For such purposes a district may conduct sewage throughout the district and throughout other

political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal~~((7))~~ or treatment~~((7))~~ or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners; (6) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and the service rates to be charged. Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners; ~~((7))~~ (7) To construct, condemn, acquire, and own buildings and other necessary district facilities; ~~((7))~~ (8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served; ~~((8))~~ (9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters; ~~((9))~~ (10) To fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property; ~~((10))~~ (11) To contract with individuals, associations and corporations, the state of Washington, and the United States; ~~((11))~~ (12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees; ~~((12))~~ (13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties; ~~((13))~~ (14) To sue and be sued; ~~((14))~~ (15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws; ~~((15))~~ (16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015; ~~((16))~~ (17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW; ~~((17))~~ (18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW; ~~((18))~~ (19) To establish street lighting systems under RCW 57.08.060; ~~((19))~~ (20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and ~~((20))~~ (21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage. **Sec. 6.** RCW 57.08.014 and 1996 c 230 s 304 are each amended to read as follows: In addition to the authority of a district to establish classifications for rates and charges and

impose such rates and charges, a district may adjust or delay those rates and charges for low-income persons or classes of low-income persons, including but not limited to, ~~((pøøø))~~ low-income handicapped persons and ~~((pøøø))~~ low-income senior citizens. Other financial assistance available to low-income persons shall be considered in determining charges and rates under this section. Notification of special rates or charges established under this section shall be provided to all persons served by the district annually and upon initiating service. Information on cost shifts caused by establishment of the special rates or charges shall be included in the notification. Any reduction in charges and rates granted to low-income persons in one part of a service area shall be uniformly extended to low-income persons in all other parts of the service area. **Sec. 7.** RCW 57.08.030 and 1996 c 230 s 307 are each amended to read as follows: (1) Whenever any district shall have installed a distributing system of water mains and laterals, and as a source of supply of water shall be purchasing or intending to purchase water from any city or town, and whenever it appears to be advantageous to the water consumers in the district that such city or town shall take over the water system of the district and supply water to those water users, the commissioners of the district, when authorized as provided in subsection (2) of this section, shall have the right to convey the distributing system to that city or town if that city or town is willing to accept, maintain, and repair the same. (2) Should the commissioners of the district decide that it would be to the advantage of the water consumers of the district to make the conveyance provided for in subsection (1) of this section, they shall cause the proposition of making that conveyance to be submitted to the voters of the district at any general election or at a special election to be called for the purpose of voting on the same. If at the election a majority of the voters voting on the proposition shall be in favor of making the conveyance, the district commissioners shall have the right to convey to the city or town the mains and laterals belonging to the district upon the city or town entering into a contract satisfactory to the commissioners to maintain and repair the same. (3) Whenever a city or town located wholly or in part within a district shall enter into a contract with the commissioners of a district providing that the city or town shall take over all of the operation of the water supply facilities of the district located within its boundaries, the area of the district located within the city or town shall upon the execution of the contract cease to be served by the district for water service purposes. However, the affected land within that city or town shall remain liable for the payment of all assessments, any lien upon the property at the time of the execution of the agreement, and for any lien of all general obligation bonds due at the date of the contract, and the city or town shall remain liable for its fair prorated share of the debt of the area for any revenue bonds, outstanding as of the date of contract. **Sec. 8.** RCW 57.08.044 and 1996 c 230 s 309 are each amended to read as follows: A district may enter into contracts with any county, city, town, or any other municipal or quasi-municipal corporation, or with any private person or corporation, for the acquisition, ownership, use, and operation of any property, facilities, or services, within or without the district, and necessary or desirable to carry out the purposes of the district. A district may provide water, sewer, drainage, or street lighting services to property owners in areas within or without the limits of the district, except that if the area to be served is located within another existing district duly authorized to exercise district powers in that area, then water, sewer, drainage, or street lighting service may not be so provided by contract or otherwise without the consent by resolution of the board of commissioners of that other district. **Sec. 9.** RCW 57.08.047 and 1996 c 230 s 310 are each amended to read as follows: The provision of water ~~((øø))~~, sewer, or drainage service beyond the boundaries of a district may be subject to potential review by a boundary review board under chapter 36.93 RCW. **Sec. 10.** RCW 57.08.050 and 1996 c 230 s 311 and 1996 c 18 s 14 are each reenacted and amended to read as follows: (1) All ~~((work))~~ projects ordered, the estimated cost of which is in excess of ((five)) ten thousand dollars, shall be let by contract. The cost of a project is the aggregate amount to be paid for all labor, materials, supplies, and equipment of a continuous or interrelated project if the work is to be performed simultaneously or in close sequence. All contract projects, the estimated cost of which is less than fifty thousand dollars, may be awarded to a contractor using the small works roster process provided in RCW 39.04.155. The board of commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. All contract projects equal to or in excess of fifty thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once thirteen days before the last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications ~~((which))~~. The work plans and specifications must at the time of publication of such notice be on file in the office of the board of commissioners and be subject to ((the)) public inspection. The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with the bidder's bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting the bidder's own plans and specifications. ~~((However, no contract shall be let in excess of the cost of the materials or work.))~~ The board of commissioners may reject all bids for good cause and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If the contract is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for doing the work, and a bond to perform such work furnished with sureties satisfactory to the board of commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish the bond within ten days from the date at which the bidder is notified that the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the district. If the bidder fails to enter into a contract in accordance with the bidder's bid, and the board of commissioners deems it necessary to take legal action to collect on any bid bond required by this section, then the district shall be entitled to collect from the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. (2) Any purchase of materials, supplies, or equipment, with an estimated cost in excess of ten thousand dollars, shall be by contract. Any purchase of materials, supplies, or equipment, with an estimated cost ~~((of from five))~~ in excess of ten thousand dollars ((tø)) but less than fifty thousand dollars shall be made using the process provided in RCW ((39.04.155)) 39.04.190 or by competitive bidding following the procedure for letting contracts for projects



under subsection (1) of this section. Any purchase of materials, supplies, or equipment with an estimated cost of fifty thousand dollars or more shall be made by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section. (3) In the event of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board of commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board or official acting for the board may waive the requirements of this chapter with reference to any purchase or contract. In addition, these requirements may be waived for purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation. **Sec. 11.** RCW 57.08.081 and 1996 c 230 s 314 are each amended to read as follows: The commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service to those to whom service is available or for providing water, such rates and charges to be fixed as deemed necessary by the commissioners, so that uniform charges will be made for the same class of customer or service. Rates and charges may be combined for the furnishing of more than one type of sewer service or drainage service, such as but not limited to storm or surface water and sanitary sewer service. In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system. The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes. The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of ~~((sixty))~~ thirty days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions. In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of sixty days. **Sec. 12.** RCW 57.08.085 and 1996 c 230 s 315 are each amended to read as follows: Except as otherwise provided in RCW 90.03.525, any public entity and public property, including state of Washington property, shall be subject to rates and charges for ~~((storm water control))~~ drainage facilities to the same extent as private persons and private property are subject to such rates and charges that are imposed by districts pursuant to RCW 57.08.005 or 57.08.081. In setting those rates and charges, consideration may be given to in-kind services, such as stream improvements or donation of property. **Sec. 13.** RCW 57.08.110 and 1996 c 230 s 318 are each amended to read as follows: To improve the organization and operation of districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply ~~((and))~~, sewage treatment and disposal, and drainage collection, treatment, and disposal in their respective districts. The commissioners of districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. District commissioners and employees are authorized to attend meetings of the association. The expenses of an association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association. However, the aggregate contributions made to an association by a district in any calendar year shall not exceed the amount that would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such an association shall be subject to audit by the state auditor. **Sec. 14.** RCW 57.08.180 and 1996 c 230 s 322 are each amended to read as follows: It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any connection with any sewer, drainage, or water system of any district, or with any sewer, drainage, or water system which is connected directly or indirectly with any sewer, drainage, or water system of any district without having permission from the district. **Sec. 15.** RCW 57.16.060 and 1996 c 230 s 602 are each amended to read as follows: Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to an original general comprehensive plan previously adopted may be initiated either by resolution of the board of commissioners or by petition signed by the owners according to the records of the office of the applicable county auditor of at least fifty-one percent of the area of the land within the limits of the improvement district to be created. In case the board of commissioners desires to initiate the formation of an improvement district by resolution, it first shall pass a resolution declaring its intention to order the improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed improvement district, and fixing a date, time, and place for a public hearing on the formation of the proposed improvement district. In case any such improvement district is initiated by petition, the petition shall set forth the

nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the applicable county auditor of at least fifty-one percent of the area of land within the limits of the improvement district to be created. Upon the filing of such petition the board shall determine whether the petition is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person may withdraw his or her name from the petition after it has been filed with the board of commissioners. If the board finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of the improvement, designating the number of the proposed improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed improvement district, and fixing a date, time, and place for a public hearing on the formation of the proposed improvement district. Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed improvement district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed improvement district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county (~~auditor~~) treasurer of the county in which the real property is located at the address shown thereon. Whenever such notices are mailed, the commissioners shall maintain a list of the reputed property owners, which list shall be kept on file at a location within the district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. The notices also shall set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, and the date, time, and place of the hearing before the board of commissioners. In the case of improvements initiated by resolution, the notice also shall: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of commissioners no later than ten days after the public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed improvement district file written protests with the secretary of the board, the power of the commissioners to proceed with the creation of the proposed improvement district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the district where the names of the property owners within the proposed improvement district are kept available for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land, or other property. **Sec. 16.** RCW 57.16.110 and 1996 c 230 s 610 are each amended to read as follows: Whenever any land against which there has been levied any special assessment by any district shall have been sold in part or (~~subdivided~~) divided, the board of commissioners of the district shall have the power to order a segregation of the assessment. Any person desiring to have a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of commissioners of the district that levied the assessment. If the commissioners determine that a segregation should be made, they shall by resolution order the treasurer of the county in which the real property is located to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract and the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the treasurer of the county in which the real property is located who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to the charge the board of commissioners may require as a condition to the order of segregation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation. **Sec. 17.** RCW 57.20.120 and 1996 c 230 s 714 are each amended to read as follows: A district may contract indebtedness in excess of the amount named in RCW 57.20.110, but not exceeding in amount, together with existing indebtedness, two and one-half percent of the value of the taxable property in that district, as the term "value of the taxable property" is defined in RCW 39.36.015, and impose excess property tax levies to retire the indebtedness whenever (~~three-fifths of the voters voting at the election in such district assent thereto, at which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the district at the last preceding general election~~) a ballot proposition authorizing the indebtedness and excess levies is approved as provided under Article VII, section 2, and Article VIII, section 6, of the state Constitution, at an election to be held in the district in the manner provided by this title and RCW 39.36.050. **Sec. 18.** RCW 57.20.140 and 1996 c 230 s 717 are each amended to read as follows: The treasurer (~~designated under RCW 57.20.135~~) shall create and maintain a separate fund designated as the maintenance fund or general fund of the district into which shall be paid all money received by the treasurer from the collection of taxes other than taxes levied for the payment of general obligation bonds of the district and all revenues of the district other than assessments levied in local improvement districts or utility local improvement districts, and no money shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or upon a resolution of the commissioners ordering a transfer to any other fund of the district. The treasurer also shall maintain such other special funds as may be prescribed by the district, into which shall be placed such money as the board of commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of commissioners. **Sec. 19.** RCW 57.24.040 and 1996 c 230 s 904 are each amended to read as follows: (1) The annexation election shall be held on the date designated in the notice and shall be conducted in accordance with the general election laws of the state. If the original petition for annexation is signed by qualified voters, then only qualified voters at the date of election residing in the territory proposed to be annexed, shall be permitted to vote at the election. (2) If the original petition for annexation is signed by property owners as provided for in this chapter, then no person shall be entitled to vote at that election unless at the time of the filing of the original petition he or she owned land in the district of record and in addition thereto at the date of election shall be a qualified voter of the county in which such district is located. It shall be the duty of the county auditor, upon request of the county legislative authority, to certify the names of all persons owning land in the district at the date of the filing of the original petition as shown by the records of the auditor's office; and at any such election the county auditor may require any such property owner

offering to vote to take an oath that the property owner is a qualified voter of the county before the property owner shall be allowed to vote. However, at any election held under the provisions of this chapter an officer or agent of any corporation having its principal place of business in the county and owning land at the date of filing the original petition in the district duly authorized in writing may cast a vote on behalf of such corporation. When so voting the person shall file with the county auditor such a written instrument of that person's authority. (3) If the majority of the votes cast upon the question of such election shall be for annexation, then the territory concerned shall immediately be and become annexed to such district and the same shall then forthwith be a part of the district, the same as though originally included in that district. **Sec. 20.** RCW 57.24.050 and 1996 c 230 s 905 are each amended to read as follows: All elections held pursuant to this chapter, whether general or special, shall be conducted by the county (~~election board~~) auditor of the county in which the district is located. The expense of all such elections shall be paid for out of the funds of such district. **Sec. 21.** RCW 57.28.050 and 1996 c 230 s 1007 are each amended to read as follows: The petition for withdrawal shall be heard at the time and place specified in such notice or the hearing may be adjourned from time to time, not exceeding one month in all, and any person may appear at such hearing and make objections to the withdrawal of such territory or to the proposed boundary lines thereof. Upon final hearing on the petition for withdrawal, the board of commissioners of the district shall make such changes in the proposed boundary lines as it deems to be proper, except that no changes in the boundary lines shall be made by the board of commissioners to include lands not within the boundaries of the territory as described in such petition. In establishing and defining such boundaries the board of commissioners shall exclude any property which is then being furnished with water (~~(or)~~) sewer, or drainage service by the district or which is included in any distribution or collection system the construction of which is included within any duly established local improvement district or utility local improvement district, and the territory as finally established and defined must be substantial in area and consist of adjoining or contiguous properties. The board of commissioners shall thereupon make and by resolution adopt findings of fact as to the following questions: (1) Would the withdrawal of such territory be of benefit to such territory? (2) Would such withdrawal be conducive to the general welfare of the balance of the district? Such findings shall be entered in the records of the district, together with any recommendations the board of commissioners may by resolution adopt. **Sec. 22.** RCW 57.32.023 and 1996 c 230 s 1106 are each amended to read as follows: If at the election a majority of the voters in each of the consolidating districts vote in favor of the consolidation, ~~the (county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof. Upon the return)~~ consolidation shall be authorized. The consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new district and municipal corporation of the state of Washington, upon the certification of the election results. The name of the new district shall be ". . . . Water-Sewer District," ". . . . Water District," ". . . . Sewer District," or ". . . . District No. . . . .," which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water-sewer, sewer, or water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive plan of water supply, sewer, and drainage services contained in the agreement for consolidation and any future additions and betterments to the comprehensive plan of water supply, sewer, and drainage services, as its board of district commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district. **Sec. 23.** RCW 57.36.040 and 1996 c 230 s 1205 are each amended to read as follows: If at such election a majority of the voters of the merging district or districts shall vote in favor of the merger, ~~the (county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof, and upon such return)~~ merger shall be authorized. The merger shall be effective and the merging district or districts shall cease to exist and shall become a part of the merger district, upon the certification of the election results. The commissioners of the merging district or districts shall hold office as commissioners of the new merged district until their respective terms of office expire or until they resign from office if the resignation is before the expiration of their terms of office. The election of commissioners in the merger district after the merger shall occur as provided in RCW 57.32.130 in a consolidated district after the consolidation. **Sec. 24.** RCW 57.90.010 and 1996 c 230 s 1502 are each amended to read as follows: Water-sewer, ~~(sewer, water-)~~ park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts," which are located wholly or in part within a county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period. **Sec. 25.** RCW 27.12.470 and 1994 c 198 s 2 are each amended to read as follows: A rural partial-county library district may be created in a portion of the unincorporated area of a county as provided in this section if a rural county library district, intercounty rural library district, or island library district has not been created in the county. The procedure to create a rural partial-county library district is initiated by the filing of petitions with the county auditor proposing the creation of the district that have been signed by at least ten percent of the registered voters residing in the area proposed to be included in the rural partial-county library district. The county auditor shall review the petitions and certify the sufficiency or insufficiency of the signatures to the county legislative authority. If the petitions are certified as having sufficient valid signatures, the county legislative authority shall hold a public hearing on the proposed rural partial-county library district, may adjust the boundaries of the proposed district, and may cause a ballot proposition to be submitted to the voters of the proposed rural partial-county library district authorizing its creation if the county legislative authority finds that the creation of the rural partial-county library district is in the public interest. A subsequent public hearing shall be held if additional territory is added to the proposed rural partial-county library district by action of the county legislative authority. The rural partial-county library district shall be created if the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters voting on the proposition. Immediately after creation of the rural partial-county library district the county legislative authority shall appoint a board of library trustees for the district as provided under RCW 27.12.190. Except as provided in this section, a rural partial-county library district is subject to all the provisions of law applicable to a rural county library district and shall have all the powers, duties, and authorities of a rural county library district, including, but not limited to, the authority to impose property taxes, incur debt, and annex a city or town with a population of less than one hundred thousand at the time of the annexation that is located in the same county as the rural partial-county library district. Adjacent unincorporated territory in the county may be annexed to a rural partial-county library district in the same manner as territory is annexed to a water-sewer district, except that an annexation is not subject to potential review by a boundary review board. If, at the time of

creation, a rural partial-county library district has an assessed valuation of less than fifty million dollars, it may provide library services only by contracting for the services through an interlocal agreement with an adjacent library district, or an adjacent city or town that maintains its own library. If the assessed valuation of the rural partial-county library district subsequently reaches fifty million dollars as a result of annexation or appreciation, the fifty million dollar limitation shall not apply. If a ballot proposition is approved creating a rural county library district in the county, every rural partial-county library district in that county shall be dissolved and its assets and liabilities transferred to the rural county library district. Where a rural partial-county library district has annexed a city or town, the voters of the city or town shall be allowed to vote on the proposed creation of a rural county library district and, if created, the rural county library district shall include each city and town that was annexed to the rural partial-county library district. Nothing in this section authorizes the consolidation of a rural partial-county library district with any rural county library district; island library district; city, county, or regional library; intercounty library district; or other rural partial-county library district, unless, in addition to any other requirements imposed by statute, the boards of all library districts involved approve the consolidation. **Sec. 26.** RCW 32.20.070 and 1955 c 13 s 32.20.070 are each amended to read as follows: A mutual savings bank may invest its funds in the valid warrants or bonds of any county, city, town, school district, port district, ~~water-sewer~~ district, or other municipal corporation in the state of Washington issued pursuant to law and for the payment of which the faith and credit of such county, municipality, or district is pledged and taxes are leviable upon all taxable property within its limits. A mutual savings bank may invest its funds in the water revenue, sewer revenue, or electric revenue bonds of any city or public utility district of this state for the payment of which the entire revenue of the city's or district's water system, sewer system, or electric system, less maintenance and operating costs, is irrevocably pledged. **Sec. 27.** RCW 32.20.110 and 1955 c 13 s 32.20.110 are each amended to read as follows: A mutual savings bank may invest its funds in the bonds of any port district, ~~((water district-))~~ sanitary district, ~~water-sewer~~ district, tunnel district, bridge district, flood control district, park district, or highway district in the United States which has a population as shown by the last decennial federal census of not less than one hundred fifty thousand inhabitants, and has taxable real property with an assessed valuation in excess of two hundred million dollars and has power to levy taxes on the taxable real property therein for the payment of the bonds without limitation of rate or amount. **Sec. 28.** RCW 35.13A.010 and 1971 ex.s. c 95 s 1 are each amended to read as follows: Whenever used in this chapter, the following words shall have the following meanings: (1) The word "district" shall mean a ~~water-sewer~~ district ~~((or sewer district as indicated by the context of the section in which used))~~. (2) The word "city" shall mean a city or town of any class and shall also include any code city as defined in chapter 35A.01 RCW. (3) The words "included with" shall mean the inclusion of all or part of the territory of a district, as indicated by the context, within the corporate limits of a city either by incorporation of a city, annexation to a city, consolidation of cities or any combination thereof. (4) The word "indebtedness" shall include general obligation, revenue, and special indebtedness and temporary, emergency, and interim loans. **Sec. 29.** RCW 35.13A.020 and 1971 ex.s. c 95 s 2 are each amended to read as follows: Whenever all of the territory of a ~~((water district or sewer))~~ district is included within the corporate boundaries of a city, and the city legislative body has elected by resolution or ordinance to assume jurisdiction thereof, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water and sewer lines, and all other facilities and equipment of the district shall become the property of such city subject to all financial, statutory, or contractual obligations of the district for the security or performance of which such property may have been pledged. Such city, in addition to its other powers, shall have the power to manage, control, maintain and operate such property, facilities and equipment and to fix and collect service and other charges from owners and occupants of properties so served by the city, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district payable from taxes, assessments or revenues of any kind or nature and to any other contractual obligations of the district. Such city may by resolution of its legislative body, assume the obligation of paying such district indebtedness and of levying and of collecting or causing to be collected such district taxes, assessments and utility rates and charges of any kind or nature to pay and secure the payment of such indebtedness, according to all of the terms, conditions and covenants incident to such indebtedness, and shall assume and perform all other outstanding contractual obligation of the district in accordance with all of its terms, conditions and covenants. No such assumption shall be deemed to impair the obligation of any indebtedness or other contractual obligation entered into after August 9, 1971. During the period until the outstanding indebtedness of the district has been discharged, the territory of the district and the owners and occupants of property therein, shall continue to be liable for its and their proportionate share of such indebtedness, including any outstanding assessments levied within any local improvement district or utility local improvement district thereof. The city shall assume the obligation of causing the payment of such indebtedness, collecting such taxes, assessments and charges and observing and performing the other district contractual obligations. The legislative body of the city shall act as the officers of the district for the purpose of certifying the amount of any property tax to be levied and collected therein, and causing service and other charges and assessments to be collected from such property or owners or occupants thereof, enforcing such collection and performing all other acts necessary to insure performance of the district's contractual obligations in the same manner and by the same means as if the territory of the district had not been included within the boundaries of a city. When a city assumes the obligation of paying the outstanding indebtedness, and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the district prior to such election, the same when collected shall belong and be paid to the city and be used by such city so far as necessary for payment of the indebtedness of the district existing and unpaid on the date such city elects to assume the indebtedness. Any funds received by the city which have been collected for the purpose of paying any bonded or other indebtedness of the district, shall be used for the purpose for which they were collected and for no other purpose. Any outstanding indebtedness shall be paid as provided in the bond covenants. All funds of the district on deposit with the county treasurer at the time of title transfer shall be used by the city solely for the benefit of the utility and shall not be transferred to or used for the benefit of the city's general fund. **Sec. 30.** RCW 35.13A.030 and 1971 ex.s. c 95 s 3 are each amended to read as follows: Whenever a portion of a ~~((water district or sewer))~~ district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property lying within such district, is included within the corporate boundaries of a city, the city may either: (1) Assume by ordinance the full and complete management and control of that portion of the entire district that is contiguous to the city and not included within another city, ((whereupon)) if the district voters of such an area approve a ballot proposition authorizing the assumption requested by the city, submitted to these voters by the board of commissioners of the district. The provisions of RCW 35.13A.020 shall be operative if the city proceeds under this subsection, and any rates that are charged for service

outside of the city shall be reasonable to all parties; or (2) The city may proceed directly under the provisions of RCW 35.13A.050. The city or district may petition to dissolve the district under the provisions of RCW 35.13A.080. **Sec. 31.** RCW 35.13A.040 and 1971 ex.s. c 95 s 4 are each amended to read as follows: Whenever the portion of a (~~water or sewer~~) district included within the corporate boundaries of a city is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the city may elect to proceed under the provisions of RCW 35.13A.050. **Sec. 32.** RCW 35.13A.050 and 1971 ex.s. c 95 s 5 are each amended to read as follows: When electing under RCW 35.13A.030 or 35.13A.040 to proceed under this section, the city may assume, by ordinance, jurisdiction of the district's responsibilities, property, facilities and equipment within the corporate limits of the city (~~(= PROVIDED, That)~~). If on the effective date of such an ordinance the territory of the district included within the city contains any facilities serving or designed to serve any portion of the district outside the corporate limits of the city or if the territory lying within the district and outside the city contains any facilities serving or designed to serve territory included within the city (which facilities are hereafter in this section called the "serving facilities"), the city or district shall for the economically useful life of any such serving facilities make available sufficient capacity therein to serve the sewage, drainage, or water requirements of such territory, to the extent that such facilities were designed to serve such territory at a rate charged to the municipality being served which is reasonable to all parties. In the event a city proceeds under this section, the (~~district may elect upon a favorable vote of a majority of all voters within the district voting upon such propositions to require the~~) city shall be required to assume responsibility for (~~the operation and maintenance of~~) operating and maintaining the district's property, facilities, and equipment throughout that portion of the entire district that is contiguous to the city but not included in any other city, and (~~the~~) the district shall pay the city a charge for such operation and maintenance which is reasonable under all of the circumstances, if the voters of the district who reside in such an area approve a ballot proposition providing for this transfer of responsibility, submitted to the voters by the board of commissioners of the district. A city acquiring property, facilities and equipment under the provisions of this section shall acquire such property, facilities and equipment, and fix and collect service and other charges from owners and occupants of properties served by the city, subject, to any contractual obligations of the district which relate to the property, facilities, or equipment so acquired by the city or which are secured by taxes, assessments or revenues from the territory of the district included within the city. In such cases, the property included within the city and the owners and occupants thereof shall continue to be liable for payment of its and their proportionate share of any outstanding district indebtedness. The district and its officers shall continue to levy taxes and assessments on and to collect service and other charges from such property, or owners or occupants thereof, to enforce such collections, and to perform all other acts necessary to insure performance of the district's contractual obligations in the same manner and by the same means as if the territory of the district had not been included within the boundaries of a city. The city or district may petition to dissolve the district under the provisions of RCW 35.13A.080. **Sec. 33.** RCW 35.13A.060 and 1971 ex.s. c 95 s 6 are each amended to read as follows: Whenever more than one city, in whole or in part, is included within a (~~water district or sewer~~) district, the city which has within its boundaries sixty percent or more of the area of the assessed valuation of the district (in this section referred to as the "principal city") may, with the approval of any other city containing part of such district, assume responsibility for operation and maintenance of the district's property, facilities and equipment within such other city and make and enforce such charges for operation, maintenance and retirement of indebtedness as may be reasonable under all the circumstances. Any other city having less than sixty percent in area or assessed valuation of such district, within its boundaries may install facilities and create local improvement districts or otherwise finance the cost of installation of such facilities and if such facilities have been installed in accordance with reasonable standards fixed by the principal city, such other city may connect such facilities to the utility system of such district operated by the principal city upon providing for payment by the owners or occupants of properties served thereby, of such charges established by the principal city as may be reasonable under the circumstances. **Sec. 34.** RCW 35.13A.090 and 1971 ex.s. c 95 s 9 are each amended to read as follows: Whenever a city acquires all of the facilities of a (~~water district or sewer~~) district, pursuant to this chapter, such a city shall offer to employ every full time employee of the district who is engaged in the operation of such a district's facilities on the date on which such city acquires the district facilities. When a city acquires any portion of the facilities of such a district, such a city shall offer to employ full time employees of the district as of the date of the acquisition of the facilities of the district who are not longer needed by the district. Whenever a city employs a person who was employed immediately prior thereto by the district, arrangements shall be made: (1) (~~For the retention of service credits under the pension plan of the district pursuant to RCW 41.04.070 through 41.04.110. (2))~~) For the retention of all sick leave standing to the employee's credit in the plan of such district. (~~(3))~~) (2) For a vacation with pay during the first year of employment equivalent to that to which he would have been entitled if he had remained in the employment of the district. **NEW SECTION. Sec. 35.** A new section is added to chapter 35.51 RCW to read as follows: Assessments for local improvements in a local improvement district created by a municipality may be pledged and applied when collected to the payment of its obligations under a loan agreement entered into pursuant to chapter 39.69 RCW to pay costs of improvements in such a local improvement district. **NEW SECTION. Sec. 36.** A new section is added to chapter 35.51 RCW to read as follows: The authority granted by section 35 of this act is supplemental and in addition to the authority granted by Title 35 RCW and to any other authority granted to cities, towns, or municipal corporations to levy, pledge, and apply special assessments. **Sec. 37.** RCW 35.58.210 and 1974 ex.s. c 70 s 7 are each amended to read as follows: If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water pollution abatement, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan water pollution abatement advisory committee to be formed by notifying the legislative body of each component city and county which operates a sewer system to appoint one person to serve on such advisory committee and the board of commissioners of each water-sewer district (~~(and water district)~~) which operates a sewer system, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a commissioner of such a water-sewer (~~(or water)~~) district. The metropolitan water pollution abatement advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council in matters relating to the performance of the water pollution (~~(abatement)~~) abatement function. **Sec. 38.** RCW 35.58.220 and 1965 c 7 s 35.58.220 are each amended to read as follows: If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, it shall have the following powers in addition to the general

powers granted by this chapter: (1) To prepare a comprehensive plan for the development of sources of water supply, trunk supply mains and water treatment and storage facilities for the metropolitan area. (2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for water supply within or without the metropolitan area, including buildings, structures, water sheds, wells, springs, dams, settling basins, intakes, treatment plants, trunk supply mains and pumping stations, together with all lands, property, equipment and accessories necessary to enable the metropolitan municipal corporation to obtain and develop sources of water supply, treat and store water and deliver water through trunk supply mains. Water supply facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special district owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or special district. (3) To fix rates and charges for water supplied by the metropolitan municipal corporation. (4) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local distribution of water in portions of the metropolitan area not contained within any city, or water-sewer district that operates a water system, and, with the consent of the legislative body of any city or the water-sewer district, to exercise such powers within such city or water-sewer district and for such purpose to have all the powers conferred by law upon such city or water-sewer district with respect to such local distribution facilities. All costs of such local distribution facilities shall be paid for by the area served thereby. **Sec. 39.** RCW 35.58.230 and 1993 c 240 s 5 are each amended to read as follows: If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan water advisory committee to be formed by notifying the legislative body of each component city which operates a water system to appoint one person to serve on such advisory committee and the board of commissioners of each water-sewer district that operates a water system, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a water-sewer district commissioner. The metropolitan water advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council with respect to matters relating to the performance of the water supply function. The requirement to create a metropolitan water advisory committee shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW. **Sec. 40.** RCW 35.58.410 and 1993 c 240 s 11 are each amended to read as follows: (1) On or before the third Monday in June of each year, each metropolitan municipal corporation shall adopt a budget for the following calendar year. Such budget shall include a separate section for each authorized metropolitan function. Expenditures shall be segregated as to operation and maintenance expenses and capital and betterment outlays. Administrative and other expense general to the corporation shall be allocated between the authorized metropolitan functions. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The metropolitan council shall not be required to confine capital or betterment expenditures made from bond proceeds or emergency expenditures to items provided in the budget. The affirmative vote of three-fourths of all members of the metropolitan council shall be required to authorize emergency expenditures. (2) Subsection (1) of this section shall not apply to a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW. This subsection (2) shall apply only to each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW. Each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall, on or before the third Monday in June of each year, prepare an estimate of all revenues to be collected during the following calendar year, including any surplus funds remaining unexpended from the preceding year for each authorized metropolitan function. By June 30 of each year, the county shall adopt the rate for sewage disposal that will be charged to component cities and water-sewer districts during the following budget year. As long as any general obligation indebtedness remains outstanding that was issued by the metropolitan municipal corporation prior to the assumption by the county, the county shall continue to impose the taxes authorized by RCW 82.14.045 and 35.58.273(5) at the maximum rates and on all of the taxable events authorized by law. If, despite the continued imposition of those taxes, the estimate of revenues made on or before the third Monday in June shows that estimated revenues will be insufficient to make all debt service payments falling due in the following calendar year on all general obligation indebtedness issued by the metropolitan municipal corporation prior to the assumption by the county of the rights, powers, functions, and obligations of the metropolitan municipal corporation, the remaining amount required to make the debt service payments shall be designated as "supplemental income" and shall be obtained from component cities and component counties as provided under RCW 35.58.420. The county shall prepare and adopt a budget each year in accordance with applicable general law or county charter. If supplemental income has been designated under this subsection, the supplemental income shall be reflected in the budget that is adopted. If during the budget year the actual tax revenues from the taxes imposed under the authority of RCW 82.14.045 and 35.58.273(5) exceed the estimates upon which the supplemental income was based, the difference shall be refunded to the component cities and component counties in proportion to their payments promptly after the end of the budget year. A county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall not be required to confine capital or betterment expenditures for authorized metropolitan functions from bond proceeds or emergency expenditures to items provided in the budget. **Sec. 41.** RCW 35.67.300 and 1965 c 7 s 35.67.300 are each amended to read as follows: Any city, town, or organized and established water-sewer district owning or operating its own sewer system, whenever topographic conditions shall make it feasible and whenever such existing sewer system shall be adequate therefor in view of the sewerage and drainage requirements of the property in such city, town, or water-sewer district, served or to be served by such system, may contract with any other city, town, or organized and established water-sewer district for the discharge into its sewer system of sewage from all or any part or parts of such other city, town, or water-sewer district upon such terms and conditions and for such periods of time as may be deemed reasonable. Any city, town, or organized and established water-sewer district may contract with any other city, town, or organized and established water-sewer district for the construction and/or operation of

any sewer or sewage disposal facilities for the joint use and benefit of the contracting parties upon such terms and conditions and for such period of time as the governing bodies of the contracting parties may determine. Any such contract may provide that the responsibility for the management of the construction and/or maintenance and operation of any sewer disposal facilities or part thereof covered by such contract shall be vested solely in one of the contracting parties, with the other party or parties thereto paying to the managing party such portion of the expenses thereof as shall be agreed upon. **Sec. 42.** RCW 35.91.020 and 1981 c 313 s 11 are each amended to read as follows: The governing body of any city, town, county, ~~water-sewer district, ((water district,))~~ or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances, hereinafter called "water or sewer facilities," within their boundaries or (except for counties) within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed fifteen years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. To the extent it may require in the performance of such contract, such municipality may install said water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. ~~((The power of the governing body of such municipality to so contract also applies to water or sewer facilities in process of construction on June 10, 1959, or which have not been finally approved or accepted for full maintenance and operation by such municipality upon June 10, 1959-))~~ **Sec. 43.** RCW 35.92.012 and 1965 c 7 s 35.92.012 are each amended to read as follows: A city or town, whose boundaries are identical with those of a water-sewer district, or within which a water-sewer district is entirely located, which is free from all debts and liabilities except contractual obligations between the district and the town, may accept the property and assets of the ~~((water))~~ district and operate such property and assets as a municipal waterworks, if the district and the city or town each participate in a summary dissolution proceedings for the district as provided in RCW 57.04.110. **Sec. 44.** RCW 35.92.170 and 1965 c 7 s 35.92.170 are each amended to read as follows: When a city or town owns or operates a municipal waterworks system and desires to extend such utility beyond its corporate limits it may acquire, construct and maintain any addition to or extension of the system, and dispose of and distribute water to any other municipality, ~~water-sewer district, community, or person desiring to purchase it.~~ **Sec. 45.** RCW 35.97.010 and 1987 c 522 s 4 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Biomass energy system" means a system that provides for the production or collection of organic materials such as wood and agricultural residues and municipal solid waste that are primarily organic materials and the conversion or use of that material for the production of heat or substitute fuels through several processes including, but not limited to, burning, pyrolysis, or anaerobic digestion. (2) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. (3) "Cogeneration facility" means any machinery, equipment, structure, process, or property or any part thereof, installed or acquired for the primary purpose of cogeneration by a person or corporation. (4) "Geothermal heat" means the natural thermal energy of the earth. (5) "Waste heat" means the thermal energy which otherwise would be released to the environment from an industrial process, electric generation, or other process. (6) "Heat" means thermal energy. (7) "Heat source" includes but is not limited to (a) any integral part of a heat production or heat rejection system of an industrial facility, cogeneration facility, or electric power generation facility, (b) geothermal well or spring, (c) biomass energy system, (d) solar collection facility, and (e) hydrothermal resource or heat extraction process. (8) "Municipality" means a county, city, town, irrigation district which distributes electricity, water-sewer district, ((water district,)) port district, or metropolitan municipal corporation. (9) "Heating facilities or heating systems" means all real and personal property, or interests therein, necessary or useful for: (a) The acquisition, production, or extraction of heat; (b) the storage of heat; (c) the distribution of heat from its source to the place of utilization; (d) the extraction of heat at the place of utilization from the medium by which the heat is distributed; (e) the distribution of heat at the place of utilization; and (f) the conservation of heat. (10) "Hydrothermal resource" means the thermal energy available in wastewater, sewage effluent, wells, or other water sources, natural or manmade. **Sec. 46.** RCW 35.97.050 and 1996 c 230 s 1603 are each amended to read as follows: If the legislative authority of a municipality deems it advisable that the municipality purchase, acquire, or construct a heating system, or make any additions or extensions to a heating system, the legislative authority shall so provide by an ordinance or a resolution specifying and adopting the system or plan proposed, declaring the estimated cost thereof, as near as may be, and specifying the method of financing and source of funds. Any construction, alteration, or improvement of a heating system by any ~~((county, city, town, irrigation district, water-sewer district, or port district))~~ municipality shall be in compliance with the appropriate competitive bidding requirements in Titles 35, 36, 53, 57, or 87 RCW. **Sec. 47.** RCW 36.16.138 and 1975 c 16 s 1 are each amended to read as follows: Any board of commissioners, council, or board of directors or other governing board of any county, city, town, school district, port district, public utility district, water-sewer district, ((water district,)) irrigation district, or other municipal corporation or political subdivision is authorized to purchase insurance to protect and hold personally harmless any of its commissioners, council members, directors, or other governing board members, and any of its other officers, employees, and agents from any action, claim, or proceeding instituted against the foregoing individuals arising out of the performance, purported performance, or failure of performance, in good faith of duties for, or employment with, such institutions and to hold these individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims, or proceedings. The purchase of such insurance for any of the foregoing individuals and the policy limits shall be discretionary with the municipal corporation or political subdivision, and such insurance shall not be considered to be compensation for these individuals. The provisions of this section are cumulative and in addition to any other provision of law authorizing any municipal corporation or political subdivision to purchase liability insurance. **Sec. 48.** RCW 36.93.020 and 1979 ex.s. c 30 s 5 are each amended to read as follows: As used herein: (1) "Governmental unit" means any incorporated city or town, metropolitan municipal corporation, or any special purpose district as defined in this section. (2)

"Special purpose district" means any water-sewer district, (~~water district,~~) fire protection district, drainage improvement district, drainage and diking improvement district, flood control zone district, irrigation district, metropolitan park district, drainage district, or public utility district engaged in water distribution. (3) "Board" means a boundary review board created by or pursuant to this chapter. **Sec. 49.** RCW 36.93.093 and 1971 ex. s. c 127 s 2 are each amended to read as follows: Whenever a (~~sewer~~) water-sewer district files with the board a notice of intention as required by RCW 36.93.090, the board shall send a copy of such notice of intention to the legislative authority of the county wherein such action is proposed to be taken and one copy to the state department of ecology. **Sec. 50.** RCW 36.93.105 and 1989 c 84 s 4 are each amended to read as follows: The following actions shall not be subject to potential review by a boundary review board: (1) Annexations of territory to a water (~~sewer~~) water-sewer district pursuant to RCW 36.94.410 through 36.94.440; (2) Revisions of city or town boundaries pursuant to RCW 35.21.790 or 35A.21.210; (3) Adjustments to city or town boundaries pursuant to RCW 35.13.340; and (4) Adjustments to city and town boundaries pursuant to RCW 35.13.300 through 35.13.330. **Sec. 51.** RCW 36.93.185 and 1989 c 308 s 13 are each amended to read as follows: The proposal by a (~~water district or~~) water-sewer district to annex territory that is not adjacent to the district shall not be deemed to be violative of the objectives of a boundary review board solely due to the fact that the territory is not adjacent to the (~~water district or~~) water-sewer district. The proposed consolidation or merger of two or more (~~water districts or two or more~~) water-sewer districts that are not adjacent to each other shall not be deemed to be violative of the objectives of a boundary review board solely due to the fact that the districts are not adjacent. **Sec. 52.** RCW 36.94.220 and 1981 c 313 s 3 are each amended to read as follows: (1) A county shall have the power to establish utility local improvement districts and local improvement districts within the area of a sewerage and/or water general plan and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such county. (2) Utility local improvement districts and local improvement districts may include territory within a city or town only with the written consent of the city or town, but if the local district is formed before such area is included within the city or town, no such consent shall be necessary. Utility local improvement districts and local improvement districts used to provide sewerage disposal systems may include territory within a (~~sewer district or within a~~) water-sewer district providing sewerage disposal systems only with the written consent of (~~the sewer district or~~) such a water-sewer district, but if the local district is formed before such area is included within (~~the sewer district or~~) such a water-sewer district, no consent is necessary. Utility local improvement districts and local improvement districts used to provide water systems may include territory within (~~a water district or within~~) a water-sewer district providing water systems only with the written consent of (~~the water district or~~) such a water-sewer district, but if the local district is formed before such area is included within (~~the water district or~~) such a water-sewer district, no consent is necessary. (3) The levying, collection, and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection, and enforcement of local improvement assessments by cities and towns, insofar as the same shall not be inconsistent with the provisions of this chapter. In addition, the county shall file the preliminary assessment roll at the time and in the manner prescribed in RCW 35.50.005. The duties devolving upon the city or town treasurer under such laws are imposed upon the county treasurer for the purposes of this chapter. The mode of assessment shall be in the manner to be determined by the county legislative authority by ordinance or resolution. As an alternative to equal annual assessment installments of principal for cities and towns, a county legislative authority may provide for the payment of such assessments in equal annual installments of principal and interest. Assessments in any local district may be made on the basis of special benefits up to but not in excess of the total cost of any sewerage and/or water improvement made with respect to that local district and the share of any general sewerage and/or water facilities allocable to that district. In utility local improvement districts, assessments shall be deposited into the revenue bond fund or general obligation bond fund established for the payment of bonds issued to pay such costs which bond payments are secured in part by the pledge of assessments, except pending the issuance and sale of such bonds, assessments may be deposited in a fund for the payment of such costs. In local improvement districts, assessments shall be deposited into a fund for the payment of such costs and local improvement bonds issued to finance the same or into the local improvement guaranty fund as provided by applicable statute. **Sec. 53.** RCW 36.94.430 and 1984 c 147 s 3 are each amended to read as follows: The provisions of RCW 36.94.410 and 36.94.420 provide an alternative method of accomplishing the transfer permitted by those sections and do not impose additional conditions upon the exercise of powers vested in water (~~and~~) sewer districts and counties. **Sec. 54.** RCW 36.96.010 and 1979 ex. s. c 5 s 1 are each amended to read as follows: As used in this chapter, unless the context requires otherwise: (1) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts shall include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts; (2) "Governing authority" means the commission, council, or other body which directs the affairs of a special purpose district; (3) "Inactive" means that a special purpose district, other than a public utility district, is characterized by either of the following criteria: (a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period; or (b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period. A public utility district is inactive when it is characterized by both criteria (a) and (b) of this subsection. **Sec. 55.** RCW 36.94.410 and 1984 c 147 s 1 are each amended to read as follows: A system of sewerage, system of water or combined water and sewerage systems operated by a county under the authority of this chapter may be transferred from that county to a water (~~sewer~~) water-sewer district in the same manner as is provided for the transfer of those functions from a water (~~sewer~~) water-sewer district to a county in RCW 36.94.310 through 36.94.340. **Sec. 56.** RCW 36.94.420 and 1996 c 230 s 1609 are each amended to read as follows: If so provided in the transfer agreement, the area served by the system shall, upon completion of the transfer, be deemed annexed to and become a part of the water-sewer district acquiring the system. The county shall provide notice of the hearing by the county legislative authority on the ordinance executing the transfer agreement under RCW 36.94.330 as follows: (1) By mailed notice to all ratepayers served by the system at least fifteen days prior to the hearing; and (2) by notice in a newspaper of general circulation once at least fifteen days prior to the



hearing. In the event of an annexation under this section resulting from the transfer of a system of sewerage, a system of water, or combined water and sewer systems from a county to a water-sewer district ((governed by Title 57 RCW)), the water-sewer district shall ((have all the powers of a water-sewer district provided by chapter 57.36 RCW, as if a water-sewer district had been merged into a water-sewer district)) operate the system or systems under the provisions of Title 57 RCW. **Sec. 57.** RCW 39.69.010 and 1987 c 19 s 1 are each amended to read as follows: As used in this chapter, "municipal corporation" includes counties, cities, towns, port districts, ((sewer districts,)) water-sewer districts, school districts, metropolitan park districts, or such other units of local government which are authorized to issue obligations. **Sec. 58.** RCW 39.80.020 and 1981 c 61 s 2 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter. (1) "State agency" means any department, agency, commission, bureau, office, or any other entity or authority of the state government. (2) "Local agency" means any city and any town, county, special district, municipal corporation, agency, port district or authority, or political subdivision of any type, or any other entity or authority of local government in corporate form or otherwise. (3) "Special district" means a local unit of government, other than a city, town, or county, authorized by law to perform a single function or a limited number of functions, and including but not limited to, water-sewer districts, irrigation districts, fire districts, school districts, community college districts, hospital districts, ((sewer districts,)) transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW. (4) "Agency" means both state and local agencies and special districts as defined in subsection((~~ss~~))s (1), (2), and (3) of this section. (5) "Architectural and engineering services" or "professional services" means professional services rendered by any person, other than as an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in chapters 18.08, 18.43, or 18.96 RCW. (6) "Person" means any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof. (7) "Consultant" means any person providing professional services who is not an employee of the agency for which the services are provided. (8) "Application" means a completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services. **Sec. 59.** RCW 39.50.010 and 1985 c 332 s 8 are each amended to read as follows: As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise. (1) "Governing body" means the legislative authority of a municipal corporation by whatever name designated; (2) "Local improvement district" includes local improvement districts, utility local improvement districts, road improvement districts, and other improvement districts that a municipal corporation is authorized by law to establish; (3) "Municipal corporation" means any city, town, county, ((water district,)) water-sewer district, school district, port district, public utility district, metropolitan municipal corporation, public transportation benefit area, park and recreation district, irrigation district, or fire protection district or any other municipal or quasi-municipal corporation described as such by statute, except joint operating agencies under chapter 43.52 RCW; (4) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the municipal corporation exercising any power under this chapter takes formal action and adopts legislative provisions and matters of some permanency; and (5) "Short-term obligations" are warrants, notes, or other evidences of indebtedness, except bonds. **Sec. 60.** RCW 43.20.240 and 1990 c 132 s 3 are each amended to read as follows: (1) The department shall have primary responsibility among state agencies to receive complaints from persons aggrieved by the failure of a public water system. If the remedy to the complaint is not within the jurisdiction of the department, the department shall refer the complaint to the state or local agency that has the appropriate jurisdiction. The department shall take such steps as are necessary to inform other state agencies of their primary responsibility for such complaints and the implementing procedures. (2) Each county shall designate a contact person to the department for the purpose of receiving and following up on complaint referrals that are within county jurisdiction. In the absence of any such designation, the county health officer shall be responsible for performing this function. (3) The department and each county shall establish procedures for providing a reasonable response to complaints received from persons aggrieved by the failure of a public water system. (4) The department and each county shall use all reasonable efforts to assist customers of public water systems in obtaining a dependable supply of water at all times. The availability of resources and the public health significance of the complaint shall be considered when determining what constitutes a reasonable effort. (5) The department shall, in consultation with local governments, water utilities, water-sewer districts, public utility districts, and other interested parties, develop a booklet or other single document that will provide to members of the public the following information: (a) A summary of state law regarding the obligations of public water systems in providing drinking water supplies to their customers; (b) A summary of the activities, including planning, rate setting, and compliance, that are to be performed by both local and state agencies; (c) The rights of customers of public water systems, including identification of agencies or offices to which they may address the most common complaints regarding the failures or inadequacies of public water systems. This booklet or document shall be available to members of the public no later than January 1, 1991. **Sec. 61.** RCW 43.70.195 and 1994 c 292 s 3 are each amended to read as follows: (1) In any action brought by the secretary of health or by a local health officer pursuant to chapter 7.60 RCW to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. The department shall maintain a list of interested and qualified individuals, municipal entities, special purpose districts, and investor-owned water companies with experience in the provision of water service and a history of satisfactory operation of a water system. If there is no other person willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver. The county may designate a county agency to operate the system, or it may contract with another individual or public water system to provide management for the system. If the county is appointed as receiver, the secretary of health and the county health officer shall provide regulatory oversight for the agency or other person responsible for managing the water system. (2) In any petition for receivership under subsection (1) of this section, the department shall recommend that the court grant to the receiver full authority to act in the best interests of the customers served by the public water system. The receiver shall assess the capability, in conjunction with the department and local government, for the system to operate in compliance with health and safety standards, and shall report to the court and the petitioning agency its recommendations for the system's future operation, including the formation of a water-sewer district or other public entity, or ownership by another existing water system capable of providing service. (3) If a petition for receivership and verifying affidavit executed by an appropriate departmental official allege an immediate and serious danger to residents constituting an emergency, the court shall set the matter for hearing within three days and may appoint a temporary receiver ex parte upon the strength of such petition and affidavit pending a full evidentiary

hearing, which shall be held within fourteen days after receipt of the petition. (4) A bond, if any is imposed upon a receiver, shall be minimal and shall reasonably relate to the level of operating revenue generated by the system. Any receiver appointed pursuant to this section shall not be held personally liable for any good faith, reasonable effort to assume possession of, and to operate, the system in compliance with the court's orders. (5) The court shall authorize the receiver to impose reasonable assessments on a water system's customers to recover expenditures for improvements necessary for the public health and safety. (6) No later than twelve months after appointment of a receiver, the petitioning agency, in conjunction with the county in which the system is located, and the appropriate state and local health agencies, shall develop and present to the court a plan for the disposition of the system. The report shall include the recommendations of the receiver made pursuant to subsection (2) of this section. The report shall include all reasonable and feasible alternatives. After receiving the report, the court shall provide notice to interested parties and conduct such hearings as are necessary. The court shall then order the parties to implement one of the alternatives, or any combination thereof, for the disposition of the system. Such order shall include a date, or proposed date, for the termination of the receivership. Nothing in this section authorizes a court to require a city, town, public utility district, water-sewer district, or irrigation district to accept a system that has been in receivership unless the city, town, public utility district, water-sewer district, or irrigation district agrees to the terms and conditions outlined in the plan adopted by the court. (7) The court shall not terminate the receivership, and order the return of the system to the owners, unless the department of health approves of such an action. The court may impose reasonable conditions upon the return of the system to the owner, including the posting of a bond or other security, routine performance and financial audits, employment of qualified operators and other staff or contracted services, compliance with financial viability requirements, or other measures sufficient to ensure the ongoing proper operation of the system. (8) If, as part of the ultimate disposition of the system, an eminent domain action is commenced by a public entity to acquire the system, the court shall oversee any appraisal of the system conducted under Title 7 RCW to assure that the appraised value properly reflects any reduced value because of the necessity to make improvements to the system. The court shall have the authority to approve the appraisal, and to modify it based on any information provided at an evidentiary hearing. The court's determination of the proper value of the system, based on the appraisal, shall be final, and only appealable if not supported by substantial evidence. If the appraised value is appealed, the court may order that the system's ownership be transferred upon payment of the approved appraised value. **Sec. 62.** RCW 43.155.030 and 1985 c 446 s 9 are each amended to read as follows: (1) The public works board is hereby created. (2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the ~~((Washington state association of water districts, the))~~ Washington public utility districts association~~(-)~~ and ~~((the Washington))~~ a state association of ~~water-sewer~~ districts, or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor. (3) Staff support to the board shall be provided by the department. (4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. (5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080. **Sec. 63.** RCW 44.04.170 and 1970 ex.s. c 69 s 2 are each amended to read as follows: It shall be the duty of each association of municipal corporations or municipal officers, which is recognized by law and utilized as an official agency for the coordination of the policies and/or administrative programs of municipal corporations, to submit biennially, or oftener as necessary, to the governor and to the legislature the joint recommendations of such participating municipalities regarding changes which would affect the efficiency of such municipal corporations. Such associations shall include but shall not be limited to the Washington state association of fire commissioners, ~~((the Washington))~~ a state association of ~~water/wastewater~~ districts, ~~((the Washington state association of sewer districts,))~~ and the Washington state school directors' association. **Sec. 64.** RCW 48.62.021 and 1991 sp.s. c 30 s 2 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, ~~((water districts,))~~ ~~water-sewer~~ districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations. (2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses. (3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract. (4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits. (5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity. (6) "State risk manager" means the state risk manager of the division of risk management within the department of general administration. **Sec. 65.** RCW 52.08.011 and 1984 c 230 s 54 are each amended to read as follows: Territory within a fire protection district may be withdrawn from the district in the same manner provided by law for withdrawal of territory from ~~water-sewer~~ districts, as provided by chapter 57.28 RCW. **Sec. 66.** RCW 53.48.001 and 1989 c 84 s 46 are each amended to read as follows: The dissolution of a metropolitan park district, fire protection district, ~~((sewer~~

district,)) water-sewer district, or flood control zone district under chapter 53.48 RCW may be subject to potential review by a boundary review board under chapter 36.93 RCW. **Sec. 67.** RCW 53.48.010 and 1986 c 278 s 17 are each amended to read as follows: The following words and terms shall, whenever used in this chapter, have the meaning set forth in this section: (1) The term "district" as used herein, shall include all municipal and quasi-municipal corporations having a governing body, other than cities, towns, counties, and townships, such as port districts, school districts, water-sewer districts, fire protection districts, and all other special districts of similar organization, but shall not include local improvement districts, diking, drainage and irrigation districts, special districts as defined in RCW 85.38.010, nor public utility districts. (2) The words "board of commissioners," as used herein, shall mean the governing authority of any district as defined in subdivision (1) of this section. **Sec. 68.** RCW 54.04.030 and 1931 c 1 s 12 are each amended to read as follows: ((This act)) Chapter 1, Laws of 1931, shall not be deemed or construed to repeal or affect any existing act, or any part thereof, relating to the construction, operation and maintenance of public utilities by irrigation or water-sewer districts or other municipal corporations, but shall be supplemental thereto and concurrent therewith. No public utility district created hereunder shall include therein any municipal corporation, or any part thereof, where such municipal corporation already owns or operates all the utilities herein authorized: PROVIDED, that in case it does not own or operate all such utilities it may be included within such public utility district for the purpose of establishing or operating therein such utilities as it does not own or operate: PROVIDED, FURTHER, That no property situated within any irrigation or water-sewer districts or other municipal corporations shall ever be taxed or assessed to pay for any utility, or part thereof, of like character to any utility, owned or operated by such irrigation or water districts or other municipal corporations. **Sec. 69.** RCW 70.44.400 and 1984 c 100 s 1 are each amended to read as follows: Territory within a public hospital district may be withdrawn therefrom in the same manner provided by law for withdrawal of territory from water-sewer districts, as provided by chapter 57.28 RCW. For purposes of conforming with such procedure, the public hospital district shall be deemed to be the water-sewer district and the public hospital board of commissioners shall be deemed to be the water-sewer district board of commissioners. **Sec. 70.** RCW 70.95B.020 and 1995 c 269 s 2901 are each amended to read as follows: As used in this chapter unless context requires another meaning: (1) "Director" means the director of the department of ecology. (2) "Department" means the department of ecology. (3) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program. (4) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems. (5) "Operator in responsible charge" means an individual who is designated by the owner as the person on-site in responsible charge of the routine operation of a wastewater treatment plant. (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones. (7) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used for the purpose of collecting and transporting wastewater. (8) "Operating experience" means routine performance of duties, on-site in a wastewater treatment plant, that affects plant performance or effluent quality. (9) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a water-sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner. (10) "Wastewater certification program coordinator" means an employee of the department who administers the wastewater treatment plant operators' certification program. **Sec. 71.** RCW 70.119.020 and 1995 c 269 s 2904 are each amended to read as follows: As used in this chapter unless context requires another meaning: (1) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program. (2) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water-sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation. (3) "Department" means the department of health. (4) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers. (5) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with: (a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or (b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. (6) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people. (7) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones. (8) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system. (9) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards. (10) "Secretary" means the secretary of the department of health. (11) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent

to one service. (12) "Surface water" means all water open to the atmosphere and subject to surface runoff. **Sec. 72.** RCW 79.44.003 and 1989 c 243 s 13 are each amended to read as follows: As used in this chapter "assessing district" means: (1) Incorporated cities and towns; (2) Diking districts; (3) Drainage districts; (4) Port districts; (5) Irrigation districts; (6) Water-sewer districts; (7) ~~((Sewer districts; (8)))~~ Counties; and ~~((9))~~ (8) Any municipal corporation or public agency having power to levy local improvement or other assessments, rates, or charges which by statute are expressly made applicable to lands of the state. **Sec. 73.** RCW 84.04.120 and 1961 c 15 s 84.04.120 are each amended to read as follows: "Taxing district" shall be held and construed to mean and include the state and any county, city, town, ~~((township;))~~ port district, school district, road district, metropolitan park district, water-sewer district or other municipal corporation, now or hereafter existing, having the power or authorized by law to impose burdens upon property within the district in proportion to the value thereof, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed, for such purposes, upon property in proportion to the benefits accruing thereto. **Sec. 74.** RCW 84.33.100 and 1992 c 52 s 6 are each amended to read as follows: As used in RCW 84.33.110 through 84.33.140 and 84.33.210 through 84.33.270: (1) "Forest land" is synonymous with timberland and means all land in any contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber and means the land only. (2) "Owner" means the party or parties having the fee interest in land, except where land is subject to a real estate contract "owner" means the contract vendee. (3) "Local government" shall mean any city, town, county, ~~((sewer district;))~~ water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary or storm sewerage systems, domestic water supply or distribution systems, or road construction or improvement purposes. (4) "Local improvement district" shall mean any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to such districts. (5) The term "average rate of inflation" shall mean the annual rate of inflation as determined by the department of revenue averaged over the period of time as provided in RCW 84.33.220 (1) and (2). Such determination shall be published not later than January 1 of each year for use in that assessment year. (6) "Special benefit assessments" shall mean special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and which may be levied only for the special benefits to be realized by property by reason of that local improvement. **Sec. 75.** RCW 84.34.310 and 1992 c 52 s 15 are each amended to read as follows: As used in RCW 84.34.300 through 84.34.380, unless a different meaning is required, the words defined in this section shall have the meanings indicated. (1) "Farm and agricultural land" shall mean the same as defined in RCW 84.34.020(2). (2) "Timber land" shall mean the same as defined in RCW 84.34.020(3). (3) "Local government" shall mean any city, town, county, ~~((sewer district;))~~ water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems, domestic water supply and/or distribution systems, or road construction or improvement purposes. (4) "Local improvement district" shall mean any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to such districts. (5) "Owner" shall mean the same as defined in RCW 84.34.020(5) or the applicable statutes relating to special benefit assessments. (6) The term "average rate of inflation" shall mean the annual rate of inflation as determined by the department of revenue averaged over the period of time as provided in RCW 84.34.330 (1) and (2). Such determination shall be published not later than January 1 of each year for use in that assessment year. (7) "Special benefit assessments" shall mean special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and which may be levied only for the special benefits to be realized by property by reason of that local improvement. **Sec. 76.** RCW 84.64.080 and 1991 c 245 s 27 are each amended to read as follows: The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of the lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or the court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases the court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of the taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in the notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. The order shall be signed by the judge of the superior court, shall be delivered to the county treasurer, and shall be full and sufficient authority for him or her to proceed to sell the property for the sum as set forth in the order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell the property as provided in this chapter to the highest and best bidder for cash. The acceptable minimum bid shall be the total amount of taxes, interest, penalties, and costs. All sales shall be made at a location in the county on a date and time (except Saturdays,

Sundays, or legal holidays) as the county treasurer may direct, and shall continue from day to day (Saturdays, Sundays, and legal holidays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time, and place where such sale is to take place for ten days successively by posting notice thereof in three public places in the county, one of which shall be in the office of the treasurer. The notice shall be substantially in the following form:

TAX JUDGMENT SALE

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of . . . . . in the state of Washington, and an order of sale duly issued by the court, entered the . . . . day of . . . . ., . . . . ., in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the . . . . day of . . . . ., . . . . ., at . . . . o'clock a.m., at . . . . . in the city of . . . . ., and county of . . . . ., state of Washington, sell the real property to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due. In witness whereof, I have hereunto affixed my hand and seal this . . . . day of . . . . ., . . . . .

Treasurer of county.

No county officer or employee shall directly or indirectly be a purchaser of such property at such sale. If any buildings or improvements are upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit. If the highest amount bid for any such separate unit tract or lot is in excess of the minimum bid due upon the whole property included in the certificate of delinquency, the excess shall be refunded following payment of all water ((and))- sewer district liens, on application therefor, to the record owner of the property. The record owner of the property is the person who held title on the date of issuance of the certificate of delinquency. In the event no claim for the excess is received by the county treasurer within three years after the date of the sale he or she shall at expiration of the three year period deposit such excess in the current expense fund of the county. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his or her office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his or her heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

State of Washington   ss. County of

This indenture, made this . . . . day of . . . . ., . . . . ., between . . . . ., as treasurer of . . . . . county, state of Washington, party of the first part, and . . . . ., party of the second part: Witnesseth, that, whereas, at a public sale of real property held on the . . . . day of . . . . ., . . . . ., pursuant to a real property tax judgment entered in the superior court in the county of . . . . . on the . . . . day of . . . . ., . . . . ., in proceedings to foreclose tax liens upon real property and an order of sale duly issued by the court, . . . . . duly purchased in compliance with the laws of the state of Washington, the following described real property, to wit: (Here place description of real property conveyed) and that the . . . . . has complied with the laws of the state of Washington necessary to entitle (him, or her or them) to a deed for the real property. Now, therefore, know ye, that, I, . . . . ., county treasurer of the county of . . . . ., state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases provided, do hereby grant and convey unto . . . . ., his or her heirs and assigns, forever, the real property hereinbefore described. Given under my hand and seal of office this . . . . day of . . . . ., A.D. . . . . County Treasurer. **Sec. 77.** RCW 84.69.010 and 1961 c 15 s 84.69.010 are each amended to read as follows: As used in this chapter, unless the context indicates otherwise: (1)

"Taxing district" means any county, city, town, ((township,)) port district, school district, road district, metropolitan park district, water-sewer district, or other municipal corporation now or hereafter authorized by law to impose burdens upon property within the district in proportion to the value thereof, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed, for such purposes, upon property in proportion to the benefits accruing thereto. (2) "Tax" includes penalties and interest. **Sec. 78.** RCW 87.03.015 and 1979 ex.s. c 185 s 2 are each amended to read as follows: Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority: (1) To purchase and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use, to acquire, construct, and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair, and maintain the same, for the generation and transmission of electrical energy for use in the operation of pumping plants and irrigation systems of the district and for sale to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; and, as a further and separate grant of authority and in furtherance of a state purpose and policy of developing hydroelectric capability in connection with irrigation facilities, to construct, finance, acquire, own, operate, and maintain, alone or jointly with other irrigation districts, boards of control, other municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, or electrical companies subject to the jurisdiction of the utilities and transportation commission, hydroelectric facilities including but not limited to dams, canals, plants, transmission lines, other power equipment, and the necessary property and rights therefor, located within or outside the district, for the purpose of utilizing for the generation of electricity, water power made available by and as a part of the irrigation water storage, conveyance, and distribution facilities, waste ways, and drainage water facilities which serve irrigation districts, and to sell any and all the electric energy generated at any such hydroelectric facilities or the irrigation district's share of such energy, to municipal or quasi-municipal corporations and cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission, or to other irrigation districts, and on such terms and conditions as the board of directors shall determine, and to enter into contracts with other irrigation districts, boards of control, other municipal or quasi-municipal corporations and cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission: **PROVIDED,** That no contract entered into by the board of directors of any irrigation district for the sale of electrical energy from such hydroelectric facility for a period longer than forty years from the date of commercial operation of such hydroelectric facility shall be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held and canvassed for that purpose in the same manner as that provided by law for district bond elections. (2) To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes. (3) To construct, repair, purchase, lease, acquire, operate and maintain a system of drains, sanitary sewers, and sewage disposal or treatment plants as herein provided. (4) To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws,

on account of district lands. (5) To maintain, repair, construct and reconstruct ditches, laterals, pipe lines and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town or for the domestic use of the residents of a city or town where the owners of land within such city or town shall use such works to carry water to the boundaries of such city or town for irrigation, domestic or other purposes within such city or town, and to charge to such city or town the pro rata proportion of the cost of such maintenance, repair, construction and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such works to the lands located within the boundaries of such city or town until such charges have been paid. (6) To acquire, install and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for fire fighting purposes; and in addition any such irrigation district shall have the authority to repair, operate and maintain such hydrants and mains. (7) To enter into contracts with other irrigation districts, boards of control, municipal or quasi-municipal corporations and cooperatives authorized to engage in the business of distributing electricity, and electrical companies subject to the jurisdiction of the utilities and transportation commission to jointly acquire, construct, own, operate, and maintain irrigation water, domestic water, drainage and sewerage works, and electrical power works to the same extent as authorized by subsection (1) of this section, or portions of such works. (8) To acquire from a water-sewer district wholly within the irrigation district's boundaries, by a conveyance without cost, the water-sewer district's water system and to operate the same to provide water for the domestic use of the irrigation district residents. As a part of its acceptance of the conveyance the irrigation district must agree to relieve the water-sewer district of responsibility for maintenance and repair of the system. Any such water-sewer district is authorized to make such a conveyance if all indebtedness of the water-sewer district, except local improvement district bonds, has been paid and the conveyance has been approved by a majority of the water-sewer district's (electors) voters voting at a general or special election. This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law. **Sec. 79.** RCW 87.03.720 and 1977 ex.s. c 208 s 1 are each amended to read as follows: The board of directors of an irrigation district shall, after being notified by the legislative authority of the county or counties within which the irrigation district lies of the filing of the petition therefor, have the power to assent to the proposed merger with the irrigation district of that portion of a drainage improvement district, joint drainage improvement district, consolidated drainage improvement district, or water-sewer district within its boundaries at a hearing duly called by the board to consider the proposed merger if sufficient objections thereto have not been presented, as hereinafter provided. **Sec. 80.** RCW 87.03.725 and 1977 ex.s. c 208 s 2 are each amended to read as follows: The secretary of the board of directors shall cause a notice of the proposed merger to be posted and published in the same manner and for the same time as notice of a special election for the issue of bonds. The notice shall state that a petition has been filed with the legislative authority of the county or counties within which the irrigation districts lies by the board of supervisors of the drainage improvement district, joint drainage improvement district, or consolidated drainage improvement district or by the board of commissioners of a water-sewer district requesting that the drainage improvement district, joint drainage improvement district, consolidated drainage improvement district, or water-sewer district be merged with the irrigation district or irrigation districts, the names of the petitioners and the prayer thereof, and it shall notify all persons interested in the irrigation district to appear at the office of the board at the time named in the notice, and show cause in writing why the proposed merger should not take place. The time to show cause shall be the regular meeting of the board of directors of the irrigation district next after the expiration of the time for the publication of the notice. NEW SECTION. **Sec. 81.** RCW 56.08.070 and 1996 c 18 s 13 are each repealed. NEW SECTION. **Sec. 82.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator McCaslin moved that the Senate refuse to concur in the House amendment to Senate Bill No. 5650 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McCaslin that the Senate refuse to concur in the House amendment to Senate Bill No. 5650 and asks the House to recede therefrom.

The motion by Senator McCaslin carried and the Senate refuses to concur in the House amendment to Senate Bill No. 5650 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5867 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The intent of this act is to provide uniform standards for local option excise taxation of lodging. **Sec. 2.** RCW 67.28.080 and 1991 c 357 s 1 are each amended to read as follows: ((In any county located in whole or in part in a national scenic area and the population of which county is less than 20,000, a convention center facility may include a hotel, destination resort, conference center, or similar or related facility. A convention center facility may include the land on which any of the foregoing structures or facilities are sited. A convention center facility may also include land necessary for the operation of a convention center facility)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Acquisition" includes, but is not limited to, siting, acquisition, design, construction, refurbishing, expansion, repair, and improvement, including paying or securing the payment of all or any portion of general obligation bonds, leases, revenue bonds, or other obligations issued or incurred for such purpose or purposes under this chapter. (2) "Municipality" ((as used in this chapter)) means any county, city or town of the state of Washington. (3) "Operation" includes, but is not limited to, operation, management, and marketing. (4) "Person" ((as used in this chapter)) means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual. (5) "Tourism" means economic activity resulting from

tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs. (6) "Tourism promotion" means activities and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding marketing of special events and festivals designed to attract tourists. (7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years and a monetary value of ten thousand dollars or more used to support tourism or accommodate tourism activities. (8) "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture. **NEW SECTION. Sec. 3.** A new section is added to chapter 67.28 RCW to read as follows: (1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW, at a rate not exceeding the applicable limit under subsection (2) of this section. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent. (2)(a) If a municipality imposed taxes under this chapter and RCW 67.40.100 with a total rate exceeding four percent on January 1, 1998, the rate of tax imposed under this chapter by the municipality shall not exceed the total rate imposed by the municipality under this chapter and RCW 67.40.100 on January 1, 1998. (b) If a city or town other than a municipality described in (a) of this subsection is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the rate of tax imposed under this chapter by the city or town shall not exceed two percent. (c) If a city has a population of four hundred thousand or more and is located in a county with a population of one million or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals fifteen and two-tenths percent. (d) If a municipality is not subject to a limit under (a), (b), or (c) of this subsection, the rate of tax imposed under this chapter by the municipality shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals twelve percent. (3) Except as provided in RCW 67.28.180, any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event. (4) Tax imposed under this section on a sale of lodging shall be credited against the amount of sales tax due to the state under chapter 82.08 RCW on the same sale of lodging, but the total credit for taxes imposed by all municipalities on a sale of lodging shall not exceed the amount that would be imposed under a two percent tax under this section. This subsection does not apply to taxes which are credited against the state sales tax under RCW 67.28.180. **NEW SECTION. Sec. 4.** A new section is added to chapter 67.28 RCW to read as follows: All revenue from taxes imposed under this chapter shall be credited to a special fund in the treasury of the municipality imposing such tax and used solely for the purpose of paying all or any part of the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities. Municipalities may, under chapter 39.34 RCW, agree to the utilization of revenue from taxes imposed under this chapter for the purposes of funding a multijurisdictional tourism-related facility. **NEW SECTION. Sec. 5.** A new section is added to chapter 67.28 RCW to read as follows: (1) Before imposing a tax under section 3 of this act, a municipality shall establish a lodging tax advisory committee under this section. A lodging tax advisory committee shall consist of at least five members, appointed by the legislative body of the municipality, unless the municipality has a charter providing for a different appointment authority. At least two members shall be representatives of businesses required to collect tax under this chapter, and at least two members shall be persons involved in activities authorized to be funded by revenue received under this chapter. Organizations representing businesses required to collect tax under this chapter, organizations involved in activities authorized to be funded by revenue received under this chapter, and local agencies involved in tourism promotion may submit recommendations for membership on the committee. The number of members who are representatives of businesses required to collect tax under this chapter shall equal the number of members who are involved in activities authorized to be funded by revenue received under this chapter. One member shall be an elected official of the municipality who shall serve as chair of the committee. An advisory committee for a county may include one nonvoting member who is an elected official of a city or town in the county. An advisory committee for a city or town may include one nonvoting member who is an elected official of the county in which the city or town is located. The appointing authority shall review the membership of the advisory committee annually and make changes as appropriate. (2) Any municipality that proposes imposition of a tax under this chapter, an increase in the rate of a tax imposed under this chapter, repeal of an exemption from a tax imposed under this chapter, or a change in the use of revenue received under this chapter shall submit the proposal to the lodging tax advisory committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures. The comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the fund created under section 4 of this act. Failure of the advisory committee to submit comments before final action on or passage of the proposal shall not prevent the municipality from acting on the proposal. A municipality is not required to submit an amended proposal to an advisory committee under this section. **NEW SECTION. Sec. 6.** (1) Each municipality imposing a tax under chapter 67.28 RCW shall submit a report to the department of community, trade, and economic development on October 1, 1998, and October 1, 2000. Each report shall include the following information: (a) The rate of tax imposed under chapter 67.28 RCW; (b) The total revenue received under chapter 67.28 RCW for each of the preceding six years; (c) A list of projects and activities funded with revenue received under chapter 67.28 RCW; and (d) The amount of revenue under chapter 67.28 RCW expended for each project and activity. (2) The department of community, trade, and economic development shall summarize and analyze the data received under subsection (1) of this section in a report submitted to the legislature on January 1, 1999, and January 1, 2001. The report shall include, but not be limited to, analysis of factors contributing to growth in revenue received under chapter 67.28 RCW and the effects of projects and activities funded with revenue received under chapter 67.28 RCW on tourism growth. **Sec. 7.** RCW 67.28.120 and 1979 ex. s. c 222 s 1 are each amended to read as follows: Any municipality is authorized either individually or jointly with any other municipality, or person, or any combination thereof, to acquire (~~by purchase, gift or grant, to lease as lessee,~~) and to (~~construct, install, add to, improve, replace, repair, maintain,~~) operate (~~(and regulate the use of public stadium facilities, convention center facilities, performing arts center facilities, and/or visual art center)~~) tourism-related facilities, whether located within or without such

municipality (~~including but not limited to buildings, structures, concession and service facilities, roads, bridges, walks, ramps and other access facilities, terminal and parking facilities for private vehicles and public transportation vehicles and systems, together with all lands, properties, property rights, equipment, utilities, accessories and appurtenances necessary for such public stadium facilities, convention center facilities, performing arts center facilities, or visual arts center facilities, and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such public facilities~~)). **Sec. 8.** RCW 67.28.130 and 1979 ex.s. c 222 s 2 are each amended to read as follows: Any municipality, taxing district, or municipal corporation is authorized to convey or lease any lands, properties or facilities to any other municipality for the development by such other municipality of (~~public stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center~~) tourism-related facilities or to provide for the joint use of such lands, properties or facilities, or to participate in the financing of all or any part of the public facilities on such terms as may be fixed by agreement between the respective legislative bodies without submitting the matter to the voters of such municipalities, unless the provisions of general law applicable to the incurring of municipal indebtedness shall require such submission. **Sec. 9.** RCW 67.28.150 and 1984 c 186 s 56 are each amended to read as follows: To carry out the purposes of this chapter any municipality shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the laws of this state. Such general obligation bonds shall be authorized, executed, issued and made payable as other general obligation bonds of such municipality: **PROVIDED**, That the governing body of such municipality may provide that such bonds mature in not to exceed forty years from the date of their issue, may provide that such bonds also be made payable from any special taxes provided for in (~~RCW 67.28.180~~) this chapter, and may provide that such bonds also be made payable from any otherwise unpledged revenue which may be derived from the ownership or operation of any properties. **Sec. 10.** RCW 67.28.160 and 1983 c 167 s 168 are each amended to read as follows: (1) To carry out the purposes of this chapter the legislative body of any municipality shall have the power to issue revenue bonds without submitting the matter to the voters of the municipality: **PROVIDED**, That the legislative body shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the legislative body may obligate the municipality to pay all or part of amounts collected from the special taxes provided for in (~~RCW 67.28.180~~) this chapter, and/or to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, added to, repaired or replaced pursuant to this chapter, as the legislative body shall determine: **PROVIDED, FURTHER**, That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners of such bonds shall have a lien and charge against the gross revenue pledged to such fund. Such revenue bonds and the interest thereon issued against such fund or funds shall constitute a claim of the owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the municipality. Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest as provided in RCW 39.46.030, or may be bearer bonds; shall be in such denominations as the legislative body shall deem proper; shall be payable at such time or times and at such places as shall be determined by the legislative body; shall be executed in such manner and bear interest at such rate or rates as shall be determined by the legislative body. Such revenue bonds shall be sold in such manner as the legislative body shall deem to be for the best interests of the municipality, either at public or private sale. The legislative body may at the time of the issuance of such revenue bonds make such covenants with the owners of said bonds as it may deem necessary to secure and guaranty the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guaranty the payment of such principal and interest, to pledge and apply thereto part or all of any lawfully authorized special taxes provided for in (~~RCW 67.28.180~~) this chapter, to maintain rates, charges or rentals sufficient with other available moneys to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bond owners, to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the legislative body may deem necessary to accomplish the most advantageous sale of such bonds. The legislative body may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold. The legislative body may include in the principal amount of any such revenue bond issue an amount for engineering, architectural, planning, financial, legal, and other services and charges incident to the acquisition or construction of public stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities, an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any facilities to be financed from the proceeds of such issue plus six months. The legislative body may, if it deems it in the best interest of the municipality, provide in any contract for the construction or acquisition of any facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds. If the municipality shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the owner of any such bond may bring action against the municipality and compel the performance of any or all of such covenants. (2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW. **Sec. 11.** RCW 67.28.170 and 1979 ex.s. c 222 s 4 are each amended to read as follows: The legislative body of any municipality owning or operating (~~public stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center~~) tourism-related facilities acquired (~~or developed pursuant to~~) under this chapter shall have power to lease to any municipality or person, or to contract for the use or operation by any municipality or person, of all or any part of the facilities authorized by this chapter, including but not limited to parking facilities, concession facilities of all kinds and any property or property rights appurtenant to such (~~stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center~~) tourism-related facilities, for such period and under such terms and conditions and upon such rentals, fees and charges as such legislative body may determine, and may pledge all or any portion of such rentals, fees and charges and all other revenue derived from the ownership and/or operation of such facilities to pay and to secure the payment of general obligation bonds and/or revenue bonds of such municipality issued for authorized (~~public stadium, convention center, performing arts center, and/or visual arts center~~) tourism-related facilities purposes. **Sec. 12.** RCW 67.28.180 and 1995 1st sp.s. c 14 s 10 are each amended to read as follows: (1) (~~Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for~~



the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: ~~PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.-)~~ (a) ~~Tax imposed under section 3 of this act on a sale of lodging by a county exempt under subsection (2) of this section shall be credited against the amount of sales tax due to the state under chapter 82.08 RCW on the same sale of lodging, but the credit under this subsection (1)(a) shall not exceed the amount that would be imposed under a two percent tax under section 3 of this act. (b) If a city in a county exempt under subsection (2) of this section has imposed a tax under this chapter and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, the tax imposed under section 3 of this act on a sale of lodging by such city shall be credited against the amount of sales tax due to the state under chapter 82.08 RCW on the same sale of lodging, but the credit under this subsection (1)(b) shall not exceed the amount that would be collected under a two percent tax under section 3 of this act. (2) ((Any levy authorized by this section shall be subject to the following: (a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.-))~~ In the event that any county has levied ~~((the tax authorized by this section))~~ a tax under this chapter and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from ~~((the provisions of (a) of this subsection))~~ section 3(3) of this act, to the extent that the tax rate imposed by the county under this chapter does not exceed two percent and the revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: ~~PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: ((#))~~ (a) In any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or ~~((#))~~ (b) in other counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013. As used in this subsection 2)((#)), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection 2)((#)) shall be operated by a private concessionaire under a contract with the county. ~~((c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.-))~~ (3) Any levy ~~((authorized by this section))~~ under this chapter by a county that ~~((has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160))~~ is exempt under subsection (2) of this section shall be subject to the following: (a) Taxes collected under this ~~((section))~~ chapter in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows: (i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, and the performing arts. Moneys spent under this subsection 3(a)(i) shall be used for the purposes of this subsection 3(a)(i) in all parts of the county. (ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, as defined in subsection 2)((#)) of this section; acquisition of open space lands; youth sports activities; and tourism promotion. (b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection 3(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection 3(b) must be financially stable and have at least the following: (i) A legally constituted and working board of directors; (ii) A record of artistic, heritage, or cultural accomplishments; (iii) Been in existence and operating for at least two years; (iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses; (v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and (vi) Evidence that there has been independent financial review of the organization. (c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection. (d) School districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection. (e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county. (f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be

allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county. (g) No taxes ~~((collected))~~ distributed under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets. (h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes ~~((collected))~~ distributed under this section are or are projected to be insufficient to meet debt service requirements on such bonds. (i) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired. This subsection (3)(i) does not apply in respect to a public stadium transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW. (j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(j) does not apply to contracts in existence on April 1, 1986. If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected. ~~(4) This section expires January 1, 2013.~~ **Sec. 13.** RCW 67.28.184 and 1987 1st ex.s. c 8 s 7 are each amended to read as follows: No city imposing the tax authorized under ~~((RCW 67.28.180))~~ this chapter may use the tax proceeds directly or indirectly to acquire, construct, operate, or maintain facilities or land intended to be used by a professional sports franchise if the county within which the city is located uses the proceeds of its tax imposed under ~~((RCW 67.28.180))~~ this chapter to directly or indirectly acquire, construct, operate, or maintain a facility used by a professional sports franchise. **Sec. 14.** RCW 67.28.200 and 1993 c 389 s 2 are each amended to read as follows: The legislative body of any ~~((county or city))~~ municipality may establish reasonable exemptions ~~((and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the))~~ for taxes authorized under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such ~~((county or city))~~ municipality at no cost to such ~~((county or city))~~ municipality. **Sec. 15.** RCW 67.40.100 and 1990 c 242 s 1 are each amended to read as follows: ~~((1))~~ Except as provided in chapters 67.28 and 82.14 RCW and ~~((subsection (2) of this))~~ section 3 of this act, after January 1, 1983, no city, town, or county in which the tax under RCW 67.40.090 is imposed may impose a license fee or tax on the act or privilege of engaging in business to furnish lodging by a hotel, rooming house, tourist court, motel, trailer camp, or similar facilities in excess of the rate imposed upon other persons engaged in the business of making sales at retail as that term is defined in chapter 82.04 RCW. ~~((2) A city incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle, may impose a special excise tax under the following conditions: (a) The proceeds of the tax must be used for the acquisition, design, construction, and marketing of convention and trade facilities and may be used for and pledged to the payment of bonds, leases, or other obligations issued or incurred for such purposes. The proceeds of the tax may be used for maintenance and operation only as part of a budget which includes the use of the tax for debt service and marketing. (b) The legislative body of the city, before imposing the tax, must authorize a complete study and investigation of the desirability and economic feasibility of the proposed convention and trade facilities. (c) The rate of the tax shall not exceed three percent. (d) The tax shall be imposed on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units.)~~ **Sec. 16.** RCW 35.43.040 and 1989 c 277 s 1 are each amended to read as follows: Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz: (1) Alleys, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regraveling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption; (2) Auxiliary water systems; (3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational, playground, museum, cultural, or arts facilities or structures; (4) Bridges, culverts, and trestles and approaches thereto; (5) Bulkheads and retaining walls; (6) Dikes and embankments; (7) Drains, sewers, and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto; (8) Escalators or moving sidewalks together with the expense of operation and maintenance; (9) Parks and playgrounds; (10) Sidewalks, curbing, and crosswalks; (11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation; (12) Underground utilities transmission lines; (13) Water mains, hydrants, and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services; (14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof; (15) Roadbeds, trackage, signalization, storage facilities for rolling stock, overhead and underground wiring, and any other stationary equipment reasonably necessary for the operation of an electrified public streetcar line; (16) Systems of surface, underground, or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including passenger, terminal, station parking, and related facilities and properties, and such other facilities as may be necessary for passenger and vehicular access to and from such terminal, station, parking, and related facilities and properties, together with all lands, rights of way, property, equipment, and accessories necessary for such systems and facilities; (17) Convention center facilities or structures in cities ~~((imposing a special excise tax pursuant to RCW 67.40.100(2))~~ incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle.

Assessments for purposes of convention center facilities or structures may be levied only to the extent necessary to cover a funding shortfall that occurs when funds received from special excise taxes imposed pursuant to chapter 67.28 RCW ((67.28.180 and 67.40.100(2))) are insufficient to fund the annual debt service for such facilities or structures, and may not be levied on property exclusively maintained as single-family or multifamily permanent residences whether they are rented, leased, or owner occupied; and (18) Programs of aquatic plant control, lake or river restoration, or water quality enhancement. Such programs shall identify all the area of any lake or river which will be improved and shall include the adjacent waterfront property specially benefited by such programs of improvements. Assessments may be levied only on waterfront property including any waterfront property owned by the department of natural resources or any other state agency. Notice of an assessment on a private leasehold in public property shall comply with provisions of chapter 79.44 RCW. Programs under this subsection shall extend for a term of not more than five years. **Sec. 17.** RCW 59.18.440 and 1995 c 399 s 151 are each amended to read as follows: (1) Any city, town, county, or municipal corporation that is required to develop a comprehensive plan under RCW 36.70A.040(1) is authorized to require, after reasonable notice to the public and a public hearing, property owners to provide their portion of reasonable relocation assistance to low-income tenants upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of use of residential property, or upon the removal of use restrictions in an assisted-housing development. No city, town, county, or municipal corporation may require property owners to provide relocation assistance to low-income tenants, as defined in this chapter, upon the demolition, substantial rehabilitation, upon the change of use of residential property, or upon the removal of use restrictions in an assisted-housing development, except as expressly authorized herein or when authorized or required by state or federal law. As used in this section, "assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions. (2) As used in this section, "low-income tenants" means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside. The department of community, trade, and economic development shall adopt rules defining county median income in accordance with the definitions promulgated by the federal department of housing and urban development. (3) A requirement that property owners provide relocation assistance shall include the amounts of such assistance to be provided to low-income tenants. In determining such amounts, the jurisdiction imposing the requirement shall evaluate, and receive public testimony on, what relocation expenses displaced tenants would reasonably incur in that jurisdiction including: (a) Actual physical moving costs and expenses; (b) Advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits; (c) Utility connection fees and deposits; and (d) Anticipated additional rent and utility costs in the residence for one year after relocation. (4)(a) Relocation assistance provided to low-income tenants under this section shall not exceed two thousand dollars for each dwelling unit displaced by actions of the property owner under subsection (1) of this section. A city, town, county, or municipal corporation may make future annual adjustments to the maximum amount of relocation assistance required under this subsection in order to reflect any changes in the housing component of the consumer price index as published by the United States department of labor, bureau of labor statistics. (b) The property owner's portion of any relocation assistance provided to low-income tenants under this section shall not exceed one-half of the required relocation assistance under (a) of this subsection in cash or services. (c) The portion of relocation assistance not covered by the property owner under (b) of this subsection shall be paid by the city, town, county, or municipal corporation authorized to require relocation assistance under subsection (1) of this section. The relocation assistance may be paid from proceeds collected from the excise tax imposed under RCW 82.46.010. (5) A city, town, county, or municipal corporation requiring the provision of relocation assistance under this section shall adopt policies, procedures, or regulations to implement such requirement. Such policies, procedures, or regulations shall include provisions for administrative hearings to resolve disputes between tenants and property owners relating to relocation assistance or unlawful detainer actions during relocation, and shall require a decision within thirty days of a request for a hearing by either a tenant or property owner. Judicial review of an administrative hearing decision relating to relocation assistance may be had by filing a petition, within ten days of the decision, in the superior court in the county where the residential property is located. Judicial review shall be confined to the record of the administrative hearing and the court may reverse the decision only if the administrative findings, inferences, conclusions, or decision is: (a) In violation of constitutional provisions; (b) In excess of the authority or jurisdiction of the administrative hearing officer; (c) Made upon unlawful procedure or otherwise is contrary to law; or (d) Arbitrary and capricious. (6) Any city, town, county, or municipal corporation may require relocation assistance, under the terms of this section, for otherwise eligible tenants whose living arrangements are exempted from the provisions of this chapter under RCW 59.18.040(3) and if the living arrangement is considered to be a rental or lease (pursuant to RCW 67.28.180(1)) not defined as a retail sale under RCW 82.04.050. (7)(a) Persons who move from a dwelling unit prior to the application by the owner of the dwelling unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of residential property or prior to any notification or filing required for condominium conversion shall not be entitled to the assistance authorized by this section. (b) Persons who move into a dwelling unit after the application for any necessary governmental permit or after any required condominium conversion notification or filing shall not be entitled to the assistance authorized by this section if such persons receive written notice from the property owner prior to taking possession of the dwelling unit that specifically describes the activity or condition that may result in their temporary or permanent displacement and advises them of their ineligibility for relocation assistance. **Sec. 18.** RCW 67.38.140 and 1982 1st ex.s. c 22 s 14 are each amended to read as follows: The county or counties and each component city included in the district collecting or planning to collect the hotel/motel tax (pursuant to) under chapter 67.28 RCW ((67.28.180)) may contribute such revenue (towards the expense for maintaining and operating the cultural arts, stadium and convention system) in such manner as shall be agreed upon between them, consistent with this chapter and chapter 67.28 RCW. **Sec. 19.** RCW 67.40.110 and 1987 1st ex.s. c 8 s 8 are each amended to read as follows: No city imposing the tax authorized under chapter 67.28 RCW (67.40.100(2)) may use the tax proceeds directly or indirectly to acquire, construct, operate, or maintain facilities or land intended to be used by a professional sports franchise if the county within which the city is located uses the proceeds of its tax imposed under chapter 67.28 RCW ((67.28.180)) to directly or indirectly acquire, construct, operate, or maintain a facility used by a professional sports franchise. **Sec. 20.** RCW 67.40.120 and 1991 c 336 s 2 are each amended to read as follows: The state convention and trade center corporation may contract with the Seattle-King county convention and visitors bureau for marketing the

convention and trade center facility and services. Any contract with the Seattle-King county convention and visitors bureau shall include, but is not limited to, the following condition: Each dollar in convention and trade center operations account funds provided to the Seattle-King county convention and visitors bureau shall be matched by at least one dollar and ten cents in nonstate funds. "Nonstate funds" does not include funds received under chapter 67.28 RCW ((67.28-180)).

**Sec. 21.** RCW 82.02.020 and 1996 c 230 s 1612 are each amended to read as follows: Except only as expressly provided in (~~RCW 67.28.180 and 67.28.190 and the provisions of~~) chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply. This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions: (1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact; (2) The payment shall be expended in all cases within five years of collection; and (3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest. No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat. Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law. Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges. Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district. Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW. Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450. This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority conferred by these titles affected. **NEW SECTION. Sec. 22.** The following acts or parts of acts are each repealed: (1) RCW 67.28.090 and 1991 c 363 s 138 & 1967 c 236 s 2; (2) RCW 67.28.100 and 1967 c 236 s 3; (3) RCW 67.28.110 and 1967 c 236 s 4; (4) RCW 67.28.182 and 1995 c 386 s 9 & 1987 c 483 s 2; (5) RCW 67.28.185 and 1975 1st ex.s. c 225 s 2; (6) RCW 67.28.190 and 1967 c 236 s 12; (7) RCW 67.28.210 and 1996 c 159 s 4, 1995 c 290 s 1, & 1994 c 290 s 1; (8) RCW 67.28.240 and 1995 c 386 s 10, 1993 sp.s. c 16 s 3, 1991 c 363 s 140, & 1988 ex.s. c 1 s 21; (9) RCW 67.28.260 and 1991 c 331 s 1; (10) RCW 67.28.270 and 1995 c 290 s 2 & 1991 c 357 s 4; (11) RCW 67.28.280 and 1993 c 389 s 1; (12) RCW 67.28.290 and 1993 sp.s. c 16 s 1; (13) RCW 67.28.300 and 1994 c 65 s 1; (14) RCW 67.28.310 and 1995 c 340 s 1; (15) RCW 67.28.320 and 1996 c 159 s 1; (16) RCW 67.28.360 and 1996 c 159 s 2; and (17) RCW 67.28.370 and 1996 c 159 s 3. **NEW SECTION. Sec. 23.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections. As provided in RCW 1.12.020, the sections amended or repealed in this act are continued by section 3 of this act for purposes such as redemption payments on bonds issued in reliance on taxes imposed under those sections. Any moneys held in a fund created under a section repealed in this act shall be deposited in a fund created under section 4 of this act. **NEW SECTION. Sec. 24.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 25.** This act takes effect January 1, 1998." On page 1, line 2 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 67.28.080, 67.28.120, 67.28.130, 67.28.150, 67.28.160, 67.28.170, 67.28.180, 67.28.184, 67.28.200, 67.40.100, 35.43.040, 59.18.440, 67.38.140, 67.40.110, 67.40.120, and 82.02.020; adding new sections to chapter 67.28 RCW; creating new sections; repealing RCW 67.28.090, 67.28.100, 67.28.110, 67.28.182, 67.28.185, 67.28.190, 67.28.210, 67.28.240, 67.28.260, 67.28.270, 67.28.280, 67.28.290, 67.28.300, 67.28.310, 67.28.320, 67.28.360, and 67.28.370; providing an effective date; and providing an expiration date." and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator McCaslin moved that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 5867 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McCaslin that the Senate refuse to concur in the House amendments to Substitute Senate Bill No. 5867 and asks the House to recede therefrom.

The motion by Senator McCaslin carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5867 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5484 with the following amendment(s):

On page 2, after line 6, insert the following: "**Sec. 2.** RCW 70.90.250 and 1987 c 222 s 3 are each amended to read as follows: This chapter applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to: (1) Any water recreation facility for the sole use of residents and invited guests at a single family dwelling; (2) Therapeutic water facilities operated exclusively for physical therapy; ~~((and))~~ (3) Steam baths and saunas; and (4) Metropolitan park districts authorized under chapter 35.61 RCW." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hale moved that the Senate refuse to concur in the House amendment to Senate Bill No. 5484 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hale that the Senate refuse to concur in the House amendment to Senate Bill No. 5484 and asks the House to recede therefrom.

The motion by Senator Hale carried and the Senate refuses to concur in the House amendment to Senate Bill No. 5484 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5230 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 84.33.120 and 1995 c 330 s 1 are each amended to read as follows: (1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND	OPERABILITY	VALUES	GRADE	CLASS	PER	ACRE	1\$141	1	2136									
3131	495	1118	22	114	3	110	480	193	3	290	387	466	170	4	268	366		
452	151	5	248	346	431	126	6	225	325	423	112	7	2	12	311	411	8	1

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall: (a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and (b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and (c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection. For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent. (3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW. (4) In any year commencing with 1972, an owner of land which is assessed and valued by

the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130. (5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events: (a) Receipt of notice from the owner to remove such land from classification as forest land; (b) Sale or transfer to an ownership making such land exempt from ad valorem taxation; (c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year; (d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard; (e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals. The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 (~~as now or hereafter amended~~). (6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization. (7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection(s) (5)(e) (~~and~~), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land. (8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes. (9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from: (a) Transfer to a government entity in exchange for other forest land located within the state of Washington; (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power; (c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner; (d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; or (e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land. (10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from: (a) An action described in subsection (9) of this section; or (b) A transfer of a property interest to a government entity,

or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner. (11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land. **Sec. 2.** RCW 84.33.140 and 1995 c 330 s 2 are each amended to read as follows: (1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following: (a) Receipt of notice from the owner to remove such designation; (b) Sale or transfer to an ownership making such land exempt from ad valorem taxation; (c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals; (d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that: (i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year; (ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or (iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land. Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 (~~as now or hereafter amended~~). (2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization. (3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land. (4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes. (5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from: (a) Transfer to a government entity in exchange for other forest land located within the state of Washington; (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power; (c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner; (d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; or (e) Official action by an agency of the state of Washington or by the county or city within which

the land is located that disallows the present use of such land. (6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from: (a) An action described in subsection (5) of this section; or (b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner. **Sec. 3.** RCW 84.33.145 and 1992 c 69 s 3 are each amended to read as follows: (1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (1), (2), or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to: (a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by (b) A number equal to: (i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or (ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten. (2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108. (3) In a county with a population of more than one million inhabitants, no amount of compensating tax is due under this section if the removal from classification under RCW 84.34.108 results from a transfer of property described in RCW 84.34.108(5). **NEW SECTION.** **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5230. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator West to concur in the House amendment to Substitute Senate Bill No. 5230.

The motion by Senator West carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5230.

#### MOTION

On motion of Senator Hale, Senators Finkbeiner and Sellar were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5230, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5230, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senator McDonald - 1. Excused: Senators Finkbeiner, Heavey, Loveland and Sellar - 4. **SUBSTITUTE SENATE BILL NO. 5230**, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed **SUBSTITUTE SENATE BILL NO. 6046** with the following amendment(s):

On page 2, line 1, after "the" insert "utilities and transportation" On page 2, line 1, after "1998," insert "or within six months of the date the federal communications commission adopts universal service rules as required by the federal telecommunications act of 1996 (110 Stat. 56; P.L. 104-104), whichever is later," and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk



## MOTION

Senator Hochstatter moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6046. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hochstatter to concur in the House amendments to Substitute Senate Bill No. 6046.

The motion by Senator Hochstatter carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6046.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6046, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6046, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Finkbeiner, Heavey and Sellar - 3. SUBSTITUTE SENATE BILL NO. 6046, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5151 with the following amendment(s):

On page 1, line 18, after "exceed" strike "twenty-five" and insert "~~((twenty-five))~~ thirty-five", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

## MOTION

Senator Johnson moved that the Senate do concur in the House amendment to Senate Bill No. 5151. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson to concur in the House amendment to Senate Bill No. 5151.

The motion by Senator Johnson carried and the Senate concurred in the House amendment to Senate Bill No. 5151.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5151, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5151, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Finkbeiner, Heavey and Sellar - 3. SENATE BILL NO. 5151, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5178 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 41.05 RCW to read as follows: The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise. (a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and (b) "Health care provider" means a health care provider as defined in RCW 48.43.005. (2) All state-purchased health care purchased or renewed after the effective date of this act, except the basic health plan described in chapter 70.47 RCW, shall provide benefits for at least the following services and supplies for persons with diabetes: (a) For state-purchased health care that includes coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to

the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and (b) For all state-purchased health care, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents any state agency purchasing health care according to this section from restricting patients to seeing only health care providers who have signed participating provider agreements with that state agency or an insuring entity under contract with that state agency. (3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy. (4) Health care coverage may not be reduced or eliminated due to this section. (5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements. **NEW SECTION. Sec. 2.** A new section is added to chapter 48.20 RCW to read as follows: The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise. (a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and (b) "Health care provider" means a health care provider as defined in RCW 48.43.005. (2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after the effective date of this act, shall provide benefits for at least the following services and supplies for persons with diabetes: (a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and (b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer. (3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy. (4) Health care coverage may not be reduced or eliminated due to this section. (5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements. (6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section. (7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028. **NEW SECTION. Sec. 3.** A new section is added to chapter 48.21 RCW to read as follows: The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise. (a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and (b) "Health care provider" means a health care provider as defined in RCW 48.43.005. (2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after the effective date of this act, shall provide benefits for at least the following services and supplies for persons with diabetes: (a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and (b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer. (3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy. (4) Health care coverage may not be reduced or eliminated due to this section. (5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements. (6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section. (7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.21.045. **NEW SECTION. Sec. 4.** A new section is added to chapter 48.44 RCW to read as follows: The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise. (a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and (b) "Health care

provider" means a health care provider as defined in RCW 48.43.005. (2) All health benefit plans offered by health care services contractors, issued or renewed after the effective date of this act, shall provide benefits for at least the following services and supplies for persons with diabetes: (a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and (b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor. (3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy. (4) Health care coverage may not be reduced or eliminated due to this section. (5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements. (6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section. (7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.44.022 and 48.44.023. NEW SECTION. Sec. 5. A new section is added to chapter 48.46 RCW to read as follows: The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise. (a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and (b) "Health care provider" means a health care provider as defined in RCW 48.43.005. (2) All health benefit plans offered by health maintenance organizations, issued or renewed after the effective date of this act, shall provide benefits for at least the following services and supplies for persons with diabetes: (a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and (b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization. (3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy. (4) Health care coverage may not be reduced or eliminated due to this section. (5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements. (6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section. (7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.46.064 and 48.46.066. NEW SECTION. Sec. 6. This act takes effect January 1, 1998. NEW SECTION. Sec. 7. A new section is added to chapter 43.131 RCW to read as follows: The diabetes cost reduction act shall be terminated on June 30, 2001. NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2002: (1) RCW 41.05.--- and 1997 c . . . s 1 (section 1 of this act); (2) RCW 48.20.--- and 1997 c . . . s 2 (section 2 of this act); (3) RCW 48.21.--- and 1997 c . . . s 3 (section 3 of this act); (4) RCW 48.44.--- and 1997 c . . . s 4 (section 4 of this act); and (5) RCW 48.46.--- and 1997 c . . . s 5 (section 5 of this act)." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Wood moved that the Senate do concur in the House amendment to Second Substitute Senate Bill No. 5178. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wood to concur in the House amendment to Second Substitute Senate Bill No. 5178.

The motion by Senator Wood carried and the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5178.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5178, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5178, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Finkbeiner and Heavey - 2. SECOND SUBSTITUTE SENATE BILL NO. 5178, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5179 with the following amendment(s):

On page 8, line 27, after "74.46.370," strike "and" and insert "~~(and)~~" On page 8, line 27, after "74.46.380" insert ", and section 8 of this act" On page 8, line 37, after "lower" insert "; except that section 8 of this act shall be applied if the nursing facility meets all of the criteria specified therein" On page 11, after line 22, insert the following: "NEW SECTION. Sec. 8. A new section is added to chapter 74.46 RCW to read as follows: (1)(a) Notwithstanding any provision to the contrary in this chapter, including RCW 74.46.360 and 74.46.410, for nursing facilities meeting the criteria in (b) of this subsection, the allowable cost of real and personal property assets shall be the lower of the actual cost to the purchaser or the amount allowed under the COBRA asset cost increase limitation for nursing facilities pursuant to 42 C.F.R. 447.253 (d)(2); however, if federally permitted, the department shall use the consumer price index for all urban consumers (CPI-U) (United States city average). (b) Subsection (1)(a) of this section is applicable only to nursing facilities which satisfy all of the following criteria: (i) The original facility and any major renovations or remodeling, exceeding the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW, is at least twenty years old on January 1, 1997; (ii) the facility has a licensed bed capacity of one hundred sixty beds or greater on January 1, 1997; (iii) the facility's licensee voluntarily banked licensed nursing facility beds during 1995 and 1996, pursuant to chapter 70.38 RCW; (iv) the contractor has been the lessee for a period of ten or more consecutive years by January 1, 1997; and (v) the contractor lessee enters into a duly executed purchase agreement with the arm's-length lessor after January 1, 1997, but prior to January 1, 1998. (2) The rate adjustment provided in subsection (1) of this section shall be effective upon the completion of the nursing facility's renovation project and only if the costs exceed four million dollars." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5179. Debate ensued.

The President declared the question before the Senate to be the motion by Senator West to concur in the House amendments to Second Substitute Senate Bill No. 5179.

The motion by Senator West carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5179.

#### MOTION

On motion of Senator Franklin, Senator Sheldon was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5179, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Finkbeiner, Heavey and Sheldon - 3. SECOND SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5361 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that when established route operations and normal user requirements are not disrupted Washington state ferries may be used for the transportation of hazardous materials under the chartering procedures and rates described in section 2 of this act. NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows: (1) The charter use of Washington State Ferry vessels when established route operations and normal user requirements are not disrupted is permissible. (2) Consistent with the policy as established in subsection (1) of this section, the general manager of the Washington State Ferries

may approve agreements for the chartering of Washington State Ferry vessels to groups or individuals, including hazardous material transporters, in accordance with the following: (a) Vessels may be committed to charter only when established route operation and normal user requirements are not disrupted or inconvenienced. If a vessel is engaged in the transport of hazardous materials, the transporter shall pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of Washington state ferries. (b) Charter rates for vessels must be established at actual vessel operating costs plus fifty percent of such actual costs rounded to the nearest fifty dollars. Actual vessel operating costs include, but are not limited to, all labor, fuel, and vessel maintenance costs incurred due to the charter agreement, including deadheading and standby. (c) Recognizing the need for stabilized charter rates in order to encourage use of vessels, rates must be established and revised July 1st of each year and must remain fixed for a one-year period unless actual vessel operating costs increase five percent or more within that year, in which case the charter rates must be revised in accordance with (b) of this subsection. (d) All charter agreements must be in writing and substantially in the form of (e) of this subsection and available, with calculations, for inspection by the legislature and the public. (e) Parties chartering Washington State Ferry vessels shall comply with all applicable laws, rules, and regulations during the charter voyage, and failure to so comply is cause for immediate termination of the charter voyage.

"CHARTER CRUISE AGREEMENT On this . . . . day of . . . ., . . . ., Washington State Ferries (WSF) and . . . ., hereinafter called Lessee, enter into this agreement for rental of a ferry vessel for the purpose of a charter voyage to be held on . . . ., the parties agree as follows:

1. WSF agrees to supply the vessel . . . . (subject to change) for the use of the Lessee from the period from . . . . to . . . . on . . . . (date).

2. The maximum number of passengers; or in the case of hazardous materials transports, trucks and trailers; that will be accommodated on the assigned vessel is . . . . This number MAY NOT be exceeded.

3. The voyage will originate at . . . ., and the route of travel during the voyage will be as follows:

4. The charge for the above voyage is . . . . dollars (\$ . . .) plus a property damage deposit of \$350 for a total price of \$ . . . ., to be paid by cashier's check three working days before the date of the voyage at the offices of the WSF at Seattle Ferry Terminal, Pier 52, Seattle, Washington, 98104. The Lessee remains responsible for property damage in excess of \$350.

5. WSF is responsible only for the navigational operation of the chartered ferry and in no way is responsible for directing voyage activities, providing equipment, or any food service.

6. Other than for hazardous materials transport, the voyage activities must be conducted exclusively on the passenger decks of the assigned ferry. Voyage patrons will not be permitted to enter the pilot house or the engine room, nor shall the vehicle decks be used for any purpose other than loading or unloading of voyage patrons or hazardous materials.

7. If the Lessee or any of the voyage patrons will possess or consume alcoholic beverages aboard the vessel, the Lessee must obtain the appropriate licenses or permits from the Washington State Liquor Control Board. The Lessee must furnish copies of any necessary licenses or permits to WSF at the same time payment for the voyage is made. Failure to comply with applicable laws, rules, and regulations of appropriate State and Federal agencies is cause for immediate termination of the voyage, and WSF shall retain all payments made as liquidated damages.

8. WSF is not obligated to provide shoreside parking for the vehicles belonging to voyage patrons.

9. The Lessee recognizes that the primary function of the WSF is for the cross-Sound transportation of the public and the maintaining of the existing schedule. The Lessee recognizes therefore the right of WSF to cancel a voyage commitment without liability to the Lessee due to unforeseen circumstances or events that require the use of the chartered vessel on its scheduled route operations. In the event of such a cancellation, WSF agrees to refund the entire amount of the charter fee to the Lessee.

10. The Lessee agrees to hold WSF harmless from, and shall process and defend at its own expense, all claims, demands, or suits at law or equity, of whatever nature brought against WSF arising in whole or in part from the performance of provisions of this agreement. This indemnity provision does not require the Lessee to defend or indemnify WSF against any action based solely on the alleged negligence of WSF.

11. This writing is the full agreement between the parties.

. . . . . WASHINGTON STATE FERRIES Lessee

By: . . . . . By: . . . . . General Manager", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Wood, the Senate concurred in the House amendment to Senate Bill No. 5361.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5361, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5361, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 48. Excused: Senator Heavey - 1. SENATE BILL NO. 5361, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5838 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that improperly designed, installed, or maintained on-site sewage disposal systems are a major contributor to water pollution in this state. The legislature also recognizes that evolving technology has produced many viable alternatives to traditional on-site septic systems. It is the purpose of this act to help facilitate the siting of new alternative on-site septic systems and to assist local governments in promoting efficient operation of on-site septic these systems. NEW SECTION. Sec. 2. A new section is added to chapter 70.05 RCW to read as follows: (1) The local health officer must respond to the applicant for an on-site sewage system permit within thirty days after receiving a fully completed application. The local health officer must respond that the application is either approved, denied, or pending. (2) If the local health officer denies an application to install an on-site sewage system, the denial must be for cause and based upon public health and environmental protection concerns, including concerns regarding the ability to operate and maintain the system, or conflicts with other existing laws, regulations, or ordinances. The local health officer must provide the applicant with a written justification for the denial, along with an explanation of the procedure for appeal. (3) If the local health officer identifies the application as pending and subject to review beyond thirty days, the local health officer must provide the applicant with a written justification that the site-specific conditions or circumstances necessitate a longer time period for a decision on the application. The local health officer must include any specific information necessary to make a decision and the estimated time required for a decision to be made. (4) A local health officer may not limit the number of alternative sewage systems within his or her jurisdiction without cause. Any such limitation must be based upon public health and environmental protection concerns, including concerns regarding the ability to operate and maintain the system, or conflicts with other existing laws, regulations, or ordinances. If such a limitation is established, the local health officer must justify the limitation in writing, with specific reasons, and must provide an explanation of the procedure for appealing the limitation. NEW SECTION. Sec. 3. A new section is added to chapter 70.118 RCW to read as follows: The department of health must include one person who is familiar with the operation and maintenance of certified proprietary devices on the technical review committee responsible for evaluating and making recommendations to the department of health regarding the general use of alternative on-site sewage systems in the state. NEW SECTION. Sec. 4. A new section is added to chapter 57.04 RCW to read as follows: (1) As an alternative means to forming a water-sewer district, a county legislative authority may authorize the formation of a water-sewer district to serve a new development that at the time of formation does not have any residents, at written request of sixty percent of the owners of the area to be included in the proposed district. The county legislative authority shall review the proposed district according to the procedures and criteria in RCW 57.02.040. (2) The county legislative authority shall appoint the initial water-sewer commissioners of the district. The commissioners shall serve until seventy-five percent of the development is sold and occupied, or until some other time as specified by the county legislative authority when the district is approved. Commissioners serving under this section are not entitled to any form of compensation from the district. (3) New commissioners shall be elected according to the procedures in chapter 57.12 RCW at the next election held under RCW 29.13.010 that follows more than ninety days after the date seventy-five percent of the development is sold and occupied, or after the time specified by the county legislative authority when the district is approved. (4) A water-sewer district created under this section may be transferred to a city or county, or dissolved if the district is inactive, by order of the county legislative authority at the written request of sixty percent of the owners of the area included in the district. NEW SECTION. Sec. 5. A new section is added to chapter 70.118 RCW to read as follows: In order to assure that technical guidelines and standards keep pace with advancing technologies, the department of health in collaboration with the technical review committee, local health departments, and other interested parties, must review and update as appropriate, the state guidelines and standards for alternative on-site sewage disposal every three years. The first review and update must be completed by January 1, 1999. NEW SECTION. Sec. 6. Nothing in sections 2 through 4 of this act may be deemed to eliminate any requirements for approval from public health agencies under applicable law in connection with the siting, design, construction, and repair of on-site septic systems. Sec. 7. RCW 35.67.010 and 1965 c 110 s 1 are each amended to read as follows: A "system of sewerage" means and may include((s)) any or all of the following: (1) Sanitary sewage ((disposal sewers)) collection, treatment, and/or disposal facilities and services, on-site or off-site sanitary sewerage facilities, inspection services and maintenance services for public or private on-site systems, or any other means of sewage treatment and disposal approved by the city; (2) Combined sanitary sewage disposal and storm or surface water sewers; (3) Storm or surface water sewers; (4) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, ((ø)) and rights and interests in property relating to the system; (5) Combined water and sewerage systems; (6) Point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a city or town; (7) Public restroom and sanitary facilities; and (8) Any combination of or part of any or all of such facilities. The words "public utility" when used in this chapter ((shall have)) has the same meaning as the words "system of sewerage." Sec. 8. RCW 35.67.020 and 1995 c 124 s 3 are each amended to read as follows: Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for their use. The rates charged must be uniform for the same class of customers or service and facilities furnished. In classifying customers served or service and facilities furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: (1) The difference in cost of service and facilities to the various customers; (2) the location of the various customers within and without the city or town; (3) the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; (4) the different character of the service and facilities furnished various customers; (5) the quantity and quality of the sewage delivered and the time of its delivery; (6) the achievement of water conservation goals and the discouragement of wasteful water use practices; (7) capital contributions made to the system, including but not limited to, assessments; (8) the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and (9) any other matters which present a reasonable difference as a ground for distinction. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property. A city or town may provide assistance to aid low-income persons in

connection with services provided under this chapter. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service. A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law. **Sec. 9.** RCW 35.92.020 and 1995 c 124 s 5 are each amended to read as follows: A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70.95.030, and shall have full authority to manage, regulate, operate, control, and to fix the price of service and facilities of those systems, plants, sites, or other facilities within and without the limits of the city or town. The rates charged shall be uniform for the same class of customers or service and facilities. In classifying customers served or service and facilities furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors: (1) The difference in cost of service and facilities to customers; (2) the location of customers within and without the city or town; (3) the difference in cost of maintenance, operation, repair, and replacement of the parts of the system; (4) the different character of the service and facilities furnished to customers; (5) the quantity and quality of the sewage delivered and the time of its delivery; (6) capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments; (7) the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and (8) any other factors that present a reasonable difference as a ground for distinction. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property. A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service. A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law. **Sec. 10.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to read as follows: As used in this chapter: (1) A "system of sewerage" means and may include((s)) any or all of the following: (a) Sanitary sewage collection, treatment, and/or disposal ((sewers and)) facilities and services, including without limitation on-site or off-site sanitary sewerage facilities ((consisting of an approved septic tank or septic tank systems)), inspection services and maintenance services for private or public on-site systems, or any other means of sewage treatment and disposal approved by the county; (b) Combined sanitary sewage disposal and storm or surface water drains and facilities; (c) Storm or surface water drains, channels, and facilities; (d) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, and rights and interests in property relating to the system; (e) Combined water and sewerage systems; (f) Point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a county; (g) Public restroom and sanitary facilities; (h) The facilities and services authorized in RCW 36.94.020; and (i) Any combination of or part of any or all of such facilities. (2) A "system of water" means and includes: (a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water; (b) A combined water and sewerage system; (c) Any combination of or any part of any or all of such facilities. (3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a comprehensive plan. (a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, channels, local service areas and a general description of the collection system to serve those areas, a description of on-site sanitary sewerage system inspection services and maintenance services, and other facilities and services as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility. The plan may also include a description of the regulations deemed appropriate to carrying out surface drainage plans. (b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, and monitoring and control facilities as may be required to provide a functional and implementable plan. (c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and, to the extent then known, shall further discuss the methods of distributing the cost and expense of the system and shall indicate the economic feasibility of plan implementation. The plans may also specify local or lateral facilities and services. The sewerage and/or water general plan does not mean the final engineering construction or financing plans for the system. (4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a sewer or water system, any sewer, water, diking, or drainage district, any diking, drainage, and sewerage improvement district, and any irrigation district. (5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this

chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals. (6) "Board" means one or more boards of county commissioners and/or the legislative authority of a home rule charter county. **Sec. 11.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read as follows: The construction, operation, and maintenance of a system of sewerage and/or water is a county purpose. Subject to the provisions of this chapter, every county has the power, individually or in conjunction with another county or counties to adopt, provide for, accept, establish, condemn, purchase, construct, add to, operate, and maintain a system or systems of sanitary and storm sewers, including outfalls, interceptors, plans, and facilities and services necessary for sewerage treatment and disposal, and/or system or systems of water supply within all or a portion of the county(~~(: PROVIDED, That))~~). However, counties shall not have power to condemn sewerage and/or water systems of any municipal corporation or private utility. Such county or counties shall have the authority to control, regulate, operate, and manage such system or systems and to provide funds therefor by general obligation bonds, revenue bonds, local improvement district bonds, utility local improvement district or local improvement district assessments, and in any other lawful fiscal manner. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service. A county shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using county employees unless the on-site system is connected by a publicly owned collection system to the county's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of a state or local health officer to carry out their responsibilities under any other applicable law. A county may, as part of a system of sewerage established under this chapter, provide for, finance, and operate any of the facilities and services and may exercise the powers expressly authorized for county storm water, flood control, pollution prevention, and drainage services and activities under chapters 36.89, 86.12, 86.13, and 86.15 RCW. A county also may provide for, finance, and operate the facilities and services and may exercise any of the powers authorized for aquifer protection areas under chapter 36.36 RCW; for lake management districts under chapter 36.61 RCW; for diking districts, and diking, drainage, and sewerage improvement districts under chapters 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection districts under chapter 90.72 RCW. However, if a county by reference to any of those statutes assumes as part of its system of sewerage any powers granted to such areas or districts and not otherwise available to a county under this chapter, then (1) the procedures and restrictions applicable to those areas or districts apply to the county's exercise of those powers, and (2) the county may not simultaneously impose rates and charges under this chapter and under the statutes authorizing such areas or districts for substantially the same facilities and services, but must instead impose uniform rates and charges consistent with RCW 36.94.140. By agreement with such an area or district that is not part of a county's system of sewerage, a county may operate that area's or district's services or facilities, but a county may not dissolve any existing area or district except in accordance with any applicable provisions of the statute under which that area or district was created. **Sec. 12.** RCW 36.94.140 and 1995 c 124 s 2 are each amended to read as follows: Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it and to fix, alter, regulate, and control the rates and charges for the service and facilities to those to whom such ((~~county~~)) service ((~~is~~)) and facilities are available, and to levy charges for connection to the system. The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors: (1) The difference in cost of service to the various customers within or without the area; (2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems; (3) The different character of the service and facilities furnished various customers; (4) The quantity and quality of the sewage and/or water delivered and the time of its delivery; (5) Capital contributions made to the system or systems, including, but not limited to, assessments; (6) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety; (7) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and (8) Any other matters which present a reasonable difference as a ground for distinction. A county may provide assistance to aid low-income persons in connection with services provided under this chapter. The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system. **NEW SECTION.** **Sec. 13.** A new section is added to chapter 35.58 RCW to read as follows: A metropolitan municipal corporation authorized to perform water pollution abatement may exercise all the powers relating to systems of sewerage authorized by RCW 36.94.010, 36.94.020, and 36.94.140 for counties. **NEW SECTION.** **Sec. 14.** A new section is added to chapter 35.21 RCW to read as follows: The legislative authority of any city or town may exercise all the powers relating to systems of sewerage authorized by RCW 35.67.010 and 35.67.020. **NEW SECTION.** **Sec. 15.** A new section is added to chapter 53.08 RCW to read as follows: A port district may exercise all the powers relating to systems of sewerage authorized by RCW 35.67.010 and 35.67.020 for cities and towns. **Sec. 16.** RCW 57.08.005 and 1996 c 230 s 301 are each amended to read as follows: A district shall have the following powers: (1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer; (2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed; (3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both



within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner; (4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners; (5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater and for the protection, preservation, and rehabilitation of surface and underground waters, facilities for the drainage and treatment of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal, treatment, or drainage and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal, treatment, or drainage. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal, treatment, or drainage and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners; (6) To construct, condemn, acquire, and own buildings and other necessary district facilities; (7) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served; (8) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters; (9) To fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense

fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property. Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service. A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process. Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property; (10) To contract with individuals, associations and corporations, the state of Washington, and the United States; (11) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees; (12) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties; (13) To sue and be sued; (14) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws; (15) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015; (16) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW; (17) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW; (18) To establish street lighting systems under RCW 57.08.060; (19) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and (20) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage. **Sec. 17.** RCW 57.08.065 and 1996 c 230 s 313 are each amended to read as follows: (1) A district shall have power to establish, maintain, and operate a mutual water, ((sewer)) sewerage, drainage, and street lighting system, a mutual system of any two or three of the systems, or separate systems. (2) Where any two or more districts include the same territory as of July 1, 1997, none of the overlapping districts may provide any service that was made available by any of the other districts prior to July 1, 1997, within the overlapping territory without the consent by resolution of the board of commissioners of the other district or districts. (3) A district that was a water district prior to July 1, 1997, that did not operate a ((sewer)) system of sewerage prior to July 1, 1997, may not proceed to exercise the powers to establish, maintain, construct, and operate any ((sewer)) system of sewerage without first obtaining written approval and certification of necessity from the department of ecology and department of health. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof proposed by a district that was a water district prior to July 1, 1997, shall be approved by the same county and state officials as were required to approve such plans adopted by a sewer district immediately prior to July 1, 1997, and as subsequently may be required. **Sec. 18.** RCW 57.16.010 and 1996 c 230 s 501 are each amended to read as follows: Before ordering any improvements or submitting to vote any proposition for incurring any indebtedness, the district commissioners shall adopt a general comprehensive plan for the type or types of facilities the district proposes to provide. A district may prepare a separate general comprehensive plan for each of these services and other services that districts are permitted to provide, or the district may combine any or all of its comprehensive plans into a single general comprehensive plan. (1) For a general comprehensive plan of a water supply system, the commissioners shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine, and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies, and the lands, waters, and water rights and easements necessary therefor, and for retaining and storing any such waters, and erecting dams, reservoirs, aqueducts, and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district. The commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and a long-term plan for financing the planned projects and the method of distributing the cost and expense thereof, including the creation of local improvement districts or utility local improvement districts, and shall determine whether the whole or part of the cost and expenses shall be paid from revenue or general obligation bonds. (2) For a general comprehensive plan for a sewer system, the commissioners shall investigate all portions and sections of the district and select a general comprehensive plan for a sewer system for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods and services, if any, for the prevention, control, and reduction of water pollution and for the treatment and disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations or other sewage collection facilities, septic tanks, septic tank systems or drainfields, and systems for the transmission and treatment of wastewater. The general comprehensive plan shall provide a long-term plan for financing the planned projects and the method of distributing the cost and expense of the sewer system and services, including the creation of local improvement districts or utility local improvement districts; and provide whether the whole or some part of the cost and expenses shall be paid from revenue or general obligation bonds. (3) For a general comprehensive plan for a drainage system, the commissioners shall investigate all portions and sections of the district and adopt a general comprehensive plan for a drainage system for the district suitable and adequate for present and future needs thereof. The general comprehensive plan shall provide for a system to collect, treat, and dispose of storm water or surface waters, including use of natural systems and the construction or provision of culverts, storm water pipes, ponds, and other systems. The general comprehensive plan shall provide for a long-term plan for financing the planned projects and provide for a method of distributing the cost and expense of the drainage

system, including local improvement districts or utility local improvement districts, and provide whether the whole or some part of the cost and expenses shall be paid from revenue or general obligation bonds. (4) For a general comprehensive plan for street lighting, the commissioners shall investigate all portions and sections of the district and adopt a general comprehensive plan for street lighting for the district suitable and adequate for present and future needs thereof. The general comprehensive plan shall provide for a system or systems of street lighting, provide for a long-term plan for financing the planned projects, and provide for a method of distributing the cost and expense of the street lighting system, including local improvement districts or utility local improvement districts, and provide whether the whole or some part of the cost and expenses shall be paid from revenue or general obligation bonds. (5) The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties. (6) Any general comprehensive plan or plans shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health, except that a comprehensive plan relating to street lighting shall not be submitted to or approved by the director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health and by the designated engineer within sixty days of their respective receipt of the plan. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans. Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of the county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of districts. The resolution, ordinance, or motion of the legislative body that rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The general comprehensive plan shall not provide for the extension or location of facilities that are inconsistent with the requirements of RCW 36.70A.110. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section. If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authorities of the cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town legislative authority if the city or town legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town legislative authority may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the commissioners and the city or town legislative authority may mutually agree to an extension of the deadlines in this section. Before becoming effective, the general comprehensive plan shall be approved by any state agency whose approval may be required by applicable law. Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan. However, only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town governing body. **Sec. 19.** RCW 57.08.081 and 1996 c 230 s 314 are each amended to read as follows: The commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service and facilities to those to whom service is available or for providing water, such rates and charges to be fixed as deemed necessary by the commissioners, so that uniform charges will be made for the same class of customer or service and facility. Rates and charges may be combined for the furnishing of more than one type of sewer service ~~(and facility)~~ and facility such as but not limited to storm or surface water and sanitary. In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost ~~(of service)~~ to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service and facility furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system. The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes. The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be

brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions. In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of sixty days. **Sec. 20.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read as follows: (1) The county legislative authority may create a shellfish protection district on its own motion or by submitting the question to the voters of the proposed district and obtaining the approval of a majority of those voting. The boundaries of the district shall be determined by the legislative authority. The legislative authority may create more than one district. A district may include any area or areas within the county, whether incorporated or unincorporated. Counties shall coordinate and cooperate with cities, towns, and water-related special districts within their boundaries in establishing shellfish protection districts and carrying out shellfish protection programs. Where a portion of the proposed district lies within an incorporated area, the county shall develop procedures for the participation of the city or town in the determination of the boundaries of the district and the administration of the district, including funding of the district's programs. The legislative authority of more than one county may by agreement provide for the creation of a district including areas within each of those counties. County legislative authorities are encouraged to coordinate their plans and programs to protect shellfish growing areas, especially where shellfish growing areas are located within the boundaries of more than one county. The legislative authority or authorities creating a district may abolish a shellfish protection district on its or their own motion or by submitting the question to the voters of the district and obtaining the approval of a majority of those voting. (2) If the county legislative authority creates a shellfish protection district by its own motion, any registered voter residing within the boundaries of the shellfish protection district may file a referendum petition to repeal the ordinance that created the district. Any referendum petition to repeal the ordinance creating the shellfish protection district shall be filed with the county auditor within seven days of passage of the ordinance. Within ten days of the filing of a petition, the county auditor shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in creation of the shellfish protection district and a negative answer to the question and a negative vote on the measure results in the shellfish protection district not being created. The petitioner shall be notified of the identification number and ballot title within this ten-day period. After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than twenty-five percent of the registered voters residing within the boundaries of the shellfish protection district and file the signed petitions with the county auditor. Each petition form shall contain the ballot title and full text of the measure to be referred. The county auditor shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the county auditor shall submit the referendum measure to the registered voters residing in the shellfish protection district in a special election no later than one hundred twenty days after the signed petition has been filed with the county auditor. The special election may be conducted by mail ballot as provided for in chapter 29.36 RCW. (3) The county legislative authority shall not impose fees, rates, or charges for shellfish protection district programs upon properties on which fees, rates, or charges are imposed ~~((to pay for another program to eliminate or decrease contamination in storm water runoff))~~ under chapter 36.89 or 36.94 RCW for substantially the same programs and services. **NEW SECTION. Sec. 21.** (1) The department of health shall convene a work group for the purpose of making recommendations to the legislature for the development of a certification program for different classes of people involved with on-site septic systems. The work group shall study certification of persons who pump, install, design, perform maintenance, inspect, or regulate any of the above listed functions with regard to on-site septic systems. The work group shall make recommendations regarding appropriate bonding levels and other standards for the various occupations for which certification will be recommended. The work group shall also examine the development of a risk analysis pertaining to the installation and maintenance of different types of septic systems for different parts of the state. The work group shall report its findings and recommendations to the senate agriculture and environment committee and the house of representatives agriculture and ecology committee by January 1, 1998. (2) The work group shall consist of a representative from each of the following groups: On-site septic system pumpers, installers, designers, maintenance operators, and inspectors, as well as a representative of cities, counties, the department of health, engineers, residential construction, the Puget Sound water quality action team, public utility districts, water-sewer districts, and two members from the general public. The members of the work group shall be appointed by the governor. The representative of the department of health shall serve as the chair of the work group. Staff support for the work group shall be provided by the department of health." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5838.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton to concur in the House amendment to Substitute Senate Bill No. 5838.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5838.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5838, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5838, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McCaslin, McDonald, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senators Finkbeiner and Morton - 2. Excused: Senator Heavey - 1. SUBSTITUTE SENATE BILL NO. 5838, as amended by the House, having

received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5188 with the following amendment(s):  
On page 4, line 5, after "in RCW" strike "9.9A.030" and insert "9.94A.030", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Long moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5188.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Long to concur in the House amendment to Substitute Senate Bill No. 5188.

The motion by Senator Long carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5188.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5188, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5188, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 44. Voting nay: Senators Brown, Fairley, Kohl and Thibaudeau - 4. Excused: Senator Heavey - 1. SUBSTITUTE SENATE BILL NO. 5188, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5193 with the following amendment(s):  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 82.08.02745 and 1996 c 117 s 1 are each amended to read as follows: (1) The tax levied by RCW 82.08.020 shall not apply to charges made for labor and services rendered by any person in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures used as agricultural employee housing, or to sales of tangible personal property that becomes an ingredient or component of the buildings or other structures during the course of the constructing, repairing, decorating, or improving the buildings or other structures, but only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department by rule. (2) The exemption provided in this section for agricultural employee housing provided to year-round employees of the agricultural employer, only applies if that housing is built to the current building code for single-family or multifamily dwellings according to the state building code, chapter 19.27 RCW. (3) Any agricultural employee housing built under this section shall be used according to this section for at least five consecutive years from the date the housing is approved for ~~((occupation))~~ occupancy, or the full amount of tax otherwise due shall be immediately due and payable together with interest, but not penalties, from the date the housing is approved for occupancy until the date of payment. If at any time agricultural employee housing that is not located on agricultural land ceases to be used in the manner specified in subsection (2) of this section, the full amount of tax otherwise due shall be immediately due and payable with interest, but not penalties, from the date the housing ceases to be used as agricultural employee housing until the date of payment. (4) The exemption provided in this section shall not apply to housing built for the occupancy of an employer, family members of an employer, or persons owning stock or shares in a farm partnership or corporation business. (5) For purposes of this section and RCW 82.12.02685: (a) "Agricultural employee" or "employee" has the same meaning as given in RCW 19.30.010; (b) "Agricultural employer" or "employer" has the same meaning as given in RCW 19.30.010; and (c) "Agricultural employee housing" means all facilities provided by ~~((the))~~ an agricultural employer, housing authority, local government, state or federal agency, nonprofit community or neighborhood-based organization that is exempt from income tax under section 501(c) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)), or for-profit provider of housing for housing ~~((the employer's))~~ agricultural employees on a year-round or seasonal basis, including bathing, food handling, hand washing, laundry, and toilet facilities, single-family and multifamily dwelling units and dormitories, and includes labor camps under RCW 70.54.110. "Agricultural employee housing" does not include housing regularly provided on a commercial basis to the general public ~~((that is provided to agricultural employees on the same terms and conditions as it is provided to the general public))~~. "Agricultural employee housing" does not include housing provided by a housing authority unless at least eighty percent of the occupants are agricultural employees whose adjusted income is less than fifty percent of median family income, adjusted for household size, for the county where the housing is provided. **Sec. 2.** RCW 82.12.02685 and 1996 c 117 s 2 are each amended to read as follows: (1) The provisions of this chapter shall not apply in

respect to the use of tangible personal property that becomes an ingredient or component of buildings or other structures used as agricultural employee housing during the course of constructing, repairing, decorating, or improving the buildings or other structures by any person. (2) The exemption provided in this section for agricultural employee housing provided to year-round employees of the agricultural employer, only applies if that housing is built to the current building code for single-family or multifamily dwellings according to the state building code, chapter 19.27 RCW. (3) Any agricultural employee housing built under this section shall be used according to this section for at least five consecutive years from the date the housing is approved for ~~((occupat~~ion)) occupancy, or the full amount of a tax otherwise due shall be immediately due and payable together with interest, but not penalties, from the date the housing is approved for occupancy until the date of payment. If at any time agricultural employee housing that is not located on agricultural land ceases to be used in the manner specified in subsection (2) of this section, the full amount of tax otherwise due shall be immediately due and payable with interest, but not penalties, from the date the housing ceases to be used as agricultural employee housing until the date of payment. (4) The exemption provided in this section shall not apply to housing built for the occupancy of an employer, family members of an employer, or persons owning stock or shares in a farm partnership or corporation business. (5) The definitions in RCW 82.08.02745(5) apply to this section. **NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate concurred in the House amendment to Senate Bill No. 5193  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5193, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5193, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McCaslin, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Voting nay: Senator Kohl - 1. Excused: Senator Heavey - 1. SENATE BILL NO. 5193, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator McCaslin was excused.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5295 with the following amendment(s):  
On page 2, beginning on line 31, after "trial." strike everything through "perjury." on line 34, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Roach moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5295.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach to concur in the House amendment to Substitute Senate Bill No. 5295.

The motion by Senator Roach carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5295.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5295, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5295, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators

Heavey and McCaslin - 2.. SUBSTITUTE SENATE BILL NO. 5295, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR ADJOURNMENT

At 5:40 p.m., Senator Loveland moved that the Senate adjourn until 9:00 a.m., Monday, April 21, 1997.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Loveland to adjourn until 9:00 a.m., Monday, April 21, 1997.

#### ROLL CALL

The Secretary called the roll and the motion to adjourn failed by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Voting nay: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Excused: Senator Heavey - 1.

#### MESSAGES FROM THE HOUSE

April 19, 1997

MR. PRESIDENT:

The House concurred in the Senate amendments(s) to the following House Bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1110,  
SECOND SUBSTITUTE HOUSE BILL NO. 1191,  
HOUSE BILL NO. 1367,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1372,  
SUBSTITUTE HOUSE BILL NO. 1387,  
SECOND SUBSTITUTE HOUSE BILL NO. 1392,  
HOUSE BILL NO. 1398,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1423,  
SUBSTITUTE HOUSE BILL NO. 1433,  
HOUSE BILL NO. 1457,  
HOUSE BILL NO. 1458,  
SUBSTITUTE HOUSE BILL NO. 1464,  
HOUSE BILL NO. 1468,  
ENGROSSED HOUSE BILL NO. 1472,  
SUBSTITUTE HOUSE BILL NO. 1474,  
SUBSTITUTE HOUSE BILL NO. 1491,  
ENGROSSED HOUSE BILL NO. 1647.

TIMOTHY A. MARTIN, Chief Clerk  
April 19, 1997

MR. PRESIDENT:

The House concurred in the Senate amendments(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1499,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1527,  
SUBSTITUTE HOUSE BILL NO. 1536,  
HOUSE BILL NO. 1589,  
SUBSTITUTE HOUSE BILL NO. 1620,  
SUBSTITUTE HOUSE BILL NO. 1632,  
HOUSE BILL NO. 1646,  
SUBSTITUTE HOUSE BILL NO. 1693.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hale, Senator McCaslin was excused.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5318 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 59.18.390 and 1989 c 342 s 11 are each amended to read as follows: (1) The sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the defendant, his or her agent, or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter, and the defendant, or person in possession of the premises within three days after the service of

the writ of restitution may execute to the plaintiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with sufficient surety to be approved by the clerk of ((said)) the court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the ((said)) premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of ((said)) the premises, together with all damages which the court theretofore has awarded to the plaintiff as provided in this chapter, and also all the costs of the action. The plaintiff, his or her agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon ((said)) the bond before ((said)) the bond shall be approved by the clerk. After the issuance of a writ of restitution, acceptance of a payment by the landlord or plaintiff that only partially satisfies the judgment will not invalidate the writ unless pursuant to a written agreement executed by both parties. The eviction will not be postponed or stopped unless a copy of that written agreement is provided to the sheriff. It is the responsibility of the tenant or defendant to ensure a copy of the agreement is provided to the sheriff. Upon receipt of the agreement the sheriff will cease action unless ordered to do otherwise by the court. The writ of restitution and the notice that accompanies the writ of restitution required under RCW 59.18.312 shall conspicuously state in bold face type, all capitals, not less than twelve points information about partial payments as set forth in subsection (2) of this section. If the writ of restitution has been based upon a finding by the court that the tenant, subtenant, sublessee, or a person residing at the rental premises has engaged in drug-related activity or has allowed any other person to engage in drug-related activity at those premises with his or her knowledge or approval, neither the tenant, the defendant, nor a person in possession of the premises shall be entitled to post a bond in order to retain possession of the premises. The writ may be served by the sheriff, in the event he or she shall be unable to find the defendant, an agent or attorney, or a person in possession of the premises, by affixing a copy of ((said)) the writ in a conspicuous place upon the premises: PROVIDED, That the sheriff shall not require any bond for the service or execution of the writ. The sheriff shall be immune from all civil liability for serving and enforcing writs of restitution unless the sheriff is grossly negligent in carrying out his or her duty. (2) The notice accompanying a writ of restitution required under RCW 59.18.312 shall be substantially similar to the following:

**IMPORTANT NOTICE - PARTIAL PAYMENTS**

**YOUR LANDLORD'S ACCEPTANCE OF A PARTIAL PAYMENT FROM YOU AFTER SERVICE OF THIS WRIT OF RESTITUTION WILL NOT AUTOMATICALLY POSTPONE OR STOP YOUR EVICTION. IF YOU HAVE A WRITTEN AGREEMENT WITH YOUR LANDLORD THAT THE EVICTION WILL BE POSTPONED OR STOPPED, IT IS YOUR RESPONSIBILITY TO PROVIDE A COPY OF THE AGREEMENT TO THE SHERIFF. THE SHERIFF WILL NOT CEASE ACTION UNLESS YOU PROVIDE A COPY OF THE AGREEMENT. AT THE DIRECTION OF THE COURT THE SHERIFF MAY TAKE FURTHER ACTION.**",

and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Roach moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5318.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach to concur in the House amendment to Substitute Senate Bill No. 5318.

The motion by Senator Roach carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5318.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5318, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Heavey and McCaslin - 2. SUBSTITUTE SENATE BILL NO. 5318, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5340 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to read as follows: (1) The superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter. Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public



instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district. Except as provided in subsection (5) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period. ~~((Every))~~ At any time after October 15th, an employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of ((stated)) the specific areas of deficiencies along with a ((suggested specific and)) reasonable program for improvement ((on or before February 1st of each year)). During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established ((beginning on or before February 1st and ending no later than May 1st)). The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement ~~((shall be))~~ during the established probationary period, as specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210. ((The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW 28A.405.300.)) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term. (2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel. (3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance. (4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300. (5) After an employee has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. However, the evaluation process set forth in subsection (1) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) of this section may be used as a basis for determining that an employee's work is unsatisfactory under subsection (1) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hochstatter moved that the Senate do concur in the House amendment to Senate Bill No. 5340.

#### POINT OF INQUIRY

Senator McAuliffe: "Senator Hochstatter, does the employee have the opportunity to request that they be changed from the original evaluator if there is a need?"

Senator Hochstatter: "Senator McAuliffe, if it says so in the script, they do."

Senator McAuliffe: "Thank you."

The President declared the question before the Senate to be the motion by Senator Hochstatter to concur in the House amendment to Senate Bill No. 5340.

The motion by Senator Hochstatter carried and the Senate concurred in the House amendment to Senate Bill No. 5340.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5340, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5340, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators Heavey and McCaslin - 2. SENATE BILL NO. 5340, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

EDITOR'S NOTE : See motion by Senator Sheldon on the Ninety-Ninth Day, April 21, 1997, that all remarks be spread upon the Journal with the verbatim debate on the following items: Senate Resolution 1997-8669, the amendments to the resolution and the final passage of Substitute Senate Bill No. 6062. Also, that all the remarks of each Senator, as well as the points of order, parliamentary inquires and personal privileges during that time, be spread upon the Journal.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

Senator McDonald moved that the following resolution be adopted:

#### SENATE RESOLUTION 1997-8669

By Senator McDonald

BE IT RESOLVED, That Senate Resolution No. 1997-8601, adopting the Rules of the Senate for the 55<sup>th</sup> legislature, be amended as follows:

On page 13, add the following to Rule 37:

"3. A majority of those members elected or appointed may order that a question or vote be reconsidered more than once. This rule, 37.3, shall expire at the conclusion (Sine Die) of the regular session of the 1997 Legislature."

#### MOTION

Senator McDonald moved that the following amendments to the resolution be considered simultaneously and be adopted:

On page 1, line 6 of the amendment after "that a" strike "question or vote" and insert "vote on final passage of a budget bill" On page 1, line 6 of the amendment after "once" insert ", and neither notice of reconsideration nor the motion to reconsider need be made on the same day of the vote on final passage." MOTION

Senator Snyder: "Under provisions of Rule 15, I move that we adjourn until 7:30 for dinner."

President Owen: "Senator Snyder has moved that the Senate recess until 7:30 for dinner."

#### CALL FOR THE QUESTION

Senator Johnson: "I call for the question."

President Owen: "All those in favor would signify by saying 'aye.' All those opposed 'no.' The 'no's' appear to have it. A division has been called for. All those in favor will please remain standing until the vote is taken. There are twenty-six 'aye' and twenty-three 'nay.' The motion is not adopted. Excuse me, there are twenty-three 'aye' and twenty-six 'no.' The motion is not adopted--again."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "I heard you the first time. Thank you, Mr. President. May I speak on the amendments to the resolution?"

President Owen: "Senator Snyder."

Senator Snyder: "Mr. President and members of the Senate, I really don't know what to say. To say it's highly unusual doesn't cover it, but we're embarking on a course here tonight, where we're adopting a change in the rules and making it retroactive. If you get a speeding ticket for going fifty miles in a thirty-five mile zone, and before you get to court, they reduce the speed limit to twenty-five, they don't charge you for going twenty-five miles over the speed limit, only fifteen. We passed a juvenile justice bill here the other day; you can't make that retroactive.

"I can go on and on and on with examples, but it seems like anytime that twenty-five people, after they've crashed and burned or the wheels come off, and they've dug a hell of a deep hole for themselves, they can't abide by the rules. They have to come in and change them. We established rules at the first of the session. We've done our best to abide by them, even though we think that on numerous occasions we haven't had public hearings. Policy committees haven't heard bills that have gone to Ways and Means or come directly to the floor. It's been one continual fight after another.

"Rules are made so the majority can operate this place, with the protection of the minority. This is a travesty, what you're doing today. It will come back to haunt this body time and time again. You've had two days. There were other methods to do this. You could have gone over to Ways and Means and had a hearing. You could have pulled a title bill out and put a striker on it. We wanted to offer a few amendments.-- or even come to you and said, 'You know what we're really interested in is getting out of here. We're really interested in sending the Governor something that he'll sign.'

"Now, I don't know, I can't speak for the Governor, but I don't think he's going to sign the bill, at least all of the bill that's presently 6062-- and we're going to have to come back. I think if we sit down, like I suggested this morning, with four caucuses involved, get the Governor's representative involved, that we could probably come up with something that we could all vote for, and we could all live with, and we could go home a week from tomorrow--and we could all be proud of it. We'd have bipartisan support and probably have heavy support in all four caucuses. We've changed this where you started off on this route of changing the rules. I've a lot of respect for this place, and it's going to hell in a handbasket."

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "First off, Mr. President, I would like to point out the fact that this does not have any retroactive language in it. The amendment that we have is simply one that says that on the same day it does not have to have a reconsideration motion. It does not refer in any way to retroactivity.

"The second thing I would like to say is that Reed's Rules and all the rules that we have in the Senate are very clear that we can amend the rules by placing one on the bar of the Senate twenty-four hours in advance, which is exactly what we have done. You can also amend the rules is quite clear, and that's what we are doing. Rules are meant to drive us to conclusion. That's exactly what we need to do.

"Finally, I would say to you, that in 1994, when you were in the majority, you simply suspended all the rules, and we operated with no rules out here. So, it is not as if the suspension of rules or the amendment of rules is a new thing. It has been done before; it will be done in the future. We're trying to drive to conclusion of the will of the Legislature with respect to the budget. This expedites that process. It makes it clear. It makes it concise. It makes it done by today. I think this is a good amendment, and I urge your adoption."

#### REMARKS BY THE PRESIDENT

President Owen: "The question before the Senate is the adoption of the two amendments on page 1, line 6, by Senator McDonald to Senate Resolution 1997-8669. All those in favor would signify by saying 'aye.' Those opposed 'no.' The 'aye's' appear to have it. A roll call has been demanded. Do one-sixth of the members sustain the demand? The demand has been sustained. The Secretary will call the roll on the adoption of the amendments to the resolution."

#### ROLL CALL

The Secretary called the roll and the amendments to the resolution were adopted by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Excused: Senator Heavey - 1. President Owen: "The amendments to the resolution are adopted. The question before the Senate is the adoption of Senate Resolution 1997-8669, as amended."

#### REMARKS BY SENATOR SNYDER

Senator Snyder: "I'll be very brief. Yes, we have amended the rules in the past. Senator McDonald said we're not doing anything to make it retroactive. We certainly are. When we've amended the rules in the past, it's because we've run into a glitch, and we don't want it to happen again in the future. That's why the rules have been amended. This is no better than when I gave my speech a few minutes ago. I would urge you to vote 'no,' and let's put some sense into the process."

#### REMARKS BY SENATOR McDONALD

Senator McDonald: "I would urge a 'yes' vote. This is simply saying that the majority of those members elected or appointed can reconsider a bill more than once. It says that it's related only to a budget bill, that reconsideration can be given on other than the same day on final passage. This is simply driving us to conclusion. We can have a budget to the Governor

if we adopt this resolution. It is certainly within the precedent of this body. It is a good resolution, and I hope you will vote for it.”

#### REMARKS BY SENATOR McAULIFFE

Senator McAuliffe: “Mr. President, may I remind this body that a government is created to protect the rights of the minority, and that a given right must never be exercised to interfere with the rights of others. This is not happening here today, and I'm truly disappointed.”

#### REMARKS BY THE PRESIDENT

President Owen: “The question before the Senate is the adoption of Senate Resolution 1997-8669, as amended. All those in favor would signify by saying 'aye.' All those opposed 'no.' The 'aye's' appear to have it. A roll call has been demanded. Do one-sixth of the members sustain the demand? The demand has been sustained. The Secretary will call the roll on the adoption of Senate Resolution 1997-8669, as amended.”

#### ROLL CALL

The Secretary called the roll and the resolution, as amended, was adopted by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Excused: Senator Heavey - 1. President Owen: “The resolution, as amended, is adopted.”

#### MOTION

Senator West: “Mr. President, under Senate Rule 37.3, I move that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6062, as recommended by the Conference Committee, failed to pass on reconsideration.”

President Owen: “Senator West has moved that under Senate Rule 37.3 that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6062, as recommended by the Conference Committee, failed to pass on reconsideration.”

#### MOTION BY SENATOR SNYDER

Senator Snyder: “I was going to raise a point of order, but first I'll move to the ninth order of business. I believe Senator West made his motion to reconsider, and we were not under the ninth order of business. I believe that's the proper order of business. I'll move to the ninth order of business.”

#### REPLY BY THE PRESIDENT

President Owen: “Senator Snyder, the President believes that your point is well taken, that we would have to advance to the ninth order of business.”

#### MOTION BY SENATOR JOHNSON

Senator Johnson: “Mr. President, I move that the Senate advance to the ninth order of business.”

President Owen: “Senator Johnson moves that the Senate advance to the ninth order of business. If there are no objections, so ordered.”

#### MOTION BY SENATOR WEST

Senator West: “Thank you, Mr. President. Under Senate Rule 37.3, I move that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6062, as recommended by the Conference Committee, failed to pass.”

President Owen: “Senator West has moved that under Senate Rule 37.3, the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6062, as recommended by the Conference Committee, failed to pass on reconsideration.”

#### POINT OF ORDER

Senator Snyder: “Thank you, Mr. President, a point of order. I very reluctantly ask the President for a ruling on whether Senate Rule 37.3 can apply to Substitute Senate Bill No. 6062 because the Rule 37.3 was not in effect at the time that the Senate, on the second occasion, failed to pass Substitute Senate Bill 6062, as recommended by the conference committee.”

President Owen: “Senator Snyder. Senator Johnson, did you wish to respond?”

#### REMARKS BY SENATOR JOHNSON

Senator Johnson: “Mr. President. Just this, that the amended rule is in place now, and that Substitute Senate Bill No. 6062, while in its failed status remains at the desk, and therefor can be acted upon.”

## RULING BY THE PRESIDENT

President Owen: "The President believes the Senate Rules have been changed in a manner which allows the reconsideration of Substitute Senate Bill No. 6062. The prior rules prevented that reconsideration, but if the rules are changed to allow reconsideration on multiple times and days, the President is bound to observe the new rules.

"The President would like to emphasize that this ruling is made with deep regret and extreme disappointment that the available rules and procedures were not followed that would maintain the integrity of the process and still have accomplished the same end. The rules of the Senate provide the integrity and trust needed to make the institution function properly. The changes accomplished here today attack the fundamental integrity by changing a basic understanding of parliamentary procedure which the President relied on yesterday in ruling on Substitute Senate Bill No. 6062. The wisdom of a rule which prohibits endless reconsideration was clearly explained by Thomas Reed more than one-hundred years ago. The President fears that this change will have long standing repercussions which will stay with this body throughout this session, and for many sessions to come."

## PERSONAL PRIVILEGE RESIGNS SENATE SEAT

Senator Snyder: "Thank you, Mr. President. A point of personal privilege."

President Owen: "Please state your point of personal privilege."

Senator Snyder: "I, too, am highly disappointed in the actions of this body in the last few minutes. I've always been very proud to be associated with this Senate and previous to that, the House of Representatives. I feel that my voice and my vote have been very diminished, and I'm going to immediately submit my resignation as the Senator from the Nineteenth District to the Governor."

President Owen: "Senator Franklin."

## PERSONAL PRIVILEGE

Senator Franklin: "Mr. President. A point of personal privilege, Mr. President."

President Owen: "Please state your point of personal privilege."

Senator Franklin: "This is indeed a sad day. It's a sad day for this prestigious body. This should not have happened. This should not have happened. Look what is happening. You have divided us."

## REMARKS BY THE PRESIDENT

President Owen: "The question before the Senate is the motion by Senator West that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6062, as recommended by the conference committee, failed to pass on reconsideration. All those in favor will signify by saying 'aye.' All those opposed, 'no.' The 'aye's' have it.

"The question before the Senate is the final passage of Substitute Senate Bill No. 6062, as recommended by the conference committee on reconsideration. The Secretary will call the roll."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6062, as recommended by the Conference Committee on reconsideration, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 0; Absent, 22; Excused, 1.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McCaslin, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 26. Absent: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Snyder, Spanel, Swanson, Thibaudeau and Wojahn - 22. Excused: Senator Heavey - 1. SUBSTITUTE SENATE BILL NO. 6062, as recommended by the conference committee on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

Senator Johnson: "I move that Substitute Senate Bill No. 6062 be immediately transmitted to the House of Representatives."

## STATEMENT FOR THE JOURNAL

It has come to my attention that I may have mistakenly voted 'yea' when I intended to vote 'nay' on reconsideration of final passage of Substitute Senate Bill No. 6062, as recommended by the Conference Committee.

Despite the number of procedure motions and the intensity of the moment, I was certain that I had made the correct vote at that time. However, I find now that my vote was recorded a 'yea' rather than a 'nay.' I wish to declare for the record my intent to vote 'nay,' consistent with my two previous 'nay' votes on this budget bill.

SENATOR VAL STEVENS, 39th District

## PERSONAL PRIVILEGE

Senator McDonald: "Mr. President, I rise to a point of personal privilege."

President Owen: "Please state your point of personal privilege."

Senator McDonald: "Mr. President, fellow members of the Senate, I don't think there's anybody on this floor that wouldn't be saddened by Senator Snyder's announcement. That does not diminish the fact that this Legislature has to drive to conclusion. We've done that. We've made a great step forward as far as passing this budget to the House of Representatives for Representative Ballard's signature, and then to the Governor.

"I also would want to emphasize that the rule changes made today are the smallest rule changes that have been made in order to reach a conclusion. It was not done in haste. It was not done without a great deal of thought. It was not done without thinking about alternative opportunities. But, we have to get out of here within the next little bit. We have made a great step forward in doing that. I'm saddened by the fact that the minority party chose to leave these chambers, but it does not diminish our mandate to finish the business of this Legislature and of the Senate--and that is exactly what we're doing."

#### MOTION

At 6:22 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Monday, April 21, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

JOURNAL OF THE SENATE

***NINETY-SEVENTH DAY, APRIL 19, 1997***

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**NINETY-NINTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, April 21, 1997

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Fraser, Loveland, McCaslin, Snyder and Spanel. On motion of Senator Franklin, Senators Fraser, Loveland, Snyder and Spanel were excused. On motion of Senator Hale, Senators Benton and McCaslin were excused. The Sergeant at Arms Color Guard, consisting of Pages Kristy Carey and Richard Chcuik, presented the Colors. Reverend Gary Gulbranson, pastor of the Westminster Chapel of Bellevue, and a guest of Senator Dan McDonald, offered the prayer.

**MOTION**

At 9:09 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 10:19 a.m. by President Owen.

**MOTION**

Senator Johnson moved the reading of the Journal of the previous day be dispensed with and it be approved.

**MOTION**

Senator Sheldon: "I move that the Journal of the previous day's business be approved with the verbatim debate on the following items: Senate Resolution 1997-8669 (amending Senate Rule 37); the two amendments to the resolution, and final passage of Substitute Senate Bill No. 6062, as recommended by the Conference Committee on reconsideration. I also move that the remarks by each Senator who spoke on the above items, and all the intervening points of order, parliamentary inquiries and personal privileges, including the President's rulings and remarks, also be spread upon the Journal of the Senate for April 19, 1997."

There being no objection, the motion of Senator Sheldon carried and the Journal of the previous day was approved with the additional items included.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENT**

April 2, 1977

**TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON**

Ladies and Gentlemen:

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

Dr. Barbara Anderson, appointed April 2, 1997, for a term ending September 30, 1998, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

**MOTION**

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

**SENATE RESOLUTION 1997-8668**

By Senator Snyder and Kohl

WHEREAS, The Willapa Valley Vikings Football Team of Pacific County capped an undefeated season by capturing the Washington State B-11 football championship; and

WHEREAS, Head Coach Rob Friese and Assistant Coaches John Peterson and Greg Wonhoff guided the Willapa Valley Vikings toward their perfect 13-0 record; and

WHEREAS, Rob Friese, John Peterson, and Matt Bannish are all Coathletic Directors who devote their time and talents to bringing together a winning football team; and

WHEREAS, The Willapa Valley Vikings have a long history of excelling in all areas of sports; and

WHEREAS, Rob Friese and Matt Bannish are witnesses to this winning tradition, having played on Willapa Valley's 1978 and 1979 state championship football team and 1981 state championship basketball team; and

WHEREAS, Twenty-nine of the Willapa Valley's one hundred forty-eight students successfully dedicated themselves to winning the 1996 state football championship;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Willapa Valley Vikings for their accomplishments in attaining the title of Washington State B-11 Football Champions; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Willapa Valley's coaching staff, administration, and each of the players on Willapa Valley Vikings Championship Football Team.

Senators Hargrove and Wojahn spoke to Senate Resolution 1997-8668.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Willapa Valley Vikings Championship Football Team and their coaches, who were seated in the gallery.

#### SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 6062.

#### MOTION

On motion of Senator Johnson, the Senate reverted to the fourth order of business.

EDITOR'S NOTE: Conferences were granted on Engrossed Substitute Senate Bill No. 5082, Second Substitute Senate Bill No. 5508, and Engrossed Second Substitute Senate Bill No. 5710, April 19, 1997.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5082 and the House amendment(s) thereon: Senators Long, Hargrove and Zarelli.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5508 and the House amendment(s) thereon: Senators Hochstatter, McAuliffe and Zarelli.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5710 and the House amendment(s) thereon: Senators Long, Hargrove and Zarelli.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5445 with the following amendment(s):



Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 18.71.210 and 1995 c 65 s 4 and 1995 c 103 s 1 are each reenacted and amended to read as follows: No act or omission of any physician's trained emergency medical service intermediate life support technician and paramedic, as defined in RCW 18.71.200, or any emergency medical technician or first responder, as defined in RCW 18.73.030, done or omitted in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician or an approved medical program director or delegate(s) to a person who has suffered illness or bodily injury shall impose any liability upon: (1) The physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder; (2) The medical program director; (3) The supervising physician(s); (4) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital; (5) Any training agency or training physician(s); (6) Any licensed ambulance service; or (7) Any federal, state, county, city or other local governmental unit or employees of such a governmental unit. This section shall apply to an act or omission committed or omitted in the performance of the actual emergency medical procedures and not in the commission or omission of an act which is not within the field of medical expertise of the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder, as the case may be. This section shall apply also, as to the entities and personnel described in subsections (1) through (7) of this section, to any act or omission committed or omitted in good faith by such entities or personnel in rendering services at the request of an approved medical program director in the training of emergency medical service (~~medical~~) personnel for certification or recertification pursuant to this chapter. This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct. **Sec. 2.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are each reenacted and amended to read as follows: (1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section. (2)(a) The secretary has authority under this chapter in relation to the following professions: (i) Dispensing opticians licensed under chapter 18.34 RCW; (ii) Naturopaths licensed under chapter 18.36A RCW; (iii) Midwives licensed under chapter 18.50 RCW; (iv) Ocularists licensed under chapter 18.55 RCW; (v) Massage operators and businesses licensed under chapter 18.108 RCW; (vi) Dental hygienists licensed under chapter 18.29 RCW; (vii) Acupuncturists licensed under chapter 18.06 RCW; (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW; (ix) Respiratory care practitioners certified under chapter 18.89 RCW; (x) Persons registered or certified under chapter 18.19 RCW; (xi) Persons registered as nursing pool operators under chapter 18.52C RCW; (xii) Nursing assistants registered or certified under chapter ~~(18.79))~~ 18.88A RCW; (xiii) Health care assistants certified under chapter 18.135 RCW; (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW; (xv) Sex offender treatment providers certified under chapter 18.155 RCW; (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205; (xvii) Persons registered as adult family home providers and resident managers under RCW 18.48.020; and (xviii) Denturists licensed under chapter 18.30 RCW. (b) The boards and commissions having authority under this chapter are as follows: (i) The podiatric medical board as established in chapter 18.22 RCW; (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW; (iii) The dental quality assurance commission as established in chapter 18.32 RCW; (iv) The board of hearing and speech as established in chapter 18.35 RCW; (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW; (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW; (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW; (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW; (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW; (x) The board of physical therapy as established in chapter 18.74 RCW; (xi) The board of occupational therapy practice as established in chapter 18.59 RCW; (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter; (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and (xiv) The veterinary board of governors as established in chapter 18.92 RCW. (3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority. (4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section. **Sec. 3.** RCW 18.35.060 and 1996 c 200 s 7 and 1996 c 191 s 19 are each reenacted to read as follows: (1) The department shall issue a hearing instrument fitting/dispensing permit to any applicant who has shown to the satisfaction of the department that the applicant: (a) Is at least twenty-one years of age; (b) If issued a hearing instrument fitter/dispenser permit, would be employed and directly supervised in the fitting and dispensing of hearing instruments by a person licensed or certified in good standing as a hearing instrument fitter/dispenser or audiologist for at least two years unless otherwise approved by the board; (c) Has complied with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280; (d) Has not committed unprofessional conduct as specified by the uniform disciplinary act; and (e) Is a high school graduate or the equivalent. The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall apply to any person issued a hearing instrument fitter/dispenser permit. Pursuant to the provisions of this section, a person issued a hearing instrument fitter/dispenser permit may engage in the fitting and dispensing of hearing instruments without having first passed the hearing instrument fitter/dispenser examination provided under this chapter. (2) The hearing instrument fitter/dispenser permit shall contain the names of the employer and the licensed or certified supervisor under this chapter who are employing and supervising the hearing instrument fitter/dispenser permit holder and those persons shall execute an acknowledgment of responsibility for all acts of the hearing instrument fitter/dispenser permit holder in connection with the fitting and dispensing of hearing instruments. (3) A hearing instrument fitter/dispenser permit holder may fit and dispense hearing instruments, but only if the hearing instrument fitter/dispenser permit holder is under the direct supervision of a licensed hearing instrument fitter/dispenser or certified audiologist under this chapter in a capacity other than as a hearing instrument fitter/dispenser permit holder. Direct supervision by a licensed hearing instrument fitter/dispenser or certified audiologist shall be required whenever the hearing instrument fitter/dispenser permit holder is engaged in the fitting or dispensing of hearing instruments

during the hearing instrument fitter/dispenser permit holder's employment. The board shall develop and adopt guidelines on any additional supervision or training it deems necessary. (4) ~~(No individual may hold a hearing instrument fitter/dispenser permit for more than two years.)~~ The hearing instrument fitter/dispenser permit expires one year from the date of its issuance except that on recommendation of the board the permit may be reissued for one additional year only. (5) No certified audiologist or licensed hearing instrument fitter/dispenser under this chapter may assume the responsibility for more than one hearing instrument fitter/dispenser permit holder at any one time. (6) The department, upon approval by the board, shall issue an interim permit authorizing an applicant for speech-language pathologist certification or audiologist certification who, except for the postgraduate professional experience and the examination requirements, meets the academic and practicum requirements of RCW 18.35.040 to practice under interim permit supervision by a certified speech-language pathologist or certified audiologist. The interim permit is valid for a period of one year from date of issuance. The board shall determine conditions for the interim permit. **Sec. 4.** RCW 18.35.080 and 1996 c 200 s 9 and 1996 c 191 s 20 are each reenacted and amended to read as follows: (1) The department shall license or certify each qualified applicant who satisfactorily completes the required examinations for his or her profession and complies with administrative procedures and administrative requirements established pursuant to RCW 43.70.250 and 43.70.280. (2) The board shall waive the examination and grant a speech-language pathology certificate to a person engaged in the profession of speech-language pathology in this state on June 6, 1996, if the board determines that the person meets commonly accepted standards for the profession, as defined by rules adopted by the board. Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997. (3) The board shall waive the examinations and grant an audiology certificate to a person engaged in the profession of audiology in this state on June 6, 1996, if the board determines that the person meets the commonly accepted standards for the profession and has passed the hearing instrument fitter/dispenser examination. Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997. (4) The board shall grant an audiology certificate to a person engaged in the profession of audiology, who has not been licensed as a hearing ~~(aid-instrument))~~ instrument fitter/dispenser, but who meets the commonly accepted standards for the profession of audiology and graduated from a board-approved program after January 1, 1993, and has passed sections of the examination pertaining to RCW 18.35.070 (3), (4), and (5). Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997. (5) Persons engaged in the profession of audiology who meet the commonly accepted standards for the profession of audiology and graduated from a board-approved program prior to January 1, 1993, and who have not passed the hearing instrument fitter/dispenser examination shall be granted a temporary audiology certificate (nondispensing) for a period of two years from June 6, 1996, during which time they must pass sections of the hearing instrument fitter/dispenser examination pertaining to RCW 18.35.070 (1)(c), (2)(e) and (f), (3), (4), and (5). The board may extend the term of the temporary certificate upon review. Persons eligible for certification under this subsection must apply for a certificate before July 1, 1997. **Sec. 5.** RCW 18.35.090 and 1996 c 200 s 11 and 1996 c 191 s 21 are each reenacted to read as follows: Each person who engages in practice under this chapter shall comply with administrative procedures and administrative requirements established under RCW 43.70.250 and 43.70.280 and shall keep the license, certificate, or permit conspicuously posted in the place of business at all times. The secretary may establish mandatory continuing education requirements and/or continued competency standards to be met by licensees or certificate or permit holders as a condition for license, certificate, or permit renewal. **Sec. 6.** RCW 18.88A.230 and 1995 1st sp.s. c 18 s 48 are each amended to read as follows: (1) The nurse and nursing assistant shall be accountable for their own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority shall be immune from liability for any action performed in the course of their delegation duties. Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability. (2) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the Washington nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety. Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to accept delegation of a nursing task based on patient safety issues. No community residential program, adult family home, or boarding home contracting to provide assisted-living services may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint. (3) The department of social and health services shall impose a civil fine of not less than two hundred fifty dollars nor more than one thousand dollars on a community residential program, adult family home, or boarding home under chapter 18, Laws of 1995 1st sp. sess. that knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18, Laws of 1995 1st sp. sess. **Sec. 7.** 1995 1st sp.s. c 18 s 53 (uncodified) is amended to read as follows: The secretary of health in consultation with the Washington nursing care quality assurance commission and the department of social and health services shall monitor the implementation of sections 45 through 54 of this act and shall make an interim report by December 31, 1996, and a final report by December 31, ~~(1997))~~ 1998, to the legislature with any recommendations for improvements. As part of the monitoring process, the secretary of health and the secretary of social and health services, in consultation with the University of Washington school of nursing, shall conduct a study to be completed by September 30, ~~(1997))~~ 1998, which shall be a part of the final report to be submitted to the legislature by December 31, ~~(1997))~~ 1998. The study shall include consideration of the protection of health and safety of persons with developmental disabilities and residents of adult family homes and boarding homes providing assisted living services, including the appropriateness of the tasks allowed for delegation, level and type of training and regulation of nursing assistants. The report shall include direct observation, documentation, and interviews, and shall specifically include data on the following: (1) Patient, nurse, and nursing assistant satisfaction; (2) Medication errors, including those resulting in hospitalization; (3) Compliance with required training; (4) Compliance with nurse delegation protocols; (5) Incidence of harm to patients, including abuse and neglect; (6) Impact on access to care; (7) Impact on patient quality of life; and (8) Incidence of coercion in the nurse-delegation process. **Sec. 8.** RCW 18.74.010 and 1991 c 12 s 1 are each amended to read as follows: Unless the context otherwise requires, the definitions in this section apply throughout this chapter. (1) "Board" means the board of physical therapy created by RCW 18.74.020. (2) "Department" means the department of health. (3) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures; the performance of tests and measurements of neuromuscular

function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner except as provided in RCW 18.74.012; supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter. (4) "Physical therapist" means a person who practices physical therapy as defined in this chapter but does not include massage operators as defined in RCW 18.108.010. (5) "Secretary" means the secretary of health. (6) Words importing the masculine gender may be applied to females. (7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, ~~((podiatrists, and))~~ podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws. **NEW SECTION. Sec. 9.** The department of social and health services shall not impose civil fines authorized in RCW 18.88A.230 on facilities licensed under chapter 70.128 RCW. This section does not affect any other fines or disciplinary actions authorized to be imposed by the department for facilities licensed under chapter 70.128 RCW. This section expires July 1, 1999. **NEW SECTION. Sec. 10.** A new section is added to chapter 43.03 RCW to read as follows: (1) Any part-time commission that has rule-making authority, performs quasi-judicial functions, has responsibility for the policy direction of a health profession credentialing program, and performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be identified as a class five group for purposes of compensation. (2) Except as otherwise provided in this section, each member of a class five group is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day. (3) Compensation may be paid a member under this section only if it is necessarily incurred in the course of authorized business consistent with the responsibilities of the commission established by law. **NEW SECTION. Sec. 11.** The department of health shall study the feasibility of updating, designing, and expanding the comprehensive hospital abstract reporting system to include ambulatory and outpatient data. The department shall submit a preliminary report to the legislature by December 31, 1997, and a final report July 1, 1998. The report shall be done in conjunction with potential and current data providers and shall include a cost/benefit analysis, data standards and reporting requirements, financing alternatives, data access and dissemination requirements, prioritization of data needs, and proposed implementation phases." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Deccio moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5445.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Deccio that the Senate do concur in the House amendment to Substitute Senate Bill No. 5445.

The motion by Senator Deccio carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5445.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5445, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5445, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Benton, Fraser, Loveland, McCaslin, Snyder and Spanel - 6. **SUBSTITUTE SENATE BILL NO. 5445**, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator Schow was excused.

#### MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed **SUBSTITUTE SENATE BILL NO. 5462** with the following amendment(s):

On page 3, line 20, after "RCW" strike " , unless" and insert "~~(, unless)~~ . In addition, a local government may adopt an ordinance exempting all building permit applications from the notice of application process as long as the exempted building permit applications are determined to be consistent with the local government's comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW. Building permit applications are not exempt under this subsection if the

applicable provision of the comprehensive plan or development regulations is subject to an order of invalidity of a court or a growth management hearings board. A notice of application shall be required under all circumstances if", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hale moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5462 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hale that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5462 and asks the House to recede therefrom.

The motion by Senator Hale carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5462 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 8, 1997

#### MR. PRESIDENT:

The House has passed SENATE BILL NO. 5503 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28B.50.140 and 1991 c 238 s 39 and 1991 c 58 s 1 are each reenacted and amended to read as follows: Each board of trustees: (1) Shall operate all existing community and technical colleges in its district; (2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3). However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding September 1, 1991; (3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection; (4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(5); (5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college; (6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable; (7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may: (a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and (b) Employ necessary employees to govern, manage and operate the same; (8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof; (9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes; (10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the district; (11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary; (12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate. ~~((Technical colleges shall offer only nonbaccalaureate technical degrees, certificates, or diplomas for occupational courses of study under rules of the college board. Technical colleges in districts twenty-eight and twenty-nine may offer nonbaccalaureate associate of technical or applied arts degrees only in conjunction with a community college the district of which overlaps with the district of the technical college, and these degrees may only be offered after a contract or agreement is executed between the technical college and the community college. The authority and responsibility to offer transfer level academic support and general education for students of districts twenty-one and twenty-five shall reside exclusively with~~

Whatecom Community College.) Technical colleges shall offer only nonbaccalaureate technical degrees under the rules of the state board for community and technical colleges that are appropriate to their work force education and training mission. The primary purpose of this degree is to lead the individual directly to employment in a specific occupation. Technical colleges may not offer transfer degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees upon persons other than graduates of the community college, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property; (13) Shall enforce the rules and regulations prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly promulgated rules and regulations; (14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board; (15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board; (16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community and technical colleges: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes; (17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college; (18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; (19) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4), may participate in higher education centers and consortia that involve any four-year public or independent college or university; and (20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board. **Sec. 2.** RCW 28B.50.215 and 1991 c 238 s 144 are each amended to read as follows: The colleges in each overlapping service area shall jointly submit for approval to the state board for community and technical colleges (~~not later than December 1, 1991,~~) a regional planning agreement. The agreement shall provide for the ongoing interinstitutional coordination of community and technical college programs and services operated in the overlapping service area. The agreement shall include the means for the adjudication of issues arising from overlapping service areas. The agreement shall include a definitive statement of mission, scope, and purpose for each college including the nature of courses, programs, and services to be offered by each college. ~~((The statement shall include a provision that the technical colleges shall not offer courses designed for transfer to baccalaureate granting institutions. This shall not preclude such offerings provided through contracts or agreements with a community college in the service area.))~~ Technical colleges may, under the rules of the state board for community and technical colleges, offer all specific academic support courses that may be at a transfer level that are required of all students to earn a particular certificate or degree. This shall not be interpreted to mean that their mission may be expanded to include transfer preparation, nor does it preclude technical colleges from voluntarily and cooperatively using available community college courses as components of technical college programs. Any part of the agreement that is not approved by all the colleges in the service area, shall be determined by the state board for community and technical colleges. Approved regional planning agreements shall be enforced by the full authority of the state board for community and technical colleges. Changes to the agreement are subject to state board approval. For the purpose of creating and adopting a regional planning agreement, the trustees of the colleges in Pierce county shall form a county coordinating committee. The county coordinating committee shall consist of eight members. Each college board of trustees in Pierce county shall select two of its members to serve on the county coordinating committee. The county coordinating committee shall not employ its own staff, but shall instead utilize staff of the colleges in the county. The regional planning agreement adopted by the county coordinating committee shall include, but shall not be limited to: The items listed in this section, the transfer of credits between technical and community colleges, program articulation, and the avoidance of unnecessary duplication in programs, activities, and services.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Wood moved that the Senate do concur in the House amendment to Senate Bill No. 5503.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wood that the Senate do concur in the House amendment to Senate Bill No. 5503.

The motion by Senator Wood carried and the Senate concurred in the House amendment to Senate Bill No. 5503.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5503, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5503, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Fraser, Loveland, McCaslin, Schow, Snyder and Spanel - 6. SENATE BILL NO. 5503, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5195 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows: (1) For the purposes of this section, "qualifying discount program" means a membership program, club, or plan that entitles the member to discounts on services or products sold by others. The term does not include any discount program which in part or in total entitles the member to discounts on services or products sold by the seller of the membership or an affiliate of the seller of the membership. "Affiliate," for the purposes of this section, means any person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the seller. (2) Persons selling memberships in a qualifying discount program are not subject to tax under this chapter on that portion of the membership sales where the seller delivers the membership materials to the purchaser who receives them at a point outside this state. **NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

## MOTION

Senator West moved that the Senate do concur in the House amendment to Senate Bill No. 5195.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Senate Bill No. 5195.

The motion by Senator West carried and the Senate concurred in the House amendment to Senate Bill No. 5195.

## MOTION

On motion of Senator Swecker, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5195, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5195, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 6; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 36. Voting nay: Senators Fairley, Kline, Kohl, McAuliffe, Thibaudeau and Wojahn - 6. Excused: Senators Deccio, Fraser, Loveland, McCaslin, Schow, Snyder and Spanel - 7. SENATE BILL NO. 5195, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5514 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The legislature finds that Initiative Measure No. 601, adopted by the people of the state of Washington, limits fee increases by requiring that any increases in fees beyond the levels expressly allowed under the initiative receive the prior approval of the legislature. The legislature finds that a more direct system of allowing the people to control fee increases predates Initiative Measure No. 601. This system developed in agricultural communities and provides these communities with direct control of the fees of the agricultural commodity commissions they created to serve them. The system requires those who pay the assessments levied by commodity commissions and boards to approve of assessment increases by referendum. It is at the heart of the statutes and marketing orders and agreements under which agricultural commodity commissions and boards are created. The legislature

does not believe that the adoption of Initiative Measure No. 601 was intended to dilute in any manner this more direct control held by the people governed by commodity commissions or boards over the fees they pay in the form of such assessments. Therefore, the legislature defers to this more direct control of these assessments so long as the authority to approve or disapprove of increases in these assessments is by referendum held directly by those who pay them. **Sec. 2.** RCW 43.135.055 and 1994 c 2 s 8 are each amended to read as follows: (1) No fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval. (2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments. **Sec. 3.** RCW 15.28.180 and 1992 c 87 s 1 are each amended to read as follows: (1) The same assessment shall be made for each soft tree fruit, except that if a two-thirds majority of the state commodity committee of any fruit recommends in writing the levy of an additional assessment on that fruit, or any classification thereof, for any year or years, the commission may levy such assessment for that year or years up to the maximum of eighteen dollars for each two thousand pounds of any fruit except cherries or any classification thereof, as to which the assessment may be increased to a maximum of thirty dollars for each two thousand pounds, and except pears covered by this chapter, as to which the assessment may be increased to a maximum of eighteen dollars for each two thousand pounds: PROVIDED, That no increase in the assessment on pears becomes effective unless the increase is first referred by the commission to a referendum by the Bartlett pear growers of the state and is approved by a majority of the growers voting on the referendum. The method and procedure of conducting the referendum shall be determined by the commission. Any funds so raised shall be expended solely for the purposes provided in this chapter and solely for such fruit, or classification thereof. The commission has the authority in its discretion to exempt in whole or in part from future assessments under this chapter, during such period as the commission may prescribe, any of the soft tree fruits or any particular strain or classification of them. (2) An assessment levied under this chapter may be increased in excess of the fiscal growth factor as determined under chapter 43.135 RCW if the assessment is submitted by referendum to the growers who are subject to the assessment and the increase is approved by a majority of those voting on the referendum. The method and procedure of conducting the referendum shall be determined by the commission. **Sec. 4.** RCW 15.86.070 and 1992 c 71 s 10 are each amended to read as follows: (1) The director may adopt rules establishing a certification program for producers, processors, and vendors of organic or transition to organic food. The rules may govern, but are not limited to governing: The number and scheduling of on-site visits, both announced and unannounced, by certification personnel; recordkeeping requirements; and the submission of product samples for chemical analysis. The rules shall include a fee schedule that will provide for the recovery of the full cost of the organic food program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section, and no appropriation is required for disbursement from the fund. The director may employ such personnel as are necessary to carry out the provisions of this section. (2) The fees established under this section may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 for the fiscal year ending June 30, 1998. **NEW SECTION. Sec. 5.** A new section is added to chapter 43.23 RCW to read as follows: The director may collect moneys to recover the reasonable costs of publishing and disseminating informational materials by the department. Materials may be disseminated in printed or electronic format. All moneys collected shall be deposited in the agricultural local fund or other appropriate fund administered by the director. **Sec. 6.** RCW 22.09.050 and 1994 c 46 s 4 are each amended to read as follows: Any application for a license to operate a warehouse shall be accompanied by a license fee of ~~((twelve hundred))~~ one thousand three hundred fifty dollars for a terminal warehouse, ~~((nine hundred))~~ one thousand fifty dollars for a subterminal warehouse, and ~~((three hundred and fifty))~~ five hundred dollars for a country warehouse. If a licensee operates more than one warehouse under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within the station by the applicable terminal, subterminal, or country warehouse license fee. If an application for renewal of a warehouse license or licenses is not received by the department prior to the renewal date or dates established by the director by rule, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a warehouseman subsequent to the expiration of his or her prior license. **Sec. 7.** RCW 22.09.055 and 1994 c 46 s 5 are each amended to read as follows: An application for a license to operate as a grain dealer shall be accompanied by a license fee of ~~((six hundred))~~ seven hundred fifty dollars. The license fee for exempt grain dealers shall be ~~((one hundred fifty))~~ three hundred dollars. If an application for renewal of a grain dealer or exempt grain dealer license is not received by the department before the renewal date or dates established by the director by rule, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a grain dealer or exempt grain dealer after the expiration of his or her prior license. **NEW SECTION. Sec. 8.** Sections 6 and 7 of this act take effect July 1, 1998. **NEW SECTION. Sec. 9.** Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5514.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5514.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5514.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5514, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5514, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 15; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, Bauer, Brown, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Horn, Jacobsen, Kline, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Sheldon, Swecker, West, Winsley and Wood - 25. Voting nay: Senators Benton, Fairley, Finkbeiner, Hochstatter, Johnson, Kohl, Patterson, Prentice, Roach, Stevens, Strannigan, Swanson, Thibaudeau, Wojahn and Zarelli - 15. Absent: Senators Rossi and Sellar - 2. Excused: Senators Deccio, Fraser, Loveland, McCaslin, Schow, Snyder and Spanel - 7. ENGROSSED SENATE BILL NO. 5514, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Hale, Senator Rossi was excused.

## MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5530 with the following amendment(s):

On page 2, after line 14, insert the following: "The term "agriculture" does not mean a farmer's processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

## MOTION

Senator Morton moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5530.

## POINT OF INQUIRY

Senator Prentice: "Senator Morton, the purpose of excluding forestry and lumbering--that is the purpose of the underlying bill? Is that what we are doing?"

Senator Morton: "That, Senator Prentice, is part of the purpose. The other is to make it clear that those are not included in the agricultural part of WISHA."

Senator Prentice: "Then, what will protect the workers? What law will be protecting the workers?"

Senator Morton: "In the two entities that you referred to?"

Senator Prentice: "Yes."

Senator Morton: "They would come under a separate category and I don't know what that category is."

Senator Prentice: "What is the purpose of exempting, then, of exempting them? Why can't they be under the same kind of rules? I am really trying to--I don't mean to be hostile--I just need to understand why we would be excluding them? They both work outdoors. I am thinking of folks that plant Christmas trees that are working out there in any of those operations and I know--I don't want to belabor this--but I have been a nurse and I know that is where some of those horrible accidents occur. So, I am wondering if we are really undermining it? I really need to understand it better."

Senator Morton: "Okay. I am not sure it is there in the green book. I could, Mr. President, read from this excerpt. It says 'For the purpose of agriculture, meaning farming and all its branches and includes,' and then there is a long list of those that are included. So, it more specifically defines--excuse me--those that are included specifically under agriculture listings. The other entities are under different listings. All are protected."

Senator Prentice: "Thank you very much."

Further debate ensued.

## POINT OF INQUIRY

Senator Wojahn: "Senator Morton, I notice here that one of the House amendments states that they do not require the Department of Ecology to approve. Can you respond to that and why that is and isn't that necessary?"

Senator Morton: "Senator Wojahn, I didn't get all of your question. Could you repeat it again, please? You were asking on the Department of Ecology --"

Senator Wojahn: "Yes, why they were not required to get approval from the Department of Ecology? That is from an amendment in the House."

Senator Morton: "Because we defined agriculture and we put it under WISHA in these particular regulations pertaining to safety standards. All right--and the Department of Ecology does not necessarily handle safety standards. So, that comes under WISHA, which is their responsibility and it focuses just upon the safety standards with WISHA."

Senator Wojahn: "Which is under L & I, is that correct? The safety standards are under Labor and Industry?"

Senator Morton: "I believe that is correct."

Further debate ensued.



The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Senate Bill No. 5530.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Senate Bill No. 5530.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5530, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5530, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 3; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Schow, Sellar, Sheldon, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 40. Voting nay: Senators Prentice, Swanson and Wojahn - 3. Excused: Senators Fraser, Loveland, McCaslin, Rossi, Snyder and Spanel - 6.

SENATE BILL NO. 5530, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Heavey served notice that he would move to reconsider the vote by which Senate Bill No. 5530, as amended by the House, passed the Senate.

#### MESSAGE FROM THE HOUSE

April 14, 1997

#### MR. PRESIDENT:

The House has passed SENATE BILL NO. 5554 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 61.24.010 and 1991 c 72 s 58 are each amended to read as follows: (1) The terms "record" and "recorded" as used in this chapter, shall include the appropriate registration proceedings, in the instance of registered land. (2) The trustee of a deed of trust under this chapter shall be: (a) Any domestic corporation incorporated under Title 23B, 30, 31, 32, or 33 RCW; or (b) Any title insurance company authorized to insure title to real property under the laws of this state, or its agents; or (c) Any attorney who is an active member of the Washington state bar association at the time he is named trustee; or (d) Any professional corporation incorporated under chapter 18.100 RCW, all of whose shareholders are licensed attorneys; or (e) Any agency or instrumentality of the United States government; or (f) Any national bank, savings bank, or savings and loan association chartered under the laws of the United States. (3) ~~((The trustee shall resign at the request of the beneficiary and may resign at its own election. Upon the resignation, incapacity, disability, or death of the trustee, the beneficiary shall nominate in writing a successor trustee.))~~ The beneficiary may appoint in writing a successor trustee at any time. Upon recording in the mortgage records of the county or counties in which the trust deed is recorded, of the appointment of a successor trustee, the successor trustee shall be vested with all powers of the original trustee. Recording of the appointment of a successor trustee shall be deemed a resignation by the predecessor trustee. **Sec. 2.** RCW 61.24.040 and 1989 c 361 s 1 are each amended to read as follows: A deed of trust foreclosed under this chapter shall be foreclosed as follows: (1) At least ninety days before the sale, the trustee shall: (a) Record a notice in the form described in RCW 61.24.040(1)(f) in the office of the auditor in each county in which the deed of trust is recorded; (b) If their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address: (i) The grantor or the grantor's successor in interest; (ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale; (iii) The vendee in any real estate contract, the lessee in any lease or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale; (iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale; and (v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; (c) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded; (d) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be transmitted by both first class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice; (e) Cause a copy of the notice of sale described in RCW 61.24.040(1)(f) to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property; (f) The notice shall be in substantially the following form:

NOTICE OF TRUSTEE'S SALE. NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . day of . . . , 19. . . , at the hour of . . . o'clock . . . M. at [street address and location if inside

a building] in the City of . . . . ., State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . . ., State of Washington, to-wit: which is subject to that certain Deed of Trust dated . . . . ., 19. . . , recorded . . . . ., 19. . . , under Auditor's File No. . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . ., as Trustee, to secure an obligation in favor of . . . . ., as Beneficiary, the beneficial interest in which was assigned by . . . . ., under an Assignment recorded under Auditor's File No. . . . . [Include recording information for all counties if the Deed of Trust is recorded in more than one county.] II.No action commenced by the Beneficiary of the Deed of Trust or the Beneficiary's successor is now pending to seek satisfaction of the obligation in any Court by reason of the Grantor's default on the obligation secured by the Deed of Trust.

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears: IV.The sum owing on the obligation secured by the Deed of Trust is: Principal \$ . . . . ., together with interest as provided in the note or other instrument secured from the . . . . day of . . . . ., 19. . . , and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute. V.The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the . . . . day of . . . . ., 19. . . The default(s) referred to in paragraph III must be cured by the . . . . day of . . . . ., 19. . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the . . . . day of . . . . ., 19. . . , (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the . . . . day of . . . . ., 19. . . (11 days before the sale date), and before the sale by the Grantor or the Grantor's successor in interest or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults. VI.A written notice of default was transmitted by the Beneficiary or Trustee to the Grantor or the Grantor's successor in interest at the following address:

by both first class and certified mail on the . . . . day of . . . . ., 19. . . , proof of which is in the possession of the Trustee; and the Grantor or the Grantor's successor in interest was personally served on the . . . . day of . . . . ., 19. . . , with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting. VII.After receiving a request for a statement of all costs and fees due at any time prior to the sale from any person entitled to notice under RCW 61.24.040(1)(b), the Trustee whose name and address are set forth below will provide the requested statement in writing to ((~~anyone requesting it, a statement of all costs and fees due at any time prior to the sale~~) such person.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property. IX.Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's

sale. , Trustee [Address] Phone

[Individual or corporate acknowledgment]

(2) In addition to providing the grantor or the grantor's successor in interest the notice of sale described in RCW 61.24.040(1)(f), the trustee shall include with the copy of the notice which is mailed to the grantor or the grantor's successor in interest, a statement to the grantor or the grantor's successor in interest in substantially the following form:

NOTICE OF FORECLOSURE Pursuant to the Revised Code of Washington, Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to . . . . ., the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . . day of . . . . ., 19. . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . . day of . . . . ., 19. . . (11 days before the sale date). To date, these arrears and costs are as follows: Estimated amount

Currently due that will be due to reinstate to  
reinstated on . . . . on . . . . . (11 days before the date set for sale)

Delinquent payments  
from . . . . ., 19. . . , in the amount of \$ . . . . /mo.: \$ . . . . \$ . . . .

Late charges in  
the total amount of: \$ . . . . \$ . . . .

Estimated  
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Trustee's fee: \$ . . . . \$ . . . .

Trustee's expenses:  
(Itemization)

Title report \$ . . . . \$ . . . .

Recording fees \$ . . . . \$ . . . . . . . . . .

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charges \$ . . . . \$ . . . . Inspection fees \$ . . . . \$ . . . .  
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 TOTALS \$ . . . . \$ . . . .

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default Description of Action Required to Cure and Documentation Necessary to Show Cure

. . . . .

. . . . . You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . . day of . . . . ., 19. . . (11 days before the sale date), by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to: . . . . ., whose address is . . . . ., telephone ( ) . . . . . AFTER THE . . . . DAY OF . . . . ., 19. . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$ . . . . .) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above. You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold to satisfy the obligations secured by your Deed of Trust. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property; (3) In addition, the trustee shall cause a copy of the notice of sale described in RCW 61.24.040(1)(f) (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the ((~~thirty-second~~) thirty-fifth and twenty-eighth day before the date of sale, and once on or between the ((~~eleventh~~) fourteenth and seventh day before the date of sale; (4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous; (5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution; (6) The trustee may for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by a public proclamation at the time and place fixed for sale in the notice of sale or, alternatively, by giving notice of the time and place of the postponed sale in the manner and to the persons specified in RCW 61.24.040(1) (b), (c), (d), and (e) and publishing a copy of such notice once in the newspaper(s) described in RCW 61.24.040(3), more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given; (7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under RCW 61.24.040(1), if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted

person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding; (8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured. **Sec. 3.** RCW 61.24.050 and 1965 c 74 s 5 are each amended to read as follows: The trustee's sale shall be deemed final when the bidding is closed and either: (1) The beneficiary is the successful bidder or (2) the trustee holds cash, a certified check, a cashier's check, a money order, or funds received by electronic transfer, or any combination thereof, payable to the trustee or the beneficiary in the amount of the successful bid. The deed of the trustee, executed and delivered to the purchaser, shall convey all of the right, title, and interest in the property which the grantor had or had the power to convey at the time of the execution by him of the deed of trust, and such as he may have thereafter acquired. After sale, as in this chapter provided, no person shall have any right by statute or otherwise to redeem from the deed of trust or from the sale. **Sec. 4.** RCW 61.24.070 and 1965 c 74 s 7 are each amended to read as follows: (1) The trustee may not bid at the trustee's sale. Any other person including the beneficiary under the deed of trust may bid at the trustee's sale. (2) The beneficiary may credit bid all or any part of the obligations secured by the deed of trust. If the beneficiary is the purchaser, any amount bid in excess of the obligations secured by the deed of trust shall be paid to the trustee in the form of cash, certified check, cashier's check, or money order, or any combination thereof. If the purchaser is not the beneficiary, the entire bid shall be paid to the trustee in the form of cash, certified check, cashier's check, money order, or funds received by electronic transfer, or any combination thereof. **Sec. 5.** RCW 61.24.080 and 1981 c 161 s 5 are each amended to read as follows: The trustee shall apply the proceeds of the sale as follows: (1) To the expense of sale, including a reasonable charge by the trustee and by his attorney: PROVIDED, That the aggregate of the charges by the trustee and his attorney, for their services in the sale, shall not exceed the amount which would, by the superior court of the county in which the trustee's sale occurred, have been deemed a reasonable attorney fee, had the trust deed been foreclosed as a mortgage in a noncontested action in the said court; (2) To the obligation secured by the deed of trust; and (3) The surplus, if any, less the clerk's filing fee shall be deposited together with written notice of the amount of the surplus, a copy of the recorded notice of sale, and an affidavit of mailing as provided below with the clerk of the superior court of the county in which the sale took place. The trustee shall mail copies of the notice of the surplus, the notice of sale, and the affidavit of mailing to each party to whom the notice of sale was sent pursuant to RCW 61.24.040(1). The clerk shall index such funds under the name of the grantor as set out in the recorded notice. Upon ~~((depositing such surplus))~~ compliance with the foregoing, the trustee shall be discharged from all further responsibilities ~~((therefor))~~ for the surplus. Interests in, or liens or claims of liens against the property eliminated by sale under this section shall attach to such surplus in the order of priority that it had attached to the property. A party seeking disbursement of funds shall file a motion requesting disbursement and shall mail notice of the motion to all parties to whom the trustee mailed notice of the surplus and any other party who has entered an appearance in the proceeding established by the notice of surplus at least ten days prior to the hearing of the motion. The clerk shall not disburse such surplus except upon order of the superior court of such county. **Sec. 6.** RCW 61.24.090 and 1987 c 352 s 4 are each amended to read as follows: (1) At any time prior to the eleventh day before the date set by the trustee for the sale in the recorded notice of sale, or in the event the trustee continues the sale pursuant to RCW 61.24.040(6), at any time prior to the eleventh day before the actual sale, the grantor or his successor in interest, any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record on the trust property or any part thereof, shall be entitled to cause a discontinuance of the sale proceedings by curing the default or defaults set forth in the notice, which in the case of a default by failure to pay, shall be by paying to the trustee: (a) The entire amount then due under the terms of the deed of trust and the obligation secured thereby, other than such portion of the principal as would not then be due had no default occurred, and (b) The expenses actually incurred by the trustee enforcing the terms of the note and deed of trust, including a reasonable trustee's fee, together with the trustee's reasonable attorney's fees, together with costs of recording the notice of discontinuance of notice of trustee's sale. (2) Any person entitled to cause a discontinuance of the sale proceedings shall have the right, before or after reinstatement, to request any court, excluding a small claims court, for disputes within the jurisdictional limits of that court, to determine the reasonableness of any fees demanded or paid as a condition to reinstatement. The court shall make such determination as it deems appropriate, which may include an award to the prevailing party of its costs and reasonable attorneys' fees, and render judgment accordingly. An action to determine fees shall not forestall any sale or affect its validity. (3) Upon receipt of such payment the proceedings shall be discontinued, the deed of trust shall be reinstated and the obligation shall remain as though no acceleration had taken place. (4) In the case of a default which is occasioned by other than failure to make payments, the person or persons causing the said default shall pay the expenses incurred by the trustee and the trustee's fees as set forth in subsection (1)(b) of this section. (5) Any person having a subordinate lien of record on the trust property and who has cured the default or defaults pursuant to this section shall thereafter have included in his lien all payments made to cure any defaults, including interest thereon at eight percent per annum, payments made for trustees' costs and fees incurred as authorized herein, and his reasonable attorney's fees and costs incurred resulting from any judicial action commenced to enforce his rights to advances under this section. (6) If the default is cured and the obligation and the deed of trust reinstated in the manner hereinabove provided, the trustee shall properly execute, acknowledge and cause to be recorded a notice of discontinuance of trustee's sale under such deed of trust. A notice of discontinuance of trustee's sale when so executed and acknowledged is entitled to be recorded and shall be sufficient if it sets forth a record of the deed of trust and the auditor's file number under which the deed of trust is recorded, and a reference to the notice of sale and the auditor's file number under which the notice of sale is recorded, and a notice that such sale is discontinued. (7) Any payments required under this section as a condition precedent to reinstatement of the deed of trust shall be tendered to

the trustee in the form of cash, certified check, cashier's check, money order, or funds received by electronic transfer, or any combination thereof. **Sec. 7.** RCW 61.24.130 and 1987 c 352 s 5 are each amended to read as follows: (1) Nothing contained in this chapter shall prejudice the right of the grantor, the grantor's successor in interest, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper ground, a trustee's sale. The court shall require as a condition of granting the restraining order or injunction that the applicant pay to the clerk of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed: (a) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days. (b) In the case of default in making payment of an obligation then fully payable by its terms, such sums shall be the amount of interest accruing monthly on said obligation at the nondefault rate, paid to the clerk of the court every thirty days. In the case of default in performance of any nonmonetary obligation secured by the deed of trust, the court shall impose such conditions as it deems just. In addition, the court may condition granting the restraining order or injunction upon the giving of security by the applicant, in such form and amount as the court deems proper, for the payment of such costs and damages, including attorneys' fees, as may be later found by the court to have been incurred or suffered by any party by reason of the restraining order or injunction. The court may consider, upon proper showing, the grantor's equity in the property in determining the amount of said security. (2) No court may grant a restraining order or injunction to restrain a trustee's sale ~~((unless))~~ except as provided in this section. The person seeking the restraint shall give(\*) five court days notice to the trustee and the beneficiary of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been timely served on the trustee. (3) If the restraining order or injunction is dissolved after the date of the trustee's sale set forth in the notice as provided in RCW 61.24.040(1)(f) ~~((and after the period for continuing sale as allowed by RCW 61.24.040(6)))~~, the court granting such restraining order or injunction, or before whom the order or injunction is returnable, has the right to set a new sale date which shall be not less than forty-five days from the date of the order dissolving the restraining order. ~~((At least thirty days before the new sale date,))~~ The trustee shall: (a) Comply with the requirements of RCW 61.24.040(1) (a) through (f) at least thirty days before the new sale date; and (b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(1)(f) to be published ~~((once weekly during the three weeks preceding the time of sale))~~ in a legal newspaper in each county in which the property or any part thereof is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale. (4) If a trustee's sale has been stayed as a result of the filing of a petition in federal bankruptcy court and ~~((after the period for continuing sale as allowed by RCW 61.24.040(6,))~~ an order is entered in federal bankruptcy court granting relief from the stay or closing or dismissing the case, or discharging the debtor with the effect of removing the stay, the trustee may set a new sale date which shall not be less than forty-five days after the date of the bankruptcy court's order. The trustee shall: (a) Comply with the requirements of RCW 61.24.040(1) (a) through (f) at least thirty days before the new sale date; and (b) Cause a copy of the notice as provided in RCW 61.24.040(1)(f) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once between the ~~((thirty-second))~~ thirty-fifth and twenty-eighth day before the sale and once between the ~~((eleventh))~~ fourteenth and seventh day before the sale. (5) The provisions of subsections (3) and (4) of this section are permissive only and may not be interpreted to prohibit the trustee from proceeding with a trustee's sale following termination of any injunction or stay on any date to which such sale has been properly continued in accordance with RCW 61.24.040(6). **NEW SECTION. Sec. 8.** A new section is added to chapter 61.24 RCW to read as follows: (1) It is unlawful for a person, acting alone or in concert with others to (a) offer, offer to accept, or accept from another any consideration of any type not to bid; or (b) fix or restrain bidding in any manner, at a sale of property conducted pursuant to a power of sale in a deed of trust. However, it is not unlawful for a person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition or for the beneficiary to arrange to provide financing for a particular bidder. (2) A violation of this section is punishable as a gross misdemeanor according to chapter 9A.20 RCW." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Johnson moved that the Senate do concur in the House amendment to Senate Bill No. 5554.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate do concur in the House amendment to Senate Bill No. 5554.

The motion by Senator Johnson carried and the Senate concurred in the House amendment to Senate Bill No. 5554.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5554, as amended by the House.

#### ROLL CALL



The Secretary called the roll on the final passage of Senate Bill No. 5554, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Fraser, Loveland, McCaslin, Snyder and Spanel - 5. SENATE BILL NO. 5554, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Heavey served notice that he would move to reconsider the vote by which Senate Bill No. 5554, as amended by the House, passed the Senate.

MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5563 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The legislature finds

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TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Winsley moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5563.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate do concur in the House amendment to Substitute Senate Bill No. 5563.

The motion by Senator Winsley carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5563.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5563, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5563, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Fraser, Loveland, McCaslin, Snyder and Spanel - 5. SUBSTITUTE SENATE BILL NO. 5563, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 15, 1997

#### MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5628 with the following amendment(s):

Strike everything after the enacting clause and insert the following: “**Sec. 1.** RCW 80.28.075 and 1988 c 166 s 2 are each amended to read as follows: Upon request by a natural gas company or an electrical company, the commission may approve a tariff that includes banded rates for any (~~nonresidential~~) natural gas or electric service that is subject to effective competition from energy suppliers not regulated by the utilities and transportation commission. "Banded rate" means a rate that has a minimum and maximum rate. Rates may be changed within the rate band upon such notice as the commission may order.” Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Finkbeiner moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5628 and requests of the House a conference thereon.

#### POINT OF ORDER

Senator Sheldon: “A point of order, please. I rise to challenge the scope and object of the House amendment to Substitute Senate Bill No. 5628. Substitute Senate Bill No. 5628 adds a new section to Chapter 80.08 RCW, which gives the Utilities and Transportation Commission the authority to exempt from regulation certain securities issued by electrical and natural gas companies, if the commission finds it is not required by the public interest. The House amendment makes changes to RCW 80.28.075 which extends the Utilities and Transportation Commission's current authority to approve banded rates for nonresidential natural gas and electricity customers to include residential customers.”

#### MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 5628 was deferred.

MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5034 with the following amendment(s):  
On page 2, line 9, strike "nine" and insert "seven", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Schow, the Senate refuses to concur in the House amendment to Senate Bill No. 5034 and requests of the House a conference thereon.

MOTION

On motion of Senator Goings, Senator Hargrove was excused.

MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5674 with the following amendment(s):  
On page 1, line 16, after "offered" strike "service" and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Wood, the Senate concurred in the House amendment to Senate Bill No. 5674.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5674, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5674, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Excused: Senators Fraser, Hargrove, Loveland, McCaslin, Snyder and Spanel - 6. SENATE BILL NO. 5674, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5715 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. It is the intent of the legislature that this act accomplish the following: Safeguard public health, safety, and welfare; protect the public from being misled by unethical, ill-prepared, unscrupulous, and unauthorized persons; assure the highest degree of professional conduct on the part of orthotists and prosthetists; and assure the availability of orthotic and prosthetic services of high quality to persons in need of the services. The purpose of this act is to provide for the regulation of persons offering orthotic and

prosthetic services to the public. NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Advisory committee" means the orthotics and prosthetics advisory committee. (2) "Department" means the department of health. (3) "Secretary" means the secretary of health or the secretary's designee. (4) "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. The practice of orthotics encompasses evaluation, treatment, and consultation. With basic observational gait and postural analysis, orthotists assess and design orthoses to maximize function and provide not only the support but the alignment necessary to either prevent or correct deformity or to improve the safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit and function of the orthotic device by periodic evaluation. (5) "Orthotist" means a person licensed to practice orthotics under this chapter. (6) "Orthosis" means a custom-fabricated, definitive brace or support that is designed for long-term use. Except for the treatment of scoliosis, orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this section, or any of the following assistive technology devices: Commercially available knee orthoses used following injury or surgery; spastic muscle tone-inhibiting orthoses; upper extremity adaptive equipment; finger splints; hand splints; custom-made, leather wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; arch supports, also known as foot orthotics; low-temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other similar devices as determined by the secretary, such as those commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply facility. Prefabricated orthoses, also known as custom-fitted, or off-the-shelf, are devices that are manufactured as commercially available stock items for no specific patient. Direct-formed orthoses are devices formed or shaped during the molding process directly on the patient's body or body segment. Custom-fabricated orthoses, also known as custom-made orthoses, are devices designed and fabricated, in turn, from raw materials for a specific patient and require the generation of an image, form, or mold that replicates the patient's body or body segment and, in turn, involves the rectification of dimensions, contours, and volumes to achieve proper fit, comfort, and function for that specific patient. (7) "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, aligning, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, a prosthesis through the replacement of external parts of a human body lost due to amputation or congenital deformities or absences. The practice of prosthetics also includes the generation of an image, form, or mold that replicates the patient's body or body segment and that requires rectification of dimensions, contours, and volumes for use in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an artificial appendage that is designed either to support body weight or to improve or restore function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis and clinical assessment of the requirements necessary to refine and mechanically fix the relative position of various parts of the prosthesis to maximize the function, stability, and safety of the patient. The practice of prosthetics includes providing continuing patient care in order to assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of the prosthetic device by periodic evaluation. (8) "Prosthetist" means a person who is licensed to practice prosthetics under this chapter. (9) "Prosthesis" means a definitive artificial limb that is alignable or articulated, or, in lower extremity applications, capable of weight bearing. Prosthesis means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or other external human body part including an artificial limb, hand, or foot. The term does not include artificial eyes, ears, fingers or toes, dental appliances, ostomy products, devices such as artificial breasts, eyelashes, wigs, or other devices as determined by the secretary that do not have a significant impact on the musculoskeletal functions of the body. In the lower extremity of the body, the term prosthesis does not include prostheses required for amputations distal to and including the transmetatarsal level. In the upper extremity of the body, the term prosthesis does not include prostheses that are provided to restore function for amputations distal to and including the carpal level. (10) "Authorized health care practitioner" means licensed physicians, physician's assistants, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners. NEW SECTION. **Sec. 3.** An orthotist or prosthetist may only provide treatment utilizing new orthoses or prostheses for which the orthotist or prosthetist is licensed to do so, and only under an order from or referral by an authorized health care practitioner. A consultation and periodic review by an authorized health care practitioner is not required for evaluation, repair, adjusting, or servicing of orthoses by a licensed orthotist and servicing of prostheses by a licensed prosthetist. Nor is an authorized health care practitioner's order required for maintenance of an orthosis or prosthesis to the level of its original prescription for an indefinite period of time if the order remains appropriate for the patient's medical needs. Orthotists and prosthetists must refer persons under their care to authorized health care practitioners if they have reasonable cause to believe symptoms or conditions are present that require services beyond the scope of their practice or for which the prescribed orthotic or prosthetic

treatment is contraindicated. NEW SECTION. **Sec. 4.** No person may represent himself or herself as a licensed orthotist or prosthetist, use a title or description of services, or engage in the practice of orthotics or prosthetics without applying for licensure, meeting the required qualifications, and being licensed by the department of health, unless otherwise exempted by this chapter. A person not licensed with the secretary must not represent himself or herself as being so licensed and may not use in connection with his or her name the words or letters "L.O.," "L.P.," or "L.P.O.," or other letters, words, signs, numbers, or insignia indicating or implying that he or she is either a licensed orthotist or a licensed prosthetist, or both. No person may practice orthotics or prosthetics without first having a valid license. The license must be posted in a conspicuous location at the person's work site. NEW SECTION. **Sec. 5.** Nothing in this chapter shall be construed to prohibit or restrict: (1) The practice by individuals listed under RCW 18.130.040 and performing services within their authorized scopes of practice; (2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States; (3) The practice by a person who is a regular student in an orthotic or prosthetic educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor, if the person is designated by a title that clearly indicates the person's status as a student or trainee; (4) A person fulfilling the supervised residency or internship experience requirements described in section 8 of this act, if the activities and services constitute a part of the experience necessary to meet the requirements of this chapter; or (5) A person from performing orthotic or prosthetic services in this state if: (a) The services are performed for no more than ninety working days; and (b) the person is licensed in another state or has met commonly accepted standards for the practice of orthotics or prosthetics as determined by the secretary. NEW SECTION. **Sec. 6.** In addition to other authority provided by law, the secretary has the authority to: (1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter; (2) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320; (3) Register applicants, issue licenses to applicants who have met the education, training, and examination requirements for licensure, and deny licenses to applicants who do not meet the minimum qualifications, except that proceedings concerning the denial of credentials based upon unprofessional conduct or impairment are governed by the uniform disciplinary act, chapter 18.130 RCW; (4) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations; (5) Determine minimum education requirements and evaluate and designate those educational programs from which graduation will be accepted as proof of eligibility to take a qualifying examination for applicants for licensure; (6) Establish the standards and procedures for revocation of approval of education programs; (7) Utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations; (8) Prepare and administer, or approve the preparation and administration of, examinations for applicants for licensure; (9) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination; (10) Determine which jurisdictions have licensing requirements equivalent to those of this state and issue licenses without examinations to individuals licensed in those jurisdictions; (11) Define and approve any experience requirement for licensing; (12) Implement and administer a program for consumer education; (13) Adopt rules implementing continuing competency requirements for renewal of the license and relicensing; (14) Maintain the official department records of all applicants and licensees; (15) Establish by rule the procedures for an appeal of an examination failure; (16) Establish requirements and procedures for an inactive license; and (17) With the advice of the advisory committee, the secretary may recommend collaboration with health professions, boards, and commissions to develop appropriate referral protocols. NEW SECTION. **Sec. 7.** (1) The secretary has the authority to appoint an advisory committee to further the purposes of this chapter. The secretary may consider the persons who are recommended for appointment by the orthotic and prosthetic associations of the state. The committee is composed of five members, one member initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Subsequent appointments are for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. Members of the advisory committee must be residents of this state and citizens of the United States. The committee is composed of three individuals licensed in the category designated and engaged in rendering services to the public. Two members must at all times be holders of licenses for the practice of either prosthetics or orthotics, or both, in this state, except for the initial members of the advisory committee, all of whom must fulfill the requirements for licensure under this chapter. One member must be a practicing orthotist. One member must be a practicing prosthetist. One member must be licensed by the state as a physician licensed under chapter 18.57 or 18.71 RCW, specializing in orthopedic medicine or surgery or psychiatry. Two members must represent the public at large and be unaffiliated directly or indirectly with the profession being credentialed but, to the extent possible, be consumers of orthotic and prosthetic services. The two members appointed to the advisory committee representing the public at large must have an interest in the rights of consumers of health

services and must not be or have been a licensee of a health occupation committee or an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. (2) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term. (3) The advisory committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses. (4) The advisory committee may be requested by the secretary to approve an examination required for licensure under this chapter. (5) The advisory committee may be requested by the secretary to review and monitor the exemptions to requirements of certain orthoses and prostheses in this chapter and recommend to the secretary any statutory changes that may be needed to properly protect the public. (6) The advisory committee, at the request of the secretary, may recommend rules in accordance with the administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of orthotic and prosthetic care. (7) The advisory committee shall meet at the times and places designated by the secretary and hold meetings during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice-chair. A majority of the members currently serving constitute a quorum. (8) Each member of an advisory committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committees shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of their committees. (9) The secretary, members of advisory committees, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties. NEW SECTION. **Sec. 8.** (1) An applicant must file a written application on forms provided by the department showing to the satisfaction of the secretary, in consultation with the advisory committee, that the applicant meets the following requirements: (a) The applicant possesses a baccalaureate degree with coursework appropriate for the profession approved by the secretary, or possesses equivalent training as determined by the secretary pursuant to subsections (3) and (5) of this section; (b) The applicant has the amount of formal training, including the hours of classroom education and clinical practice, in areas of study as the secretary deems necessary and appropriate; (c) The applicant has completed a clinical internship or residency in the professional area for which a license is sought in accordance with the standards, guidelines, or procedures for clinical internships or residencies inside or outside the state as established by the secretary, or that are otherwise substantially equivalent to the standards commonly accepted in the fields of orthotics and prosthetics as determined by the secretary pursuant to subsections (3) and (5) of this section. The secretary must set the internship as at least one year. (2) An applicant for licensure as either an orthotist or prosthetist must pass all written and practical examinations that are required and approved by the secretary in consultation with the advisory committee. (3) The standards and requirements for licensure established by the secretary must be substantially equal to the standards commonly accepted in the fields of orthotics and prosthetics. (4) An applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee, determined by the secretary under RCW 43.70.250, for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require remedial education before the person may take future examinations. (5) The secretary may waive some of the education, examination, or experience requirements of this section if the secretary determines that the applicant meets alternative standards, established by the secretary through rule, that are substantially equivalent to the requirements in subsections (1) and (2) of this section. NEW SECTION. **Sec. 9.** The secretary may grant a license without an examination for those applicants who have practiced full time for five of the six years prior to the effective date of this act and who have provided comprehensive orthotic or prosthetic, or orthotic and prosthetic, services in an established practice. This section applies only to those individuals who apply within one year of the effective date of this act. NEW SECTION. **Sec. 10.** An applicant holding a license in another state or a territory of the United States may be licensed to practice in this state without examination if the secretary determines that the other jurisdiction's credentialing standards are substantially equivalent to the standards in this jurisdiction. NEW SECTION. **Sec. 11.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses, unauthorized practice, and the discipline of persons licensed under this chapter. The secretary is the disciplining authority under this chapter. NEW SECTION. **Sec. 12.** This chapter is known and may be cited as the orthotics and prosthetics practice act. **Sec. 13.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are each reenacted and amended to read as follows: (1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section. (2)(a) The secretary has authority under this chapter in relation to the following professions: (i) Dispensing opticians licensed under chapter 18.34 RCW; (ii) Naturopaths licensed under chapter 18.36A RCW; (iii) Midwives licensed under chapter 18.50 RCW; (iv) Ocularists licensed under chapter 18.55 RCW; (v) Massage operators and businesses licensed under chapter 18.108 RCW; (vi) Dental hygienists licensed under chapter 18.29 RCW; (vii) Acupuncturists licensed under chapter 18.06 RCW; (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW; (ix) Respiratory care practitioners certified under chapter 18.89 RCW; (x) Persons registered or certified under chapter 18.19

RCW; (xi) Persons registered as nursing pool operators under chapter 18.52C RCW; (xii) Nursing assistants registered or certified under chapter 18.79 RCW; (xiii) Health care assistants certified under chapter 18.135 RCW; (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW; (xv) Sex offender treatment providers certified under chapter 18.155 RCW; (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205; (xvii) Persons registered as adult family home providers and resident managers under RCW 18.48.020; ~~((and))~~ (xviii) Denturists licensed under chapter 18.30 RCW; and (xix) Orthotists and prosthetists licensed under chapter 18.-- RCW (sections 2 through 12 of this act). (b) The boards and commissions having authority under this chapter are as follows: (i) The podiatric medical board as established in chapter 18.22 RCW; (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW; (iii) The dental quality assurance commission as established in chapter 18.32 RCW; (iv) The board of hearing and speech as established in chapter 18.35 RCW; (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW; (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW; (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW; (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW; (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW; (x) The board of physical therapy as established in chapter 18.74 RCW; (xi) The board of occupational therapy practice as established in chapter 18.59 RCW; (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter; (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and (xiv) The veterinary board of governors as established in chapter 18.92 RCW. (3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority. (4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section. NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. Sec. 15. Sections 2 through 12 of this act constitute a new chapter in Title 18 RCW. NEW SECTION. Sec. 16. Sections 1 through 5 and 8 through 12 of this act take effect December 1, 1998." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Deccio moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5715.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Deccio that the Senate do concur in the House amendment to Substitute Senate Bill No. 5715.

The motion by Senator Deccio carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5715.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5715, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5715, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 43. Absent: Senator Wojahn - 1. Excused: Senators Fraser, Hargrove, McCaslin, Snyder and Spanel - 5. SUBSTITUTE SENATE BILL NO. 5715, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5628 and the pending House amendment on page 2, line 9, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Sheldon, the President finds that Substitute Senate Bill No. 5628 is a measure which authorizes the Utilities and Transportation Commission to exempt electric and natural gas utilities from securities filing requirements under certain conditions.

"The House amendment on page 2, line 9, would permit natural gas and electric companies to offer banded rates to residential customers.

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

The House amendment on page 2, line 9, to Substitute Senate Bill No. 5628 was ruled out of order.

#### MOTION

On motion of Senator Finkbeiner, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5628 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5003 with the following amendment(s):

On page 1, after line 13, insert the following: "**Sec. 2.** RCW 84.64.320 and 1993 c 310 s 2 are each amended to read as follows: The county legislative authority may dispose of tax foreclosed property by private negotiation, without a call for bids, for not less than the principal amount of the unpaid taxes in any of the following cases: (1) When the sale is to any governmental agency and for public purposes; (2) when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property; ~~((¶))~~ (3) when the property has an assessed value of less than five hundred dollars and the property is sold to an adjoining landowner; or (4) when no acceptable bids were received at the attempted public auction of the property, if the sale is made within six months from the date of the attempted public auction." Renumber the remaining section consecutively and correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5003.  
Debate ensued.

#### POINT OF INQUIRY

Senator Fairley: "Senator West, as you may know, I own a couple of farms--or we own a couple of farms-- and so I am wondering. It says, 'negotiate sale to adjoining land owners.' A couple of times in our county, we have had both land owners want the adjoining land. How do they decide which one gets it?"

Senator West: "By negotiation amongst the land owners that would--"

Senator Fairley: "So, do they get to--like--bid for it or do they--"

Senator West: "I would expect that it would be a negotiated bid amongst the adjacent land owners on either side of the land. Typically, Senator, these would be very small parcels that are old right-of-ways that have been--or very small parcels that were taken for tax purposes many, many years ago. It would be just adjacent."

Senator Fairley: "Well, in eastern Washington, some of that land--it could involve more than it would in urban areas, so sometimes it isn't all that small a parcel and I worry about how we arrive at which landowner gets it."

Senator West: "I believe that would be through negotiations."



The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Substitute Senate Bill No. 5003.

The motion by Senator West carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5003.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5003, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5003, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5003, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Johnson moved to immediately reconsider the vote by which Substitute Senate Bill No. 5003, as amended by the House, passed the Senate.

The President declared the question before the Senate to be the motion by Senator Johnson to immediately reconsider the vote by which Substitute Senate Bill No. 5003, as amended by the House, passed the Senate.

The motion for reconsideration of Substitute Senate Bill No. 5003, as amended by the House, carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5003, as amended by the House on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5003, as amended by the House on reconsideration, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Deccio - 1. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5003, as amended by the House on reconsideration, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Heavey served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 5514 passed the Senate earlier today.

#### PARLIAMENTARY INQUIRY

Senator Swanson: "A point of parliamentary inquiry. I think I am a little bit confused on Substitute Senate Bill No. 5003. Senator Johnson voted to immediately reconsider and then we called a roll call vote. Would you please explain that to me?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Johnson moved to immediately reconsider. We took a voice vote as to whether or not we should immediately reconsider. The voice vote passed and we called for final passage on the bill as required by the motion to reconsider and you voted to pass it again."

MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5077 with the following amendment(s):

Strike everything after the enacting clause and insert the following: NEW SECTION. Sec. 1. The legislature declares that it is the policy of the state of Washington to require all state agencies that have pest control responsibilities to follow the principles of integrated pest management. NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise: (1) "Integrated pest management" means a coordinated decision-making and action process that uses the most appropriate pest control methods and strategy in an environmentally and economically sound manner to meet agency programmatic pest management objectives. The elements of integrated pest management include: (a) Preventing pest problems; (b) Monitoring for the presence of pests and pest damage; (c) Establishing the density of the pest population, that may be set at zero, that can be tolerated or correlated with a damage level sufficient to warrant treatment of the problem based on health, public safety, economic, or aesthetic thresholds; (d) Treating pest problems to reduce populations below those levels established by damage thresholds using strategies that may include biological, cultural, mechanical, and chemical control methods and that must consider human health, ecological impact, feasibility, and cost-effectiveness; and (e) Evaluating the effects and efficacy of pest treatments. (2) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director of the department of agriculture may declare to be a pest. NEW SECTION. Sec. 3. Each of the following state agencies or institutions shall implement integrated pest management practices when carrying out the agency's or institution's duties related to pest control: (1) The department of agriculture; (2) The state noxious weed control board; (3) The department of ecology; (4) The department of fish and wildlife; (5) The department of transportation; (6) The parks and recreation commission; (7) The department of natural resources; (8) The department of corrections; (9) The department of general administration; and (10) Each state institution of higher education, for the institution's own building and grounds maintenance. NEW SECTION. Sec. 4. (1) A state agency or institution listed in section 3 of this act shall provide integrated pest management training for employees responsible for pest management. The training programs shall be developed in cooperation with the interagency integrated pest management coordinating committee created under section 5 of this act. (2) A state agency or institution listed in section 3 of this act shall designate an integrated pest management coordinator and the department of labor and industries and the office of the superintendent of public instruction shall each designate one representative to serve on the committee established in section 5 of this act. NEW SECTION. Sec. 5. (1) The interagency integrated pest management coordinating committee is created. The committee is composed of the integrated pest management coordinator from each agency or institution listed under section 3 of this act and the representatives designated under section 4 of this act. The coordinator from the department of agriculture shall serve as chair of the committee. (2) The interagency integrated pest management coordinating committee shall share information among the state agencies and institutions and facilitate interagency coordination. (3) The interagency integrated pest management coordinating committee shall meet at least two times a year. All meetings of the committee must be open to the public. The committee shall give public notice of each meeting. (4) By November 30th of each odd-numbered year up to and including November 30th, 2001, the department of agriculture, with the advice of the interagency integrated pest management coordinating committee, shall prepare a report on the progress of integrated pest management programs. The report is to be made available through the state library and placed on the legislative alert list. NEW SECTION. Sec. 6. If specific funding for the purposes of sections 3, 4, and 5 of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, sections 3, 4, and 5 of this act are null and void. NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 17 RCW." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Morton moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5077.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Substitute Senate Bill No. 5077.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5077.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5077, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 35. Voting nay: Senators Brown, Fairley, Fraser, Jacobsen, Kline, Kohl, McAuliffe, Patterson, Prentice, Swanson, Thibaudeau and Wojahn - 12. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5077, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1997-8646

By Senators Kline, Bauer, Patterson, McAuliffe, Kohl, Swanson and Wojahn

WHEREAS, Children are the cornerstone of society's hope for a healthy, prosperous future; and

WHEREAS, The quality of our children's future is directly dependent on the nurturing efforts of parents, teachers, and caring adults; and

WHEREAS, When Susan Smith Stephens heard that students at Seattle's Martin Luther King Jr. Elementary School had run out of construction paper for their art projects, she opened a three hundred and fifty dollars a month art supply account for the school; and

WHEREAS, When she learned that a kindergarten class was overcrowded, she contributed the money needed to hire a teaching assistant to help; and

WHEREAS, It is important to teach children how making wise decisions now can pay dividends well into the future; and

WHEREAS, Susan Smith Stephens is doing just that by amassing a \$25,000 investment fund for about eight hundred fifty kindergartners currently enrolled in several Seattle Public Schools; and

WHEREAS, The program, known as the Seattle Schools Learning Incentive for Children in Kindergarten, will distribute the proceeds of that fund to any of the eight hundred fifty who eventually graduate from the Seattle Public Schools system; and

WHEREAS, Martin Luther King Jr. Elementary School Principal Euhania Hairston and veteran Seattle Public Schools Counselor Mary Browne have been instrumental with Stephens in furthering the program's goals and its attempt to ensure that future kindergartners will also share in its incentives; and

WHEREAS, The three together have backed up their faith in the public school system with their actions on behalf of children;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby honor Susan Smith Stephens, Euhania Hairston and Mary Browne for their caring, sensitive support of children and their unselfish devotion to the health of the public schools; and

BE IT FURTHER RESOLVED, That we do hereby urge all citizens of the state of Washington to join us in so honoring Susan Smith Stephens, Euhania Hairston and Mary Browne for their efforts on our children's behalf; and that the Secretary of the Senate do hereby immediately transmit a copy of this resolution to them.

Senators Kline, Prentice, McAuliffe, Hochstatter and Franklin spoke to Senate Resolution 1997-8646.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Susan Smith Stephens, Euhania Hairston and Mary Browne who were seated in the gallery.

#### MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate recessed until 1:30 p.m.

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

#### MOTION

On motion of Senator Johnson, the Senate reverted to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Long, Gubernatorial Appointment No. 9134, Denisse F. Barry, as a member of the State Hospital, Eastern Washington Advisory Board, was confirmed.

#### APPOINTMENT OF DENISSE F. BARRY

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 37; Nays, 1; Absent, 9; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, Winsley, Wojahn and Wood - 37. Voting nay: Senator Benton - 1. Absent: Senators Deccio, Kohl, McDonald, Morton, Newhouse, Prince, Swecker, West and Zarelli - 9. Excused: Senators McCaslin and Snyder - 2. MOTION

On motion of Senator Long, Gubernatorial Appointment No. 9207, Dr. Mark E. Soelling, as a member of the State Hospital, Western Washington Advisory Board, was confirmed.

#### APPOINTMENT OF DR. MARK E. SOELLING

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 40; Nays, 1; Absent, 6; Excused, 2.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn and Wood - 40. Voting nay: Senator Benton - 1. Absent: Senators Hargrove, McDonald, Newhouse, Prince, Swecker and Zarelli - 6. Excused: Senators McCaslin and Snyder - 2. MOTION

On motion of Senator Johnson, the Senate returned to the third order of business.

#### MESSAGE FROM THE GOVERNOR

April 19, 1997

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 1997, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5060

Relating to clarifying driving statutes.

Substitute Senate Bill No 5112

Relating to interest on property tax refunds.

Substitute Senate Bill No. 5118

Relating to truancy petitions.

Senate Bill No. 5140

Relating to community placement of offenders.

Engrossed Senate Bill No. 5220

Relating to minimum benefits in the Washington state patrol retirement system.

Senate Bill No. 5221

Relating to eligibility for survivor benefits.

Senate Bill No. 5243

Relating to exempting disabled veterans from reservation fees for state parks.

Substitute Senate Bill No. 5290

Relating to the liquor control board construction and maintenance account.

Substitute Senate Bill No. 5360

Relating to the renewal of commercial fishery and salmon charter licenses.

Senate Bill No. 5380

Relating to boundary review board members' per diem.

Senate Bill No. 5422

Relating to professional gambling definitions.

Senate Bill No. 5448

Relating to the merger of the health professions account and the medical disciplinary account.

Substitute Senate Bill No. 5470

Relating to passing school buses.

Senate Bill No. 5486

Relating to eligibility for the rural arterial program.

Senate Bill No. 5507

Relating to traffic safety education for juvenile agricultural drivers.

Substitute Senate Bill No. 5509

Relating to definitions regarding offenders.

Substitute Senate Bill No. 5513

Relating to exceptions from vessel registration.

Substitute Senate Bill No. 5529

Relating to the requiring a landlord to provide a written receipt if requested.

Senate Bill No. 5732

Relating to delivery of the cancellation notice for an insurance policy.

Substitute Senate Bill No. 5755

Relating to service of process in landlord-tenant disputes.

Engrossed Substitute Senate Bill No. 5762

Relating to benefiting the equine industry by parimutuel satellite and simulcast wagering restricted to live racing facilities and providing lottery games.

Engrossed Senate Bill No. 5774

Relating to pro tempore judges.

Senate Bill No. 5809

Relating to the financial condition of unauthorized insurers.

Senate Bill No. 6007

Relating to the limitation on the operating expenses of mutual savings banks.

Sincerely,  
EVERETT H. BILLINGSLEA, General Counsel

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen  
President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Dear President Owen:

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

Section 1, of Substitute Senate Bill No. 5191, the remainder of which has been designated Chapter 71, Laws of 1997 Regular Session.

Section 2, of Senate Bill No. 5925, the remainder of which has been designated Chapter 90, Laws of 1997 Regular Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the Seal of the state of Washington,  
this 22nd day of April, 1997.

(Seal) RALPH MUNRO

Secretary of State

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5191

April 19, 1997

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute Senate Bill No. 5191 entitled:  
"AN ACT Relating to crimes involving methamphetamine;"

This legislation increases the penalties for delivering, manufacturing, and possession with intent to deliver or manufacture methamphetamine, and the possession of ephedrine or pseudoephedrine with the intent to manufacture methamphetamine.

I wholeheartedly agree with sections 2 and 3 of this legislation which require that the first \$3,000 of fine money collected be given to the law enforcement agency responsible for cleaning up methamphetamine manufacturing laboratories or sites. Because the manufacture of methamphetamine involves toxic and explosive chemicals, the cleanup costs for these sites are substantial. The affected law enforcement agencies should be reimbursed through fines collected from the responsible offenders, as Substitute Senate Bill No. 5191 provides.

Section 1 of Substitute Senate Bill No. 5191 would extend the "Three Strikes" law - which mandates life imprisonment on the third offense - to simple addicts as well as methamphetamine manufacturers and distributors. I do not believe that the "Three Strikes" law is likely to deter simple drug addicts. Rather, we need to address the problems that lead our youth into drugs in the first place.

I share the Legislature's concern with the very serious problem of increased methamphetamine abuse in Washington. This legislation brings to our attention the dangers of the growing use of methamphetamine. We must take immediate steps to address the problem in an effective manner, especially to prevent our youth from becoming addicted to this

and other drugs. The problem must be attacked from every direction, all at once. This will take political will, strong law enforcement and an educated public.

However, this legislation would represent a fundamental shift in our criminal jurisprudence. It would have, for the first time, extended the "Three Strikes" law to non-violent offenders. That is a step that cannot be taken lightly. If one category of non-violent drug offenses is added, what would be next? How would we draw the line between non-violent crimes that should or should not be "strike" crimes?

Many simple drug addicts sell small amounts of drugs to feed their habit. Sending methamphetamine addicts to prison for life on the third "strike" - consisting of the crime of possession with the intent to sell even small amounts of methamphetamine - would divert more and more of the state's scarce resources from prevention efforts that provide a more immediate and effective response to the problem.

For these reasons I have vetoed section 1 of Substitute Senate Bill No. 5191. With the exception of section 1, Substitute Senate Bill No. 5191 is approved.

Respectfully submitted,  
GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR  
PARTIAL VETO MESSAGE ON SENATE BILL NO. 5925

April 19, 1997

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 5925 entitled:

"AN ACT Relating to certified instructional staff salaries;"

The emergency clause in section 2 is not needed. Senate Bill No. 5925 codifies the current state policy on credits recognized for state funding. The bill will not affect state funding or school district reporting for the 1996-97 school year. Without the emergency clause, the bill will take effect before September 1, 1997, the beginning of the 1997-98 school year.

For these reasons, I have vetoed section 2 of Senate Bill No. 5925. With the exception of section 2, I am approving Senate Bill No. 5925.

Respectfully submitted,  
GARY LOCKE, Governor

MOTION

On motion of Senator Johnson, the Partial Veto Messages on Substitute Senate Bill No. 5191 and Senate Bill No. 5925 were held on the desk.

MOTION

On motion of Senator Johnson, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5402,

SENATE BILL NO. 5559,

SUBSTITUTE SENATE BILL NO. 5737,

SENATE BILL NO. 5811,

SUBSTITUTE SENATE BILL NO. 5845,

SENATE BILL NO. 5938,

SUBSTITUTE SENATE BILL NO. 6045,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,

ENGROSSED SENATE BILL NO. 6072,

SENATE CONCURRENT RESOLUTION NO. 8415, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6062, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment (s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1327 and passed the bill as amended by the Senate:

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1780,  
SUBSTITUTE HOUSE BILL NO. 1791,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,  
SECOND SUBSTITUTE HOUSE BILL NO. 1817,  
SUBSTITUTE HOUSE BILL NO. 1865,  
SUBSTITUTE HOUSE BILL NO. 1875,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1899,  
SUBSTITUTE HOUSE BILL NO. 1903,  
HOUSE BILL NO. 1922,  
SUBSTITUTE HOUSE BILL NO. 1936,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2013,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2042,  
SUBSTITUTE HOUSE BILL NO. 2059,  
SECOND SUBSTITUTE HOUSE BILL NO. 2080,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,  
HOUSE BILL NO. 2165,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2170,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2193.

TIMOTHY A. MARTIN, Chief Clerk

#### APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 5034.

The President appointed as members of the Conference Committee on Senate Bill No. 5034, and the House amendment(s) thereon: Senators Schow, Heavey and Oke.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5750 with the following amendment(s):



Strike everything after the enacting clause and insert the following: **NEW SECTION. Sec. 1.** A new section is added to chapter 48.18 RCW to read as follows: (1) It is the intent of the legislature to assist the purchasers of commercial property casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for forms. (2) Commercial property casualty policies may be issued prior to filing the forms. All commercial property casualty forms shall be filed with the commissioner within thirty days after an insurer issues any policy using them. (3) If, within thirty days after a commercial property casualty form has been filed, the commissioner finds that the form does not meet the requirements of this chapter, the commissioner shall disapprove the form and give notice to the insurer or rating organization that made the filing, specifying how the form fails to meet the requirements and stating when, within a reasonable period thereafter, the form shall be deemed no longer effective. The commissioner may extend the time for review another fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period. (4) Upon a final determination of a disapproval of a policy form under subsection (3) of this section, the insurer shall amend any previously issued disapproved form by endorsement to comply with the commissioner's disapproval. (5) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, or occupation for the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070. (6) Except as provided in subsection (4) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval. (7) In the event a hearing is held on the actions of the commissioner under subsection (3) of this section, the burden of proof shall be on the commissioner. **NEW SECTION. Sec. 2.** A new section is added to chapter 48.19 RCW to read as follows: (1) It is the intent of the legislature to assist the purchasers of commercial property casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for rates. (2) Notwithstanding the provisions of RCW 48.19.040(1), commercial property casualty policies may be issued prior to filing the rates. All commercial property casualty rates shall be filed with the commissioner within thirty days after an insurer issues any policy using them. (3) If, within thirty days after a commercial property casualty rate has been filed, the commissioner finds that the rate does not meet the requirements of this chapter, the commissioner shall disapprove the filing and give notice to the insurer or rating organization that made the filing, specifying how the filing fails to meet the requirements and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. The commissioner may extend the time for review another fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period. (4) Upon a final determination of a disapproval of a rate filing under subsection (3) of this section, the insurer shall issue an endorsement changing the rate to comply with the commissioner's disapproval from the date the rate is no longer effective. (5) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, or occupation for the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070. (6) Except as provided in subsection (4) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval. (7) In the event a hearing is held on the actions of the commissioner under subsection (3) of this section, the burden of proof shall be on the commissioner. **Sec. 3.** RCW 48.18.100 and 1989 c 25 s 1 are each amended to read as follows: (1) No insurance policy form other than surety bond forms, forms exempt under section 1 of this act, or application form where written application is required and is to be attached to the policy, or printed life or disability rider or endorsement form shall be issued, delivered, or used unless it has been filed with and approved by the commissioner. This section shall not apply to policies, riders or endorsements of unique character designed for and used with relation to insurance upon a particular subject. (2) Every such filing containing a certification, in a form approved by the commissioner, by either the chief executive officer of the insurer or by an actuary who is a member of the American academy of actuaries, attesting that the filing complies with Title 48 RCW and Title 284 of the Washington Administrative Code, may be used by such insurer immediately after filing with the commissioner. The commissioner may order an insurer to cease using a certified form upon the grounds set forth in RCW 48.18.110. This subsection shall not apply to certain types of policy forms designated by the commissioner by rule. (3) Except as provided in section 1 of this act, every filing that does not contain a certification pursuant to subsection (2) of this section shall be made not less than thirty days in advance of any such issuance, delivery, or use. At the expiration of such thirty days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner. The commissioner may extend by not more than an additional fifteen days the period within which he or she may so affirmatively approve or disapprove any such form, by giving notice of such extension before expiration of the initial thirty-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form shall be deemed approved. The commissioner may withdraw any such approval at any time for cause. By approval of any such form for immediate use, the commissioner may waive any unexpired portion of such initial thirty-day waiting period. (4) The commissioner's order disapproving any such form or withdrawing a previous approval shall state the grounds therefor. (5) No such form shall knowingly be so issued or delivered as to which the commissioner's approval does not then exist. (6) The commissioner may, by order, exempt from the requirements of this section for so long as he or she deems proper, any

insurance document or form or type thereof as specified in such order, to which in his or her opinion this section may not practicably be applied, or the filing and approval of which are, in his or her opinion, not desirable or necessary for the protection of the public. (7) Every member or subscriber to a rating organization shall adhere to the form filings made on its behalf by the organization. Deviations from such organization are permitted only when filed with the commissioner in accordance with this chapter. **Sec. 4.** RCW 48.19.060 and 1989 c 25 s 5 are each amended to read as follows: (1) The commissioner shall review a filing as soon as reasonably possible after made, to determine whether it meets the requirements of this chapter. (2) Except as provided in RCW 48.19.070 and section 2 of this act: (a) No such filing shall become effective within thirty days after the date of filing with the commissioner, which period may be extended by the commissioner for an additional period not to exceed fifteen days if he or she gives notice within such waiting period to the insurer or rating organization which made the filing that he or she needs such additional time for the consideration of the filing. The commissioner may, upon application and for cause shown, waive such waiting period or part thereof as to a filing that he or she has not disapproved. (b) A filing shall be deemed to meet the requirements of this chapter unless disapproved by the commissioner within the waiting period or any extension thereof." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Winsley moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5750.

#### POINT OF ORDER

Senator Fairley: "Thank you Mr. President. I raise the point of order that the House amendment to Substitute Senate Bill No. 5750 changes the scope and object of the bill. The underlying bill addressed the time periods for filing of rates and forms by insurers and consequences of timely or untimely filing. The House amendment redefines what commercial property casualty insurance is and requires insurers to change forms of rates that have been disapproved by the commissioner. Accordingly, I say that the House amendment changes the scope and object of the bill."

Further debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 5750 was deferred.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5741 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 64.34.410 and 1992 c 220 s 21 are each amended to read as follows: (1) A public offering statement shall contain the following information: (a) The name and address of the condominium; (b) The name and address of the declarant; (c) The name and address of the management company, if any; (d) The relationship of the management company to the declarant, if any; (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold; (f) The nature of the interest being offered for sale; (g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements; (h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units; (i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium; ~~((+))~~ (j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium; ~~((+))~~ (k) A list of the limited common elements assigned to the units being offered for sale; ~~((+))~~ (l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access; ~~((+))~~ (m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access; ~~((+))~~ (n) The status of

construction of the units and common elements, including estimated dates of completion if not completed; ~~((h))~~ ~~(o)~~ The estimated current common expense liability for the units being offered; ~~((o))~~ ~~(p)~~ An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing; ~~((p))~~ ~~(q)~~ The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements; ~~((q))~~ ~~(r)~~ Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency; ~~((r))~~ ~~(s)~~ The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining; ~~((s))~~ ~~(t)~~ If the condominium involves a conversion condominium, the information required by RCW 64.34.415; ~~((t))~~ ~~(u)~~ Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions; ~~((u))~~ ~~(v)~~ A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right; ~~((v))~~ ~~(w)~~ A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered; ~~((w))~~ ~~(x)~~ Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b); ~~((x))~~ ~~(y)~~ A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser; ~~((y))~~ ~~(z)~~ A brief description of any construction warranties to be provided to the purchaser; ~~((z))~~ ~~(aa)~~ Any building code violation citations received by the declarant in connection with the condominium which have not been corrected; ~~((aa))~~ ~~(bb)~~ A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known; ~~((bb))~~ ~~(cc)~~ Any rights of first refusal to lease or purchase any unit or any of the common elements; ~~((cc))~~ ~~(dd)~~ The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit; ~~((dd))~~ ~~(ee)~~ A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures; ~~((ee))~~ ~~(ff)~~ Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10); ~~((ff))~~ ~~(gg)~~ A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences; ~~((gg))~~ ~~(hh)~~ A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent; ~~((hh))~~ ~~(ii)~~ A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel; ~~((and(ii)))~~ ~~(jj)~~ Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant; and (kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995. (2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more. If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents. (3) The disclosures required by subsection (1)(g), ~~((j))~~ ~~(k)~~, ~~((j))~~ ~~(s)~~, ~~((t))~~ ~~(u)~~, ~~((t))~~ ~~(v)~~, and ~~((bb))~~ ~~(cc)~~ of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed. (4) The disclosures required by subsection (1)~~((dd))~~ ~~(ee)~~, ~~((gg))~~ ~~(hh)~~, and ~~((hh))~~ ~~(ii)~~ of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size. (5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section. **Sec. 2.** RCW 64.34.232 and 1992 c 220 s 10 are each amended to read as follows: (1) A survey map and plans executed by the declarant shall be recorded simultaneously with, and contain cross-references by recording number to, the declaration and any amendments. The survey map and plans must be clear and legible and contain a certification by the person making the survey or the plans

that all information required by this section is supplied. All plans filed shall be in such style, size, form and quality as shall be prescribed by the recording authority of the county where filed, and a copy shall be delivered to the county assessor. (2) Each survey map shall show or state: (a) The name of the condominium and a legal description and a survey of the land in the condominium and of any land that may be added to the condominium; (b) The boundaries of all land not subject to development rights, or subject only to the development right to withdraw, and the location and dimensions of all existing buildings containing units on that land; (c) The boundaries of any land subject to development rights, labeled "SUBJECT TO DEVELOPMENT RIGHTS SET FORTH IN THE DECLARATION"; any land that may be added to the condominium shall also be labeled "MAY BE ADDED TO THE CONDOMINIUM"; any land that may be withdrawn from the condominium shall also be labeled "MAY BE WITHDRAWN FROM THE CONDOMINIUM"; (d) The extent of any encroachments by or upon any portion of the condominium; (e) To the extent feasible, the location and dimensions of all recorded easements serving or burdening any portion of the condominium and any unrecorded easements of which a surveyor knows or reasonably should have known, based on standard industry practices, while conducting the survey; (f) Subject to the provisions of subsection (8) of this section, the location and dimensions of any vertical unit boundaries not shown or projected on plans recorded ~~((pursuant to))~~ under subsection (4) of this section and that unit's identifying number; (g) The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded ~~((pursuant to))~~ under subsection (4) of this section and that unit's identifying number; (h) The location and dimensions of any real property in which the unit owners will own only an estate for years, labeled as "leasehold real property"; (i) The distance between any noncontiguous parcels of real property comprising the condominium; (j) The general location of any existing principal common amenities listed in a public offering statement ~~((pursuant to))~~ under RCW 64.34.410(1)~~((+))~~ (j) and any limited common elements, including limited common element porches, balconies, patios, parking spaces, and storage facilities, but not including the other limited common elements described in RCW 64.34.204 (2) and (4); (k) In the case of real property not subject to development rights, all other matters customarily shown on land surveys. (3) A survey map may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the condominium. Any contemplated improvement shown must be labeled either "MUST BE BUILT" or "NEED NOT BE BUILT." (4) To the extent not shown or projected on the survey map, plans of the existing units must show or project: (a) Subject to the provisions of subsection (8) of this section, the location and dimensions of the vertical boundaries of each unit, and that unit's identifying number; (b) Any horizontal unit boundaries, with reference to an established datum, and that unit's identifying number; and (c) Any units in which the declarant has reserved the right to create additional units or common elements under RCW 64.34.236(3), identified appropriately. (5) Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside of a building have the same elevation as the horizontal boundaries of the inside part and in such case need not be depicted on the survey map and plans. (6) Upon exercising any development right, the declarant shall record either a new survey map and plans necessary to conform to the requirements of subsections (1), (2), and (3) of this section or new certifications of a survey map and plans previously recorded if the documents otherwise conform to the requirements of those subsections. (7) Any survey map, plan, or certification required by this section shall be made by a licensed surveyor. (8) In showing or projecting the location and dimensions of the vertical boundaries of a unit under subsections (2)(f) and (4)(a) of this section, it is not necessary to show the thickness of the walls constituting the vertical boundaries or otherwise show the distance of those vertical boundaries either from the exterior surface of the building containing that unit or from adjacent vertical boundaries of other units if: (a) The walls are designated to be the vertical boundaries of that unit; (b) the unit is located within a building, the location and dimensions of the building having been shown on the survey map under subsection (2)(b) of this section; and (c) the graphic general location of the vertical boundaries are shown in relation to the exterior surfaces of that building and to the vertical boundaries of other units within that building. **Sec. 3.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read as follows: (1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person: (a) To refuse to engage in a real estate transaction with a person; (b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith; (c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person; (d) To refuse to negotiate for a real estate transaction with a person; (e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property; (f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting; (g) To make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a

limitation, specification, or discrimination with respect thereto; (h) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith; (i) To expel a person from occupancy of real property; (j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or (k) To attempt to do any of the unfair practices defined in this section. (2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person includes: (a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted; (b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person equal opportunity to use and enjoy a dwelling; or (c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained guide dog or service dog. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern. Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence. (3) Notwithstanding any other provision of this chapter, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or families with children status. (4) Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. Nothing in this section affects the rights, responsibilities, and remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the nondiscrimination requirements of this chapter. Nothing in this section limits the applicability of any reasonable federal, state, or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling. (5) Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any public establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation. (6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995. Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Winsley moved that the Senate do concur in the House amendment to Senate Bill No. 5741.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate do concur in the House amendment to Senate Bill No. 5741.

The motion by Senator Winsley carried and the Senate concurred in the House amendment to Senate Bill No. 5741.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5741, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5741, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senators Bauer, Finkbeiner and Swecker - 3. Excused: Senators McCaslin and Snyder - 2. SENATE BILL NO. 5741, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Bauer was excused.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5079 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** The purpose of this act is to encourage environmental permit program efficiency and pollution prevention through increased private sector participation in the preparation of wastewater discharge permits currently administered by the department of ecology. The legislature recognizes that pollution prevention can often be accomplished through cooperative partnerships between government and industry and through voluntary changes in industrial production methods. By using expertise available in the private sector, the permit preparation option provided in this act is intended to reduce the time required to issue wastewater discharge permits and better protect the water quality of the state. NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows: (1) Within fifteen days of receipt of an application for the issuance of a new permit or modification of an existing permit under RCW 90.48.160 or 90.48.260, the department shall determine whether it is likely that the permit will be processed within one hundred eighty days. If the department determines that a permit will not be processed within one hundred eighty days, the applicant shall be notified. Upon receipt of this notification, an applicant may choose to proceed with the draft permit preparation option in subsection (2) of this section. (2) Any person applying for the issuance of a new permit or modification of an existing permit under RCW 90.48.160 or 90.48.260 may submit an application with a draft permit and fact sheet if the department cannot process the permit within the timeline provided in subsection (1) of this section. (3) The department shall approve or deny the permit proposal within forty-five days of submission if no public hearing is required, or within ninety days of submission if a public hearing is required. The department or the applicant may negotiate a permit proposal if both parties agree to a timeline. The department retains full authority under this chapter to approve, modify, or disapprove any draft permit or fact sheet submitted under this section. (4) The department shall make available guidelines specifying the elements of a complete draft permit and fact sheet." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5079.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Substitute Senate Bill No. 5079.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5079.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5079, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5079, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 4; Absent, 4; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Long, Loveland, McAuliffe, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wood and Zarelli - 38. Voting nay: Senators Fairley, Kline, Kohl and Wojahn - 4. Absent: Senators Deccio, Finkbeiner, McDonald and Newhouse - 4. Excused: Senators Bauer, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5079, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Swecker, Senators Deccio and Strannigan were excused.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5173 with the following amendment(s):

On page 40, line 34, strike "beer and wine" and insert "limited service" On page 40, line 35, after "license" strike "((in combination with a class E license))" and insert "in combination with ((a class E))an off-premises beer and wine retailer's license" On page 35, after line 33, insert the following: "(4) The board may issue a caterer's endorsement to the license under this section to allow the licensee to remove from the liquor stocks at the licensed premises, for use as liquor for sale and service at special occasion locations at a specified date and place not currently licensed by the board. The privilege of selling and serving liquor under the endorsement is limited to members and guests of a society or organization as defined in RCW 66.24.375. Cost of the endorsement is three hundred fifty dollars. (a) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized. (b) If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, the requirement that the society or organization be within the definition of RCW 66.24.375 is waived.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Schow, the Senate concurred in the House amendments to Substitute Senate Bill No. 5173.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5173, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5173, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senators Finkbeiner and Newhouse - 2. Excused: Senators Bauer, Deccio, McCaslin, Snyder and Strannigan - 5. SUBSTITUTE SENATE BILL NO. 5173, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hale, Senator Finkbeiner was excused.

MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5177 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 46.61.100 and 1986 c 93 s 2 are each amended to read as follows: (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows: (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; (b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard; (c) Upon a roadway divided into three marked lanes and providing for two-way movement traffic under the rules applicable thereon; or (d) Upon a street or highway restricted to one-way traffic. (2) Upon all roadways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lane then available for traffic, except (a) when overtaking and passing another vehicle proceeding in the same direction, (b) when traveling at a speed greater than the traffic flow, (c) when moving left to allow traffic to merge, or (d) when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted. On any such roadway, a ~~((motor truck))~~ vehicle or combination over ten thousand pounds shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection. (3) No vehicle towing a trailer or no vehicle or combination over ten thousand pounds may be driven in the left-hand lane of a limited access roadway having three or more lanes for traffic moving in one direction except when preparing for a left turn at an intersection, exit, or into a private road or driveway when a left turn is legally permitted. This subsection does not apply to a vehicle using a high-occupancy vehicle lane. A high-occupancy vehicle lane is not considered the left-hand lane of a roadway. The department of transportation, in consultation with the Washington state patrol, shall adopt rules specifying (a) those circumstances where it is permissible for other vehicles to use the left lane in case of emergency or to facilitate the orderly flow of traffic, and (b) those segments of limited access roadway to be exempt from this subsection due to the operational characteristics of the roadway. (4) It is a traffic infraction to drive continuously in the left lane of a multilane roadway when it impedes the flow of other traffic. ~~((4))~~ (5) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle shall not be driven to the left of the center line of the roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Horn moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5177.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate do concur in the House amendment to Substitute Senate Bill No. 5177.

The motion by Senator Horn carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5177.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5177, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Loveland, McAuliffe, Morton, Oke, Patterson,



Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senator Long - 1. Absent: Senators McDonald and Newhouse - 2. Excused: Senators Bauer, Finkbeiner, McCaslin and Snyder - 4. SUBSTITUTE SENATE BILL NO. 5177, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

Senator Patterson moved that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 5177, as amended by the House, passed the Senate.

The President declared the question before the Senate to be the motion by Senator Patterson to immediately reconsider the vote by which Substitute Senate Bill No. 5177, as amended by the House, passed the Senate.

The motion for reconsideration failed.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5218 with the following amendment(s):

On page 15, line 10, strike "twenty days" and insert "one hundred forty hours" On page 15, line 33, strike "twenty days" and insert "one hundred forty hours" On page 35, beginning on line 18, after "or after" strike "the effective date of this act" and insert "June 1, 1996" On page 35, line 21, after "1992" insert "or part III of chapter 519, Laws of 1993", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5218.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendments to Substitute Senate Bill No. 5218.

The motion by Senator West carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5218.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5218, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5218, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5218, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5539 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 46.52.030 and 1996 c 183 s 1 are each amended to read as follows: (1) Unless a report is to be made by a law enforcement officer under subsection (3) of this section, the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by

the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within ~~((twenty-four hours))~~ four days after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount or where a law enforcement officer has submitted a report. (2) The original of the report shall be immediately forwarded by the authority receiving the report to the chief of the Washington state patrol at Olympia, Washington. The Washington state patrol shall give the department of licensing full access to the report. (3) Any law enforcement officer who investigates an accident for which a ~~((driver's))~~ report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070. (4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in ~~((his))~~ the chief's opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the ~~((cause))~~ circumstances, the conditions then existing, the persons and vehicles involved, the insurance information required under RCW 46.30.030, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person. (5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision. NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Prince moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5539.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Prince that the Senate do concur in the House amendments to Substitute Senate Bill No. 5539.

The motion by Senator Prince carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5539.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5539, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5539, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5539, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5570 with the following amendment(s): Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 51.48.020 and 1995 c 160 s 4 are each amended to read as follows: (1)(a) Any employer, who knowingly misrepresents to the department the amount of his or her payroll or employee hours upon which the premium under this title is based, shall be liable to the state ~~((#))~~ for up to ten times the amount of the difference in premiums paid and the amount the employer should have paid and for the reasonable expenses of auditing his or her books and collecting such sums. Such liability may be enforced in the name of the department. (b) An employer is guilty of a class C felony, if((such)): (i) The employer, with intent to evade determination and payment of the correct amount of the premiums, knowingly makes misrepresentations ~~((are made knowingly, an employer shall also be guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW))~~ regarding payroll or employee hours; or (ii) The employer engages in employment covered under this title and, with intent to evade determination and payment of the correct amount of the premiums, knowingly fails to secure payment of compensation under this title or knowingly fails to report the payroll or employee hours related to that employment. (c) Upon conviction under (b) of this subsection, the employer shall be ordered by the court to pay the premium due and owing, a penalty in the amount of one hundred percent of the premium due and owing, and interest on the premium and penalty from the time the premium was due until the date of payment. The court shall: (A) Collect the premium and interest and transmit it to the department of labor and industries; and (B) Collect the penalty and disburse it pro rata as follows: One-third to the investigative agencies involved; one-third to the prosecuting authority; and one-third to the general fund of the county in which the matter was prosecuted. Payments collected under this subsection must be applied until satisfaction of the obligation in the following order: Premium payments; penalty; and interest. (2) Any person claiming benefits under this title, who knowingly gives false information required in any claim or application under this title shall be guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. NEW SECTION. Sec. 2. RCW 51.48.015 and 1971 ex.s. c 289 s 62 are each repealed." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Schow moved that the Senate do concur in the House amendment to Senate Bill No. 5570.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Schow that the Senate do concur in the House amendment to Senate Bill No. 5570.

The motion by Senator Schow carried and the Senate concurred in the House amendment to Senate Bill No. 5570.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5570, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5570, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Swecker - 1. Excused: Senators McCaslin and Snyder - 2. SENATE BILL NO. 5570, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5659 with the following amendment(s):

On page 1, line 9, after "packer." strike all material through "nonvoting member." on line 10 and insert "If an otherwise voting member is elected as the chair of the commission, the member may, during the member's term as chair of the commission, cast a vote as a member of the commission only to break a tie vote.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Morton, the Senate concurred in the House amendment to Senate Bill No. 5659.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5659, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5659, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Snyder - 2. SENATE BILL NO. 5659, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGES FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1327,

ENGROSSED HOUSE BILL NO. 1472, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1327,

ENGROSSED HOUSE BILL NO. 1472.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5011,

SENATE BILL NO. 5018,

SUBSTITUTE SENATE BILL NO. 5103,

SUBSTITUTE SENATE BILL NO. 5110,

SUBSTITUTE SENATE BILL NO. 5144,

SENATE BILL NO. 5151,

SECOND SUBSTITUTE SENATE BILL NO. 5178,

SECOND SUBSTITUTE SENATE BILL NO. 5179,

SUBSTITUTE SENATE BILL NO. 5188,

SENATE BILL NO. 5193,

SUBSTITUTE SENATE BILL NO. 5230,

SUBSTITUTE SENATE BILL NO. 5295,

SUBSTITUTE SENATE BILL NO. 5318,

SUBSTITUTE SENATE BILL NO. 5334,

SENATE BILL NO. 5340,  
SENATE BILL NO. 5361,  
SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5763,  
SUBSTITUTE SENATE BILL NO. 5838,  
SUBSTITUTE SENATE BILL NO. 6046.

MESSAGE FROM THE HOUSE

April 18, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6061 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:

**"TRANSPORTATION APPROPRIATIONS**

NEW SECTION. **Sec. 1.** To ensure accountability for the expenditure of transportation revenue by agencies responsible for delivering transportation services and programs to the traveling and taxpaying public, an objective and systematic assessment of the services and programs administered by the departments of transportation and licensing and the Washington state patrol is essential. An audit of the agencies' performance and an examination of the efficiency and effectiveness of service and program delivery by the agencies, shall take place prior to the appropriation for full funding of certain programs, projects, and services in the 1997-99 biennium. NEW SECTION. **Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1999. (2) Legislation with fiscal impacts enacted in the 1997 legislative session not assumed in this act are not funded in the 1997-99 transportation budget. (3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act. (a) "Fiscal year 1998" or "FY 1998" means the fiscal year ending June 30, 1998. (b) "Fiscal year 1999" or "FY 1999" means the fiscal year ending June 30, 1999. (c) "FTE" means full-time equivalent. (d) "Lapse" or "revert" means the amount shall return to an unappropriated status. (e) "Provided solely" means the specified amount may be spent only for the specified purpose. (f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes/results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets. (g) "Mission" means a statement of an organization's purpose that is concise, understandable, and consistent with the agency's statutory mandate. (h) "Vision" means a statement of the organization's preferred future that is idealistic, motivating, directive, and logically connected to the mission. (i) "Major strategies" means the broad themes for how an agency plans to accomplish its mission. (j) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate. (k) "Objectives" means the steps taken to reach a goal that are specific and measurable within a specified time period. Objectives shall be assignable, prioritized, time-phased, and have resource estimates. (l) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

**PART I GENERAL GOVERNMENT AGENCIES--OPERATING**

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE** Motor Vehicle Fund--State Appropriation \$ 304,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 15, 1998, and January 15, 1999, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

NEW SECTION. **Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE** Motor Vehicle Fund--State Appropriation \$ 111,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1997.

NEW SECTION. **Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation \$ 420,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1997.

**NEW SECTION. Sec. 104. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Fund--State Appropriation \$ 1,000,000Marine Operating Account--State Appropriation\$1,000,000TOTAL APPROPRIATION\$2,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfers from the motor vehicle fund and the marine operating fund are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

**NEW SECTION. Sec. 105. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Fund--State Appropriation \$ 222,000

**PART IITRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Fund--State Appropriation \$ 436,000Highway Safety Fund--Federal Appropriation\$5,216,000Transportation Fund--State Appropriation\$950,000TOTAL APPROPRIATION\$6,602,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The transportation fund--state appropriation includes \$900,000 to fund community DUI task forces. Funding

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Account--State Appropriation \$ 57,397,000Motor Vehicle Fund--State Appropriation\$1,548,000Motor Vehicle

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The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$124,000 of the county arterial preservation account--state appropriation is provided for a computer programmer to rewrite and expand the county road information system for compatibility with Windows computer software. It is the intent of the legislature that this position be a project position and is funded for the 1997-99 biennium only.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust Account--State Appropriation \$ 57,159,000  
 Motor Vehicle Fund--Transportation Improvement Account--State Appropriation \$122,014,000  
 Motor Vehicle Fund--City Hardship Assistance Account--State Appropriation \$ 2,649,000  
 Motor Vehicle Fund--Small City Account-- State Appropriation \$ 7,921,000  
 Central Puget Sound Public Transportation Account--State Appropriation \$26,910,000  
 Public Transportation Systems Account-- State Appropriation \$ 2,928,000  
**TOTAL APPROPRIATION \$219,581,000**

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 2,822,000  
 Transportation Fund--State Appropriation \$ 500,000  
 Central Puget Sound Public Transportation Account--State Appropriation \$200,000  
 High Capacity Transportation Account-- State Appropriation \$ 500,000  
**TOTAL APPROPRIATION \$4,022,000**

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) In order to meet the growing demand for services the legislative transportation committee shall seek accountability and efficiencies within transportation agency programs through in-depth program evaluations. These program evaluations shall consider: (a) Whether or not strategic planning and performance-based budgeting is a preferable planning and budgeting tool to the current incremental budgeting process for agency administrative programs and capital program budgeting; (b) How the programs are performing currently and how service would be affected at different funding levels using performance measures; and (c) What decision-making tools aid with the budgeting and oversight of these programs, such as tools developed during the maintenance accountability program (MAP) conducted by the legislative transportation committee

during the 1995-97 biennium. (2) In consultation with other legislative committees, the legislative transportation committee shall study ways to enhance budget development tools and presentation documents that will better illustrate agencies' full appropriation authority and the intended outcomes of the appropriation. (3) The legislative transportation committee shall conduct an evaluation of services provided by the county road administration board, the transportation improvement board and the TransAid division within the department of transportation. The evaluation shall assess whether consolidation of any of these activities will result in efficiencies and improved service delivery. The evaluation shall also assess the funding structure of these organizations to determine whether there are any benefits gained from a more simplified structure. The evaluation shall also assess other funding authorities to see if there is potential for further expansion of these revenues. The committee shall report its findings and recommendations to the 1998 legislature and, if needed, prepare legislation to implement those recommendations. \$150,000 of the motor vehicle fund--state appropriation is provided for this evaluation. (4) \$250,000 of the transportation fund--state appropriation is provided solely for an assessment of the licensing application migration project (LAMP). The assessment shall include but not be limited to the following: (a) Validity of the project based on circumstances when the project was created versus those that exist at the time of the assessment; (b) whether or not the project is achieving the results for which it was established; (c) alternatives for delivering the project; (d) identification of the costs or implications of not completing the project; and (e) recommendations for decreasing the amount of operating LAMP. A consultant may be hired to assist in the assessment. (5) The legislative transportation committee, in cooperation with the house appropriations committee, the senate ways and means committee, and the office of financial management, shall study and report to the legislature its findings regarding the process and procedures for calculation, determination, and collection of the amounts of motor vehicle excise tax (MVET) collected on the sale or lease of motor vehicles in this state. The report shall include findings as to the base amount for calculation of MVET, the amortization schedule for calculation of MVET, and adequacy and efficiency of current systems to provide accurate and timely information to those responsible for determining and collecting the MVET due, including recommendations for determining the MVET due for current and future multiple MVET tax structures. The report must also include a status report as to the progress and feasibility of using third party information providers or using private vendors to collect the MVET. \$200,000 of the transportation fund--state appropriation is provided for this evaluation including the use of a consultant. (6) Up to \$200,000 of the central Puget Sound public transportation account--state appropriation and up to \$50,000 of the transportation fund--state appropriation may be used by the legislative transportation committee to contract for a performance audit of selected public transportation systems to ascertain the relative effectiveness and efficiency of those systems, including their per vehicle hour cost structure. The committee may also utilize these funds to conduct an evaluation to address the future financial viability of municipal transit agencies which do not currently receive state support for transit from the motor vehicle excise tax. (7) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the high capacity transportation account--state appropriation is provided for this review and analysis. (8) The legislative transportation committee shall, in accordance with government accounting standards prescribed by the comptroller general of the United States, conduct performance audits of the department of transportation, focusing on its responsibilities for the highway and ferry systems; the department of licensing, focusing on the processes for motor vehicle and driver licensing functions; and the Washington state patrol, concentrating on law enforcement operations, communications systems, and technology requirements. The performance audits shall be an objective and systematic assessment of the programs administered by the department, including each program's effectiveness, efficiency, and accountability. Under the provisions of chapter 39.29 RCW, the legislative transportation committee shall use a firm or firms to conduct the audits. (9) The committee shall consult frontline employees, program managers, customers of the programs and agency services, taxpayers, legislators, legislative staff, the joint legislative audit and review committee, state auditor, office of financial management staff, and other external public and private sector experts in conducting the performance audit. On behalf of the committee, the independent evaluator shall be provided direct and unrestricted access to information held by the agencies, which shall submit all data and other information requested by the committee. (10) The performance audit shall identify those activities and programs that should be strengthened, those that should be abandoned, and those that need to be redirected or other alternatives explored. In conducting the audit, the following objectives shall be addressed as appropriate: (a) Identify each of the discrete functions or activities, along with associated costs and full-time equivalent staff; (b) Determine the extent to which the particular activity or function is specifically authorized in statute or is consistent with statutory direction and intent; (c) Establish the relative priority of the program among the agency's functions; (d) Consider whether or not the purpose for which the program was created is still valid based on the circumstances under which the program was created versus those that exist at the time of the audit; (e) Recommend organizations or programs in the public or private sector to be used as benchmarks against which to measure the performance of the program or function; (f) Determine whether or not the program or function is achieving the results for which it was established; (g) Identify alternatives for delivering the program or service, either in the public or

private sector; (h) Identify any duplication of services with other government programs or private enterprises or gaps in services; (i) Identify the costs or implications of not performing the function; (j) Determine the frequency with which other states perform similar functions, as well as their relative funding levels and performance; (k) In the event of inadequate performance by the program, identify the potential for a workable, affordable plan to improve performance; (l) Identify, to the extent possible, the causes of any program's failure to achieve the desired results and identify alternatives for reducing costs or improving service delivery, including transferring functions to other public or private sector organizations; and (m) Develop recommendations relating to statutes that inhibit or do not contribute to the agency's ability to perform its functions effectively and efficiently and whether specific statutes, activities, or programs should be continued, abandoned, or restructured. (11) In conducting the performance audit of the Washington state ferries' capital program, the committee shall evaluate and make recommendations on the following elements: (a) Washington state ferries' compliance with the recommendations of the 1991 Booz. Allen and Hamilton vessel construction and refurbishment study; (b) Vessel procurement procedures that maximize cost effective preservation, maintenance, and new construction of Washington state ferries; (c) The appropriate level of Washington state ferries' in-house design and construction, design or construction functions that could be performed by private engineering firms and shipyards, and procedures to appropriately share the risk of project performance between the state and private shipyards in the implementation of contractual work; (d) Washington state ferries' long-range plan recommendations for terminal and vessel investments, with particular focus on the appropriate investments to meet forecasted vehicle and passenger travel demands, emergent vessel capacity and existing fleet preservation needs, needed route structures, and related terminal capacity; and (e) Other elements or issues as directed by the advisory committee. (12) In conducting the performance audit of the Washington state ferries' operating program, the committee shall evaluate and make recommendations on the following elements: (a) The administration and organizational structure of the Washington state ferries, with specific focus on the appropriate level of management staffing, and clerical and support functions necessary for terminal and vessel activities; (b) The efficiency of current staging, loading, and traffic management procedures; (c) The appropriate service level and related vessel deployment for existing and planned routes; (d) Appropriate procedures for vessel operational support; including, but not limited to, fueling, water, sewage, and hazardous materials management procedures; (e) Internal controls of revenue collections and inventory; (f) Review of emergency management procedures; (g) The feasibility of converting international route service to local government and/or private sector operation; (h) Radio and electronic vessel communications and electronic tracking systems; (i) Contractual agreements for agent services; (j) Terminal utility cost increases; (k) Internal control procedures to ensure the accuracy of payroll; (l) Strategies for maintenance support of vessels and terminals, including an assessment of Eagle Harbor operations; (m) Fleet and terminal equipment processes to enhance operational support and cost effective purchases; (n) Essential training and human resources requirements, including training needed to comply with regulatory agency mandates; (o) Appropriate levels of support necessary for the consistent operation of supporting data processing systems; (p) System-wide charges for software licensing and policy for purchasing, or upgrading computer workstations; and (q) Other elements or issues as directed by the committee. (13) Unless the committee determines otherwise, the preliminary and final audit reports for the Washington state ferries shall be completed by October 1, 1997, and January 1, 1998, respectively. Unless the committee determines otherwise, the preliminary and final audit reports for other programs administered by the department of transportation, the department of licensing and the Washington state patrol shall be completed by August 1, 1998, and November 1, 1998, respectively. (14)(a) The legislative transportation committee shall create a temporary advisory committee to assist the committee in conducting this performance audit. The advisory committee shall assist the committee in the following matters: (i) Identifying stakeholders; (ii) Developing the audit scope and objectives; (iii) Reviewing progress reports provided by the legislative transportation committee; (iv) Reviewing preliminary and final audit reports; (v) Facilitating communication of audit findings to other members of the legislature. (b) The advisory committee shall be comprised of representatives of the joint legislative audit and review committee, the legislative transportation committee, and other stakeholders as determined by the legislative transportation committee. (c) The advisory committee shall be chaired by the chair of the legislative transportation committee or his or her designee.

**NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 354,000

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation \$ 804,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation commission shall report to the legislative transportation committee following adoption of the highway, rail, capital facilities, and ferry capital construction programs, and provide status reports to the committee



throughout the biennium. (2) The commission is directed to continue efforts to identify cost savings and efficiencies for the department of transportation. These efficiencies may include contracting out or privatizing of appropriate services.

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 159,006,000 Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$4,374,000 Motor Vehicle Fund--State Patrol Highway Account--Local Appropriation \$ 170,000 TOTAL APPROPRIATION \$163,550,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999. (2) The Washington state patrol is authorized an additional 18 COPS troopers, for attrition purposes, in the 1997-99 biennium if approved for federal matching funds. (3) The Washington state patrol is authorized 8 additional investigator positions to begin in July 1997. (4) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction. (5) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia. (6) A personnel data base will be maintained of the 789 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan. (7) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program formally funded by the traffic safety commission. (8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services. (b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration. (c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 54,961,000 Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$104,000 TOTAL APPROPRIATION \$55,065,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: (1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS. (2) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ 77,000 State Wildlife Account--State Appropriation \$57,000 Highway Safety Fund--State Appropriation \$5,538,000 Motor Vehicle Fund--State Appropriation \$ 4,501,000 Transportation Fund--State Appropriation \$900,000 TOTAL APPROPRIATION \$11,073,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The agency is directed to develop a proposal for implementing alternative approaches to delivering agency services to the public. The alternative approaches may include the use of credit card payment for telephone or use of the internet for renewals of vehicle registrations. The proposal shall also include collocated services for greater convenience to the public. The agency shall submit a copy of the proposal to the legislative transportation committee and to the office of financial management no later than December 1, 1997.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 2,000 General Fund--Wildlife Account--State Appropriation \$ 123,000 Highway

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**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account--

State Appropriation \$ 26,000 General Fund--Wildlife Account--State Appropriation \$ 549,000 Motor Vehicle

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**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education

Account--State Appropriation \$ 1,160,000Highway Safety Fund--State Appropriation\$61,087,000Transportation  
Fund--State Appropriation\$4,985,000TOTAL APPROPRIATION\$67,232,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If Substitute House Bill No. 1501 is not enacted by June 30, 1997, \$2,503,000 of the highway safety fund--state appropriation shall lapse. (2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 24,703,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000Motor Vehicle Fund--Transportation CapitalFacilities Account--State  
Appropriation\$22,544,000TOTAL APPROPRIATION\$47,647,000

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Transportation Fund--Aeronautics Account--State

Appropriation \$ 3,551,000Transportation Fund--Aeronautics Account--Federal Appropriation \$ 1,000Aircraft  
Search and Rescue, Safety, and EducationAccount--State  
Appropriation\$216,000TOTAL APPROPRIATION\$3,768,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--

State Appropriation \$ 2,434,000Motor Vehicle Fund--State Appropriation\$88,015,000Motor Vehicle Fund--

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The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$78,600,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 and includes \$19,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. If House Bill No. 1012 is not enacted by June 30, 1997, \$19,000,000 of the special category C account--state appropriation shall lapse. (2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. (3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year. (4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services. (5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium. (6) No moneys are provided for the Washington coastal corridor study. (7)(a) The project called "SR 520 Corridor Alternative Analysis" in Program I shall be hereafter called the "Trans-Lake Washington Study." (b) The department of transportation shall conduct a comprehensive study examining alternative transportation options for east-west traffic in King county addressing mobility, mitigation, preservation, and access. Such study shall include but not be limited to: Transportation flows east and west across Lake Washington on SR 520 and I-90, as well as north around Lake Washington; alternatives for enhancing traffic flow for those currently using SR 520 from the eastern side of Lake Washington through to the terminus of SR 520 in Redmond; integration of such alternatives with I-5 and I-405; long-term maintenance and safety needs for the Evergreen Point Floating Bridge; and consideration of all modes of transportation, including transit and transportation demand management. Comprehensive mitigation of existing and future impacts shall be an integral and inseparable part of any alternatives studied. The study shall be conducted with extensive citizen, local jurisdiction, community, and user stakeholder involvement in both scoping and in development of alternatives. The goal of the study shall be to develop a set of reasonable and feasible solutions. (c) By November 1997, the department shall submit a study schedule to the legislative transportation committee setting forth major milestones, and the process developed for scoping and conducting the study, which process shall be developed with the affected stakeholders. The study shall be completed by December 1998. (d) The motor vehicle fund appropriation includes \$1,250,000 to carry out the provisions of this subsection. It is the intent of the legislature that funding for the Trans-Lake Washington study be redirected from other SR 520 projects. (8) \$150,000 of the motor vehicle fund--state appropriation is provided for the state share of conducting a six point access corridor analysis required by the federal highway administration before improvements to the NE 44th Street interchange on SR 405 can be implemented. (9) The motor vehicle fund--state appropriation in this

section includes \$150,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation \$ 1,280,000 Motor Vehicle Fund--State Appropriation \$16,235,000 TOTAL APPROPRIATION \$17,515,000 The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: (1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program. (2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ 225,274,000

Motor Vehicle Fund--Federal Appropriation \$ 461,000 Motor Vehicle Fund--Private/Local Appropriation \$3,305,000 TOTAL APPROPRIATION \$229,040,000 The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities. (2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures. (3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ 271,777,000

Motor Vehicle Fund--Federal Appropriation \$ 274,259,000 Motor Vehicle Fund--Private/Local Appropriation \$2,400,000 TOTAL APPROPRIATION \$548,436,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. (2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 22,388,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 299,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000 Motor Vehicle Fund--Private/Local Appropriation \$12,433,000 TOTAL APPROPRIATION \$13,132,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. (2) If Substitute House Bill No. 1010 is enacted by June 30, 1997, all of the appropriations in this section shall lapse.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital

Construction Account--State Appropriation \$ 777,000 Motor Vehicle Fund--State Appropriation \$57,046,000 Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$1,093,000 Transportation Fund--State Appropriation \$ 1,158,000 TOTAL APPROPRIATION \$60,074,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$2,650,000 solely for programming activities to bring the department's information systems into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997. (2) It is the intent of the legislature that the department of transportation may implement a voluntary retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Fund--State Appropriation \$ 15,316,000

Motor Vehicle Fund--Federal Appropriation \$ 15,966,000 Transportation Fund--State Appropriation \$1,384,000 TOTAL APPROPRIATION \$32,666,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries. (2) If Substitute House Bill No. 1010 is enacted by June 30, 1997, \$5,500,000 of the motor vehicle fund--federal appropriation shall lapse.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Motor Vehicle Fund--State Appropriation \$ 2,515,000 (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR Motor Vehicle Fund--State Appropriation \$840,000 (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES Motor Vehicle

Fund--State Appropriation \$ 3,391,000 (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL Motor Vehicle Fund--State Appropriation \$2,240,000 (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION Motor Vehicle Fund--State Appropriation \$ 12,120,000 (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION Motor Vehicle Fund--Puget Sound Ferry Operations Account--State

Appropriation \$ 2,928,000 (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES Motor Vehicle Fund--State Appropriation \$ 536,000 (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES Motor Vehicle Fund--State Appropriation \$ 90,000 (9) FOR PAYMENT



OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE Motor Vehicle Fund--State  
Appropriation \$ 735,000(10) FOR ARCHIVES AND RECORDS MANAGEMENT Motor Vehicle Fund--State Appropriation \$295,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES  
CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital

Construction Account--State Appropriation \$ 243,229,000 Motor Vehicle Fund--Puget Sound Capital Construction

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The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version 3) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management. (2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation. (3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section. (4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger- only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network. (5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements for only one vessel to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route. (6) The Puget Sound capital construction account--state appropriation and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. (7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel. (8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet. (9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium. (10) The Puget Sound capital construction account--state appropriation includes \$57,461,000 for the 1997-99 biennium portion of the design and construction of a fourth Jumbo Mark II ferry and for payments related to the lease-purchase of the vessel's engines and propulsion system. This appropriation is subject to the following conditions and limitations. If House Bill No. 2108 authorizing the department to procure the vessel utilizing existing construction and equipment acquisition contracts is not enacted during the 1997 legislative session, this provision is null and void. \$50,000,000 of the motor vehicle fund--Puget Sound capital construction account--state appropriation shall not be allotted. \$7,461,000 may be allotted for preservation or renovation of Super class ferries.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
Marine Operating Fund--State Appropriation \$ 256,785,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$27,368,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation. (2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed \$171,590,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget. (3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section. (4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United

States Coast Guard Subchapter W regulation revisions for one vessel operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee by September 1, 1997. (5) No funds are provided for Washington state ferries' lease of the Anacortes ferry terminal. The department shall request a waiver of the cost associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal. (6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that exclusively serve the west side of Puget Sound. (7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues. (8) Upon completion of the construction of the three Mark II Jumbo Class ferry vessels, two vessels shall be deployed for service on the Seattle-Bainbridge ferry route and one shall be deployed for service on the Edmonds-Kingston ferry route. Of the existing Jumbo Class ferry vessels, one shall be deployed for use on the Edmonds-Kingston route and the remaining vessel shall be used as a back-up boat for both the Seattle-Bainbridge and Edmonds-Kingston routes.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State

Appropriation \$ 256,000 High Capacity Transportation Account--State Appropriation \$ 7,530,000 Air Pollution

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The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$42,680,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. (2) Up to \$500,000 of the transportation fund--state appropriation and up to \$1,000,000 of the public transportation systems account--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium. (3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning. (4) The department shall provide biannual reports to the legislative transportation committee regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session. (5) \$500,000 of the transportation fund--state appropriation and the entire central Puget Sound public transportation account--state appropriation

are for the agency council on coordinated transportation established in chapter . . . (House Bill No. 2166 or similar legislation), Laws of 1997 and are in addition to any appropriation for the council contained in the omnibus operating budget for the 1997-99 biennium. (6) If Substitute House Bill No. 1010 is enacted by June 30, 1997, \$8,452,000 of the transportation fund--federal appropriation shall lapse. (7) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium. (8) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998. (9) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--StateAppropriation \$ 8,053,000

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The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. (2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented. (3) If Substitute House Bill No. 1010 is enacted by June 30, 1997, \$240,000,000 of the motor vehicle fund--federal appropriation and \$5,000,000 of the motor vehicle fund--private/local appropriation shall lapse and \$399,000 is appropriated from the motor vehicle fund--state appropriation to pay for operating and maintenance costs for the Wahkiakum county ferry. (4) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium. (5) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

### **PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES**

**NEW SECTION. Sec. 301.** (1) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies. (2) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows: (a) A new customer service center in Vancouver for \$3,709,900; (b) A new customer service center in Thurston county for \$4,641,200; and (c) A new customer service center in Union Gap for \$3,642,000. (3) The Washington state patrol, department of licensing, and department of transportation shall provide monthly progress reports with the transportation executive information system on the capital facilities receiving an appropriation in this act.

**NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS**  
Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 5,375,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) This appropriation is provided for the microwave migration, weigh station facilities identified in the budget notes, training academy HVAC system, and regular facilities maintenance. (2) The Washington state patrol, based on an independent real estate appraisal, is authorized to purchase the Port Angeles detachment office for a maximum of \$600,000 provided the appraisal is \$600,000 or above in value. If the appraisal is less than \$600,000, the Washington state patrol is authorized to purchase the building for the appraised value. Certificates of participation will be used for financing the cost of the building and related financing fees.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 7,998,000(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway. (3) The appropriations in this section contain \$7,719,000 reappropriated from the 1995-97 biennium.

### **PART IV TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$ 195,062,000

Ferry Bond Retirement Account Appropriation \$ 49,606,000TOTAL APPROPRIATION\$244,668,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital

Construction Account Appropriation \$ 500,000Motor Vehicle Fund Appropriation\$130,000Transportation Improvement AccountAppropriation\$200,000Special Category C Account Appropriation \$ 350,000Transportation Capital Facilities AccountAppropriation\$1,000Urban Arterial Account Appropriation\$5,000TOTAL APPROPRIATION\$1,186,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

City Hardship Account Appropriation \$ 200,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ 475,267,000Transportation Fund Appropriation\$3,119,000TOTAL APPROPRIATION\$478,586,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:

For transfer to the department of retirement systems expense fund \$ 117,000

**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation:

For transfer to the Motor Vehicle Fund-- State \$ 1,173,000(2) Motor Vehicle Fund--State Appropriation:For transfer to the Transportation CapitalFacilities Account--State \$ 47,569,000(3) Small City Account--State Appropriation:For transfer to the Urban Arterial TrustAccount--State \$ 3,359,000(4) Small City Account--State Appropriation:For transfer to the Transportation ImprovementAccount--State \$ 7,500,000

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER**

Motor Vehicle Fund--State Appropriation

For transfer to the Transportation Equipment Fund-- State Appropriation \$ 500,000

The appropriation transfer in this section is provided for the purchase of equipment for the highway maintenance program from the transportation equipment fund - operations.

**NEW SECTION. Sec. 409.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects. **NEW SECTION.**

**Sec. 410.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds. **NEW SECTION.**

**Sec. 411. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from

the treasury during the 1997-99 biennium. **NEW SECTION. Sec. 412. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT** Motor Vehicle Fund--State Patrol Highway Account Appropriation \$ 4,829,000 Motor Vehicle Fund Appropriation \$7,274,000 TOTAL APPROPRIATION \$12,103,000 The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive a six percent salary increase on July 1, 1997. (b) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive an additional six percent salary increase on July 1, 1998. (2) The salary increases provided for in subsection (1) of this section supersede any salary increases provided for in the omnibus operating budget, for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol. The appropriation in this section is not in addition to the salary increases provided for in the omnibus operating budget; therefore, the appropriations for the state patrol highway account in this section shall be reduced by any amount provided for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol in the omnibus operating budget. (3) The salary increases in subsection (1) of this section do not apply to the commissioned positions of chief, assistant chief, or commanders. The salaries for these positions are set by the personnel board or chief of the Washington state patrol. (4) The additional pay increase, above the increase provided for in the omnibus operating budget, is contingent upon funding by the general fund for general fund activities paid for by transportation funds in the 1993-95 and 1995-97 biennia. **NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS** Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation: For transfer to the Motor Vehicle Fund--Puget Sound Capital Construction Account \$ 50,000,000

This transfer is intended to be an interfund loan between the two accounts with the obligation of repayment in future biennia. This appropriation is subject to the following conditions and limitations: If funds are not appropriated for a fourth Jumbo Mark II ferry or House Bill No. 2108, authorizing the department to procure the vessel utilizing existing construction and equipment acquisition contracts, is not enacted during the 1997 legislative session, this section is null and void.

#### **PART VMISCELLANEOUSA. INFORMATION TECHNOLOGY**

**NEW SECTION. Sec. 501.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies. To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination. **NEW SECTION. Sec. 502.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act. (1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected. (2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight

agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints. (3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management. (4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations. Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management. (5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency. (6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee. NEW SECTION. Sec. 503. Any new automation projects must be reviewed and approved by the department of information services and then by the office of financial management prior to transportation funding being approved. If changes in an automation project are made or recommended by the office of financial management, including appropriation amounts, then the department of information services must review and approve the changes prior to transportation funding being approved. NEW SECTION. Sec. 504. Appropriations for the year 2000 conversions for transportation agencies will be used solely for modifications of information systems that have been approved and recommended by the department of information services. A progress report will be presented to the legislature by the department of information services in January 1998, with completion of the year 2000 conversion by January 31, 1999. Any savings realized from the conversion process will revert on June 30, 1999, back to the respective funds from which funding was appropriated.

**B. EMERGENCY RELIEF** NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF TRANSPORTATION--  
**EMERGENCY RELIEF** Motor Vehicle Fund--Federal Appropriation \$ 3,000,000 The appropriation in this section is subject to the following conditions and limitations: This appropriation is to be placed in reserve status for emergency relief in the event of a disaster where federal emergency relief funds have become available. The transportation commission in consultation with the legislative transportation committee may request the office of financial management to transfer the appropriation authority from reserve to active status. NEW SECTION. Sec. 506. The appropriations contained in sections 203 and 204 of this act include funding to assist cities and counties in providing match for federal emergency funding for winter storm and flood damage as determined by the county road administration board and the transportation improvement board. The county road administration board and the transportation improvement board will report to the legislative transportation committee and the office of financial management by September 30 of each year on the projects selected to receive match funding.

**C. BUDGET SUBMITTAL AND OVERSIGHT PROVISIONS** NEW SECTION. Sec. 507. Any agency requesting transportation funding must submit to the legislative transportation committees the same request and supporting documents presented to the office of financial management at agency budget submittal time. NEW SECTION. Sec. 508. In addition to information required under section 607 of this act, agencies shall include their strategic plans and an explanation of how the budget submittals and the investment choices and recommended associated service levels are linked to the strategic plan. NEW SECTION. Sec. 509. Transportation agencies are required to provide fund balances and financial, workload, and performance measurement data in the transportation executive information system on a schedule agreed to by the legislative transportation committee. NEW SECTION. Sec. 510. The appropriations of moneys and the designation of funds and

accounts by this and other acts of the 1997 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, 1993, and 1995 legislatures to conform state funds and accounts with generally accepted accounting principles. **D. BILLS NECESSARY TO IMPLEMENT THIS ACT** NEW SECTION. **Sec. 511.** The following bills are necessary to implement portions of this act: Engrossed Substitute House Bill No. 1101, Substitute House Bill No. 1427, House Bill No. 1487, House Bill No. 1786, House Bill No. 2166, House Bill No. 2180, House Bill No. 2237, House Bill No. 2108 or Senate Bill No. 5955, House Bill No. 1501, and House Bill No. 1513. **E. MISCELLANEOUS** NEW SECTION.

**Sec. 512.** If Substitute House Bill No. 2237 is not enacted, or is enacted without a provision allowing the department to obtain fair and reasonable compensation, by June 30, 1997, the appropriations to the department of transportation in this act may only be used by the department to grant rights of occupancy to a telecommunications carrier only to the extent authorized by existing law, including but not limited to chapters 47.12, 47.44, and 47.52 RCW. However, the authority of the department to install telecommunications facilities solely for public transportation purposes is not limited. **Sec. 513.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows: There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight, activities associated with freight mobility, and commute trip reduction activities. NEW SECTION. **Sec. 514.** Section 513 of this act expires June 30, 1999. NEW SECTION. **Sec. 515. FOR THE DEPARTMENT OF TRANSPORTATION--RESERVE STATUS** Motor Vehicle Fund--State

Appropriation \$ 71,000,000 Transportation Fund--State Appropriation \$4,000,000 TOTAL APPROPRIATION \$75,000,000 The appropriations in this section are subject to the following conditions and limitations and the entire amount is provided solely for placement in reserve status: The entire amount is to be placed in reserve status for potential funding of transportation program services following the performance audits to be performed on the department of transportation, department of licensing, and the Washington state patrol. In addition, any transfers from the general fund to any transportation account shall also be placed in reserve status. **PART V** LEGISLATIVE DECLARATIONS NEW SECTION. **Sec. 601.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. NEW SECTION. **Sec. 602.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Prince moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 6061 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Prince that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 6061 and asks the House to recede therefrom.

The motion by Senator Prince carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6061 and asks the House to recede therefrom.

President Pro Tempore Newhouse assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 5468 and the pending House striking amendment, deferred April 19, 1997.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Newhouse: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Senate Bill No. 5468 is a measure which makes differing provisions relating to beekeeping, including (1) exempting beekeeping from the activities subject to actionable nuisance, (2) directing the apiary advisory committee to explore the benefits of locating pollinating bees on state lands, and (3) enabling the Department of Agriculture to establish a model honey bee management program at the request of the Apiary Advisory Committee.

"The House striking amendment would make similar provisions and add another related provision, namely the amendment would repeal a fee paid by users of bee services too fund the industry apiary advisory account.

"The President, therefore, finds that the proposed House amendment does not change the scope and object of the bill and the point of order is not well taken."

The House striking amendment to Senate Bill No. 5468 was ruled in order.

MOTION

On motion of Senator Morton, the Senate refuses to concur in the House amendment to Senate Bill No. 5468 and asks the House to recede therefrom.

President Owen assumed the Chair.

MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5512 with the following amendment(s):

On page 1, beginning on line 16, after "in order to" strike complete successfully" and insert "begin to fulfill", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Long moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5512.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Long that the Senate do concur in the House amendment to Substitute Senate Bill No. 5512.

The motion by Senator Long carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5512.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5512, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5512, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senators Finkbeiner and Prince - 2. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5512, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5954 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28B.20.253 and 1991 sp.s. c 13 s 117 are each amended to read as follows: (1) A self-insurance revolving fund in the custody of the (~~treasurer~~) university is hereby created to be used solely and exclusively by the board of regents of the University of Washington for the following purposes: (a) The payment of judgments against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250. (b) The payment of claims against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250: PROVIDED, That payment of claims in excess of twenty-five

~~((hundred))~~ thousand dollars must be approved by the state attorney general. (c) For the cost of investigation, administration, and defense of actions, claims, or proceedings, and other purposes essential to its liability program. (2) Said self-insurance revolving fund shall consist of periodic payments by the University of Washington from any source available to it in such amounts as are deemed reasonably necessary to maintain the fund at levels adequate to provide for the anticipated cost of payments of incurred claims and other costs to be charged against the fund. (3) No money shall be paid from the self-insurance revolving fund unless first approved by the board of regents, and unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted. ~~(((4) The state investment board shall invest moneys in the self insurance revolving fund. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150.))~~ **NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Renumber the sections consecutively, correct any internal references accordingly, and correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5954.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5954.

The motion by Senator West carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5954.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5954, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5954, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Snyder - 2. ENGROSSED SENATE BILL NO. 5954, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5965 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 51.44.170 and 1991 sp.s. c 13 s 29 are each amended to read as follows: The industrial insurance premium refund account is created in the custody of the state~~((treasury))~~ treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. ~~((Moneys in the account may be spent only after appropriation))~~ The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may ~~((receive an appropriation))~~ make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or institution of higher education~~((, but preference shall be given to programs))~~ that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. **Sec. 2.** 1990 c 204 s 1 (uncodified) is amended to read as follows: The legislature finds that workplace safety in state employment is



of paramount importance in maintaining a productive and committed state work force. The legislature also finds that recognition in state agencies and institutions of higher education of industrial insurance programs that provide safe working environments and promote early return-to-work for injured employees will encourage agencies and institutions of higher education to develop these programs. A purpose of this act is to provide incentives for agencies and institutions of higher education to participate in industrial insurance safety programs and return-to-work programs by authorizing use of the industrial insurance premium refunds earned by agencies or institutions of higher education participating in industrial insurance retrospective rating programs. Since agency and institution of higher education retrospective rating refunds are generated from safety performance and cannot be set at predictable levels determined by the budget process, the incentive awards should not impact an agency's or institution of higher education's legislatively approved budget.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Schow, the Senate concurred in the House amendment to Substitute Senate Bill No. 5965.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5965, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5965, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator Kline - 1. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5965, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5718 with the following amendment(s):

Strike everything after the enacting clause and insert the following: NEW SECTION. Sec. 1. This chapter may be cited as the Uniform Motor Vehicle and Driver Records Disclosure Act. NEW SECTION. Sec. 2. The purpose of this chapter is to implement the federal Driver's Privacy Protection Act of 1994 (Title XXX P.L. 103-322). The legislature finds that the people of the state of Washington recognize the public benefit derived from motor vehicle registration and titling, driver licensing, and the issuance of identification documentation, and that the people recognize the need to provide personal information to the state of Washington and its agencies in order to properly maintain records on these activities. The legislature further finds that the people have a right to expect that personal information maintained in motor vehicle and driver records will be used only for purposes relating to the ownership or operation of a motor vehicle, for purposes of public safety, and as otherwise expressly required or permitted by law. It is the intent of this act to protect the interests of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle and driver records, except as authorized by those individuals or by law. NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Disclose" means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle or driver record about a person to any other person, organization, or entity, by any means of communication. (2) "Individual record" is a motor vehicle or driver record containing personal information about a designated person who is the subject of the record as identified in a request. (3) "Motor vehicle or driver record" means any record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by the department of licensing, or other state or local agency authorized to issue any of such forms of credentials. (4) "Person" means an individual,

organization, or entity, but does not include the state of Washington or an agency thereof. (5) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address (but not the five-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, and driver's license or registration status. (6) "Record" includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials regardless of physical form or characteristics. NEW SECTION.

**Sec. 4.** Notwithstanding chapter 42.17 RCW to the contrary, except as provided in section 5, 6, or 7 of this act, the department and any officer, employee, agent, or contractor thereof shall not disclose personal information about any person obtained by the department in connection with a motor vehicle or driver record. NEW SECTION. **Sec. 5.** Personal information referred to in section 4 of this act shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 U.S.C. Sec. 1231 et seq., the Motor Vehicle Information and Cost Saving Act, 15 U.S.C. Sec. 1901 et seq., the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. Sec. 1381 et seq., the Anti-Car Theft Act of 1992, 15 U.S.C. Sec. 2021 et seq., and the Clean Air Act, 42 U.S.C. Sec. 7401 et seq. NEW SECTION. **Sec. 6.** Nothing in this chapter prevents the disclosure of personal information referred to in section 4 of this act to a requesting person if the person demonstrates, in a form and manner prescribed by the department, that the person has obtained the written consent of the person who is the subject of the information. NEW SECTION. **Sec. 6.** Personal information referred to in section 4 of this act may be disclosed as otherwise permitted by law to any person by the department, its officers, employees, or contractors, on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information will be strictly limited to one or more of the following described uses: (1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions; (2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of nonowner records from the original owner records of motor vehicle manufacturers; (3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only: (a) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and (b) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual; (4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court; (5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals; (6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting; (7) For use in providing notice to the legal and registered owners of towed or impounded vehicles; (8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section;

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.); (10) For use in connection with matters of public interest where the use is related to operation of a motor vehicle or to public safety, including disclosure to the news media for public dissemination. For purposes of this subsection, the use of personal information is related to public safety if it concerns the physical safety or security of citizens as drivers, passengers, or pedestrians and their vehicles or property; and (11) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety. NEW SECTION. **Sec. 7.** Disclosure of personal information required or permitted under sections 5 through 7 of this act shall be subject to payment by the requesting person to the department of all fees for the information required by statute, regulation, administrative practice, or the terms of any contract with the requesting person, on such terms for payment as may be required or agreed, or as may be determined by the department within the constraints of law. NEW SECTION. **Sec. 8.** In addition to provisions for payment of applicable fees, the department may, prior to the disclosure of personal information as permitted under sections 5 through 7 of this act, require the meeting of conditions by the requesting person for the purposes of obtaining reasonable assurance concerning the identity of such requesting person, and, to the extent required, that the use will be only as authorized, or the consent of the person who is the subject of the information has been obtained. Such conditions may include, but need not be limited to, the making and filing of a written application in such form and containing such information and certification requirements as the department

may prescribe. NEW SECTION. **Sec. 9.** An authorized recipient of personal information may resell or redisclose the information for any use permitted under section 7 of this act if such resale or redisclosure is otherwise permitted by law, and subject to any applicable agreement with the department. NEW SECTION. **Sec. 10.** Any social security number obtained from a person applying for or renewing a noncommercial driver's license shall be used solely for the purpose of verifying the validity of the number with the social security administration, as required by the federal illegal immigration act, P.L. 104-208. Once the validity of the number has been established, all record of the number shall be destroyed and no record of the number shall be maintained by the department of licensing or its contractors or agents. NEW SECTION. **Sec. 11.** The department is authorized to adopt rules to carry out the purposes of this chapter. NEW SECTION. **Sec. 12.** Any person requesting the disclosure of personal information from department records who knowingly misrepresents his or her identity or knowingly makes a false statement to the department on any application required to be submitted pursuant to this chapter shall be guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040. **Sec. 13.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows: (1) The following are exempt from public inspection and copying: (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients. (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer. (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath. (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination. (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal. (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss. (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action. (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts. (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user. (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070. (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter. (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035. (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW. (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095. (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency. (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department. (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant. (u) The residential addresses and residential telephone

numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers. (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9). (x) Information obtained by the board of pharmacy as provided in RCW 69.45.090. (y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420. (z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW. (aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information. (bb) Financial and valuable trade information under RCW 51.36.120. (cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030. (dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. (ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. (ff) Business related information protected from public inspection and copying under RCW 15.86.110. (gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW. (hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents. (ii) Personal information in files maintained in a data base created under RCW 43.07.360. (jj) Personal information maintained by the department of licensing in connection with motor vehicle or driver records, as provided in section 4 of this act. (2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. (3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function. (4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. **Sec. 14.** RCW 46.12.370 and 1982 c 215 s 1 are each amended to read as follows: In addition to any other authority which it may have, and subject to section 4 of this act, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to: (1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the Federal Automobile Information Disclosure Act (15 U.S.C. Sec. 1231 et seq.), the Motor Vehicle Information and Cost Saving Act (15 U.S.C. Sec. 1901 et seq.), the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. Sec. ((1382-1418)) 1381 et seq.), the Anti-Car Theft Act of 1992 (15 U.S.C. Sec. 2021 et seq.), and the Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including amendments or additions thereto, respecting safety-related defects in motor vehicles; (2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; or (3) Any business

regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing. In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) and (3) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing. **Sec. 15.** RCW 46.12.380 and 1995 c 254 s 10 are each amended to read as follows: (1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or agency or firm authorized by the department except as provided in section 5, 6, or 7 of this act and under the following circumstances: (a) The requesting party is a business entity that requests the information for use in the course of business; (b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and (c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction. (2) The disclosing entity shall retain the request for disclosure for three years. (3) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party. (4) Any person who is furnished vehicle owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department. (5) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle owners. Governmental entities that are exempt from the prohibition on receiving the name or address of an individual vehicle owner under this subsection, may disclose such information to any person, as defined under section 3 of this act, based on information demonstrating a reasonable suspicion of serious threat to person or property in relation to any person's operation of a motor vehicle or public safety. (6) This section shall not apply to title history information under RCW 19.118.170. **Sec. 16.** RCW 46.52.060 and 1979 c 158 s 161 are each amended to read as follows: It shall be the duty of the chief of the Washington state patrol to file, tabulate, and analyze all accident reports and to publish annually, immediately following the close of each fiscal year, and monthly during the course of the year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents. Such accident reports and analysis or reports thereof shall be available to the director of licensing, the department of transportation, the utilities and transportation commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value, within the constraints of section 4 of this act. **Sec. 17.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to read as follows: (1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents. (2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, the director of the Washington traffic safety commission, and for such police officers or other cognizant public officials as may be designated by law, and shall not be disclosed except as permitted under section 5, 6, or 7 of this act and as otherwise permitted by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license. (3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law. **Sec. 18.** RCW 46.52.130 and 1996 c 307 s 4 and 1996 c 183 s 2 are each reenacted and amended to read as follows: A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer or

prospective employer or an agent acting on behalf of an employer or prospective employer if the named individual's employment involves the operation of a motor vehicle, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. For purposes of section 7(10) of this act, the disclosure of personal information contained in the abstract of the driving record to an alcohol/drug assessment or treatment agency shall be authorized for purposes of public safety. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)((a)(i)) (b)(i). The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.525 (1) and (2) except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal. The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund. Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles. Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party. Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party. Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: (1) The employee or prospective employee that authorizes the release of the record, and (2) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement. Any violation of this section is a gross misdemeanor. **Sec. 19.** RCW 46.63.020 and 1996 c 307 s 6, 1996 c 287 s 7, 1996 c 93 s 3, 1996 c 87 s 21, and 1996 c 31 s 3 are each reenacted and amended to read as follows: Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance,

regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution: (1) Section 13 of this act relating to misrepresentation of identity or making a false statement to the department on an application for personal information; (2) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance; ~~((2))~~ (3) RCW 46.09.130 relating to operation of nonhighway vehicles; ~~((3))~~ (4) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another; ~~((4))~~ (5) RCW 46.10.130 relating to the operation of snowmobiles; ~~((5))~~ (6) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss; ~~((6))~~ (7) RCW 46.16.010 relating to initial registration of motor vehicles; ~~((7))~~ (8) RCW 46.16.011 relating to permitting unauthorized persons to drive; ~~((8))~~ (9) RCW 46.16.160 relating to vehicle trip permits; ~~((9))~~ (10) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking; ~~((10))~~ (11) RCW 46.20.021 relating to driving without a valid driver's license, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of RCW 46.20.342(1) or 46.20.420, in which case the violation is an infraction; ~~((11))~~ (12) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit; ~~((12))~~ (13) RCW 46.20.336 relating to the unlawful possession and use of a driver's license; ~~((13))~~ (14) RCW 46.20.342 relating to driving with a suspended or revoked license or status; ~~((14))~~ (15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license; ~~((15))~~ (16) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license; ~~((16))~~ (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device; ~~((17))~~ (18) RCW 46.25.170 relating to commercial driver's licenses; ~~((18))~~ (19) Chapter 46.29 RCW relating to financial responsibility; ~~((19))~~ (20) RCW 46.30.040 relating to providing false evidence of financial responsibility; ~~((20))~~ (21) RCW 46.37.435 relating to wrongful installation of sunscreening material; ~~((21))~~ (22) RCW 46.44.180 relating to operation of mobile home pilot vehicles; ~~((22))~~ (23) RCW 46.48.175 relating to the transportation of dangerous articles; ~~((23))~~ (24) RCW 46.52.010 relating to duty on striking an unattended car or other property; ~~((24))~~ (25) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle; ~~((25))~~ (26) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers; ~~((26))~~ (27) RCW 46.52.100 relating to driving under the influence of liquor or drugs; ~~((27))~~ (28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency; ~~((28))~~ (29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate; ~~((29))~~ (30) RCW 46.55.035 relating to prohibited practices by tow truck operators; ~~((30))~~ (31) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters; ~~((31))~~ (32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer; ~~((32))~~ (33) RCW 46.61.022 relating to failure to stop and give identification to an officer; ~~((33))~~ (34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles; ~~((34))~~ (35) RCW 46.61.500 relating to reckless driving; ~~((35))~~ (36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs; ~~((36))~~ (37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol; ~~((37))~~ (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle; ~~((38))~~ (39) RCW 46.61.522 relating to vehicular assault; ~~((39))~~ (40) RCW 46.61.525(1) relating to first degree negligent driving; ~~((40))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers; ~~((41))~~ (42) RCW 46.61.530 relating to racing of vehicles on highways; ~~((42))~~ (43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running; ~~((43))~~ (44) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation; ~~((44))~~ (45) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes; ~~((45))~~ (46) Chapter 46.65 RCW relating to habitual traffic offenders; ~~((46))~~ (47) RCW 46.68.010 relating to false statements made to obtain a refund; ~~((47))~~ (48) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature; ~~((48))~~ (49) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles; ~~((49))~~ (50) RCW 46.--.-- (section 9, chapter 87, Laws of 1996) relating to limousine carrier insurance; ~~((50))~~ (51) RCW 46.--.-- (section 10, chapter 87, Laws of 1996) relating to operation of a limousine without a vehicle certificate; ~~((51))~~ (52) RCW 46.--.-- (section 11, chapter 87, Laws of 1996) relating to false advertising by a limousine carrier; ~~((52))~~ (53) Chapter 46.80 RCW relating to motor vehicle wreckers; ~~((53))~~ (54) Chapter 46.82 RCW relating to driver's training schools; ~~((54))~~ (55) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW; ~~((55))~~ (56) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW. NEW SECTION. Sec. 20. Sections 1 through 13 of this act constitute a new chapter in Title 46 RCW, to be codified

between chapters 46.04 and 46.08 RCW. NEW SECTION. **Sec. 21.** This act takes effect September 13, 1997.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Wood moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5718 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wood that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5718.

The motion by Senator Wood carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5718 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5718 and the House amendment thereon: Senators Wood, Haugen and Horn.

#### MOTION

On motion of Senator Loveland, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5028 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 35.50.030 and 1983 c 303 s 18 are each amended to read as follows: If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate. The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has notified by certified mail the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings. If the person whose name appears on the tax rolls of the county assessor as owner of the property, or the address shown for the owner, differs from that appearing on the city or town assessment roll, then the treasurer shall also mail a copy of the notice to that person or that address. The notice shall state the amount due, including foreclosure costs, upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section. **Sec. 2.** RCW 35.50.040 and 1965 c 7 s 35.50.040 are each amended to read as follows: When the local improvement assessment is payable in installments, the enforcement of the lien of any installment shall not prevent the enforcement of the lien of any subsequent installment. A city or town may by general ordinance provide that upon failure to pay any installment due the entire assessment shall become due and payable and the collection thereof enforced by foreclosure: **PROVIDED**, That the payment of all delinquent installments together with interest, penalty, and administrative costs at any time before entry of judgment in foreclosure shall extend the time of payment on the remainder of the assessments as if there had been no delinquency or foreclosure. Where foreclosure of two installments of the same assessment on any lot, tract, or parcel is sought, the city or town treasurer shall cause such lot, tract, or parcel to be dismissed from the action, if the installment first delinquent together with interest, penalty, administrative costs, and charges is paid at any time before sale. **Sec. 3.** RCW 35.50.260 and 1983 c 303 s 21 are each amended to read as follows: In foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties



and lots, tracts, or parcels and the action may proceed as to the remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others. The judgment shall specify separately the amount of the installments with interest, penalty, and all reasonable administrative costs, including, but not limited to, the title searches, chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold by the city or town treasurer or by the county sheriff and an order of sale shall issue pursuant thereto for the enforcement of the judgment. In all other respects, the trial, judgment, and appeals to the supreme court or the court of appeals shall be governed by the statutes governing the foreclosure of mortgages on real property. Prior to the sale of the property, if the property is shown on the property tax rolls under unknown owner or if the property contains a residential structure having an assessed value of two thousand dollars or more, the treasurer shall order or conduct a title search of the property to determine the record title holders and all persons claiming a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or vendor's lien on the property. At least thirty days prior to the sale of the property, a copy of the notice of sale shall be mailed by certified and regular mail to all defendants in the foreclosure action as to that parcel, lot, or tract and, if the owner is unknown or the property contains a residential structure having an assessed value of two thousand dollars or more, a copy of the notice of sale shall be mailed by regular and certified mail to any additional record title holders and persons claiming a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or vendor's lien on the property. In all other respects the procedure for sale shall be conducted in the same manner as property tax sales described in RCW 84.64.080. **Sec. 4.** RCW 36.29.020 and 1991 c 245 s 5 are each amended to read as follows: The county treasurer shall keep all moneys belonging to the state, or to any county, in his or her own possession until disbursed according to law. The county treasurer shall not place the same in the possession of any person to be used for any purpose; nor shall he or she loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested by such treasurer. The county treasurer may invest in savings or time accounts in designated qualified public depositories or in certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; in bankers' acceptances purchased on the secondary market, in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapters 39.58 and 39.59 RCW: PROVIDED, Five percent of the earnings, with an annual maximum of fifty dollars, on each transaction authorized by the governing body shall be paid as an investment service fee to the office of the county treasurer or other municipal corporation treasurer when the earnings become available to the governing body: PROVIDED FURTHER, That if such investment service fee amounts to five dollars or less the county treasurer or other municipal corporation treasurer may waive such fee. Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer, under the investment policy of the county finance committee, to invest, to the maximum prudent extent, such funds or any portion thereof in savings or time accounts in designated qualified public depositories or in certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, in bankers' acceptances purchased on the secondary market, in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapters 39.58 and 39.59 RCW: PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which the funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited. **Sec. 5.** RCW 36.34.090 and 1991 c 363 s 69 are each amended to read as follows: Whenever county property is to be sold at public auction, consignment auction, or sealed

bid, the county (~~auditor~~) treasurer or the county treasurer's designee shall publish notice thereof once during each of two successive calendar weeks in a newspaper of general circulation in the county. Notice thereof must also be posted in a conspicuous place in the courthouse. The posting and date of first publication must be at least ten days before the day fixed for the sale. **Sec. 6.** RCW 36.36.045 and 1987 c 381 s 2 are each amended to read as follows: The county shall have a lien for any delinquent fees imposed for the withdrawal of subterranean water or on-site sewage disposal, which shall attach to the property to which the fees were imposed, if the following conditions are met: (1) At least eighteen months have passed since the first billing for a delinquent fee installment; and (2) At least three billing notices and a letter have been mailed to the property owner, within the period specified in subsection (1) of this section, explaining that a lien may be imposed for any delinquent fee installment that has not been paid in that period. The lien shall otherwise be subject to the provisions of chapter 36.94 RCW related to liens for delinquent charges. The county shall record liens for any delinquent fees in the office of the county auditor. Failure on the part of the county to record the lien does not affect the validity of the lien. **Sec. 7.** RCW 36.88.220 and 1967 ex.s. c 145 s 63 are each amended to read as follows: All counties may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its road improvement district bonds and warrants issued to pay for any road improvement ordered under this chapter. If the (~~board of county commissioners~~) county legislative authority shall determine to establish such fund it shall be designated ". . . . county road improvement guaranty fund" and from moneys available for road purposes such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in (~~obligations of the government of the United States or of this state~~) accordance with the laws relating to county investments. **Sec. 8.** RCW 36.88.230 and 1983 c 167 s 96 are each amended to read as follows: Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest of a road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the owner of the bond or any interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from (~~bank deposits or government securities~~) investment of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such road improvement fund. Warrants drawing interest at a rate or rates not to exceed the rate determined by the county legislative authority shall be issued, as other warrants are issued by the county, against a guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for road purposes for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted bonds, interest payments, and warrants shall be purchased out of the fund in the order of their presentation. Every county establishing a guaranty fund for road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. Said fund shall be subrogated to the rights of the county, and the county, acting on behalf of said fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the legislative authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the county legislative body, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund. **Sec. 9.** RCW 36.94.150 and 1975 1st ex.s. c 188 s 3 are each amended to read as follows: All counties operating a system of sewerage and/or water shall have a lien for delinquent connection charges and charges for the availability of sewerage and/or water service, together with interest fixed by resolution at eight percent per annum from the date due until paid. Penalties of not more than ten percent of the amount due may be imposed in case of failure to pay the charges at times fixed by resolution. The lien shall be for all charges, interest, and penalties and shall attach to the premises to which the services were available. The lien shall be superior to all other liens and encumbrances, except general taxes and local and special assessments of the county. The county department established in RCW 36.94.120 shall certify periodically the delinquencies to the (~~treasurer~~) auditor of the county at which time the lien shall attach. Upon the expiration of sixty days after the attachment of the lien, the county may bring suit in foreclosure by civil action in the superior court of the county where the property is located. Costs associated with the foreclosure of the lien, including but not limited to advertising, title report, and personnel costs, shall be added to the lien

upon filing of the foreclosure action. In addition to the costs and disbursements provided by statute, the court may allow the county a reasonable attorney's fee. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens. **Sec. 10.** RCW 53.36.050 and 1959 c 52 s 2 are each amended to read as follows: The county treasurer acting as port treasurer shall create a fund to be known as the "Port of . . . . . Fund," into which shall be paid all money received by him from the collection of taxes in behalf of such port district, and shall also maintain such other special funds as may be created by the port commission into which shall be placed such moneys as the port commission may by its resolution direct. All such port funds shall be deposited with the county depositories under the same restrictions, contracts and security as is provided by statute for county depositories and all interest collected on such port funds shall belong to such port district and shall be deposited to its credit in the proper port funds: PROVIDED, That any portion of such port moneys determined by the port commission to be in excess of the current needs of the port district may be invested ~~((in certificates, notes, bonds, or other obligations of the United States of America, or any agency or instrumentality thereof))~~ by the county treasurer in accordance with RCW 36.29.020, RCW 36.29.022, and chapter 39.59 RCW, and all interest collected thereon shall likewise belong to such port district and shall be deposited to its credit in the proper port funds. **Sec. 11.** RCW 58.08.040 and 1994 c 301 s 16 are each amended to read as follows: Prior to any person ((filing)) recording a plat, replat, altered plat, or binding site plan subsequent to May 31st in any year and prior to the date of the collection of taxes in the ensuing year, the person shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the property less improvements in such subdivision multiplied by the current year's dollar rate increased by twenty-five percent on the property platted. The treasurer's receipt shall be evidence of the payment. The treasurer shall appropriate so much of the deposit as will pay the taxes and assessments on the property when the levy rates are certified by the assessor using the value of the property at the time of filing a plat, replat, altered plat, or binding site plan, and in case the sum deposited is in excess of the amount necessary for the payment of the taxes and assessments, the treasurer shall return, to the party depositing, the amount of excess. **Sec. 12.** RCW 84.38.020 and 1995 c 329 s 1 are each amended to read as follows: Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings: (1) "Claimant" means a person who either elects or is required under RCW 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter. When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be. (2) "Department" means the state department of revenue. (3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property. (4) "Local government" means any city, town, county, water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi municipal corporation, or other political subdivision authorized to levy special assessments. (5) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year. ~~((5))~~ (6) "Residence" has the meaning given in RCW 84.36.383, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations. ~~((6))~~ (7) "Special assessment" means the charge or obligation imposed by a ~~((city, town, county, or other municipal corporation))~~ local government upon property specially benefited ~~((by a local improvement, including assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter)).~~ **Sec. 13.** RCW 84.38.020 and 1996 c 230 s 1614 are each amended to read as follows: Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings: (1) "Claimant" means a person who either elects or is required under RCW 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter. When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be. (2) "Department" means the state department of revenue. (3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property. (4) "Local government" means any city, town, county, water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi municipal corporation, or other political subdivision authorized to levy special assessments. (5) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year. ~~((5))~~ (6) "Residence" has the meaning given in RCW 84.36.383, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations. ~~((6))~~ (7) "Special assessment" means the charge or obligation imposed by a ~~((city, town, county, or other municipal corporation))~~ local government upon property specially benefited ~~((by a local improvement, including assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, 57.16, 86.09, and 87.03 RCW and any other relevant chapter)).~~ **Sec. 14.** RCW 84.56.240 and 1961 c 15 s 84.56.240 are each amended to read as follows: If the county treasurer is unable, for the want of goods or chattels whereupon to levy, to collect

by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or an executor or administrator, guardian, receiver, accounting officer, agent or factor, ~~((such))~~ the treasurer shall file with the county ~~((auditor))~~ legislative authority, on the first day of ~~((January))~~ February following, a list of such taxes, with an affidavit of ~~((himself))~~ the treasurer or of the deputy treasurer entrusted with the collection of ~~((said))~~ the taxes, stating that ~~((he))~~ the treasurer had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. The county ~~((auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they))~~ legislative authority shall cancel such taxes as ~~((they are))~~ the county legislative authority is satisfied cannot be collected. **Sec. 15.** RCW 84.56.300 and 1973 1st ex.s. c 45 s 1 are each amended to read as follows: On the first Monday of ~~((January))~~ February of each year the county treasurer shall balance up the tax rolls as of December 31 of the prior year in ~~((his))~~ the treasurer's hands and with which ~~((he))~~ the treasurer stands charged on the roll accounts of the county auditor. ~~((He))~~ The treasurer shall then report to the county auditor in full the amount of taxes ~~((he has))~~ collected and specify the amount collected on each fund. ~~((He))~~ The treasurer shall also report the amount of taxes that remain uncollected and delinquent upon the tax rolls, which, with ~~((his))~~ collections and credits on account of errors and double assessments, should balance ~~((his))~~ the tax rolls ~~((accounts))~~ as ~~((he))~~ the treasurer stands charged. ~~((He))~~ The treasurer shall then report the amount of collections on account of interest since the taxes became delinquent, and as added ~~((by him))~~ to the original amounts when making such collections, and with which ~~((he))~~ the treasurer is now to be charged by the auditor, such reports to be duly verified by affidavit. **Sec. 16.** RCW 84.56.340 and 1996 c 153 s 2 are each amended to read as follows: Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, or upon such person's undivided fractional interest in such a property, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part or part interest bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use, or where a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise, no segregation of property for tax purposes shall be made under this section unless all ~~((current year and))~~ delinquent taxes and assessments on the entire tract have been paid in full. ~~((The county assessor shall duly certify the proportionate value to the county treasurer.))~~ The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county legislative authority at its next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by the county legislative authority. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole. **NEW SECTION. Sec. 17.** A new section is added to chapter 84.40 RCW to read as follows: (1) When real property is divided in accordance with chapter 58.17 RCW, the assessor shall carefully investigate and ascertain the true and fair value of each lot and assess each lot on that same basis, unless specifically provided otherwise by law. For purposes of this section, "lot" has the same definition as in RCW 58.17.020. (a) For each lot on which an advance tax deposit has been paid in accordance with RCW 58.08.040, the assessor shall establish the true and fair value by October 30 of the year following the recording of the plat, replat, altered plat, or binding site plan. The value established shall be the value of the lot as of January 1 of the year the original parcel of real property was last revalued. An additional property tax shall not be due on the land until the calendar year following the year for which the advance tax deposit was paid if the deposit was sufficient to pay the full amount of the taxes due on the property. (b) For each lot on which an advance tax deposit has not been paid, the assessor shall establish the true and fair value not later than the calendar year following the recording of the plat, map, subdivision, or replat. For purposes of this section, "subdivision" means a division of land into two or more lots. (c) For each subdivision, all current year and delinquent taxes and assessments on the entire tract must be paid in full in accordance with RCW 58.17.160 and 58.08.030. For purposes of this section, "current year taxes" means taxes that are collectable under RCW 84.56.010 subsequent to February 14. (2) When the assessor is required by law to segregate any part or parts of real property, assessed before or after the effective date of this section as one parcel or when the assessor is required by law to combine parcels of real property assessed before or after the effective date of this section as two or more parcels, the assessor shall carefully investigate and ascertain the true and fair value of each part or parts of the real property and each combined parcel and assess each part or parts or each combined parcel on that same basis. **Sec. 18.** RCW 84.69.020 and 1996 c 296 s 2 are each amended to read as follows: On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were: (1) Paid more than once; or (2) Paid as a result of manifest error in description; or (3) Paid as a result of a clerical error in extending the tax rolls; or (4) Paid as a result of other clerical errors in listing property; or (5) Paid with respect to improvements which did not exist on assessment date; or (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from

paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or (8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest; or (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board; (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2); or (14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065. No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW. The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in ~~((January))~~ February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund. **Sec. 19.** RCW 36.29.190 and 1996 c 153 s 3 are each amended to read as follows: County treasurers are authorized to accept credit cards, charge cards, debit cards, smart cards, stored value cards, federal wire, and automatic clearinghouse system transactions, or other electronic communication, for any payment of any kind including, but not limited to, taxes, fines, interest, penalties, special assessments, fees, rates, charges, or moneys due counties. A payer desiring to pay by a credit card, charge card, debit card, smart card, stored value card, federal wire, automatic clearinghouse system, or other electronic communication shall bear the cost of processing the transaction in an amount determined by the treasurer, unless the county legislative authority finds that it is in the best interests of the county to not charge transaction processing costs for all payment transactions made for a specific category of nontax payments due the county, including, but not limited to, fines, interest not associated with taxes, penalties not associated with taxes, special assessments, fees, rates, and charges. ~~((Such))~~ The treasurer's cost determination shall be based upon costs incurred by the treasurer ((including handling, collecting, discount, disbursing, and accounting for the transaction)) and may not, in any event, exceed the additional direct costs incurred by the county to accept the specific form of payment utilized by the payer. **Sec. 20.** RCW 84.55.005 and 1994 c 301 s 49 are each amended to read as follows: As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140~~((, and also includes amounts received in lieu of regular property taxes))~~. **NEW SECTION. Sec. 21.** The following acts or parts of acts are each repealed: (1) RCW 36.29.150 and 1963 c 4 s 36.29.150; and (2) RCW 36.33.180 and 1963 c 4 s 36.33.180. **NEW SECTION. Sec. 22.** (1) Section 12 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. (2) Section 13 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997. **NEW SECTION. Sec. 23.** Section 12 of this act expires July 1, 1997." On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 35.50.030, 35.50.040, 35.50.260, 36.29.020, 36.34.090, 36.36.045, 36.88.220, 36.88.230, 36.94.150, 53.36.050, 58.08.040, 84.38.020, 84.38.020, 84.56.240, 84.56.300, 84.56.340, 84.69.020, 36.29.190, and 84.55.005; adding a new section to chapter 84.40 RCW; repealing RCW 36.29.150 and 36.33.180; providing an effective date; providing an expiration date; and declaring an emergency.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Hale, the Senate concurred in the House amendments to Substitute Senate Bill No. 5028.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5028, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5028, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5028, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Franklin, Senators Jacobsen and Loveland were excused.

#### MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6022 with the following amendment(s):  
On page 1, line 12, after "RCW 21.20.100" strike "is" and insert "are", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Winsley moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 6022.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate concur in the House amendment to Substitute Senate Bill No. 6022.

The motion by Senator Winsley carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 6022.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6022, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6022, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senator Prentice - 1. Excused: Senators Jacobsen, Loveland, McCaslin and Snyder - 4. SUBSTITUTE SENATE BILL NO. 6022, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE April 11, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5105 with the following amendment(s):

On page 5, after line 32, insert the following: "NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void." Correct the title. On page 3, line 36, after "law" insert "on the same subject matter" On page 3, line 6, after "law," insert "including

any other federal or state regulation or rule." On page 3, line 33, after "rule" insert "reviewed under subsection (4) of this section", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Horn moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5105.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 5105.

The motion by Senator Horn carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5105.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5105, as amended by the House.

Debate ensued.

#### POINT OF INQUIRY

Senator Kline: "Senator Swecker, you mentioned in your speech a moment ago that there are many regulations of state agencies more restrictive--and that is your word--more restrictive than state statute. Could you give us some examples?"

Senator Swecker: "I am familiar with a number of environmental regulations, some of them in the area of The Model Toxic Control Act. Others ones in the area of the MPDS Permit--the discharge permits--the requirements under federal law as compared to the requirements under state law. The list goes on and on and I am not an attorney, so I don't specialize in that every day, but as a former business man, fish farmer, et al, I have encountered this many, many times."

Senator Kline: "Thank you, may I proceed Mr. President?"

Further debated ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Engrossed Substitute Senate Bill No. 5105 was deferred.

#### PERSONAL PRIVILEGE

Senator Heavey: "A point of privilege, Mr. President. It has been bothering me for a couple of days--the actions of the majority party--that one, they threatened to appeal a ruling of the President, and that they, in essence, when their team failed to make a first down on the fourth down, they acted to change the rules to allow a fifth down. Then on top of it, there were statements that Senator Snyder was going to resign anyway and that it was only a ploy. These actions are hurtful to me and I think probably to most people on this side of the aisle. I wanted to state those as a point of personal privilege."

#### PERSONAL PRIVILEGE

Senator Prentice: "I also want to rise on a point of personal privilege. There are certain afflictions that hit a person as they get a little bit older and it is very difficult to see the television monitor on that side and all I want to know is when are we going to get our television monitor back on this side?"

#### REPLY BY THE PRESIDENT

President Owen: "You are asking me?"

Senator Prentice: "I am simply urging those responsible for it, to please replace it and not deprive us of some equity in this body. It is really very difficult to see, so I am simply pleading with whomever--whoever you are--to please get the television monitor back."

President Owen: "Message received."

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5119 with the following amendment(s):

On page 3, beginning on line 13, strike all of section 3 Renumber the remaining section consecutively, correct internal references accordingly, and correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Oke moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5119.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate concur in the House amendment to Substitute Senate Bill No. 5119.

The motion by Senator Oke carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5119.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5119, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5119, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 46. Excused: Senators Jacobsen, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5119, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5750 and the pending House striking amendment, deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fairley, the President finds that Substitute Senate Bill No. 5750 is a measure which changes the filing requirements for filing commercial property casualty insurance forms and rates with the Insurance Commissioner. For this purpose, the measure provides a definition of 'Commercial Property Casualty Insurance.'

"The House striking amendment also changes the filing requirements for filing commercial property casualty insurance forms and rates, and also provides a definition of 'Commercial Property Casualty Insurance' for this purpose only.

"The President, therefore, finds that the proposed House amendment does not change the scope and object of the bill and the point of order is not well taken."

The House striking amendment to Substitute Senate Bill No. 5750 was ruled in order.

There being no objection, the Senate resumed consideration of the motion made earlier in the day by Senator Winsley that the Senate do concur in the House amendment to Substitute Senate Bill No. 5750.

The motion by Senator Winsley carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5750.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5750, as amended by the House.

#### ROLL CALL



The Secretary called the roll on the final passage of Substitute Senate Bill No. 5750, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 38. Voting nay: Senators Fairley, Franklin, Kline, Loveland, Patterson, Spanel, Thibaudeau and Wojahn - 8. Excused: Senators Jacobsen, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5750, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on Substitute Senate Bill No. 6063 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk.

#### CONFERENCE COMMITTEE REPORT

**SSB 6063 April 18, 1997**

##### Adopting the capital budget

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6063, Adopting the capital budget, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following: "**NEW SECTION.** **Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1999, out of the several funds specified in this act. **NEW SECTION.** **Sec. 2.** As used in this act, the following phrases have the following meanings: "Aquatic Lands Acct" means the Aquatic Lands Enhancement Account; "Cap Bldg Constr Acct" means Capitol Building Construction Account; "Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, legal services, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets; "CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account; "Common School Constr Fund" means Common School Construction Fund; "CWU Cap Proj Acct" means Central Washington University Capital Projects Account; "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account; "For Dev Acct" means Forest Development Account; "H Ed Constr Acct" means Higher Education Construction Account; "LIRA" means State and Local Improvement Revolving Account--Waste Disposal Facilities; "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account, Waste Disposal Facilities, 1980; "LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water Supply Facilities; "Lapse" or "revert" means the amount shall return to an unappropriated status; "Nat Res Prop Repl Acct" means Natural Resources Real Property Replacement Account; "NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account; "ORA" means Outdoor Recreation Account; "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse; "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account; "Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account; "Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account; "Spec Wildlife Acct" means Special Wildlife Account; "St Bldg Constr Acct" means State Building Construction Account; "State Emerg Water Proj Rev" means State Emergency Water Projects Revolving Account; "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account; "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account; "UW Bldg Acct" means University of Washington Building Account; "WA Housing Trust Acct" means Washington Housing Trust Account; "WA St Dev Loan Acct" means Washington State Development Loan Account; "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving

Fund; "WSU Bldg Acct" means Washington State University Building Account; and "WWU Cap Proj Acct" means Western Washington University Capital Projects Account. Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**PART 1**

**GENERAL GOVERNMENT NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS  
Spokane Division III: Remodel and addition (98-1-001)**

**Appropriation: St Bldg Constr Acct--State \$ 2,499,980**  
Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 2,499,980NEW SECTION. **Sec. 102. FOR THE OFFICE OF THE**

**SECRETARY OF STATE**

**Birch Bay Records Storage: Asbestos abatement (94-1-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 50,000Appropriation:St Bldg Constr Acct--  
State \$ 150,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 200,000NEW SECTION. **Sec. 103. FOR THE OFFICE OF THE**

**SECRETARY OF STATE**

**Puget Sound Archives Building (94-2-003)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 5,969,041**  
Prior Biennia (Expenditures) \$ 771,084Future Biennia (Projected Costs)\$0

TOTAL \$ 6,740,125NEW SECTION. **Sec. 104. FOR THE OFFICE OF THE**

**SECRETARY OF STATE**

**Eastern Branch Archives Building--Design (98-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 2,042Appropriation:St Bldg Constr Acct--  
State \$ 521,417**

Prior Biennia (Expenditures) \$ 56,158Future Biennia (Projected Costs)\$4,176,493

TOTAL \$ 4,756,110NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF**

**COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

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

\$4,000,000 from the new appropriation from the public works assistance account shall be deposited in the public facilities construction loan revolving account, and is hereby appropriated from the public facilities construction loan revolving account to the department of community, trade, and economic development for the fiscal biennium ending June 30, 1999, for the community economic revitalization program under chapter 43.160 RCW. The moneys from the new appropriation from the public works assistance account shall be used solely to provide loans to eligible local governments and shall not be used for grants. The department shall ensure that all principal and interest payments from loans made from moneys from the new appropriation from the public works assistance account are paid into the public works assistance account.

**Community economic revitalization (86-1-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 222,039Public Works Assistance Account--**

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Subtotal Reappropriation \$ 4,773,618

**Appropriation: Pub Fac Constr Loan Acct--State \$ 6,000,000**  
**Public Works Assistance Account--**  
**State \$ 4,000,000**

Subtotal Appropriation \$ 10,000,000  
 Prior Biennia (Expenditures) \$ 15,242,633 Future Biennia (Projected Costs) \$36,000,000

**TOTAL \$ 66,016,251**  
**NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF**  
**COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Development loan fund (88-2-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,208,001**  
**WA St Dev Loan Acct--**

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Subtotal Reappropriation \$ 1,374,139

**Appropriation: WA St Dev Loan Acct--Federal \$ 3,000,000**

Prior Biennia (Expenditures) \$ 10,245,450 Future Biennia (Projected Costs) \$17,000,000

**TOTAL \$ 31,619,589**  
**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF**  
**COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Grays Harbor dredging (88-3-006)**

The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation is provided solely for the state's share of remaining costs for Grays Harbor dredging and associated mitigation. (2) State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources. (3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act. (4) In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

**Reappropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 4,259,037 Future Biennia (Projected Costs) \$0

**TOTAL \$ 5,259,037**  
**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF**  
**COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Housing assistance, weatherization, and affordable housing program (88-5-015)**

The appropriations in this section are subject to the following conditions and limitations: (1) \$3,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable

housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services. (2) \$2,000,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

**Reappropriation: St Bldg Constr Acct--State \$ 25,000,000 Washington Housing Trust Acct--State \$ 400,000**

Subtotal Reappropriation \$ 25,400,000

**Appropriation: St Bldg Constr Acct--State \$ 50,000,000**

Prior Biennia (Expenditures) \$ 125,116,142 Future Biennia (Projected Costs) \$200,000,000

TOTAL \$ 400,516,142 NEW SECTION. Sec. 109. FOR THE DEPARTMENT

**OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENTS**nohomish County drainage: To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

**Reappropriation: St Bldg Constr Acct--State \$ 344,837**Prior Biennia (Expenditures)\$3,416

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 348,253

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

**Columbia River dredging feasibility (92-5-006)**

**Reappropriation: St Bldg Constr Acct--State \$ 374,568**

Prior Biennia (Expenditures) \$ 245,392 Future Biennia (Projected Costs)\$0

TOTAL \$ 619,960 NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF

**COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Building for the arts:** For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriations in this section are subject to the following conditions and limitations: (1) The following projects are eligible for funding in phase 4:

**Phase 4** Estimated Total Capital Cost African American Museum and Cultural Center

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(2) The reappropriation and new appropriation in this section are provided to fund the state share of capital costs of phases 1 through 4 of the building for the arts program.

(3) \$3,000,000 of the appropriation in this section is provided solely for the Wenatchee civic center. The remaining reappropriation and appropriation shall be distributed as follows: (a) State grants shall not exceed fifteen percent of the estimated total capital cost or actual capital cost of a project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value. The department is authorized to set matching requirements for individual projects. State grants shall not exceed \$1,000,000 for any single project unless there are uncommitted funds after January 1, 1999. (b) State grants shall be distributed in the order in which matching requirements

are met. The department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects recompile for funding. (4) By December 15, 1997, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section. (5) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1999-2001 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

**Reappropriation: St Bldg Constr Acct--State \$ 2,162,297****Appropriation:St Bldg Constr Acct--State \$ 6,000,000**

Prior Biennia (Expenditures) \$ 18,047,689Future Biennia (Projected Costs)\$16,000,000

-----  
TOTAL \$ 42,209,986**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations: (1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and (2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

**Reappropriation: St Bldg Constr Acct--State \$ 320,312**

Prior Biennia (Expenditures) \$ 479,688Future Biennia (Projected Costs)\$0

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TOTAL \$ 800,000**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Public works trust fund (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations: \$15,646,000 of the reappropriation in this section is provided solely for the preconstruction program.

**Reappropriation: Public Works Assistance Account-- State \$ 108,746,982****Appropriation:Public Works Assistance Account-- State \$ 180,977,328**

Prior Biennia (Expenditures) \$ 287,953,301Future Biennia (Projected Costs)\$820,000,000

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TOTAL \$ 1,397,677,611**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Washington Technology Center: Equipment (94-2-002)**

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

**Reappropriation: St Bldg Constr Acct--State \$ 301,299**

Prior Biennia (Expenditures) \$ 964,701Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,266,000**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Olympic Peninsula Natural History Museum (94-2-005)**

The reappropriation in this section is subject to the following conditions and limitations: (1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations. (2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

**Reappropriation: St Bldg Constr Acct--State \$ 169,830**

Prior Biennia (Expenditures) \$ 130,170Future Biennia (Projected Costs)\$0

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TOTAL \$ 300,000**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access (94-2-007)**

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

**Reappropriation: St Bldg Constr Acct--State \$ 62,874**

Prior Biennia (Expenditures) \$ 67,126 Future Biennia (Projected Costs)\$0

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TOTAL \$ 130,000 NEW SECTION. **Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**7th Street Theatre (90-2-008)**

**Reappropriation: St Bldg Constr Acct--State \$ 130,000**

Prior Biennia (Expenditures) \$ 270,000 Future Biennia (Projected Costs)\$0

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TOTAL \$ 400,000 NEW SECTION. **Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Daybreak Star Center (94-2-100)**

**Reappropriation: St Bldg Constr Acct--State \$ 19,690 Appropriation: St Bldg Constr Acct--State \$ 650,000**

Prior Biennia (Expenditures) \$ 207,310 Future Biennia (Projected Costs)\$0

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TOTAL \$ 877,000 NEW SECTION. **Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Timber ports capital asset improvements:** To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities **(94-2-102)**

The reappropriation in this section is subject to the following conditions and limitations: (1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value. (2) State assistance to each port shall not exceed the following amounts:

Port    Amount Port of Grays Harbor \$ 564,000 Port of Port Angeles \$ 1,500,000 Port of Longview \$ 1,855,000

**Reappropriation: St Bldg Constr Acct--State \$ 2,456,390**

Prior Biennia (Expenditures) \$ 1,443,610 Future Biennia (Projected Costs)\$0

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TOTAL \$ 3,900,000 NEW SECTION. **Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Pacific Science Center (96-1-900)**

The reappropriation in this section is provided for capital facilities improvements.

**Reappropriation: St Bldg Constr Acct--State \$ 3,669,885**

Prior Biennia (Expenditures) \$ 330,115 Future Biennia (Projected Costs)\$0

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TOTAL \$ 4,000,000 NEW SECTION. **Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Emergency projects declared and specifically enacted by the legislature**

**Appropriation: St Bldg Constr Acct--State \$ 10,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$0

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TOTAL \$ 10,000,000 NEW SECTION. **Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Community Services Facilities Program:** For grants to nonprofit community-based family service organizations to assist in acquiring, developing, or rehabilitating buildings **(98-2-007)**

The appropriation in this section is subject to the following conditions and limitations: (1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions; (2) The following projects are eligible for funding:

**Phase 1** Estimated Total StateCapital CostGrant

Benton Franklin Community Action Committee	\$ 1,200,000	\$ 300,000	Central Area Motivation Project	\$ 1,000,000
			250,000Community Action Center	
			ofWhitman County	\$ 390,000
			90,000Community Action Council	
			of Lewis, Mason, and Thurston	
	\$ 700,000	\$ 175,000	Counties	El
			Centro de la Raza	\$ 1,250,000
			300,000Fremont Public Association	\$
	3,000,000	\$ 600,000	Kitsap Community	
			Action Program	\$ 465,000
			110,000Kittitas Community Action	
			Council	\$ 600,000
			150,000Lower	
			Columbia CommunityAction Council	\$
	1,331,625	\$ 300,000	Metropolitan	
			Development Council	\$ 880,000
			220,000Multi-Service Centers of	
			North and	
			East King County	\$ 1,600,000
			350,000Northeast	Washington
			RuralResourcesDevelopmentAssociation	\$
	1,200,000	\$ 350,000	Okanogan County	
			CommunityAction Council	\$ 350,000
			80,000South King CountyMulti-Service	
			Center	\$ 800,000
			200,000Spokane	
			Neighborhood Action Programs	\$
	1,500,000	\$ 375,000	Yakima Valley	
			Farmworker Clinic	\$ 605,000
			150,000---	
			-----	

Total \$16,871,625 \$4,000,000

**Phase 2** Estimated Total StateCapital CostGrant

Benton-Franklin Community Action Committee (Phase II) (Pasco)	\$ 100,000	\$ 25,000	Community Action Center of
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Total \$24,595,375 \$6,038,343

(3) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; (4) \$10,000 of the reappropriation is provided solely for the Wapato community center. (5) The new appropriation and reappropriation in this section are provided to fund the state share for phase 1 and 2 of the community services facilities program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. (6) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1 and 2 and to set matching requirements for individual projects.

**Reappropriation: St Bldg Constr Acct--State \$ 1,901,449 Appropriation:St Bldg Constr Acct-- State \$ 2,000,000**

Prior Biennia (Expenditures) \$ 2,098,551 Future Biennia (Projected Costs)\$2,000,000

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TOTAL \$ 8,000,000 **NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Public Participation Grants**

The appropriation in this section is provided solely for the department to administer the public participation grant program pursuant to RCW 70.105D.070. In administering the grant program, the department shall award grants based upon a state-wide competitive process each year. Priority is to be given to applicants that demonstrate the ability to provide accurate technical information on complex waste management issues. Amounts provided in this section may not be spent on lobbying activities.

**Appropriation: Local Toxics Control Account-- State \$ 435,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$0

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TOTAL \$ 435,000 NEW SECTION. **Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Clover Park Vocational-Technical Institute settlement (98-1-193)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section completes the state's obligation to the Clover Park School District in the transfer of the Clover Park Vocational-Technical Institute to the Community and Technical College system.

**Appropriation: St Bldg Constr Acct--State \$ 5,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 0

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TOTAL \$ 5,000,000 NEW SECTION. **Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Drinking Water Assistance Program (98-2-008)**

The appropriations in this section are subject to the following conditions and limitations: (1) Funding from the state public works trust fund program shall be matched with new federal resources to improve the quality of drinking water in the state, and shall be used solely for projects which achieve the goals of the federal safe drinking water act. (2) The department shall report to the appropriate committees of the legislature by January 1, 1998, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

**Appropriation: Drinking Water Assistance Account-- State \$ 9,949,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 39,796,000

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TOTAL \$ 49,745,000 NEW SECTION. **Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

**Mirabeau Point Community Complex**

The appropriation in this section is subject to the following conditions and limitations: (1) The amount provided in this section is provided solely for a grant to Spokane county for design and development costs for Mirabeau Point community complex. (2) The amount provided in this section represents the entire state contribution to the project and shall be matched by \$8,500,000 in contributions toward the project from nonstate sources.

**Appropriation: St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 0

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TOTAL \$ 1,500,000 NEW SECTION. **Sec. 127. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Colocated Cascadia Branch Campus (94-1-003)**

**Reappropriation: St Bldg Constr Acct--State \$ 6,012,555**

Prior Biennia (Expenditures) \$ 11,409,333 Future Biennia (Projected Costs) \$ 0

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TOTAL \$ 17,421,888 NEW SECTION. **Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Underground storage tank: Pool (98-1-001)**

The appropriation in this section is subject to the following conditions and limitations: (1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks. (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks. (3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Americans with Disabilities Act: Pool in section 130 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 400,000 Appropriation: St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 7,000,000

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TOTAL \$ 10,400,000 NEW SECTION. **Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Asbestos abatement and demolition: Pool (98-1-002)**

The appropriation in this section is subject to the following conditions and limitations: (1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos. (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. (3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Americans with Disabilities Act: Pool in section 130 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 500,000 Appropriation: St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$12,000,000

TOTAL \$ 15,500,000 NEW SECTION. Sec. 130. FOR THE OFFICE OF

**FINANCIAL MANAGEMENT**

**Americans with Disabilities Act: Pool (98-1-003)**

The appropriation in this section is subject to the following conditions and limitations: (1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements. (2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1995-97 biennium for distribution of funds. (3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

**Reappropriation: St Bldg Constr Acct--State \$ 500,000 Appropriation: St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 15,500,000

NEW SECTION. Sec. 131. FOR THE OFFICE OF FINANCIAL MANAGEMENT

**Capital budget system improvements (98-1-006)**

**Reappropriation: St Bldg Constr Acct--State \$ 100,000 Appropriation: St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 300,000 Future Biennia (Projected Costs) \$1,200,000

TOTAL \$ 1,900,000 NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF

**GENERAL ADMINISTRATION**

**East Campus Plaza and Plaza Garage repairs (96-1-002)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 500,000 Appropriation: St Bldg Constr Acct--State \$ 7,041,000 Cap Bldg Constr Acct--State \$1,805,000**

Subtotal Appropriation \$ 8,846,000  
Prior Biennia (Expenditures) \$ 8,821,200 Future Biennia (Projected Costs) \$20,162,000

TOTAL \$ 38,329,200 NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF

**GENERAL ADMINISTRATION**

**Heritage Park--Phased development (92-5-105)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: Cap Bldg Constr Acct \$ 275,000**

Prior Biennia (Expenditures) \$ 760,000 Future Biennia (Projected Costs) \$14,864,500

TOTAL \$ 16,899,500 NEW SECTION. Sec. 134. FOR THE

**DEPARTMENT OF GENERAL ADMINISTRATION**

**General Administration Building--Preservation:** To make critical repairs to the electrical service of the General Administration Building (96-1-003)

**Reappropriation: Cap Bldg Constr Acct--State \$ 1,900,000**

Prior Biennia (Expenditures) \$ 300,000Future Biennia (Projected Costs)\$0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**CFC/Halon fire control systems: Removal and replacement (96-1-011)**

**Reappropriation: St Bldg Constr Acct--State \$ 375,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 375,000**NEW SECTION. Sec. 136. FOR THE**

**DEPARTMENT OF GENERAL ADMINISTRATION**

**Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)**

**Reappropriation: Cap Bldg Constr Acct--State \$ 250,000**

Prior Biennia (Expenditures) \$ 1,400,000Future Biennia (Projected Costs)\$0

TOTAL \$ 1,650,000**NEW SECTION. Sec. 137. FOR THE**

**DEPARTMENT OF GENERAL ADMINISTRATION**

**Thurston County buildings: Preservation (96-1-013)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.

**Reappropriation: Cap Bldg Constr Acct--State \$ 150,000St Bldg Constr Acct--State \$ 150,000Thurston County Cap Fac Acct--State \$ 1,250,000**

Subtotal Reappropriation \$ 1,550,000

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 1,550,000**NEW SECTION. Sec. 138. FOR THE**

**DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center:** To replace the central heating system with individual building heating systems (96-1-019)

The reappropriation in this section is subject to the review and allotment procedures in section 712 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

**Reappropriation: St Bldg Constr Acct--State \$ 555,000**

Prior Biennia (Expenditures) \$ 22,000Future Biennia (Projected Costs)\$0

TOTAL \$ 577,000

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center:** To construct a mock city, indoor firing range, and running track (96-2-004)

**Reappropriation: Public Safety Reimb Bond--State \$ 1,750,000**

Prior Biennia (Expenditures) \$ 1,162,000Future Biennia (Projected Costs)\$0

TOTAL \$ 2,912,000**NEW SECTION. Sec. 140. FOR THE**

**DEPARTMENT OF GENERAL ADMINISTRATION**

**Emergency, small repairs, and improvements (98-1-001)**

**Appropriation: St Bldg Constr Acct--State \$ 200,000Thurston County Cap Fac Acct--State \$ 700,000**

Subtotal Appropriation \$ 900,000

Prior Biennia (Expenditures) \$ 931,418Future Biennia (Projected Costs)\$4,900,000

TOTAL \$ 6,731,418 NEW SECTION. **Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Capitol Campus facilities: Preservation (98-1-003)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: Cap Bldg Constr Acct--State \$ 340,000 St Bldg Constr Acct--State \$ 240,000 Thurston County Cap Fac Acct--State \$ 2,200,000**

Subtotal Appropriation \$ 2,780,000  
Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$4,000,000

TOTAL \$ 6,780,000 NEW SECTION. **Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Northern State Multiservice Center: Preservation (98-1-004)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: General Fund--Private/Local \$ 500,000 CEP & RI Acct--State \$ 600,000 St Bldg Constr Acct--State \$ 300,000**

Subtotal Appropriation \$ 1,400,000  
Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$3,200,000

TOTAL \$ 4,600,000 NEW SECTION. **Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Legislative buildings: Safety and infrastructure:** To make improvements to the Legislative, Cherberg, O'Brien, Institutions, and 1007 Washington buildings **(98-1-005)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation shall support the detailed list of projects maintained by the office of financial management. (2) Up to \$395,000 of the appropriation may be expended for the installation of handrails in the legislative building.

**Appropriation: Cap Bldg Constr Acct--State \$ 895,000 Thurston County Cap Fac Acct--State \$ 1,675,000 St Bldg Constr Acct--State \$ 395,000**

Subtotal Appropriation \$ 2,965,000  
Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$17,000,000

TOTAL \$ 19,965,000 NEW SECTION. **Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**600 S. Franklin Building: Preservation (98-1-006)**

**Appropriation: St Bldg Constr Acct--State \$ 925,000 Thurston County Cap Fac Acct--State \$ 175,000**

Subtotal Appropriation \$ 1,100,000  
Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,100,000 NEW SECTION. **Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**OB-2 Building: Preservation (98-1-007)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 357,000 Thurston County Cap Fac Acct--State \$ 2,093,000 Cap Bldg Constr Acct--State \$ 1,800,000**

Subtotal Appropriation \$ 4,250,000  
Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$15,425,000



TOTAL \$ 19,675,000 NEW SECTION. **Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Department of Transportation Building: Preservation (98-1-008)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: Thurston County Cap Fac Acct--State \$ 734,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$10,100,000

TOTAL \$ 10,834,000 NEW SECTION. **Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Monumental buildings: Cleaning and preservation (98-1-011)**

**Appropriation: Cap Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$12,000,000

TOTAL \$ 15,000,000 NEW SECTION. **Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center: Preservation (98-1-013)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation shall support the detailed list of projects maintained by the office of financial management. (2) The department shall coordinate all work with the tenants of the center.

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,000,000

TOTAL \$ 2,000,000 NEW SECTION. **Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Infrastructure savings (98-1-016)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1 NEW SECTION. **Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Washington State Training and Conference Center: Dormitory (98-2-004)**

The appropriation in this section is to be used to design and construct the first of two new prototype dormitories for the criminal justice training commission.

**Appropriation: Public Safety Reimb Bond--State \$ 1,600,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,400,000

TOTAL \$ 3,000,000 NEW SECTION. **Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Engineering and architectural services project management (98-2-011)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

**Appropriation: St Bldg Constr Acct--State \$ 8,313,500**

Prior Biennia (Expenditures) \$ 7,500,000 Future Biennia (Projected Costs) \$37,000,000

TOTAL \$ 52,813,500 NEW SECTION. **Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

The control and management of the Wellington Hills property which was purchased by the state of Washington as a potential site for the University of Washington Bothell branch campus is transferred to the department of general administration. The site shall be disposed of at fair market value and the proceeds from the sale shall be deposited in the state building construction account. The department may retain from the proceeds of the sale an amount sufficient to provide reimbursement for expenses as approved by the office of financial management. The University of Washington shall continue to pay all necessary fees and assessments appurtenant to the property until the property is sold. NEW SECTION. **Sec. 153.**

**FOR THE MILITARY DEPARTMENT**

**Emergency Coordination Center:** For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray (95-5-010)

The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act; and (2) The reappropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly.

**Reappropriation: General Fund--Federal \$ 8,112,000**

Prior Biennia (Expenditures) \$ 954,000 Future Biennia (Projected Costs) \$0

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TOTAL \$ 9,066,000 NEW SECTION. **Sec. 154. FOR THE MILITARY**

**DEPARTMENT**

**Camp Murray buildings: Preservation (96-1-002)**

**Reappropriation: General Fund--Federal \$ 750,000**

Prior Biennia (Expenditures) \$ 300,000 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 1,050,000 NEW SECTION. **Sec. 155. FOR THE MILITARY**

**DEPARTMENT**

**Everett Armory: Preservation (96-1-003)**

**Reappropriation: General Fund--Federal \$ 375,000**

Prior Biennia (Expenditures) \$ 125,000 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 500,000 NEW SECTION. **Sec. 156. FOR THE MILITARY**

**DEPARTMENT**

**Camp Murray infrastructure: Preservation (96-1-006)**

**Reappropriation: General Fund--Federal \$ 185,000**

Prior Biennia (Expenditures) \$ 315,000 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 500,000 NEW SECTION. **Sec. 157. FOR THE MILITARY**

**DEPARTMENT**

**Yakima National Guard Armory and Readiness Center: Design and Utilities (98-2-001)**

The appropriation in this section is subject to the following conditions and limitations: Funds expended on this project for off-site utility infrastructure which may include the provision of electricity, natural gas service, water service or sewer service shall be for the benefit of the state. Entities which subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

**Appropriation: St Bldg Constr Acct--State \$ 5,260,700 General Fund--Federal \$ 8,275,000**

-----  
Subtotal Appropriation \$ 13,535,700

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$3,288,300

-----  
TOTAL \$ 16,824,000 NEW SECTION. **Sec. 158. FOR THE MILITARY**

**DEPARTMENT**

**Buildings and infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1**  
Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
**TOTAL \$ 2**NEW SECTION. **Sec. 159. FOR THE MILITARY DEPARTMENT**  
**Minor works: Federal construction projects (98-1-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: General Fund--Federal \$ 6,320,600**  
**St Bldg Constr Acct--State \$ 1,137,600**

-----  
Subtotal Appropriation \$ 7,458,200  
Prior Biennia (Expenditures) \$ 4,303,000Future Biennia (Projected Costs)\$39,500,300

-----  
**TOTAL \$ 51,261,500**NEW SECTION. **Sec. 160. FOR THE MILITARY DEPARTMENT**  
**Minor works: Preservation (98-1-002)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**  
Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$4,000,000

-----  
TOTAL \$ 5,000,000

NEW SECTION. **Sec. 161. FOR THE MILITARY DEPARTMENT**

**Tacoma Community Center--Sprinkler system:** To reimburse Pierce county for the cost of the fire sprinkler system installed during the lease of the facility. **(98-1-004)**

**Appropriation: St Bldg Constr Acct--State \$ 149,000**  
Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
**TOTAL \$ 149,000**NEW SECTION. **Sec. 162. FOR THE MILITARY DEPARTMENT**

**Montesano Community Center: Renovation (98-1-029)**

**Appropriation: St Bldg Constr Acct--State \$ 582,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0**TOTAL\$582,000**NEW

SECTION. **Sec. 163. FOR THE MILITARY DEPARTMENT**

**Federal construction projects:** For minor capital construction projects included on office of financial management unanticipated receipt approval request log numbers 261 and 275.

**Reappropriation:**  
**General Fund--Federal \$ 3,644,300**

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

-----  
TOTAL \$ 3,644,300

**PART 2 HUMAN SERVICES** NEW SECTION. **Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Fircrest School: Renovate apartment (94-1-142)**

**Reappropriation: CEP & RI Acct--State \$ 1,668,927**

Prior Biennia (Expenditures) \$ 440,375Future Biennia (Projected Costs)\$0

TOTAL \$ 2,109,302 NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

Maple Lane School Wastewater Treatment Plant (94-1-201)

Reappropriation: St Bldg Constr Acct--State \$ 4,147,132

Prior Biennia (Expenditures) \$ 125,367 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 4,272,499 NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Water system improvements (94-1-202)

Reappropriation: St Bldg Constr Acct--State \$ 794,717

Prior Biennia (Expenditures) \$ 370,977 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,165,694 NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

Western State Hospital ward renovation phase 6 (94-1-316)

Reappropriation: St Bldg Constr Acct--State \$ 866,277

Prior Biennia (Expenditures) \$ 11,305,003 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 12,171,280 NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

Francis Haddon Morgan Center: Remodel (94-1-402)

Reappropriation: St Bldg Constr Acct--State \$ 1,577,024

Prior Biennia (Expenditures) \$ 144,275 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,721,299 NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

Asbestos abatement (96-1-002)

Reappropriation: St Bldg Constr Acct--State \$ 615,845 Appropriation: St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,215,155 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 2,031,000 NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

Americans with Disabilities Act improvements (96-1-003)

Reappropriation: St Bldg Constr Acct--State \$ 181,121

Prior Biennia (Expenditures) \$ 266,730 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 447,851 NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

Minor works: Preservation (96-1-004)

Reappropriation: CEP & RI Acct--State \$ 4,279,702 St Bldg Constr Acct--State \$ 7,240,776

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Subtotal Reappropriation \$ 11,520,478 Appropriation: CEP & RI Acct--State \$ 5,000,000 St  
Bldg Constr Acct--State \$ 3,720,000

-----  
Subtotal Appropriation \$ 8,720,000

Prior Biennia (Expenditures) \$ 7,507,532 Future Biennia (Projected Costs)\$64,000,000

-----  
TOTAL \$ 91,748,010 NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

Chlorofluorocarbon abatement (96-1-008)

Reappropriation: CEP & RI Acct--State \$ 223,898

Prior Biennia (Expenditures) \$ 26,102 Future Biennia (Projected Costs)\$0

TOTAL \$ 250,000 NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Juvenile facilities preservation and rehabilitation (96-1-020)**

**Reappropriation: St Bldg Constr Acct--State \$ 428,109**

Prior Biennia (Expenditures) \$ 1,651,491 Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,079,600 NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Minor works projects: Mental health (96-1-030)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,773,961**

Prior Biennia (Expenditures) \$ 2,021,339 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 3,795,300 NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Minor works projects: Division of Developmental Disabilities (96-1-040)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the department of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 386,549**

Prior Biennia (Expenditures) \$ 684,798 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,071,347 NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Underground storage tanks removal and replacement (96-1-060)**

**Reappropriation: CEP & RI Acct--State \$ 200,000 St Bldg Constr Acct--State \$ 453,523**

Subtotal Reappropriation \$ 653,523

Prior Biennia (Expenditures) \$ 286,883 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 940,406 NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Maintenance management and planning (96-1-150)**

**Reappropriation: CEP & RI Acct--State \$ 136,640**

Prior Biennia (Expenditures) \$ 15,880 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 152,520 NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Medical Lake wastewater treatment facility (96-1-301)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,580,624 Appropriation: St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 433,817 Future Biennia (Projected Costs)\$6,411,000

-----  
TOTAL \$ 8,925,441 NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Replace Boiler #1 (96-1-322)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,157,566**

Prior Biennia (Expenditures) \$ 282,434 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,440,000 NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Crisis Residential Centers (96-1-900)**

The reappropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

**Reappropriation: St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$0

TOTAL \$ 3,000,000 NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Echo Glen: New beds and infrastructure (96-2-229)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 2,527,752**

Prior Biennia (Expenditures) \$ 1,156,548 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 3,684,300 NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Green Hill redevelopment: 416-bed institution (96-2-230)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) If Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, \$3,800,000 of the new appropriation in this section shall lapse.

**Reappropriation: St Bldg Constr Acct--State \$ 37,234,448 Appropriation: St Bldg Constr Acct--State \$ 6,600,000**

Prior Biennia (Expenditures) \$ 4,669,321 Future Biennia (Projected Costs) \$11,200,000

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TOTAL \$ 59,703,769

NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Maple Lane School: Renovation and infrastructure improvements (96-2-231)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 5,194,174**

Prior Biennia (Expenditures) \$ 661,325 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 5,855,499 NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Mission Creek preservation projects (96-2-233)**

**Reappropriation: St Bldg Constr Acct--State \$ 389,756**

Prior Biennia (Expenditures) \$ 25,044 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 414,800

NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Indian Ridge utility upgrade projects (96-2-234)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,265,471**

Prior Biennia (Expenditures) \$ 256,029 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 1,521,500 NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 233,482**

Prior Biennia (Expenditures) \$ 110,917 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 344,399 NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

**Western State Hospital: South Hall heating, ventilation, and air conditioning retrofit (98-1-041)**

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,000,000 NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Renovation of Main Building--Mission Creek (98-1-166)**

**Appropriation: St Bldg Constr Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,500,000 NEW SECTION. **Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**SOCIAL AND HEALTH SERVICES**

**Capital project management (98-1-406)**

**Appropriation: CEP & RI Acct--State \$ 1,850,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$7,874,208

TOTAL \$ 9,724,208 NEW SECTION. **Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**SOCIAL AND HEALTH SERVICES**

**Emergency projects (98-1-428)**

**Appropriation: St Bldg Constr Acct--State \$ 250,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,154,000

TOTAL \$ 1,404,000 NEW SECTION. **Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**SOCIAL AND HEALTH SERVICES**

**Eastern State Hospital: Legal Offender Unit (98-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 965,015 Appropriation: St Bldg Constr Acct--State \$ 17,583,585**

Prior Biennia (Expenditures) \$ 147,400 Future Biennia (Projected Costs) \$0

TOTAL \$ 18,696,000 NEW SECTION. **Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**SOCIAL AND HEALTH SERVICES**

**Western State Hospital: Legal Offender Unit (98-2-052)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 4,215,341**

Prior Biennia (Expenditures) \$ 150,000 Future Biennia (Projected Costs) \$38,687,459

TOTAL \$ 43,052,800 NEW SECTION. **Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**SOCIAL AND HEALTH SERVICES**

**Naselle Youth Camp academic school and support space (98-2-154)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 1,537,508**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,537,508 NEW SECTION. **Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**SOCIAL AND HEALTH SERVICES**

**Predesign Echo Glen vocational program addition (98-2-211)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$2,250,000

TOTAL \$ 2,350,000 NEW SECTION. **Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**SOCIAL AND HEALTH SERVICES**

**Maple Lane School: 124-bed housing replacement and support services (98-2-216)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 9,332,641**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 9,332,641 NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Northern State Hospital: Safe Passage program space (98-2-395)

Appropriation: St Bldg Constr Acct--State \$ 329,500

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 329,500 NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: Program (98-2-409)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation: St Bldg Constr Acct--State \$ 843,135

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$4,000,000

TOTAL \$ 4,843,135 NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF HEALTH Referendum 38--Water bonds (86-2-099)

Reappropriation: LIRA, Water Sup Fac--State \$ 1,197,420

Prior Biennia (Expenditures) \$ 512,201 Future Biennia (Projected Costs) \$0

TOTAL \$ 1,709,621 NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Repairs and improvements (96-1-001)

Reappropriation: CEP & RI Acct--State \$ 150,000 St Bldg Constr Acct--State \$ 805,241

Subtotal Reappropriation \$ 955,241

Appropriation: St Bldg Constr Acct--State \$ 774,833

Prior Biennia (Expenditures) \$ 1,406,035 Future Biennia (Projected Costs) \$2,200,184

TOTAL \$ 5,336,293 NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF HEALTH

Emergency power system (96-1-009)

Reappropriation: CEP & RI Acct--State \$ 560,518

Prior Biennia (Expenditures) \$ 32,272 Future Biennia (Projected Costs) \$0

TOTAL \$ 592,790 NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Consolidation of facilities (96-2-001)

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

Appropriation: St Bldg Constr Acct--State \$ 660,300

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$3,891,300

TOTAL \$ 4,551,600 NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Building 5 system upgrades (98-1-002)

Appropriation: CEP & RI Acct--State \$ 311,040

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 311,040 NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF HEALTH

**Drinking Water Assistance Program:** The appropriation provided in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation: Drinking Water Assistance Account-- Federal \$ 33,873,450

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$135,493,350



-----  
TOTAL \$ 169,366,800 NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Orting: Main kitchen upgrade (95-1-001)

Reappropriation: CEP & RI Acct--State \$ 1,147,147

Prior Biennia (Expenditures) \$ 94,853 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 1,242,000 NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Americans with Disabilities Act projects (96-1-003)

Reappropriation: St Bldg Constr Acct--State \$ 94,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 94,000 NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Orting: Dining hall remodel (97-1-002)

Appropriation: CEP & RI Acct--State \$ 1,100,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 1,100,000

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil: Replace unsafe electrical distribution (97-1-003)

Appropriation: CEP & RI Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 100,000 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 950,000 NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Retsil: Minor works projects (97-1-006)

Reappropriation: CEP & RI Acct--State \$ 410,549 Appropriation: CEP & RI Acct--State \$ 755,000

Prior Biennia (Expenditures) \$ 249,451 Future Biennia (Projected Costs) \$7,050,000

-----  
TOTAL \$ 8,465,000 NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Orting: Minor works projects (97-1-007)

Reappropriation: CEP & RI Acct--State \$ 48,186 Appropriation: CEP & RI Acct--State \$ 750,000

Prior Biennia (Expenditures) \$ 186,814 Future Biennia (Projected Costs) \$5,825,000

-----  
TOTAL \$ 6,810,000 NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Emergency fund (97-1-012)

Appropriation: CEP & RI Acct--State \$ 700,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$2,800,000

-----  
TOTAL \$ 3,500,000 NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Orting: Activities and Training Annex (97-1-014)

Appropriation: CEP & RI Acct--State \$ 825,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

-----  
TOTAL \$ 825,000 NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF  
VETERANS AFFAIRS

Retsil: Building feasibility study (97-2-015)

This appropriation is provided to conduct a study of the potential for consolidation of program functions and replacement of poor condition housing units into a new multi-use facility. The study will be submitted to the office of financial management and will be the basis of future capital investments at Retsil, based on clear programmatic need or economic benefits and improved efficiency.

**Appropriation: CEP & RI Acct--State \$ 112,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 112,000NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF

**CORRECTIONS**

**McNeil Island master plan (94-2-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 139,844**

Prior Biennia (Expenditures) \$ 12,738,845Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 12,878,689NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Airway Heights improvements (94-2-016)**

**Reappropriation: St Bldg Constr Acct--State \$ 296,199**

Prior Biennia (Expenditures) \$ 11,891,149Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 12,187,348NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Washington State Penitentiary steam system (96-1-016)**

**Reappropriation: St Bldg Constr Acct--State \$ 3,657,549**

Prior Biennia (Expenditures) \$ 753,703Future Biennia (Projected Costs)\$0

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TOTAL \$ 4,411,252

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS**

**Washington Corrections Center for Women (96-2-001)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 5,561,711**

Prior Biennia (Expenditures) \$ 4,329,168Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 9,890,879NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Washington State Reformatory: 400-bed facility (96-2-002)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 12,657,344**

Prior Biennia (Expenditures) \$ 5,987,223Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 18,644,567NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Airway Heights expansion (96-2-003)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 7,659,390**

Prior Biennia (Expenditures) \$ 12,638,980Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 20,298,370NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Washington Correction Center for Women Mental Health, Special Needs, and Reception Unit (96-2-006)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$14,000,000

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TOTAL \$ 15,500,000 NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Yakima Corrections Center (96-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 6,234,339**

Prior Biennia (Expenditures) \$ 1,266,161 Future Biennia (Projected Costs) \$0

TOTAL \$ 7,500,500 NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Larch and Cedar Creek expansion (96-2-010)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 16,717,351**

Prior Biennia (Expenditures) \$ 5,282,649 Future Biennia (Projected Costs) \$0

TOTAL \$ 22,000,000 NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF

**CORRECTIONS**

**State-wide preservation projects (98-1-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 15,804,257 Appropriation: CEP & RI Acct--State \$ 3,200,000 St Bldg Constr Acct--State \$ 15,700,000**

Subtotal Appropriation \$ 18,900,000

Prior Biennia (Expenditures) \$ 42,184,367 Future Biennia (Projected Costs) \$134,400,000

TOTAL \$ 211,288,624 NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Underground storage tank and above-ground storage tank program (98-1-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 487,603 Appropriation: St Bldg Constr Acct--State \$ 617,593**

Prior Biennia (Expenditures) \$ 1,009,221 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,114,417

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS**

**State-wide asbestos removal (98-1-003)**

**Reappropriation: St Bldg Constr Acct--State \$ 297,350 Appropriation: St Bldg Constr Acct--State \$ 572,068**

Prior Biennia (Expenditures) \$ 1,899,137 Future Biennia (Projected Costs) \$745,350

TOTAL \$ 3,513,905 NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF

**CORRECTIONS**

**State-wide Americans with Disabilities Act compliance projects (98-1-004)**

**Reappropriation: St Bldg Constr Acct--State \$ 95,254**

Prior Biennia (Expenditures) \$ 184,600 Future Biennia (Projected Costs) \$0

TOTAL \$ 279,854 NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Emergency funds (98-1-005)**

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairmen of the house of representatives capital budget committee and senate ways and means committee.

**Reappropriation: CEP & RI Acct--State \$ 1,471,286 Appropriation: CEP & RI Acct--State \$ 1,500,000 St Bldg Constr Acct--State \$ 1**

Subtotal Appropriation \$ 1,500,001

Prior Biennia (Expenditures) \$ 2,180,705Future Biennia (Projected Costs)\$7,000,000

TOTAL \$ 12,151,992NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Construct Stafford Creek Corrections Center (98-2-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 14,744,552Appropriation:General Fund--Federal \$ 11,319,453St Bldg Constr Acct--State \$ 143,790,354**

Subtotal Appropriation \$ 155,109,807

Prior Biennia (Expenditures) \$ 2,636,441Future Biennia (Projected Costs)\$0

TOTAL \$ 172,490,800NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Washington State Reformatory: Convert medium to close custody (98-2-002)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 4,375,588**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 4,375,588NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Tacoma: Design 400-bed prerelease facility (98-2-003)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation is subject to the review and allotment procedures under section 712 of this act. (2) The department and the developer of the prerelease facility shall abide by all local code, zoning, and development regulations when designing and constructing the facility. The department shall secure a release of liability concerning potential hazardous wastes on the site prior to entering into a lease or development agreement for the prerelease facility.

**Appropriation: St Bldg Constr Acct--State \$ 1,625,700**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 1,625,700NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Expand special offenders center to 400 beds (98-2-010)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 83,689Appropriation:St Bldg Constr Acct--State \$ 3,507,879**

Prior Biennia (Expenditures) \$ 243,711Future Biennia (Projected Costs)\$35,852,811

TOTAL \$ 39,688,090NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Washington Corrections Center: Juvenile Justice Program Improvements**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation is subject to the review and allotment procedures under section 712 of this act. (2) If Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, the appropriation in this section shall lapse.

**Appropriation: St Bldg Constr Acct--State \$ 4,500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 4,500,000NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF

**CORRECTIONS**

**New 1,936-bed multicustody facility: Predesign and site selection (98-2-011)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 1,248,453**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$142,793,905

TOTAL \$ 144,042,358 NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF

**CORRECTIONS**

**State-wide programmatic projects (98-2-013)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management. The department may apply moneys in the appropriation toward the construction of classrooms, offices, fences, or other improvements required to accommodate the programmatic requirements of chapter . . . , Laws of 1997 (Engrossed Third Substitute House Bill No. 3900).

**Reappropriation: St Bldg Constr Acct--State \$ 6,163,093****Appropriation: St Bldg Constr Acct--State \$ 6,600,000**  
Prior Biennia (Expenditures) \$ 36,226,994 Future Biennia (Projected Costs) \$75,000,000

-----  
TOTAL \$ 123,990,087 NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF

**CORRECTIONS**

**Washington Corrections Center: Correctional Industries expansion (98-2-005)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall lapse if House Bill No. 2252 or Senate Bill No. 6074 is enacted by June 30, 1997.

**Appropriation: St Bldg Constr Acct--State \$ 3,300,000**  
Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$16,700,000

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TOTAL \$ 20,000,000 PART 3 NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY

**Referendum 26 waste disposal facilities (74-2-004)**

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1997, listing all projects funded from the reappropriation in this section.

**Reappropriation: LIRA--State \$ 4,028,749****Appropriation: LIRA--State \$ 210,969**  
Prior Biennia (Expenditures) \$ 4,840,771 Future Biennia (Projected Costs) \$800,000

-----  
TOTAL \$ 9,880,489 NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF

**ECOLOGY**

**Referendum 38 water supply facilities (74-2-006)**

The appropriations in this section are subject to the following conditions and limitations: (1) \$2,500,000 of the state and local improvements revolving account reappropriation is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir. (2) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1997, listing all projects funded from the reappropriation in this section.

**Reappropriation: LIRA, Water Sup Fac--State \$ 6,763,571****Appropriation: LIRA, Water Sup Fac--**  
**State \$ 485,495**  
Prior Biennia (Expenditures) \$ 10,141,668 Future Biennia (Projected Costs) \$1,600,000

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TOTAL \$ 18,990,734 NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF

**ECOLOGY**

**State emergency water projects revolving account (76-2-003)**

**Reappropriation: State Emerg Water Proj Rev--State \$ 7,377,883**  
Prior Biennia (Expenditures) \$ 1,701,394 Future Biennia (Projected Costs) \$228,000

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TOTAL \$ 9,307,277 NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF

**ECOLOGY**

**Referendum 39 waste disposal facilities (82-2-005)**

No expenditure from the appropriation in this section shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met: (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology; (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act. (4) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this subsection (4) for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1997, listing all projects funded from the reappropriation in this section.

**Reappropriation: LIRA, Waste Fac 1980--State \$ 13,961,094**

Prior Biennia (Expenditures) \$ 40,176,560 Future Biennia (Projected Costs)\$0

TOTAL \$ 54,137,654 NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF

**ECOLOGY**

**Centennial clean water fund (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations: (1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county. (2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer. (3) \$1,850,000 of the appropriation is provided solely for allocation for on-site sewage system projects or programs identified in local watershed plans. Of this amount, \$25,000 is provided solely for the Puyallup Washington state university research and extension center for on-site septic systems, and \$25,000 is provided solely for the department of health to support the work group making recommendations on the development of an on-site septic system certification program pursuant to Substitute Senate Bill No. 5838. (4) \$10,000,000 of the appropriation is provided for the department to establish and administer a reclaimed water demonstration program to provide grants to five demonstration projects consistent with this section, and, if enacted, chapter . . . , Laws of 1997 (Second Substitute House Bill No. 1817). Of this amount: (a) \$100,000 is provided solely for an interagency agreement with the department of health for monitoring the activities and progress of the demonstration projects and to refine reclaimed water standards from the results of the projects; (b) \$75,000 is provided for the department of ecology's administrative costs in funding and monitoring the activities and progress of the demonstration projects; (c) \$1,970,000 is provided solely for a grant to the city of Ephrata for a reclaimed water demonstration project; (d) \$985,000 is provided solely for a grant to the city of Royal City for a reclaimed water demonstration project; (e) \$3,398,500 is provided solely for a grant to the city of Sequim for a reclaimed water demonstration project; (f) \$3,398,500 is provided solely for a grant to the city of Yelm for a reclaimed water demonstration project; and (g) \$98,500 is provided solely for a grant to Lincoln county for a study of a reclaimed water demonstration project. (5) A minimum of 80 percent of the remaining appropriation after allocation of subsections (1), (2), (3), and (4) of this section shall be allocated by the department for water quality implementation activities. (6) A maximum of 20 percent of the remaining appropriation after allocation of subsections (1), (2), (3), and (4) of this section shall be allocated by the department for water quality planning activities. (7) In awarding state-wide water quality implementation and planning grants and loans, the department shall give priority consideration to: (a) Proposals submitted by communities with populations less than 2,500 or proposals that will be submitted by communities with populations less than 2,500 who have demonstrated an economic hardship which will prevent the completion or implementation of water quality projects; and (b) Projects located in basins with critical or depressed salmonid stocks. (8) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this subsection (8) for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1997, listing all projects funded from the reappropriation in this section.

**Reappropriation: Water Quality Account--State \$ 38,653,000**  
**Appropriation: Water Quality Account--State \$ 70,000,000**

Prior Biennia (Expenditures) \$ 291,063,221 Future Biennia (Projected Costs)\$311,000,000

TOTAL \$ 710,716,221

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

**Local toxics control account (88-2-008)**

The appropriations in this section are subject to the following conditions and limitations: (1) \$1,000,000 of the appropriation in this section shall be expended by the department of ecology as grants to assist local governments in developing and implementing area-wide strategies for the cleanup and reuse of industrial lands. The department shall provide a priority to funding activities by local governments that were developed with and facilitate active participation of property owners, businesses, and residents in the area, and that address industrial areas with one or more sites ranked highly under the state's hazard ranking system. (2) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1997. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1997. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1997, listing all projects funded from the reappropriation in this section.

**Reappropriation: Local Toxics Control Account--State \$ 20,780,149**  
**Account--State \$ 43,044,000**

Prior Biennia (Expenditures) \$ 81,994,186 Future Biennia (Projected Costs) \$173,100,389

TOTAL \$ 318,918,724 NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF**

**ECOLOG Y**

**Water pollution control revolving fund (90-2-002)**

**Reappropriation: Water Pollution Cont Rev Fund-- State \$ 12,538,256**  
**Federal \$ 62,689,776**

Subtotal Reappropriation \$ 75,228,032

**Appropriation: Water Pollution Cont Rev Fund-- State \$ 57,459,441**  
**Federal \$ 44,000,000**

Subtotal Appropriation \$ 101,459,441

Prior Biennia (Expenditures) \$ 148,237,444 Future Biennia (Projected Costs) \$299,947,557

TOTAL \$ 624,872,474 NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF**

**ECOLOG Y**

**Methow Basin water conservation (92-2-009)**

**Reappropriation: St Bldg Constr Acct--State \$ 102,689**

Prior Biennia (Expenditures) \$ 397,310 Future Biennia (Projected Costs) \$0

TOTAL \$ 499,999 NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF**

**ECOLOG Y**

**State-owned facilities: Repair and upgrades (97-2-011)**

**Appropriation: St Bldg Constr Acct--State \$ 430,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 430,000 NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF**

**ECOLOG Y**

**Low-level nuclear waste disposal trench closure (97-2-012)**

**Appropriation: Site Closure Acct--State \$ 6,433,381**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$ 992,100

TOTAL \$ 7,425,481 NEW SECTION. **Sec. 311. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**Spokane Centennial Trail (89-5-112)**

**Reappropriation: General Fund--Federal \$ 430,769**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,849

TOTAL \$ 432,618 NEW SECTION. **Sec. 312. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**Deception Pass sewer: Phase 2 (91-2-006)**

**Reappropriation: LIRA, Waste Fac 1980--State \$ 1,702,870 St Bldg Constr Acct--State \$ 500,000**

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Subtotal Appropriation \$ 2,202,870  
Prior Biennia (Expenditures) \$ 931,586 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 3,134,456 NEW SECTION. **Sec. 313. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**St. Edwards State Park: Gym renovation and parking lot renovation (92-2-501)**

**Reappropriation: St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 100,000 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 500,000 NEW SECTION. **Sec. 314. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**Boating access improvements (94-1-057)**

**Reappropriation: ORA--State \$ 1,256,324**

Prior Biennia (Expenditures) \$ 933,725 Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,190,049 NEW SECTION. **Sec. 315. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**Building preservation: State-wide (96-1-004)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 2,400,000**

Prior Biennia (Expenditures) \$ 5,837,455 Future Biennia (Projected Costs)\$0

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TOTAL \$ 8,237,455 NEW SECTION. **Sec. 316. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**Preservation of utilities (96-1-005)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 4,999,957 Future Biennia (Projected Costs)\$0

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TOTAL \$ 6,499,957

NEW SECTION. **Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION**

**State parks development: State-wide (96-2-007)**

**Reappropriation: St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 1,380,400 Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,880,400 NEW SECTION. **Sec. 318. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**Boat pumpouts: Federal Clean Vessel Act (96-2-008)**

**Reappropriation: General Fund--Federal \$ 350,000 Appropriation: General Fund--Federal \$ 850,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,200,000 NEW SECTION. **Sec. 319. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**Americans with disabilities act improvements (96-5-003)**

**Reappropriation: St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 210,657 Future Biennia (Projected Costs)\$0

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TOTAL \$ 710,657 NEW SECTION. **Sec. 320. FOR THE STATE PARKS AND**

**RECREATION COMMISSION**

**State-wide emergency projects (98-1-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 353,191 Appropriation: St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 822,809 Future Biennia (Projected Costs)\$2,650,000



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TOTAL \$ 4,326,000 NEW SECTION. Sec. 321. FOR THE STATE PARKS AND

**RECREATION COMMISSION**

**Underground storage tank replacement (98-1-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 456,800** **Appropriation: St Bldg Constr Acct--State \$ 750,000**

Prior Biennia (Expenditures) \$ 843,300 Future Biennia (Projected Costs) \$0

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TOTAL \$ 2,050,100 NEW SECTION. Sec. 322. FOR THE STATE PARKS AND

**RECREATION COMMISSION**

**Facilities preservation: State-wide (98-1-003)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation shall support the detailed list of projects maintained by the office of financial management. (2) The commission shall conduct a comprehensive condition survey and develop recommendations regarding the maintenance, repair, and capital renovation needs of the Washington state park system. The recommendations shall include criteria for evaluating maintenance, repair, and capital renovation needs, funding options, and methods to ensure that funding is effectively applied to the preservation and public use of state parks. The commission shall report their findings and recommendations to the appropriate committees of the legislature by January 1, 1998.

**Reappropriation: St Bldg Constr Acct--State \$ 2,145,977** **Appropriation: St Bldg Constr Acct--State \$ 5,000,000**

Prior Biennia (Expenditures) \$ 740,123 Future Biennia (Projected Costs) \$34,000,000

-----  
TOTAL \$ 41,886,100 NEW SECTION. Sec. 323. FOR THE STATE PARKS AND

**RECREATION COMMISSION**

**Historic facilities renovation (98-1-004)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$12,000,000

-----  
TOTAL \$ 16,000,000 NEW SECTION. Sec. 324. FOR THE STATE PARKS AND

**RECREATION COMMISSION**

**Natural and historic stewardship: State-wide (98-1-007)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1,500,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$17,000,000

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TOTAL \$ 18,500,000 NEW SECTION. Sec. 325. FOR THE STATE PARKS AND

**RECREATION COMMISSION**

**Recreation development: State-wide (98-2-008)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: General Fund--Federal \$ 1,000,000** **St Bldg Constr Acct--State \$ 2,500,000**

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Subtotal Appropriation \$ 3,500,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$16,000,000

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TOTAL \$ 19,500,000 NEW SECTION. Sec. 326. FOR THE INTERAGENCY

**COMMITTEE FOR OUTDOOR RECREATION**

**Recreational facility acquisition and development projects (96-2-007)**

**Reappropriation: St Bldg Constr Acct--State \$ 77,029**

Prior Biennia (Expenditures) \$ 33,972 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 111,001 NEW SECTION. Sec. 327. FOR THE INTERAGENCY

**COMMITTEE FOR OUTDOOR RECREATION**

**Boating Facilities (98-2-001)**

**Reappropriation: ORA--State \$ 4,557,823 Recreation Resources Account--State \$ 7,266,835**

Subtotal Reappropriation \$ 11,824,658

**Appropriation: Recreation Resources Account--State \$ 8,194,004**

Prior Biennia (Expenditures) \$ 5,819,302 Future Biennia (Projected Costs) \$ 35,515,000

TOTAL \$ 61,352,964 NEW SECTION. **Sec. 328. FOR THE INTERAGENCY**

**COMMITTEE FOR OUTDOOR RECREATION**

**Nonhighway and Off-Road Vehicle Activities Program (98-2-002)**

**Reappropriation: ORA--State \$ 2,927,911 NOVA--State \$ 4,530,593**

Subtotal Reappropriation \$ 7,458,504 **Appropriation: NOVA--State \$ 5,306,848**

Prior Biennia (Expenditures) \$ 7,962,532 Future Biennia (Projected Costs) \$ 23,367,000

TOTAL \$ 44,094,884 NEW SECTION. **Sec. 329. FOR THE INTERAGENCY**

**COMMITTEE FOR OUTDOOR RECREATION**

**Washington Wildlife and Recreation Program (98-2-003)**

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations: (1) \$22,500,000 of the state building construction account appropriation shall be deposited in the habitat conservation account and is hereby appropriated from the habitat conservation account to the interagency committee for outdoor recreation for the fiscal biennium ending June 30, 1999, for the Washington wildlife and recreation program under chapter 43.98A RCW. (2) \$20,000,000 of the state building account appropriation and \$2,500,000 from the aquatic lands enhancement account appropriation shall be deposited in the outdoor recreation account, and \$22,500,000 is hereby appropriated from the outdoor recreation account to the interagency committee for outdoor recreation for the fiscal biennium ending June 30, 1999, for the Washington wildlife and recreation program under chapter 43.98A RCW. Funds from the aquatic lands enhancement account appropriation shall be distributed to eligible water access projects under RCW 43.98A.050. (3) The new appropriations in this section are provided for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 98-6 as developed on April 15, 1997, at 10:00 a.m., the pilot watershed plan implementation program under subsection (6) of this section, and for other projects approved by the legislature under RCW 43.98A.080 referencing this section. (4) No moneys from the appropriations in this section may be spent on the Rocky Reach trailway project until an agreement with affected property owners has been reached. (5) The legislature finds that, since the inception of the Washington wildlife and recreation program, over eighty-five percent of the moneys provided for the state parks category has been used for acquisition of property, and that demands for recreational facilities in state parks require that increased funding be devoted to development projects. The committee and the state parks and recreation commission shall ensure that at least forty percent of new funding provided for the state parks category during the 1997-99 biennium be allocated to development projects. (6) \$4,000,000 of the habitat conservation account appropriation from the unallocated portion of the fund distribution under RCW 43.98A.040(1)(d) is provided solely for matching grants for riparian zone habitat protection projects that implement watershed plans pursuant to this subsection. The interagency committee for outdoor recreation shall develop a pilot watershed plan implementation program within the Washington wildlife and recreation program. The program shall provide matching grants to eligible agencies for implementation of riparian zone habitat protection projects within watershed restoration plans under RCW 89.08.460(1), watershed action plans developed pursuant to rules adopted by the Puget Sound water quality action team, or plans developed pursuant to chapter . . . , Laws of 1997 (Second Substitute House Bill No. 2054). Projects shall have a useful life of at least thirty years. Eligible agencies include conservation districts, counties, cities, and private nonprofit land trust or nature conservancy organizations. Projects eligible for funding under this section include acquisition of land using less-than-fee-simple instruments such as conservation easements and purchase of development rights; and habitat restoration and enhancement projects on such lands including fencing and revegetation of native trees and shrubs that enhance the long-term habitat values of protected lands. The committee shall develop an application process and project eligibility and evaluation criteria in consultation with the state conservation commission. The committee shall report to the appropriate committees of the legislature on the implementation of the pilot matching grant program. A preliminary status report shall be submitted by January 1, 1998, and a final report by January 1, 1999. (7) Up to \$400,000 of the reappropriations in this section is provided to develop an inventory of all lands in the state owned by federal agencies, state agencies, local governments, and Indian tribes. The committee shall develop the inventory in a computer database format that will facilitate the sharing and reporting of inventory data and provide options for future updates. The inventory shall include, at a minimum, the following information: Owner, location, acreage, and principal use. The inventory shall also include resource-based information for state and federally-owned recreation and habitat lands. The committee shall submit a status report on

the inventory to the appropriate committees of the legislature by January 1, 1999, and a final report by January 1, 2000. (8) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

**Reappropriation: St Bldg Constr Acct--State \$ 14,264,419Aquatic Lands Acct--State \$ 33,335ORA--State \$ 21,985,067Wildlife Account--State \$ 1,398,996Habitat Conservation Account--State \$ 18,700,633**

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Subtotal Reappropriation \$ 56,382,450**Appropriation:St Bldg Constr Acct--State \$ 42,500,000Aquatic Lands Acct--State \$ 2,500,000**  
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Subtotal Appropriation \$ 45,000,000  
Prior Biennia (Expenditures) \$ 101,449,844Future Biennia (Projected Costs)\$200,000,000

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TOTAL \$ 402,832,294NEW SECTION. **Sec. 330. FOR THE INTERAGENCY**

**COMMITTEE FOR OUTDOOR RECREATION**

**Firearms range program (98-2-004)**

**Reappropriation: Firearms Range Account--State \$ 771,259Appropriation:Firearms Range Account--State \$ 388,800**

Prior Biennia (Expenditures) \$ 512,001Future Biennia (Projected Costs)\$800,000

-----  
TOTAL \$ 2,472,060NEW SECTION. **Sec. 331. FOR THE INTERAGENCY**

**COMMITTEE FOR OUTDOOR RECREATION**

**Land and water conservation fund (98-2-005)**

**Reappropriation: ORA--Federal \$ 2,180,812**

Prior Biennia (Expenditures) \$ 52,050,000Future Biennia (Projected Costs)\$0

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TOTAL \$ 54,230,812NEW SECTION. **Sec. 332. FOR THE INTERAGENCY**

**COMMITTEE FOR OUTDOOR RECREATION**

**National Recreation Trails Act (98-2-006)**

**Reappropriation: ORA--Federal \$ 112,751Recreation Resources Account-- Federal \$ 562,146**

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Subtotal Reappropriation \$ 674,897**Appropriation:Recreation Resources Account--Federal \$ 583,000**

Prior Biennia (Expenditures) \$ 17,086Future Biennia (Projected Costs)\$2,332,000

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TOTAL \$ 3,606,983

NEW SECTION. **Sec. 333. FOR THE STATE CONSERVATION COMMISSION**

**Water quality grants program (98-2-001)**

The appropriations in this section are provided solely for grants to conservation districts for nonpoint water quality projects and programs.

**Reappropriation: Water Quality Account--State \$ 3,095,000Appropriation:Water Quality Account--State \$ 5,000,000**

Prior Biennia (Expenditures) \$ 5,500,000Future Biennia (Projected Costs)\$20,000,000

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TOTAL \$ 33,595,000NEW SECTION. **Sec. 334. FOR THE STATE**

**CONSERVATION COMMISSION**

**Dairy Waste Management Grants Program (98-2-002)**

The appropriation in this section is subject to the following conditions and limitations: (1) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and (2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

**Appropriation: Water Quality Account--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 3,000,000Future Biennia (Projected Costs)\$0

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TOTAL \$ 6,000,000NEW SECTION. **Sec. 335. FOR THE STATE**

**CONSERVATION COMMISSION**

**Puget Sound Action Plan (98-2-003)**

The appropriation in this section is subject to the following conditions and limitations: (1) These appropriations shall be used solely for grants to conservation districts in the Puget Sound area for water quality projects and programs contained in the Puget Sound work plan. (2) The grants to the Puget Sound area conservation districts shall be in addition to other grant dollars that may be available from the water quality account and the basic funding grant programs administered by commission.

**Appropriation: Water Quality Account--State \$ 830,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 830,000NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Devils Creek acclimation pond (87-1-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 332,823**

Prior Biennia (Expenditures) \$ 7,504Future Biennia (Projected Costs)\$0

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TOTAL \$ 340,327NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Grandy Creek Hatchery (92-5-024)**

**Reappropriation: St Bldg Constr Acct--State \$ 3,776,974**

Prior Biennia (Expenditures) \$ 723,026Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 4,500,000NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Warm water fish facilities (92-5-025)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,030,998Appropriation:St Bldg Constr Acct--  
State \$ 400,000Warm Water Game Fish Account-- State \$ 350,000**

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Subtotal Appropriation \$ 750,000

Prior Biennia (Expenditures) \$ 829,323Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,610,321

NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE

**Warm water game fish access facilities (98-2-006)**

**Appropriation: Warm Water Game Fish Account-- State \$ 210,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,240,000

-----  
TOTAL \$ 2,450,000NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Tideland acquisition (94-2-003)**

**Reappropriation: General Fund--Federal \$ 1,386,925**

Prior Biennia (Expenditures) \$ 3,613,075Future Biennia (Projected Costs)\$0

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TOTAL \$ 5,000,000

NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE

**Nemah Hatchery building and incubation system replacement (96-1-006)**

**Reappropriation: General Fund--Federal \$ 1,682,880**

Prior Biennia (Expenditures) \$ 17,120Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,700,000NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE

**Shellfish laboratory and hatchery upgrades (96-1-009)**

**Reappropriation: St Bldg Constr Acct--State \$ 275,604**

Prior Biennia (Expenditures) \$ 578,973Future Biennia (Projected Costs)\$0

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TOTAL \$ 854,577 NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Minter Creek Hatchery renovation (96-2-019)**

Funding from this reappropriation shall not be used to construct agency residential structures at the hatchery.

**Reappropriation: St Bldg Constr Acct--State \$ 657,630**

Prior Biennia (Expenditures) \$ 4,475,982 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 5,133,612 NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Water access and development (96-2-027)**

**Reappropriation: ORA--State \$ 997,000**

Prior Biennia (Expenditures) \$ 1,057,600 Future Biennia (Projected Costs) \$0

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TOTAL \$ 2,054,600 NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Minor works: Preservation (98-1-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: General Fund--Federal \$ 757,181 Appropriation: St Bldg Constr Acct--State \$ 1,293,000**

Prior Biennia (Expenditures) \$ 4,985,123 Future Biennia (Projected Costs) \$7,500,000

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TOTAL \$ 14,535,304 NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Underground storage tank removal and replacement (98-1-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 596,185 Appropriation: St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 3,637,000 Future Biennia (Projected Costs) \$0

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TOTAL \$ 4,433,185 NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Emergency repair (98-1-003)**

**Reappropriation: St Bldg Constr Acct--State \$ 219,353 Appropriation: St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 1,530,646 Future Biennia (Projected Costs) \$1,200,000

-----  
TOTAL \$ 3,249,999 NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Dam inspection and repair (98-1-004)**

**Appropriation: St Bldg Constr Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

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TOTAL \$ 150,000 NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Facilities renovation (98-1-005)**

**Reappropriation: St Bldg Constr Acct--State \$ 302,618 Appropriation: St Bldg Constr Acct--State \$ 1,015,000**

Prior Biennia (Expenditures) \$ 3,753,682 Future Biennia (Projected Costs) \$7,000,000

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TOTAL \$ 12,071,300 NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Hatchery renovation (98-1-006)**

The appropriation in this section is subject to the following conditions and limitations: (1) No funds will be provided to increase residential capacity at any state hatchery facility. (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 906,202 Appropriation: St Bldg Constr Acct--State \$ 3,025,000**

Prior Biennia (Expenditures) \$ 7,119,953 Future Biennia (Projected Costs) \$15,500,000

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TOTAL \$ 26,551,155 NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Recreational access redevelopment (98-1-007)**

**Reappropriation: St Bldg Constr Acct--State \$ 119,300**

**Appropriation: General Fund--Federal \$ 610,000 St Bldg Constr Acct--State \$ 302,000**

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Subtotal Appropriation \$ 912,000

Prior Biennia (Expenditures) \$ 3,559,850 Future Biennia (Projected Costs) \$4,200,000

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TOTAL \$ 8,791,150 NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Coast and Puget Sound wild salmonid habitat restoration (98-1-009)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,428,770 Appropriation: General Fund--**

**Federal \$ 800,000 General Fund--Private/Local \$ 800,000 St Bldg Constr Acct--State \$ 3,500,000**

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Subtotal Appropriation \$ 5,100,000

Prior Biennia (Expenditures) \$ 8,986,230 Future Biennia (Projected Costs) \$22,400,000

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TOTAL \$ 37,915,000 NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Coast and Puget Sound wildstock restoration and hatcheries (98-1-010)**

**Reappropriation: General Fund--Federal \$ 700,000 St Bldg Constr Acct--State \$ 114,186**

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Subtotal Reappropriation \$ 814,186

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 5,265,814 Future Biennia (Projected Costs) \$6,500,000

-----  
TOTAL \$ 13,580,000 NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Fish protection facilities (98-1-011)**

**Reappropriation: General Fund--Federal \$ 1,654,335 Appropriation: General Fund--Private/Local \$ 200,000 St**

**Bldg Constr Acct--State \$ 500,000**

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Subtotal Appropriation \$ 700,000

Prior Biennia (Expenditures) \$ 3,300,765 Future Biennia (Projected Costs) \$7,400,000

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TOTAL \$ 13,055,100 NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**State-wide fencing renovation and construction (98-1-012)**

**Reappropriation: St Bldg Constr Acct--State \$ 272,743 Appropriation: St Bldg Constr Acct--State \$ 280,000**

Prior Biennia (Expenditures) \$ 2,350,800 Future Biennia (Projected Costs) \$2,400,000

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TOTAL \$ 5,303,543 NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Wildlife area renovation (98-1-013)**

**Reappropriation: Wildlife Account--State \$ 238,804 Appropriation: Wildlife Account--State \$ 548,000**

Prior Biennia (Expenditures) \$ 1,225,196 Future Biennia (Projected Costs) \$2,200,000

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TOTAL \$ 4,212,000 NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Issaquah Hatchery improvements (98-1-015)**

The appropriation in this section is subject to the following conditions and limitations: The department shall provide a progress report on this project to the governor and the legislature by October 1, 1998.

**Reappropriation: General Fund--Private/Local \$ 60,097 St Bldg Constr Acct--State \$ 211,217**

Subtotal Reappropriation \$ 271,314 **Appropriation: St Bldg Constr Acct--State \$ 3,000,000**  
Prior Biennia (Expenditures) \$ 878,684 Future Biennia (Projected Costs) \$0

TOTAL \$ 4,149,998 NEW SECTION. **Sec. 358. FOR THE DEPARTMENT OF**

**FISH AND WILDLIFE**

**Crop and orchard protection fencing (98-2-002)**

**Appropriation: St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,200,000

TOTAL \$ 1,500,000 NEW SECTION. **Sec. 359. FOR THE DEPARTMENT OF**

**FISH AND WILDLIFE**

**Game farm consolidation (98-2-005)**

**Reappropriation: Wildlife Account--State \$ 231,470 Appropriation: Wildlife Account--State \$ 300,000 St Bldg Constr Acct--State \$ 900,000**

Subtotal Reappropriation \$ 1,200,000  
Prior Biennia (Expenditures) \$ 1,593,530 Future Biennia (Projected Costs) \$0

TOTAL \$ 3,025,000 NEW SECTION. **Sec. 360. FOR THE DEPARTMENT OF**

**FISH AND WILDLIFE**

**Recreational fish enhancement (98-2-007)**

**Reappropriation: Rec Fisheries Enh Acct--State \$ 1,078,400 Appropriation: Rec Fisheries Enh Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 221,600 Future Biennia (Projected Costs) \$4,000,000

TOTAL \$ 6,300,000 NEW SECTION. **Sec. 361. FOR THE DEPARTMENT OF**

**FISH AND WILDLIFE**

**Mitigation projects and dedicated funds (98-2-008)**

**Reappropriation: Spec Wildlife Acct--State \$ 42,367 Spec Wildlife Acct-- Private/Local \$ 1,197,000**

Subtotal Reappropriation \$ 1,239,367  
**Appropriation: General Fund--Federal \$ 4,000,000 General Fund--Private/Local \$ 2,500,000 Spec Wildlife Acct--State \$ 50,000**

Subtotal Appropriation \$ 6,550,000  
Prior Biennia (Expenditures) \$ 4,606,482 Future Biennia (Projected Costs) \$26,260,000

TOTAL \$ 38,655,849 NEW SECTION. **Sec. 362. FOR THE DEPARTMENT OF**

**FISH AND WILDLIFE**

**Migratory waterfowl habitat acquisition and development (98-2-009)**

**Reappropriation: Wildlife Account--State \$ 251,567 Appropriation: Wildlife Account--State \$ 500,000**

Prior Biennia (Expenditures) \$ 1,547,733 Future Biennia (Projected Costs) \$2,000,000

TOTAL \$ 4,299,300 NEW SECTION. **Sec. 363. FOR THE DEPARTMENT OF**

**FISH AND WILDLIFE**

**Columbia River Wildlife Mitigation (98-2-010)**

**Appropriation: Spec Wildlife Acct--Federal \$ 6,600,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$23,200,000

TOTAL \$ 29,800,000

NEW SECTION. **Sec. 364. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

**Fish passage and habitat improvement (98-2-012)**

**Appropriation: General Fund--Federal \$ 500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$700,000

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TOTAL \$ 1,200,000NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Deep water slough restoration (98-2-013)**

**Appropriation: General Fund--Federal \$ 500,000General Fund--Private/Local \$ 300,000**

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Subtotal Appropriation \$ 800,000

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,400,000

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TOTAL \$ 3,200,000NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Clam and oyster beach enhancement (98-2-019)**

**Reappropriation: Aquatic Lands Acct--State \$ 453,716St Bldg Constr Acct--State \$ 168,700**

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Subtotal Reappropriation \$ 622,416

Prior Biennia (Expenditures) \$ 2,984,947Future Biennia (Projected Costs)\$1,600,000

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TOTAL \$ 5,207,363NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF

**FISH AND WILDLIFE**

**Replace unproductive habitat (98-2-020)**

The appropriations in this section are subject to the following conditions and limitations: (1) The department is authorized to convey to a qualified purchaser by either or both sale and exchange approximately 1,120 acres in or near the Mission Ridge ski area. The conveyance of these properties shall proceed pursuant to provisions in chapter 77.12 RCW regarding department property. The department is authorized to use the appropriation provided in this section to purchase replacement lands providing similar benefits to wildlife. (2) \$20,000 of the appropriation is provided solely to purchase property that is inaccessible to its current owner as a result of a previous transaction with the department that provided public access to a lake. (3) The department shall include a proposed acquisition plan for properties proposed for purchase under this program when submitting future requests for appropriation authority.

**Appropriation: Wildlife Account--State \$ 1,220,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,220,000NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Irrigation repairs and replacements (98-1-001)**

**Appropriation: Resources Management Cost Account-- State \$ 100,000**

Prior Biennia (Expenditures) \$ 397,420Future Biennia (Projected Costs)\$1,600,000

-----  
TOTAL \$ 2,097,420NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Real estate repairs, maintenance, and tenant improvements (98-1-002)**

**Appropriation: Resources Management Cost Account-- State \$ 677,000**

Prior Biennia (Expenditures) \$ 691,155Future Biennia (Projected Costs)\$3,150,000

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TOTAL \$ 4,518,155NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Special lands acquisition:** For acquisition of properties within the Trout Lake wetlands, as described on office of financial management unanticipated receipt approval request log number 265.

**Reappropriation: General Fund--Federal \$ 450,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 450,000NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**



**Communication site repair (98-1-003)**

**Appropriation: For Dev Acct--State \$ 90,000Resources Management Cost Account-- State \$ 60,000**

Subtotal Appropriation \$ 150,000

Prior Biennia (Expenditures) \$ 199,146Future Biennia (Projected Costs)\$580,000

TOTAL \$ 929,146NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Underground storage tank removal and upgrade (98-1-005)**

**Appropriation: For Dev Acct--State \$ 51,120Resources Management Cost Account-- State \$ 142,000**

Subtotal Appropriation \$ 193,120

Prior Biennia (Expenditures) \$ 30,000Future Biennia (Projected Costs)\$102,000

TOTAL \$ 325,120NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**State-wide emergency repairs (98-1-006)**

**Appropriation: For Dev Acct--State \$ 18,000Resources Management Cost Account-- State \$ 50,000St Bldg Constr Acct--State \$ 30,000**

Subtotal Appropriation \$ 98,000

Prior Biennia (Expenditures) \$ 361,493Future Biennia (Projected Costs)\$392,000

TOTAL \$ 851,493NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Americans with Disabilities Act compliance (98-1-009)**

**Appropriation: For Dev Acct--State \$ 9,000Resources Management Cost Account-- State \$ 25,000**

Subtotal Appropriation \$ 34,000

Prior Biennia (Expenditures) \$ 68,285Future Biennia (Projected Costs)\$272,000

TOTAL \$ 374,285NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Asbestos removal (98-1-010)**

**Appropriation: For Dev Acct--State \$ 10,800Resources Management Cost Account-- State \$ 30,000**

Subtotal Appropriation \$ 40,800

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$136,000

TOTAL \$ 176,800NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Natural area preserve and natural resource conservation area management and emergency repairs (98-1-011)**

**Appropriation: St Bldg Constr Acct--State \$ 350,000**

Prior Biennia (Expenditures) \$ 590,739Future Biennia (Projected Costs)\$1,400,000

TOTAL \$ 2,340,739NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Hazardous waste cleanup (98-1-014)**

**Appropriation: For Dev Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 692,547Future Biennia (Projected Costs)\$2,000,000

TOTAL \$ 2,812,547NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Emergency repairs: Recreation sites (98-1-015)**

**Appropriation: St Bldg Constr Acct--State \$ 120,000**

Prior Biennia (Expenditures) \$ 216,299 Future Biennia (Projected Costs) \$480,000

TOTAL \$ 816,299 NEW SECTION. **Sec. 379. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Natural resource conservation area management plan implementation (98-1-012)**

**Appropriation: St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,500,000

TOTAL \$ 1,900,000 NEW SECTION. **Sec. 380. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Recreation health and safety (98-1-016)**

**Appropriation: St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 556,160 Future Biennia (Projected Costs) \$1,200,000

TOTAL \$ 2,056,160 NEW SECTION. **Sec. 381. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Americans with Disabilities Act recreation site improvements (98-1-017)**

**Appropriation: St Bldg Constr Acct--State \$ 300,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,200,000

TOTAL \$ 1,500,000 NEW SECTION. **Sec. 382. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Administrative site preservation (98-1-018)**

**Appropriation: For Dev Acct--State \$ 169,000 Resources Management Cost Account-- State \$ 469,000 St Bldg Constr Acct--State \$ 300,000**

Subtotal Appropriation \$ 938,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$3,752,000

TOTAL \$ 4,690,000 NEW SECTION. **Sec. 383. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Natural resources real property replacement (98-2-002)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the acquisition of timber lands for the common school trust to replace lands transferred from trust status under section 393 of this act, and for the reasonable costs incurred by the department in acquiring such lands. Lands acquired under this section shall be acquired solely for the benefit of the common school trust.

**Appropriation: Nat Res Prop Repl Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 35,354,155 Future Biennia (Projected Costs) \$0

TOTAL \$ 38,354,155 NEW SECTION. **Sec. 384.** The department of natural resources shall include a proposed acquisition plan for properties proposed for purchase under the land bank and natural resources real property replacement programs when submitting future requests for appropriation authority for the programs. NEW SECTION. **Sec. 385. FOR THE DEPARTMENT OF NATURAL RESOURCES**

**Right of way acquisition (98-2-005)**

**Appropriation: For Dev Acct--State \$ 409,000 Resources Management Cost Account-- State \$ 983,000**

Subtotal Appropriation \$ 1,392,000

Prior Biennia (Expenditures) \$ 1,505,807 Future Biennia (Projected Costs) \$6,050,000

TOTAL \$ 8,947,807 NEW SECTION. **Sec. 386. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Communication site construction (98-2-006)**

**Appropriation: For Dev Acct--State \$ 410,000 Resources Management Cost Account-- State \$ 150,000**

Subtotal Appropriation \$ 560,000  
Prior Biennia (Expenditures) \$ 474,561 Future Biennia (Projected Costs) \$1,980,000

TOTAL \$ 3,014,561 NEW SECTION. **Sec. 387. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Irrigation development (98-2-010)**

**Appropriation: Resources Management Cost Account-- State \$ 300,000**

Prior Biennia (Expenditures) \$ 687,003 Future Biennia (Projected Costs) \$2,000,000

TOTAL \$ 2,987,003 NEW SECTION. **Sec. 388. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Minor works: Programmatic (98-2-011)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: For Dev Acct--State \$ 258,840 Resources Management Cost Account-- State \$ 719,000 St Bldg Constr Acct--State \$ 300,000**

Subtotal Appropriation \$ 1,277,840  
Prior Biennia (Expenditures) \$ 993,577 Future Biennia (Projected Costs) \$7,811,540

TOTAL \$ 10,082,957 NEW SECTION. **Sec. 389. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Mineral resource testing (98-2-012)**

**Appropriation: For Dev Acct--State \$ 18,000 Resources Management Cost Account-- State \$ 10,000**

Subtotal Appropriation \$ 28,000  
Prior Biennia (Expenditures) \$ 20,000 Future Biennia (Projected Costs) \$175,000

TOTAL \$ 223,000 NEW SECTION. **Sec. 390. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Commercial development: Local improvement districts (98-2-013)**

**Appropriation: Resources Management Cost Account-- State \$ 200,000**

Prior Biennia (Expenditures) \$ 650,568 Future Biennia (Projected Costs) \$1,000,000

TOTAL \$ 1,850,568 NEW SECTION. **Sec. 391. FOR THE DEPARTMENT OF**

**NATURAL RESOURCES**

**Aquatic lands enhancement grants (98-2-014)**

The appropriation in this section is subject to the following conditions and limitations: (1) The following phase 1 projects are eligible for funding from the reappropriation in this section. (2) The following phase 2 projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

**Phase 1**

Alki/Harbor/Duwamish Corridor, City of Seattle \$ 200,000 ASARCO, Town of Ruston \$100,000 Cape Flattery, Makah Tribe \$200,000 Columbia River Renaissance, City of Vancouver \$2,800,000 Columbia River Trail, East Wenatchee \$ 100,000 Columbia River Trail Phase 2, LOOP Coalition \$400,000 Cooperative Environmental Education, North Mason School District \$300,000 Duckabush River, Jefferson County \$ 350,000 Latah Creek, City of Spokane \$300,000 Little Spokane River, Spokane County \$300,000 Odyssey Maritime Museum, Port of Seattle \$1,000,000 Raymond Waterfront

Park, City of Raymond \$ 200,000  
 Seattle Aquarium, City of Seattle \$300,000  
 South Lake Union, City of Seattle \$200,000  
 Statewide Competitive Small Grant Program \$500,000  
 Stevenson Waterfront Park, Port of Skamania \$ 75,000

Total \$ 7,325,000

**Phase 2**

Department of Natural Resources Natural Heritage, Chehalis River Surge Plain Trail \$ 128,475  
 State Parks, Rocky Reach Trailway \$200,000  
 City of Woodinville, Wilmot Park \$200,000  
 City of Seattle, South Lake Union \$75,000  
 City of Port Angeles, Centennial Trail \$ 148,300  
 Metropolitan Park District of Tacoma, Dickman Mill Park \$1,000,000  
 Snohomish County, Thomas' Eddy Trail \$75,000  
 City of Mount Vernon, Edgewater Park Extension \$ 312,000  
 Peninsula College, Fierro Marine Lab Exhibit \$26,800  
 Jefferson County, Larry Scott Memorial Park \$134,650  
 Snohomish County, Drainage District #6 \$ 841,000  
 City of Poulsbo, Nelson Property Acquisition \$253,000  
 Kitsap County, Old Mill Site Acquisition \$300,000  
 Padilla Bay National Estuarine Reserve, Exhibit \$ 150,000  
 North Mason School District, Hood Canal Watershed Program, Sweetwater Creek \$160,000  
 Port of Whitman County, Snake River Trail \$238,779  
 Snohomish County, Lake Cassidy Boardwalk \$ 29,882  
 Makah Tribe, Shi Shi Access \$167,110  
 City of Seattle, Alki Beach Trail \$300,000  
 City of Seattle, The Seattle Aquarium Mountains to Sound \$279,004  
 Vashon Park District, Jensen Point Small Craft Center \$ 104,306  
 City of Medical Lake, Waterfront Trail Interpretive System \$8,750  
 Pacific County, Naselle Boat Launch Improvement \$77,500  
 State Parks, Fort Canby State Park Beard's Hollow \$ 101,760  
 City of Washougal, Sandy Swimming Hole \$39,045  
 City of Chelan, North Shore Pathway \$225,000  
 Port of Seattle, Odyssey Maritime Museum Phase 2 \$ 1,000,000  
 City of Everett, Narbeck Wetland Park \$300,000

Total \$ 6,875,361

(3) Grant funding from the new appropriation shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds. (4) No moneys from the appropriations in this section may be spent on the Rocky Reach trailway project until an agreement with affected property owners has been reached. (5) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1999-2001 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects.

**Reappropriation: Aquatic Lands Acct--State \$ 3,756,817**  
**Appropriation: Aquatic Lands Acct--State \$ 6,000,000**  
 Prior Biennia (Expenditures) \$ 8,086,566  
 Future Biennia (Projected Costs) \$22,000,000

TOTAL \$ 39,843,383 NEW SECTION. **Sec. 392. FOR SPECIAL LAND**

**PURCHASES AND COMMON SCHOOL CONSTRUCTION**

**Special land purchases and common school construction (98-2-015)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation is provided to the department of natural resources solely for the purposes of transferring from trust status certain trust lands of state-wide significance to state park, wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes, acquiring replacement timber trust lands, and providing funding for common school construction. (2) The appropriation in this section is provided solely for the transfer of the following list of trust properties to the identified agency: (a) Iron Horse/Bandera, King county, to the state parks and recreation commission; (b) Kitsap Forest, Kitsap county, to the department of natural resources for natural area preserve purposes; (c) Upper Sultan Basin, Snohomish county, to the department of natural resources for natural resource conservation area purposes; (d) West Tiger Mountain, King county, to the department of natural resources for natural resource conservation area purposes. The department shall transfer the first trust property and then allocate the remaining funds to the remaining properties in roughly equal shares. (3) Land and timber transferred under this section shall be appraised and transferred at full market value. The department of natural resources shall attempt to maintain a minimum aggregate ratio of 85:15 timber-to-land value in these transactions. The value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands, except that no deduction shall be made for the resource management cost account. The value of the land transferred, not to exceed \$3,000,000, shall be deposited in the natural resources real property replacement account to be used for the acquisition of replacement timber lands solely to benefit the common school trust. (4) All reasonable costs incurred by the department of natural resources to implement this section may be paid out of this appropriation, except that the costs of acquiring replacement timber lands shall be paid out of appropriations from the natural resources real property replacement account. (5) The department shall use intergrant exchanges between common school and other trust lands of equal value to effect

the purposes of this section if the exchange is in the interest of each trust, as determined by the board of natural resources. (6) The department of natural resources and receiving agencies shall work in good faith to carry out the intent of this section. However, the board of natural resources or a receiving agency may reject a transfer of property if it is determined that the transfer is not in the interest of either the common school trust or the receiving agency. (7) On June 30, 1999, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

**Appropriation: St Bldg Constr Acct \$ 34,500,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$132,000,000

TOTAL \$ 166,500,000 NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF

**NATURAL RESOURCES**

**Jobs for the Environment (98-2-009)**

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriations shall be used solely for the jobs for the environment program to achieve the following goals: (a) Restore and protect watersheds to benefit anadromous fish stocks, including critical or depressed stocks as determined by the department of fish and wildlife; (b) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and (c) Create market wage jobs with benefits in environmental restoration for displaced workers in rural natural resource impact areas, as defined under RCW 43.31.601(2). (2) Except as provided in subsection (5) of this section, the appropriations are solely for projects selected by the department of natural resources, in consultation with an interagency task force consisting of the department of fish and wildlife, other appropriate state agencies, tribal governments, local governments, the federal government, labor and other interested stakeholders. In recommending projects for funding the task force shall use the following criteria: (a) The extent to which the project, using best available science, addresses habitat factors limiting fish and wildlife populations; (b) The number, duration and quality of jobs to be created or retained by the project for displaced workers in natural resource impact areas; (c) The extent to which the project will help avoid the listing of threatened or endangered species or provides for the recovery of species already listed; (d) The extent to which the project will augment existing federal, state, tribal or local watershed planning efforts or completed watershed restoration and conservation plans; (e) The cost effectiveness of the project; (f) The availability of matching funds; and (g) The demonstrated ability of the project sponsors to administer the project. (3) Funds expended shall be used for specific projects and not for ongoing operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, cleanup of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover. Funds may also be expended for planning, design, engineering, and monitoring of eligible projects. (4) The department of natural resources and the department of fish and wildlife, in consultation with the office of financial management and other appropriate agencies, shall report to the appropriate committees of the legislature by January 1, 1998, and January 1, 1999, on the results of expenditures from the appropriations. (5) \$800,000 of the appropriations in this section is provided solely for watershed restoration programs to be completed by the department of ecology's Washington conservation corps crews. (6) All projects funded under this section shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds may be expended to acquire land through condemnation. (7) Projects under contract as of June 1, 1997, shall be given first priority for funding under the appropriations in this section.

**Appropriation: For Dev Acct--State \$ 500,000 Resource Management Cost Account--State \$ 1,500,000 Water**

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Subtotal Appropriation \$ 9,133,000

Prior Biennia (Expenditures) \$ 23,067,000 Future Biennia (Projected Costs) \$40,000,000

TOTAL \$ 72,200,000

**PART 4  
TRANSPORTATION**

**NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL**

**Fire Training Academy: Minor works (98-1-022)**

**Appropriation: St Bldg Constr Acct--State \$ 220,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$600,000

TOTAL \$ 820,000 **NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE**

**PATROL**

**Fire Training Academy: Repair Burn Building (98-1-024)**

**Appropriation: St Bldg Constr Acct--State \$ 465,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 465,000 **NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE**

**PATROL**

**Seattle Crime Laboratory: Needs analysis, predesign, and design (98-2-013)**

The Washington state patrol shall complete a predesign for approval by the office of financial management prior to release of design funding. The predesign must be consistent with results of the state-wide crime laboratory needs analysis study funded from the county criminal justice assistance account and the municipal criminal justice assistance account under this appropriation. Emphasis shall be placed on sharing facilities with other local law enforcement and justice agencies where it is economically and programmatically justified.

**Appropriation: County Criminal Justice Assistance Account--State \$ 71,300 Municipal Criminal Justice Assistance Account--State \$ 28,700 St Bldg Constr Acct--State \$ 1,000,000**

Subtotal Appropriation \$ 1,100,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$7,300,000

TOTAL \$ 8,400,000 **NEW SECTION. Sec. 404. FOR THE WASHINGTON**

**STATE PATROL**

**Fire Training Academy: New hazardous material prop (98-2-023)**

**Appropriation: St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 500,000NEW SECTION. Sec. 405. FOR THE WASHINGTON STATE

**PATROL**

**Fire Training Academy: Classroom building (98-2-025)**

**Appropriation: St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$1,000,000

TOTAL \$ 1,200,000NEW SECTION. Sec. 406. FOR THE WASHINGTON STATE

**STATE PATROL**

**Fire Training Academy: Design and construct dormitory (99-2-021)**

**Appropriation: St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$1,200,000

TOTAL \$ 1,400,000

**PART 5**

**EDUCATION**

**NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION**

**Public school building construction (98-2-001)**

The appropriations in this section are subject to the following conditions and limitations: (1) From the appropriation in this section the state board shall fund one hundred percent of the cost for a required standard value engineering study on all projects exceeding 50,000 gross square feet in size. On an annual basis, the board shall report to the legislative fiscal committees and the office of financial management the results of these studies including but not limited to the amounts of each study and the accepted savings achieved due to the studies. (2) No more than \$138,000,000 of this appropriation, excluding reappropriations, may be obligated in fiscal year 1998 for school district project design and construction. (3) Total cash disbursed from the common school construction fund may not exceed the available cash balance. (4) The reappropriation from the state building construction account shall serve as full compensation to the common school trust for the transfer of land to the Washington State University Lind Dryland Research Unit under Substitute House Bill No. 1016 or Senate Bill No. 5174. (5) No more than \$7,110,000 of this appropriation may be allocated by the state board to provide up to ninety percent of the total project cost for the renovation of facilities operating as interdistrict cooperative centers providing vocational skill programs. The remaining portion of the project cost shall be a match from local sources. As a condition to receiving an allocation from this appropriation or any other appropriation for a vocational skill center provided after calendar year 1996, the recipient facility must maintain a separate capital account, into which the participating districts make deposits, to pay for all future minor repair and renovation costs for the vocational skill center. For purposes of this subsection, a future minor repair and renovation cost is a capital project costing less than forty percent of the value of the building.

**Reappropriation: St Bldg Constr Acct--State \$ 18,329,671Common School Constr Fund--State \$ 109,115,719**

Subtotal Reappropriation \$ 127,445,390

**Appropriation: Common School Constr Fund--State \$ 275,798,712**

Prior Biennia (Expenditures) \$ 302,821,218Future Biennia (Projected Costs)\$801,600,000

TOTAL \$ 1,507,665,320NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF

**PUBLIC INSTRUCTION**

**Project management: To fund the direct cost of state administration of school construction (98-1-001)**

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$628,400 is provided solely for three full-time equivalent regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules and regulations relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, value engineering studies during design, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

**Appropriation: Common School Constr Fund--State \$ 1,778,721**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$7,800,000

TOTAL \$ 9,578,721NEW SECTION. Sec. 503. THE STATE SCHOOL FOR THE BLIND

**Seismic stabilization and preservation (98-1-001)**

**Appropriation: St Bldg Constr Acct--State \$ 1,700,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,700,000NEW SECTION. Sec. 504. FOR THE STATE SCHOOL FOR THE

**BLIND**

**Minor works: Preservation (98-1-002)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,000,000

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TOTAL \$ 2,500,000NEW SECTION. Sec. 505. FOR THE STATE SCHOOL FOR THE

**DEAF**

**Minor works: Preservation (98-1-003)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,000,000

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TOTAL \$ 3,000,000NEW SECTION. Sec. 506. FOR THE STATE SCHOOL FOR THE

**DEAF**

**New cottages: Design and construction (98-2-001)**

**Appropriation: St Bldg Constr Acct--State \$ 4,606,600**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 4,606,600NEW SECTION. Sec. 507. FOR THE HIGHER EDUCATION

**COORDINATING BOARD**

**North Snohomish, Island, and Skagit Counties Higher Education Consortium facility predesign:** This appropriation is to prepare a functional space program, master plan, and predesign for the Consortium's initial facility, conduct a comparative site evaluation study for the initial facility, and develop a schedule and budget for the use of facilities at Everett, Edmonds, and Skagit Valley Community Colleges. (98-2-001)

**Appropriation: St Bldg Constr Acct--State \$ 376,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 376,000NEW SECTION. Sec. 508. FOR THE UNIVERSITY OF

**WASHINGTON**

**Power Plant boiler (88-2-022)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 3,427,749**

Prior Biennia (Expenditures) \$ 17,007,796Future Biennia (Projected Costs)\$0

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TOTAL \$ 20,435,545NEW SECTION. Sec. 509. FOR THE UNIVERSITY OF

**WASHINGTON**

**Electrical Engineering and Computer Science Engineering Building: Construction (90-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 31,579,764**

Prior Biennia (Expenditures) \$ 64,211,236Future Biennia (Projected Costs)\$0

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TOTAL \$ 95,791,000NEW SECTION. Sec. 510. FOR THE UNIVERSITY OF

**WASHINGTON**

**Old Physics Hall (Mary Gates Hall): Design and construction (92-2-008)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 30,028,248UW Bldg Acct--State \$ 305,891**



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Subtotal Reappropriation \$ 30,334,139  
Prior Biennia (Expenditures) \$ 4,772,861Future Biennia (Projected Costs)\$0

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TOTAL \$ 35,107,000NEW SECTION. Sec. 511. FOR THE UNIVERSITY OF

WASHINGTON

**Physics/Astronomy building construction (90-2-009)**

**Reappropriation: Higher Education Reimbursable Construction Account--State \$ 800,000**

Prior Biennia (Expenditures) \$ 71,764,000Future Biennia (Projected Costs)\$0

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TOTAL \$ 72,564,000NEW SECTION. Sec. 512. FOR THE UNIVERSITY OF

WASHINGTON

**Burke Museum:** To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

**Reappropriation: St Bldg Constr Acct--State \$ 1,650,000**

Prior Biennia (Expenditures) \$ 749,997Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,399,997NEW SECTION. Sec. 513. FOR THE UNIVERSITY OF

WASHINGTON

**Business Administration: Expansion (93-2-006)**

The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

**Reappropriation: St Bldg Constr Acct--State \$ 1,273,373**

Prior Biennia (Expenditures) \$ 6,226,627Future Biennia (Projected Costs)\$0

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TOTAL \$ 7,500,000NEW SECTION. Sec. 514. FOR THE UNIVERSITY OF

WASHINGTON

**Minor repairs: Preservation (94-1-003)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 4,309,588UW Bldg Acct--State \$ 231,509**

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Subtotal Reappropriation \$ 4,541,097

Prior Biennia (Expenditures) \$ 6,444,102Future Biennia (Projected Costs)\$0

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TOTAL \$ 10,985,199

**NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON**

**Minor repairs (96-1-002)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: UW Bldg Acct--State \$ 5,200,000**

Prior Biennia (Expenditures) \$ 3,847,000Future Biennia (Projected Costs)\$0

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TOTAL \$ 9,047,000NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF

WASHINGTON

**Suzzallo Library renovation--Phase I design and construction:** To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

The reappropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 1,162,918UW Bldg Acct--State \$ 646,996**

Subtotal Reappropriation \$ 1,809,914

Prior Biennia (Expenditures) \$ 1,245,960 Future Biennia (Projected Costs) \$33,044,126

TOTAL \$ 36,100,000 NEW SECTION. **Sec. 517. FOR THE UNIVERSITY OF**

**WASHINGTON**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 1 NEW SECTION. **Sec. 518. FOR THE UNIVERSITY OF WASHINGTON**

**Harborview Research and Training Facility: Construction (94-2-013)**

The appropriation in this section is subject to the following conditions and limitations: (1) The reappropriation and new appropriation in this section are provided solely for design and construction of the Harborview research and training facility. The appropriation represents the total state contribution for all costs for design, construction, and equipping of a 179,000 gross square foot facility. (2) The reappropriation and new appropriation in this section are subject to the review and allotment procedures under section 712 of this act. (3) The provisions of section 708 of this act do not apply to this section and the appropriation from the state building construction account may be expended before the higher education construction account is expended for this project.

**Reappropriation: H Ed Constr Acct--State \$ 10,000,000 St Bldg Constr Acct--State \$ 9,698,846**

Subtotal Reappropriation \$ 19,698,846

**Appropriation: H Ed Constr Acct--State \$ 11,800,000 UW Bldg Acct--State \$ 283,375 St Bldg Constr Acct--State \$ 41,857,625**

Subtotal Appropriation \$ 53,941,000

Prior Biennia (Expenditures) \$ 5,121,154 Future Biennia (Projected Costs) \$0

TOTAL \$ 78,761,000 NEW SECTION. **Sec. 519. FOR THE UNIVERSITY OF**

**WASHINGTON**

**Law School Building: Design (94-2-017)**

In addition to any state appropriation for this project, at least one-third of all the costs of this project (\$18,000,000), including the costs of design and consulting services, construction, and equipment, shall be derived from private matching funds. The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: UW Bldg Acct--State \$ 1,140,000**

Prior Biennia (Expenditures) \$ 128,000 Future Biennia (Projected Costs) \$35,000,000

TOTAL \$ 36,268,000 NEW SECTION. **Sec. 520. FOR THE UNIVERSITY OF**

**WASHINGTON**

**Tacoma Branch Campus:** To complete phase 1b, conduct predesign of phase II, design of phase II, to acquire property, and to remediate unknown site conditions **(94-2-500)**

The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (2) The appropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act. (3) The predesign for phase II to serve at least 1,200 additional student full-time equivalents shall be conducted in accordance with the predesign manual published by the office of financial management. Design of phase IIA to serve at least 600 student full-time equivalents shall not proceed until the completed predesign requirements have been reviewed and approved by the office of financial management. (4) \$5,700,000 of the appropriation in this section is a reappropriation of the unexpended balance of the appropriation in section 533, chapter 16, Laws of 1995 2nd sp. sess. to correspond to the revised legislative intent that the \$5,700,000 for phase 1b be expended for site improvements, design, and construction of facilities to accommodate at least 122 additional student full-time equivalents at the Tacoma branch campus. The office of financial management shall

reduce the appropriation by an amount equal to the amount expended prior to July 1, 1997, under section 533, chapter 16, Laws of 1995 2nd sp. sess.

**Reappropriation: St Bldg Constr Acct--State \$ 12,636,619**  
**State \$ 19,700,000**

Prior Biennia (Expenditures) \$ 20,255,468  
Future Biennia (Projected Costs) \$ 204,000,000

TOTAL \$ 256,592,087 NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF

WASHINGTON

**Minor works: Utility infrastructure (96-1-004)**

**Reappropriation: St Bldg Constr Acct--State \$ 4,800,000**

Prior Biennia (Expenditures) \$ 1,100,000 Future Biennia (Projected Costs)\$0

TOTAL \$ 5,900,000 NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF

WASHINGTON

**Minor safety repairs: Preservation (96-1-001)**

The reappropriation in this section is for underground storage tanks.

**Reappropriation: St Bldg Constr Acct--State \$ 201,000**

Prior Biennia (Expenditures) \$ 18,000 Future Biennia (Projected Costs)\$0

TOTAL \$ 219,000 NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF

WASHINGTON

**Health Sciences Center BB Tower Elevators--Design and construction:** To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-007)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 4,961,992 UW Bldg Acct--State \$ 208,546**

Subtotal Reappropriation \$ 5,170,538

Prior Biennia (Expenditures) \$ 22,061 Future Biennia (Projected Costs)\$0

TOTAL \$ 5,192,599 NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF

WASHINGTON

**Health Sciences Center D-Wing Dental Student Laboratory: Design and construction (96-1-016)**

**Reappropriation: St Bldg Constr Acct--State \$ 2,134,433 UW Bldg Acct--State \$ 109,094**

Subtotal Reappropriation \$ 2,243,527

Prior Biennia (Expenditures) \$ 773,573 Future Biennia (Projected Costs)\$0

TOTAL \$ 3,017,100 NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF

WASHINGTON

**Hogness/Health Sciences Center lobby: Americans with Disabilities Act improvements (96-1-022)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,253,070**

Prior Biennia (Expenditures) \$ 46,930 Future Biennia (Projected Costs)\$0

TOTAL \$ 1,300,000 NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF

WASHINGTON

**Fisheries Science-Oceanography Science Building: Construction (96-2-006)**

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) The department of general administration is directed, in keeping with section 152 of this act, to sell the Wellington Hills property as a means of partially offsetting the cost of this project with the proceeds of such sale being deposited into the state building and construction account.

**Reappropriation: St Bldg Constr Acct--State \$ 3,449,850 UW Bldg Acct--State \$ 1,548,150**

Subtotal Reappropriation \$ 4,998,000

Appropriation: St Bldg Constr Acct--State \$ 33,590,000H Ed Constr Acct--State \$ 32,507,000UW Bldg Acct--  
State \$ 2,834,154

-----  
Subtotal Appropriation \$ 68,931,154  
Prior Biennia (Expenditures) \$ 3,865,597Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 77,794,751NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF

WASHINGTON

**Social Work third floor addition--Design and construction:** To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

**Reappropriation: St Bldg Constr Acct--State \$ 2,708,800UW Bldg Acct--State \$ 126,400**

-----  
Subtotal Reappropriation \$ 2,835,200  
Prior Biennia (Expenditures) \$ 80,400Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 2,915,600NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF

WASHINGTON

**West Electrical Power Station:** To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 6,358,455UW Bldg Acct--State \$ 203,989**

-----  
Subtotal Reappropriation \$ 6,562,444  
Prior Biennia (Expenditures) \$ 241,556Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 6,804,000NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF

WASHINGTON

**Power Plant Boiler #7--Design and construction:** To design and construct an addition to the south end of the power plant to house a new boiler #7 (96-2-020)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 9,465,544UW Bldg Acct--State \$ 288,703**

-----  
Subtotal Reappropriation \$ 9,754,247  
Prior Biennia (Expenditures) \$ 157,753Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 9,912,000NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF

WASHINGTON

**Southwest Campus utilities phase I--Design and construction:** To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 8,166,084UW Bldg Acct--State \$ 284,062**

-----  
Subtotal Reappropriation \$ 8,450,146  
Prior Biennia (Expenditures) \$ 859,354Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 9,309,500NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF

WASHINGTON

**Americans with Disabilities Act improvements (96-2-028)**

**Reappropriation: St Bldg Constr Acct--State \$ 338,771**

Prior Biennia (Expenditures) \$ 38,229Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 377,000NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF

WASHINGTON

**Nonstructural seismic corrections (96-2-031)**

**Reappropriation: General Fund--Federal \$ 194,550**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 194,550NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF

**WASHINGTON**

**Minor works: Safety (98-1-001)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: UW Bldg Acct--State \$ 3,700,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$12,000,000

TOTAL \$ 15,700,000NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF

**WASHINGTON**

**Minor works: Preservation (98-1-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: UW Bldg Acct--State \$ 5,346,075**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$26,000,000

TOTAL \$ 31,346,075

**NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

**Utility and data communications projects: Preservation (98-1-004)**

**Appropriation: St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$24,000,000

TOTAL \$ 27,000,000NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF

**WASHINGTON**

**Minor works: Program (98-2-003)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: UW Bldg Acct--State \$ 2,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$9,000,000

TOTAL \$ 11,000,000NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF

**WASHINGTON**

**Building communications: Upgrade (98-2-009)**

**Appropriation: UW Bldg Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$29,500,000

TOTAL \$ 32,500,000NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF

**WASHINGTON**

**University of Washington Bothell and Cascadia Community College phase I: Design and construction (98-2-899)**

The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management. (2) The appropriation in this section is subject to the review and allotment procedures under sections 712, 713, and 714 of this act. (3) The appropriation in this section is to be combined with the appropriation shown in section 696 of this act to construct a campus to serve at least 2,000 student full-time equivalents, with approximately 1,200 for the University of Washington and 800 for Cascadia Community College. The appropriation shall be managed by the University of Washington.

**Reappropriation: St Bldg Constr Acct--State \$ 5,000,000Appropriation:St Bldg Constr Acct--State \$ 42,970,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 47,970,000

**NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON**

**University of Washington Bothell and Cascadia Community College future phases:** To complete predesign and design of phase II (98-2-999)

The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management. (2) The appropriation in this section is subject to the review and allotment procedures under sections 712, 713, and 714 of this act. (3) The appropriation in this section is to be combined with the appropriation shown in section 696 of this act and shall be managed by the University of Washington. (4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this appropriation shall be conducted in accordance with the predesign manual published by the office of financial management. (5) Design of phase IIA to serve at least 1,000 total University of Washington and community college student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$79,000,000

-----  
TOTAL \$ 82,000,000NEW SECTION. Sec. 540. FOR WASHINGTON STATE

**UNIVERSITY**

**Hazardous, pathological, and radioactive waste handling facilities:** To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

**Reappropriation: St Bldg Constr Acct--State \$ 735,425**

Prior Biennia (Expenditures) \$ 453,929Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,189,354NEW SECTION. Sec. 541. FOR WASHINGTON STATE

**UNIVERSITY**

**Todd Hall renovation:** To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 179,412WSU Bldg Acct--State \$ 303,806**

-----  
Subtotal Reappropriation \$ 483,218

Prior Biennia (Expenditures) \$ 14,198,291Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 14,681,509NEW SECTION. Sec. 542. FOR WASHINGTON STATE

**UNIVERSITY**

**Veterinary Teaching Hospital--Construction:** To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 77,884H ED Constr Acct--State \$ 239,098**

-----  
Subtotal Reappropriation \$ 316,982

Prior Biennia (Expenditures) \$ 33,628,518Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 33,945,500NEW SECTION. Sec. 543. FOR WASHINGTON STATE

**UNIVERSITY**

**Fulmer Hall--Fulmer Annex renovation:** To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 2,013,357**

Prior Biennia (Expenditures) \$ 10,496,143Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 12,509,500NEW SECTION. Sec. 544. FOR WASHINGTON STATE

**UNIVERSITY**

**Student services addition:** To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 171,767**

Prior Biennia (Expenditures) \$ 14,672,650Future Biennia (Projected Costs)\$0

TOTAL \$ 14,844,417NEW SECTION. Sec. 545. FOR WASHINGTON STATE

UNIVERSITY

**Bohler Gym renovation: Construction (94-1-010)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 1,149,554WSU Bldg Acct--State \$ 391,500**

Subtotal Reappropriation \$ 1,541,054

**Appropriation: St Bldg Constr Acct--State \$ 16,778,275WSU Bldg Acct--State \$ 297,925**

Subtotal Appropriation \$ 17,076,200

Prior Biennia (Expenditures) \$ 396,046Future Biennia (Projected Costs)\$0

TOTAL \$ 19,013,300NEW SECTION. Sec. 546. FOR WASHINGTON STATE

UNIVERSITY

**Thompson Hall renovation: Construction (94-1-024)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 10,818,075WSU Bldg Acct--State \$ 101,325**

Subtotal Appropriation \$ 10,919,400

Prior Biennia (Expenditures) \$ 777,000Future Biennia (Projected Costs)\$0

TOTAL \$ 11,696,400NEW SECTION. Sec. 547. FOR WASHINGTON STATE

UNIVERSITY

**Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 1NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY

**Hazardous waste facilities: Construction (94-2-006)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: WSU Bldg Acct--State \$ 1,251,201**

Prior Biennia (Expenditures) \$ 459,799Future Biennia (Projected Costs)\$15,000,000

TOTAL \$ 16,711,000

**NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY**

**Pathological and Biomedical Incinerator: Design and construction (94-2-012)**

**Reappropriation: St Bldg Constr Acct--State \$ 3,277,809**

Prior Biennia (Expenditures) \$ 165,191Future Biennia (Projected Costs)\$0

TOTAL \$ 3,443,000NEW SECTION. Sec. 550. FOR WASHINGTON STATE

UNIVERSITY

**Communications infrastructure: Renewal (94-2-013)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 2,049,697WSU Bldg Acct--State \$ 773,167**

Subtotal Reappropriation \$ 2,822,864

Prior Biennia (Expenditures) \$ 13,336,761Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 16,159,625 NEW SECTION. Sec. 551. FOR WASHINGTON STATE

UNIVERSITY

**Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 9,338,821**

Prior Biennia (Expenditures) \$ 7,801,479 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 17,140,300 NEW SECTION. Sec. 552. FOR WASHINGTON STATE

UNIVERSITY

**Chemical waste collection facilities: Design and construction (94-2-016)**

**Reappropriation: WSU Bldg Acct--State \$ 913,967**

Prior Biennia (Expenditures) \$ 2,423,033 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 3,337,000 NEW SECTION. Sec. 553. FOR WASHINGTON STATE

UNIVERSITY

**Bohler Gym addition: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 3,318,695 WSU Bldg Acct--State \$ 399,800**

-----  
Subtotal Reappropriation \$ 3,718,495

Prior Biennia (Expenditures) \$ 6,635,705 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 10,354,200 NEW SECTION. Sec. 554. FOR WASHINGTON STATE

UNIVERSITY

**Kimbrough Hall addition and remodeling: To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 329,437 WSU Bldg Acct--State \$ 238,425**

-----  
Subtotal Reappropriation \$ 567,862

**Appropriation: St Bldg Constr Acct--State \$ 10,327,000 WSU Bldg Acct--State \$ 121,875**

-----  
Subtotal Appropriation \$ 10,448,875

Prior Biennia (Expenditures) \$ 716,263 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 11,733,000 NEW SECTION. Sec. 555. FOR WASHINGTON STATE

UNIVERSITY

**Puyallup: Greenhouse replacements (94-2-027)**

**Reappropriation: St Bldg Constr Acct--State \$ 770,866**

Prior Biennia (Expenditures) \$ 1,273,153 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 2,044,019 NEW SECTION. Sec. 556. FOR WASHINGTON STATE

UNIVERSITY

**Washington State University Vancouver: Campus construction (94-2-902)**

The reappropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 9,407,417**

Prior Biennia (Expenditures) \$ 29,315,045 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 38,722,462 NEW SECTION. Sec. 557. FOR WASHINGTON STATE

UNIVERSITY

**Washington State University Tri-Cities: Consolidated Information Center (94-2-905)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 202,827**



Prior Biennia (Expenditures) \$ 10,916,173Future Biennia (Projected Costs)\$0

TOTAL \$ 11,119,000NEW SECTION. Sec. 558. FOR WASHINGTON STATE

UNIVERSITY

**Animal Science Laboratory Building--Design and Construction:** To construct a 20,200 gross square foot animal science lab (94-4-018)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 249,908**

Prior Biennia (Expenditures) \$ 7,011,450Future Biennia (Projected Costs)\$0

TOTAL \$ 7,261,358NEW SECTION. Sec. 559. FOR WASHINGTON STATE

UNIVERSITY

**Underground storage tank remediation and removal (96-1-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 232,869**

Prior Biennia (Expenditures) \$ 49,131Future Biennia (Projected Costs)\$0

TOTAL \$ 282,000NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSITY

**Asbestos pool reserve (96-1-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 70,265**

Prior Biennia (Expenditures) \$ 75,185Future Biennia (Projected Costs)\$0

TOTAL \$ 145,450

NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY

**Americans with Disabilities Act pool reserve (96-1-003)**

**Reappropriation: St Bldg Constr Acct--State \$ 365,872**

Prior Biennia (Expenditures) \$ 36,354Future Biennia (Projected Costs)\$0

TOTAL \$ 402,226NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY

**Minor works: Preservation (96-1-004)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 3,002,694WSU Bldg Acct--State \$ 165,877**

Subtotal Reappropriation \$ 3,168,571

Prior Biennia (Expenditures) \$ 2,983,429Future Biennia (Projected Costs)\$0

TOTAL \$ 6,152,000NEW SECTION. Sec. 563. FOR WASHINGTON STATE

UNIVERSITY

**Minor works: Safety and environment (96-2-001)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 943,348WSU Bldg Acct--State \$ 907,315**

Subtotal Reappropriation \$ 1,850,663

Prior Biennia (Expenditures) \$ 749,337Future Biennia (Projected Costs)\$0

TOTAL \$ 2,600,000NEW SECTION. Sec. 564. FOR WASHINGTON STATE

UNIVERSITY

**Minor works: Program (96-2-002)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: WSU Bldg Acct--State \$ 3,055,990**

Prior Biennia (Expenditures) \$ 2,094,010Future Biennia (Projected Costs)\$0

TOTAL \$ 5,150,000NEW SECTION. Sec. 565. FOR WASHINGTON STATE

UNIVERSITY

**Plant growth: Wheat research center (96-2-047)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

**Reappropriation: St Bldg Constr Acct--State \$ 1,553,154**

Prior Biennia (Expenditures) \$ 2,446,846 Future Biennia (Projected Costs)\$0

TOTAL \$ 4,000,000 NEW SECTION. Sec. 566. FOR WASHINGTON STATE

**UNIVERSITY**

**Intercollegiate Center for Nursing Education: Telecommunications (96-2-915)**

**Reappropriation: St Bldg Constr Acct--State \$ 524,386**

Prior Biennia (Expenditures) \$ 975,614 Future Biennia (Projected Costs)\$0

TOTAL \$ 1,500,000 NEW SECTION. Sec. 567. FOR WASHINGTON STATE

**UNIVERSITY**

**Minor works: Preservation (98-1-004)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: WSU Bldg Acct--State \$ 5,553,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$24,000,000

TOTAL \$ 29,553,000 NEW SECTION. Sec. 568. FOR WASHINGTON STATE

**UNIVERSITY**

**Campus infrastructure and road improvements (98-1-073)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 8,292,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$4,000,000

TOTAL \$ 12,292,000

NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY

**Minor works: Safety and environmental (98-2-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1,600,000 WSU Bldg Acct--State \$ 1,807,800**

Subtotal Appropriation \$ 3,407,800

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$12,600,000

TOTAL \$ 16,007,800 NEW SECTION. Sec. 570. FOR WASHINGTON STATE

**UNIVERSITY**

**Minor works: Program (98-2-002)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: WSU Bldg Acct--State \$ 6,000,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$33,000,000

TOTAL \$ 39,000,000 NEW SECTION. Sec. 571. FOR WASHINGTON STATE

**UNIVERSITY**

**Major equipment: Acquisition (98-2-003)**

The appropriation in this section is subject to the following conditions and limitations: The state building construction account appropriation is provided solely for agricultural equipment including \$1,500,000 for the agricultural research center and \$500,000 for teaching and extension equipment.

**Appropriation: St Bldg Constr Acct--State \$ 2,000,000 WSU Bldg Acct--State \$ 3,000,000**

Subtotal Appropriation \$ 5,000,000  
Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$15,000,000

TOTAL \$ 20,000,000NEW SECTION. Sec. 572. FOR WASHINGTON STATE

UNIVERSITY

**Murrow Hall: Renovation and addition (98-2-008)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998.

**Appropriation: WSU Bldg Acct--State \$ 105,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$11,625,100

TOTAL \$ 11,730,100NEW SECTION. Sec. 573. FOR WASHINGTON STATE

UNIVERSITY

**Cleveland Hall: Renovation and addition (98-2-032)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998.

**Appropriation: WSU Bldg Acct--State \$ 140,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$9,435,100

TOTAL \$ 9,575,100NEW SECTION. Sec. 574. FOR WASHINGTON STATE

UNIVERSITY

**South Campus electrical service: Design and construction (98-2-044)**

**Appropriation: St Bldg Constr Acct--State \$ 2,900,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 2,900,000NEW SECTION. Sec. 575. FOR WASHINGTON STATE

UNIVERSITY

**Teaching and Learning Center: Design and construction (98-2-062)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 1,970,175WSU Bldg Acct--State \$ 624,325**

Subtotal Appropriation \$ 2,594,500

Prior Biennia (Expenditures) \$ 80,000Future Biennia (Projected Costs)\$25,101,805

TOTAL \$ 27,776,305NEW SECTION. Sec. 576. FOR WASHINGTON STATE

UNIVERSITY

**Apparel, Merchandising, and Interior Design and Landscape Architecture Building: Predesign (98-01-000)**

**Appropriation: WSU Bldg Acct--State \$ 98,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$28,800,000

TOTAL \$ 28,898,000NEW SECTION. Sec. 577. FOR WASHINGTON STATE

UNIVERSITY

**WSUnet: Infrastructure (98-2-074)**

**Appropriation: WSU Bldg Acct--State \$ 4,075,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$5,000,000

TOTAL \$ 9,075,000NEW SECTION. Sec. 578. FOR WASHINGTON STATE

UNIVERSITY

**Washington State University Tri-Cities: Predesign Science Education Center (98-2-905)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998. The project shall serve at least 910 additional student full-time equivalents on the Tri-Cities campus.

**Appropriation: St Bldg Constr Acct--State \$ 140,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$21,435,800

-----  
TOTAL \$ 21,575,800NEW SECTION. Sec. 579. FOR WASHINGTON STATE

**UNIVERSITY**

**Washington State University Vancouver: Phase II (98-2-911)**

The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (2) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (3) The engineering and multimedia buildings to be designed under this appropriation shall serve at least 950 additional student full-time equivalents. Funding is also provided to construct campus infrastructure and physical plant shops.

**Appropriation: St Bldg Constr Acct--State \$ 13,500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$123,000,000

-----  
TOTAL \$ 136,500,000NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Telecommunications network and cable: Replacement (90-2-004)**

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 5,655,918Future Biennia (Projected Costs)\$4,000,000

-----  
TOTAL \$ 10,655,918NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON

**UNIVERSITY**

**JFK Library addition and remodel--Construction:** To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 12,056,403EWU Cap Proj Acct--State \$ 73,006**

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Subtotal Reappropriation \$ 12,129,409

Prior Biennia (Expenditures) \$ 9,929,895Future Biennia (Projected Costs)\$0

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TOTAL \$ 22,059,304NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Chillers, heating, ventilation, and air conditioning (94-1-003)**

**Reappropriation: St Bldg Constr Acct--State \$ 4,872,049EWU Cap Proj Acct--State \$ 637,643**

-----  
Subtotal Reappropriation \$ 5,509,692

Prior Biennia (Expenditures) \$ 792,892Future Biennia (Projected Costs)\$0

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TOTAL \$ 6,302,584NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Minor works--Preservation, repair, and remodel (94-1-015)**

**Reappropriation: St Bldg Constr Acct--State \$ 533,002EWU Cap Proj Acct--State \$ 1,660,253**

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Subtotal Reappropriation \$ 2,193,255

Prior Biennia (Expenditures) \$ 7,761,057Future Biennia (Projected Costs)\$0

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TOTAL \$ 9,954,312NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Infrastructure project: Savings (94-1-999)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 1NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY

**Monroe Hall Renovation (96-1-002)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Appropriation: St Bldg Constr Acct--State \$ 924,000**

Prior Biennia (Expenditures) \$ 100,000Future Biennia (Projected Costs)\$9,950,000

TOTAL \$ 10,974,000NEW SECTION. Sec. 586. FOR EASTERN

**WASHINGTON UNIVERSITY**

**Campus classrooms--Renewal:** To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000EWU Cap Proj Acct--State \$ 500,000**

Subtotal Appropriation \$ 1,500,000

Prior Biennia (Expenditures) \$ 3,650,000Future Biennia (Projected Costs)\$14,000,000

TOTAL \$ 19,150,000NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Water systems: Preservation and expansion (98-1-002)**

**Appropriation: St Bldg Constr Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,250,000

TOTAL \$ 2,750,000NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Minor works: Preservation (98-1-003)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 619,500EWU Cap Proj Acct--State \$ 4,730,500**

Subtotal Appropriation \$ 5,350,000

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$6,000,000

TOTAL \$ 11,350,000NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Electrical substations: Preservation (98-1-004)**

**Appropriation: St Bldg Constr Acct--State \$ 3,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$1,500,000

TOTAL \$ 4,500,000NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Roof replacements (98-1-006)**

**Appropriation: St Bldg Constr Acct--State \$ 2,755,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 2,755,000NEW SECTION. Sec. 591. FOR EASTERN WASHINGTON

**UNIVERSITY**

**Infrastructure: Preservation (98-1-007)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$7,000,000

TOTAL \$ 11,000,000 NEW SECTION. Sec. 592. FOR EASTERN WASHINGTON

UNIVERSITY

Heating, ventilation, and air conditioning systems: Preservation (98-1-008)

Appropriation: St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$1,000,000

TOTAL \$ 2,000,000 NEW SECTION. Sec. 593. FOR EASTERN WASHINGTON

UNIVERSITY

Boiler Plant: Expansion and upgrade (98-1-011)

Appropriation: St Bldg Constr Acct--State \$ 618,100 EWU Cap Proj Acct--State \$ 135,525

Subtotal Appropriation \$ 753,625

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$5,615,175

TOTAL \$ 6,368,800 NEW SECTION. Sec. 594. FOR EASTERN WASHINGTON

UNIVERSITY

Minor works: Program (98-2-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation: St Bldg Constr Acct--State \$ 500,000 EWU Cap Proj Acct--State \$ 1,200,000

Subtotal Appropriation \$ 1,700,000

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$10,018,000

TOTAL \$ 11,718,000 NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON

UNIVERSITY

Shaw/Smyser Hall renovation (90-2-005)

Reappropriation: H Ed Constr Acct--State \$ 70,578

Prior Biennia (Expenditures) \$ 13,214,424 Future Biennia (Projected Costs) \$0

TOTAL \$ 13,285,002 NEW SECTION. Sec. 596. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor works: Preservation (94-1-005)

Reappropriation: CWU Cap Proj Acct--State \$ 859,679

Prior Biennia (Expenditures) \$ 2,702,321 Future Biennia (Projected Costs) \$0

TOTAL \$ 3,562,000 NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON

UNIVERSITY

Science facility: Design and construction (94-2-002)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

Reappropriation: St Bldg Constr Acct--State \$ 45,047,550 CWU Cap Proj Acct--State \$ 4,000,000

Subtotal Reappropriation \$ 49,047,550

Appropriation: CWU Cap Proj Acct--State \$ 510,000

Prior Biennia (Expenditures) \$ 9,152,450 Future Biennia (Projected Costs) \$0

TOTAL \$ 58,710,000 NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON

UNIVERSITY

Minor works: Program (94-2-006)

Reappropriation: CWU Cap Proj Acct--State \$ 152,276

Prior Biennia (Expenditures) \$ 2,354,724 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,507,000 NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON

UNIVERSITY

**Black Hall--Design and construction:** To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 25,393,593CWU Cap Proj Acct--State \$ 575,000**

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Subtotal Reappropriation \$ 25,968,593

Prior Biennia (Expenditures) \$ 1,434,808Future Biennia (Projected Costs)\$0

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TOTAL \$ 27,403,401NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON

UNIVERSITY

**Asbestos abatement, demolition, and steamline (96-1-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 94,768**

Prior Biennia (Expenditures) \$ 36,932Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 131,700NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON

UNIVERSITY

**Minor works: Infrastructure preservation (96-1-040)**

The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation shall support the detailed list of projects maintained by the office of financial management. (2) No money from this reappropriation may be expended for remodeling or repairing the president's residence.

**Reappropriation: St Bldg Constr Acct--State \$ 1,156,975CWU Cap Proj Acct--State \$ 530,000**

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Subtotal Reappropriation \$ 1,686,975

Prior Biennia (Expenditures) \$ 713,025Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,400,000NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON

UNIVERSITY

**Minor works: Preservation (96-1-120)**

The reappropriation in this section is subject to the following conditions and limitations: (1) The reappropriation shall support the detailed list of projects maintained by the office of financial management. (2) A maximum of \$85,000 from this reappropriation may be expended for remodeling the president's residence.

**Reappropriation: CWU Cap Proj Acct--State \$ 2,200,000**

Prior Biennia (Expenditures) \$ 1,344,822Future Biennia (Projected Costs)\$0

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TOTAL \$ 3,544,822NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON

UNIVERSITY

**Infrastructure savings (96-1-999)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY

**Minor works: Program (96-2-130)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: CWU Cap Proj Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 1,500,000Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,500,000NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON

UNIVERSITY

**Chilled water systems: Improvements (98-1-020)**

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$770,000

TOTAL \$ 1,770,000NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Boiler Plant: Expansion (98-1-030)**

**Appropriation: St Bldg Constr Acct--State \$ 1,450,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 1,450,000NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Electrical utility: Upgrades (98-1-110)**

**Appropriation: St Bldg Constr Acct--State \$ 2,500,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$4,600,000

TOTAL \$ 7,100,000NEW SECTION. Sec. 608. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Steamline replacement (98-1-120)**

**Appropriation: St Bldg Constr Acct--State \$ 340,000CWU Cap Proj Acct--State \$ 1,110,000**

Subtotal Appropriation \$ 1,450,000

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$7,320,000

TOTAL \$ 8,770,000NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Minor works: Preservation (98-1-130)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: CWU Cap Proj Acct--State \$ 3,163,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$14,100,000

TOTAL \$ 17,263,000NEW SECTION. Sec. 610. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Building indoor air quality: Improvements (98-1-170)**

**Appropriation: CWU Cap Proj Acct--State \$ 429,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,000,000

TOTAL \$ 2,429,000NEW SECTION. Sec. 611. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**SeaTac Center Building: Renovation (98-2-010)**

**Appropriation: St Bldg Constr Acct--State \$ 662,500**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 662,500NEW SECTION. Sec. 612. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Lynnwood Extended Degree Center: Facility improvements (98-2-080)**

**Appropriation: St Bldg Constr Acct--State \$ 1,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 1,000,000NEW SECTION. Sec. 613. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Extended Degree Centers: Design and construction (98-2-090)**



To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998.

**Appropriation: CWU Cap Proj Acct--State \$ 150,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,000,000

TOTAL \$ 2,150,000NEW SECTION. Sec. 614. FOR CENTRAL WASHINGTON

**UNIVERSITY**

**Minor works: Program (98-2-135)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: CWU Cap Proj Acct--State \$ 2,382,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$11,200,000

TOTAL \$ 13,582,000NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE

**COLLEGE**

**Minor works: Preservation (96-1-002)**

**Reappropriation: TESC Cap Proj Acct--State \$ 160,000St Bldg Constr Acct--State \$ 175,000**

Subtotal Reappropriation \$ 335,000

Prior Biennia (Expenditures) \$ 2,790,121Future Biennia (Projected Costs)\$0

TOTAL \$ 3,125,121NEW SECTION. Sec. 616. FOR THE EVERGREEN STATE

**COLLEGE**

**Minor works: Safety and code (98-1-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 2,450,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$16,705,000

TOTAL \$ 19,155,000NEW SECTION. Sec. 617. FOR THE EVERGREEN STATE

**COLLEGE**

**Minor works: Preservation (98-1-002)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 2,000,000TESC Cap Proj Acct--State \$ 624,439**

Subtotal Appropriation \$ 2,624,439

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$22,400,000

TOTAL \$ 25,024,439NEW SECTION. Sec. 618. FOR THE EVERGREEN STATE

**COLLEGE**

**Emergency repairs (98-1-003)**

**Appropriation: TESC Cap Proj Acct--State \$ 559,312**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,240,000

TOTAL \$ 2,799,312NEW SECTION. Sec. 619. FOR THE EVERGREEN STATE

**COLLEGE**

**Seminar phase II: Predesign (98-2-004)**

**Appropriation: TESC Cap Proj Acct--State \$ 140,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$16,788,775

TOTAL \$ 16,928,775NEW SECTION. Sec. 620. FOR THE EVERGREEN

**STATE COLLEGE**

**Lecture Hall: Improvements (98-2-005)**

**Appropriation: St Bldg Constr Acct--State \$ 1,325,423**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 1,325,423NEW SECTION. Sec. 621. FOR THE EVERGREEN STATE

**COLLEGE**

**Minor works: Program (98-2-006)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: TESC Cap Proj Acct--State \$ 1,800,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$23,270,000

-----  
TOTAL \$ 25,070,000NEW SECTION. Sec. 622. FOR THE JOINT CENTER FOR

**HIGHER EDUCATION**

**Riverpoint Campus phase II (96-2-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,430,104**

Prior Biennia (Expenditures) \$ 569,896Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 2,000,000NEW SECTION. Sec. 623. FOR THE JOINT CENTER FOR

**HIGHER EDUCATION**

**Infrastructure projects: Savings (98-1-003)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1NEW SECTION. Sec. 624. FOR THE JOINT CENTER FOR HIGHER

**EDUCATION**

**Health Sciences Building: To design the complete (phase I and II) health science building. (98-2-001)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board. (3) Design of this building shall accommodate at least 240 additional student full-time equivalents on the Riverpoint campus. (4) \$1,000,000 of the state building construction account appropriation shall be held in reserve until January 1, 1999. (5) Design of this building, when used in conjunction with the building authorized in section 702(1)(b) of this act, shall accommodate all the academic programs offered by Eastern Washington University and Washington State University that are currently in leased space in the city of Spokane.

**Reappropriation: St Bldg Constr Acct--State \$ 1,310,000Appropriation:St Bldg Constr Acct--State \$ 1,375,375**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$29,219,025

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TOTAL \$ 31,904,400NEW SECTION. Sec. 625. FOR THE JOINT CENTER

**FOR HIGHER EDUCATION**

**Minor works: Program (98-2-002)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 161,500**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$400,000

-----  
TOTAL \$ 561,500NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON

**UNIVERSITY**

**Infrastructure projects: Savings (94-1-999)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

TOTAL \$ 1

**NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY**

**Science facility phase III: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 1,265,000**

Prior Biennia (Expenditures) \$ 11,387,938Future Biennia (Projected Costs)\$0

TOTAL \$ 12,652,938**NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON**

**UNIVERSITY**

**Haggard Hall renovation and abatement: Construction (94-2-015)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 16,300,000WWU Cap Proj Acct--State \$ 3,150,000**

Subtotal Reappropriation \$ 19,450,000

Prior Biennia (Expenditures) \$ 2,754,404Future Biennia (Projected Costs)\$0

TOTAL \$ 22,204,404**NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON**

**UNIVERSITY**

**Minor works: Preservation (96-1-030)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: WWU Cap Proj Acct--State \$ 500,000**

Prior Biennia (Expenditures) \$ 800,000Future Biennia (Projected Costs)\$0

TOTAL \$ 1,300,000**NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON**

**UNIVERSITY**

**Minor works: Infrastructure preservation (96-1-061)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 820,000**

Prior Biennia (Expenditures) \$ 830,000Future Biennia (Projected Costs)\$0

TOTAL \$ 1,650,000

**NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY**

**Minor works: Program (96-2-028)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1,445,000WWU Cap Proj Acct--State \$ 1,200,000**

Subtotal Reappropriation \$ 2,645,000

Prior Biennia (Expenditures) \$ 3,205,000Future Biennia (Projected Costs)\$0

TOTAL \$ 5,850,000**NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON**

**UNIVERSITY**

**Recreation and physical education fields phase I (96-2-051)**

**Reappropriation: St Bldg Constr Acct--State \$ 175,000**

Prior Biennia (Expenditures) \$ 2,491,000Future Biennia (Projected Costs)\$0

TOTAL \$ 2,666,000NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON

UNIVERSITY

**Integrated signal distribution--Construct: To construct a campus network system (96-2-056)**

**Reappropriation: St Bldg Constr Acct--State \$ 250,000Appropriation:St Bldg Constr Acct--State \$ 8,262,500**

Prior Biennia (Expenditures) \$ 965,400Future Biennia (Projected Costs)\$5,000,000

TOTAL \$ 14,477,900NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON

UNIVERSITY

**Minor works: Preservation (98-1-064)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 4,700,000WWU Cap Proj Acct--State \$ 2,000,000**

Subtotal Appropriation \$ 6,700,000

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$24,000,000

TOTAL \$ 30,700,000NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON

UNIVERSITY

**Communications facility: Predesign (98-2-053)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1998.

**Appropriation: St Bldg Constr Acct--State \$ 204,400**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$42,400,000

TOTAL \$ 42,604,400NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON

UNIVERSITY

**Minor works: Program (98-2-063)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: WWU Cap Proj Acct--State \$ 5,628,529**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$24,000,000

TOTAL \$ 29,628,529NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON

UNIVERSITY

**Campus services facility: Design (96-2-025)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation is subject to the review and allotment procedures under section 712 of this act. (2) The university shall comply with local comprehensive land use laws and regulations for this project. (3) Funds provided in this section shall not be expended until the neighborhood impact analysis and transportation planning and review activities funded in section 639 of this act are substantially complete.

**Appropriation: St Bldg Constr Acct--State \$ 987,050WWU Cap Proj Acct--State \$ 204,750**

Subtotal Appropriation \$ 1,191,800

Prior Biennia (Expenditures) \$ 100,000Future Biennia (Projected Costs)\$8,564,700

TOTAL \$ 9,856,500NEW SECTION. Sec. 638. FOR WESTERN WASHINGTON

UNIVERSITY

**Facility and property acquisition: (98-2-023)**

The appropriation in this section is subject to the following conditions and limitations: The university shall comply with local comprehensive land use laws and regulations for this project.

**Appropriation: St Bldg Constr Acct--State \$ 4,000,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$4,000,000

TOTAL \$ 8,000,000 NEW SECTION. Sec. 639. FOR WESTERN WASHINGTON

**UNIVERSITY**

**Campus infrastructure: Development (98-2-024)**

The appropriation in this section is subject to the following conditions and limitations: The university shall comply with local comprehensive land use laws and regulations for this project.

**Appropriation: St Bldg Constr Acct--State \$ 450,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$9,986,000

-----  
TOTAL \$ 10,436,600 NEW SECTION. Sec. 640. FOR THE WASHINGTON STATE

**HISTORICAL SOCIETY**

**Stadium Way facility: Seismic and infrastructure repair (96-1-102)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 196,463 Appropriation: St Bldg Constr Acct--State \$ 2,920,000**

Prior Biennia (Expenditures) \$ 306,163 Future Biennia (Projected Costs) \$1,743,000

-----  
TOTAL \$ 5,165,626 NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE

**HISTORICAL SOCIETY**

**State Capital Museum: Preservation (98-1-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$110,000

-----  
TOTAL \$ 310,000 NEW SECTION. Sec. 642. FOR THE WASHINGTON STATE

**HISTORICAL SOCIETY**

**Minor works (98-1-003)**

The appropriation in this section is subject to the following conditions and limitations: \$62,000 of the appropriation is provided solely for exhibits in the legislative building.

**Appropriation: St Bldg Constr Acct--State \$ 145,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$700,000

-----  
TOTAL \$ 845,000 NEW SECTION. Sec. 643. FOR THE WASHINGTON STATE

**HISTORICAL SOCIETY**

**Washington heritage projects:** For grants to local heritage organizations for facility construction, improvements or additions, purchase, restoration and preservation of fixed historic assets, acquisition of equipment, property or sites, interior physical improvements, and design costs (98-2-004)

The appropriations in this section are subject to the following conditions and limitations: (1) The appropriations are provided for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. H-3 as developed on April 15, 1997, at 9:30 a.m. (2) The state grant may provide no more than one-third of the actual total capital cost of the project, or the amount of state assistance listed in LEAP CAPITAL DOCUMENT NO. H-3, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value and documented in-kind gifts and support. (3) By December 15, 1997, the society shall submit a report to the appropriate fiscal committees of the legislature and to the office of financial management on the progress of the heritage program, including a list of projects funded under this section.

**Appropriation: St Bldg Constr Acct--State \$ 4,100,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$15,000,000

-----  
TOTAL \$ 19,100,000 NEW SECTION. Sec. 644. FOR THE EASTERN WASHINGTON

**STATE HISTORICAL SOCIETY**

**Minor works: Preservation (98-1-004)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall support the detailed list of projects maintained by the office of financial management.

**Appropriation: St Bldg Constr Acct--State \$ 200,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$975,000

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TOTAL \$ 1,175,000 NEW SECTION. Sec. 645. FOR THE EASTERN WASHINGTON  
STATE HISTORICAL SOCIETY

**Cheney Cowles Museum: Addition design (98-2-001)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) The appropriation in this section shall be matched by at least 20 percent from nonstate sources.

**Appropriation: St Bldg Constr Acct--State \$ 1,900,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$14,100,000

-----  
TOTAL \$ 16,000,000 NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Construct physical education facility: North Seattle Community College (90-5-011)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,574,617**

Prior Biennia (Expenditures) \$ 6,974,234 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 8,548,851 NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Construct Student Center Building: South Seattle Community College (90-5-016)**

**Reappropriation: St Bldg Constr Acct--State \$ 117,544**

Prior Biennia (Expenditures) \$ 5,249,154 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 5,366,698 NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Repairs and minor improvements (94-1-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 3,073,389**

Prior Biennia (Expenditures) \$ 35,333,569 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 38,406,958 NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Renovate Seattle Vocational Institute facility (94-1-733)**

**Reappropriation: St Bldg Constr Acct--State \$ 74,617**

Prior Biennia (Expenditures) \$ 7,482,587 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 7,557,204 NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Minor improvement projects (94-2-400)**

**Reappropriation: St Bldg Constr Acct--State \$ 353,105**

Prior Biennia (Expenditures) \$ 11,117,929 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 11,471,034 NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Puyallup phase II: Pierce College (94-2-601)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 1,677,483**

Prior Biennia (Expenditures) \$ 12,091,600 Future Biennia (Projected Costs) \$0

-----  
TOTAL \$ 13,769,083 NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Construct vocational building: Skagit Valley College (94-2-602)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 75,953**

Prior Biennia (Expenditures) \$ 2,403,853 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,479,806 NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Construct Learning Resource Center, Fine Arts, Student Center: Whatcom Community College (94-2-603)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 660,564**

Prior Biennia (Expenditures) \$ 7,804,180 Future Biennia (Projected Costs)\$0

TOTAL \$ 8,464,744 NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Construct classroom and laboratory building: Edmonds Community College (94-2-604)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 7,533,832**

Prior Biennia (Expenditures) \$ 5,563,460 Future Biennia (Projected Costs)\$0

TOTAL \$ 13,097,292 NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Construct Technical Educational Building: South Puget Sound Community College (94-2-605)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 264,777**

Prior Biennia (Expenditures) \$ 6,741,626 Future Biennia (Projected Costs)\$0

TOTAL \$ 7,006,403 NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Construct Center for Information Technology: Green River Community College (94-2-606)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 7,610,438**

Prior Biennia (Expenditures) \$ 10,476,468 Future Biennia (Projected Costs)\$0

TOTAL \$ 18,086,906 NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Americans with Disabilities Act improvements (94-5-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 296,560**

Prior Biennia (Expenditures) \$ 3,344,818 Future Biennia (Projected Costs)\$0

TOTAL \$ 3,641,378 NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Small repairs and improvements and underground storage tank removal (96-1-001)**

**Reappropriation: St Bldg Constr Acct--State \$ 5,097,011**

Prior Biennia (Expenditures) \$ 5,351,596 Future Biennia (Projected Costs)\$0

TOTAL \$ 10,448,607

NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

**Asbestos abatement (96-1-002)**

**Reappropriation: St Bldg Constr Acct--State \$ 484,317**

Prior Biennia (Expenditures) \$ 1,142,040 Future Biennia (Projected Costs)\$0

TOTAL \$ 1,626,357 NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Americans with Disabilities Act improvements (96-1-003)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,208,834**

Prior Biennia (Expenditures) \$ 1,035,408 Future Biennia (Projected Costs)\$0

TOTAL \$ 2,244,242 NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES

**Roof repairs (96-1-010)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,824,529**

Prior Biennia (Expenditures) \$ 3,581,471 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 5,406,000 NEW SECTION. **Sec. 662. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Heating, ventilation, and air conditioning repairs (96-1-030)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,203,772**

Prior Biennia (Expenditures) \$ 6,384,228 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 7,588,000 NEW SECTION. **Sec. 663. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Mechanical repairs (96-1-060)**

**Reappropriation: St Bldg Constr Acct--State \$ 565,473**

Prior Biennia (Expenditures) \$ 696,527 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,262,000 NEW SECTION. **Sec. 664. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Electrical repairs (96-1-080)**

**Reappropriation: St Bldg Constr Acct--State \$ 835,487**

Prior Biennia (Expenditures) \$ 1,356,513 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 2,192,000 NEW SECTION. **Sec. 665. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Exterior repairs (96-1-100)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,872,955**

Prior Biennia (Expenditures) \$ 546,045 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 2,419,000 NEW SECTION. **Sec. 666. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Interior repairs (96-1-120)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,127,361**

Prior Biennia (Expenditures) \$ 405,639 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,533,000 NEW SECTION. **Sec. 667. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Site repairs (96-1-140)**

**Reappropriation: St Bldg Constr Acct--State \$ 719,903**

Prior Biennia (Expenditures) \$ 1,466,097 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 2,186,000 NEW SECTION. **Sec. 668. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Infrastructure project savings (96-1-500)**

Projects that are completed in accordance with section 711 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents. A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

**Reappropriation: St Bldg Constr Acct--State \$ 1**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1 NEW SECTION. **Sec. 669. FOR THE STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

**Repair and minor improvement projects (96-2-199)**



**Reappropriation: St Bldg Constr Acct--State \$ 4,096,160**

Prior Biennia (Expenditures) \$ 9,195,966 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 13,292,126 NEW SECTION. **Sec. 670. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Project artwork consolidation account (96-2-400)**

**Reappropriation: St Bldg Constr Acct--State \$ 304,008**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 304,008 NEW SECTION. **671. FOR THE STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

**North Seattle Community College--Vocational and child care buildings: Construction (96-2-651)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 512,251 Appropriation: St Bldg Constr Acct--State \$ 14,390,847**

Prior Biennia (Expenditures) \$ 426,973 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 15,330,071 NEW SECTION. **Sec. 672. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Everett Community College--Instructional Technology Center: Construction (96-2-652)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 2,641,157 Appropriation: St Bldg Constr Acct--State \$ 16,421,773**

Prior Biennia (Expenditures) \$ 942,423 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 20,005,353 NEW SECTION. **Sec. 673. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**South Seattle Community College--Integrated learning assistance resource center: Construction (96-2-653)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 461,612 Appropriation: St Bldg Constr Acct--State \$ 8,255,584**

Prior Biennia (Expenditures) \$ 152,120 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 8,869,316 NEW SECTION. **Sec. 674. FOR THE STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College--Poulsbo Center: Design (96-2-654)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 317,916**

Prior Biennia (Expenditures) \$ 463,443 Future Biennia (Projected Costs)\$11,215,466

-----  
TOTAL \$ 11,996,825 NEW SECTION. **Sec. 675. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Bellevue Community College--Classrooms and Laboratories: Construction (96-2-655)**

The appropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 53,961 Appropriation: St Bldg Constr Acct--State \$ 9,670,882**

Prior Biennia (Expenditures) \$ 566,207 Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 10,291,050 NEW SECTION. **Sec. 676. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Clover Park Technical College--Aviation trades complex: Design (96-2-998)**

The reappropriation in this section is subject to the review and allotment procedures under section 712 of this act.

**Reappropriation: St Bldg Constr Acct--State \$ 573,307**

Prior Biennia (Expenditures) \$ 1,947,693 Future Biennia (Projected Costs)\$8,866,700

-----  
TOTAL \$ 11,387,700 NEW SECTION. **Sec. 677. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Library replacement (98-2-500)**

**Reappropriation: St Bldg Constr Acct--State \$ 1,669,563 General Fund--Federal \$ 5,008,686**

Subtotal Reappropriation \$ 6,678,249

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 6,678,249 NEW SECTION. **Sec. 678. FOR THE STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

**Yakima Valley College--Replace pedestrian street crossing (96-1-400)**

The appropriation in this section is provided solely to use with other nonstate sources for the construction or installation of a pedestrian street crossing or other safety improvements in lieu of a street crossing. The college shall ensure that this appropriation is expended only for the direct cost of the construction or installation of the street crossing improvements.

**Reappropriation: St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 100,000 NEW SECTION. **Sec. 679. FOR THE STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College--Central heating repairs (98-1-043)**

**Reappropriation: St Bldg Constr Acct--State \$ 2,410,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$0

TOTAL \$ 2,410,000 NEW SECTION. **Sec. 680. FOR THE STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

**Repair and minor improvement (98-1-001)**

**Appropriation: St Bldg Constr Acct--State \$ 11,000,000**

Prior Biennia (Expenditures) \$ 10,000,000 Future Biennia (Projected Costs) \$39,000,000

TOTAL \$ 60,000,000 NEW SECTION. **Sec. 681. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Roof repairs (98-1-010)**

**Appropriation: St Bldg Constr Acct--State \$ 11,580,400**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$41,000,000

TOTAL \$ 52,580,400 NEW SECTION. **Sec. 682. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Heating, ventilation, and air conditioning repairs (98-1-040)**

**Appropriation: St Bldg Constr Acct--State \$ 10,350,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$34,000,000

TOTAL \$ 44,350,000 NEW SECTION. **Sec. 683. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Mechanical repairs (98-1-070)**

**Appropriation: St Bldg Constr Acct--State \$ 2,632,300**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$8,000,000

TOTAL \$ 10,632,300 NEW SECTION. **Sec. 684. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Electrical repairs (98-1-090)**

**Appropriation: St Bldg Constr Acct--State \$ 4,049,400**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$10,000,000

TOTAL \$ 14,049,400 NEW SECTION. **Sec. 685. FOR THE STATE BOARD**

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Exterior repairs (98-1-110)**

**Appropriation: St Bldg Constr Acct--State \$ 4,124,200**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$12,000,000

-----  
TOTAL \$ 16,124,200NEW SECTION. Sec. 686. FOR THE STATE BOARD

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Interior repairs (98-1-130)**

**Appropriation: St Bldg Constr Acct--State \$ 2,386,500**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$6,000,000

-----  
TOTAL \$ 8,386,500NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Site repairs (98-1-150)**

**Appropriation: St Bldg Constr Acct--State \$ 1,175,400**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$2,000,000

-----  
TOTAL \$ 3,175,400NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Minor improvements (98-2-200)**

**Appropriation: St Bldg Constr Acct--State \$ 12,918,900**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$40,000,000

-----  
TOTAL \$ 52,918,900NEW SECTION. Sec. 689. FOR THE STATE BOARD

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Bates Technical College: Renovation (98-1-190)**

**Appropriation: St Bldg Constr Acct--State \$ 4,813,100**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 4,813,100NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Bellingham Technical College: Renovation (98-1-191)**

**Appropriation: St Bldg Constr Acct--State \$ 1,398,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 1,398,000NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Clover Park Technical College: Renovation (98-1-192)**

**Appropriation: St Bldg Constr Acct--State \$ 3,796,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 3,796,000NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Seattle Central Community College: Renovation (98-1-193)**

**Appropriation: St Bldg Constr Acct--State \$ 4,851,300**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

-----  
TOTAL \$ 4,851,300NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Highline Community College--Classroom and laboratory building: Design (98-2-660)**

**Appropriation: St Bldg Constr Acct--State \$ 390,700**

Prior Biennia (Expenditures) \$ 16,059Future Biennia (Projected Costs)\$4,114,500

-----  
TOTAL \$ 4,521,259NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Spokane Community College--Health Science addition: Design (98-2-661)**

**Appropriation: St Bldg Constr Acct--State \$ 692,717**

Prior Biennia (Expenditures) \$ 26,417 Future Biennia (Projected Costs) \$9,249,283

-----  
TOTAL \$ 9,968,417 NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR

**COMMUNITY AND TECHNICAL COLLEGES**

**Pre-design: Major projects (98-2-670)**

The appropriation in this section is subject to the following conditions and limitations: (1) The appropriation in this section is subject to the review and allotment procedures under section 712 of this act. (2) To be considered for design funding in the 1999-01 biennium pre-designs must be submitted to the office of financial management for review and approval before July 1, 1998.

**Appropriation: St Bldg Constr Acct--State \$ 400,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$149,538,800

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TOTAL \$ 149,938,800 NEW SECTION. Sec. 696. FOR THE STATE BOARD

**FOR COMMUNITY AND TECHNICAL COLLEGES**

**Cascadia Community College and University of Washington - Bothell: Construction (98-2-999)**

The appropriation in this section is subject to the following conditions and limitations: (1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management. (2) \$3,000,000 of this appropriation is provided solely for design of phase IIA of this project to accommodate an additional 1,000 University of Washington and community college student full-time equivalents for the colocated campus. (3) The appropriation in this section is subject to the review and allotment procedures under sections 712 and 714 of this act. (4) The appropriation in this section is to be combined with the appropriations shown in sections 538 and 539 of this act and shall be managed by the University of Washington to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

**Appropriation: St Bldg Constr Acct--State \$ 45,970,000**

Prior Biennia (Expenditures) \$ 0 Future Biennia (Projected Costs) \$79,000,000

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TOTAL \$ 124,970,000

**PART 6**

**MISCELLANEOUS**

NEW SECTION. Sec. 701. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$12,824,000 during the 1997-99 fiscal period; \$81,818,000 during the 1999-01 fiscal period; \$188,122,000 during the 2001-03 fiscal period; \$123,822,000 during the 2003-05 fiscal period; and \$129,211,000 during the 2005-07 fiscal period.

NEW SECTION. Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered. (1) Department of general administration: (a) Enter into a financing contract in the amount of \$8,804,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by the department of social and health services. (b) Enter into a financing contract on behalf of the joint center for higher education for \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase and make modifications to the Riverpoint One Building adjacent to the Riverpoint Campus. A financial plan identifying all costs related to this project, and the sources and amounts of all payments to cover these costs and a copy of the appraisal and engineering assessment shall be submitted for approval to both the office of financial management and the higher education coordinating board for approval before execution of any contract. Copies of the financial plan shall also be submitted to the senate ways and means committee and the house of representatives capital budget committee. (2) Liquor control board: Enter into a long-term lease for a headquarters office in Thurston County for approximately 46,000 square feet. (3) Department of corrections: (a) Enter into a long-term ground lease for 17 acres in the Tacoma tide flats property from the Puyallup Nation for development of the 400-bed Tacoma prerelease facility for approximately \$360,000 per annum. Prior to entering into the lease, the

department shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements that would apply to the facility if the land was not owned by the Puyallup nation. (b) Enter into a financing contract on behalf of the department of corrections in the amount of \$14,736,900 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a 400-bed Tacoma prerelease facility. The department of corrections shall comply with all land use, environmental protection, and community notification statutes, regulations, and ordinances in the construction and operation of this facility. (c) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$5,000,000. (d) Enter into a financing contract on behalf of the department of corrections in the amount of \$396,369 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a dairy barn at the Monroe farm. (e) Enter into a financing contract on behalf of the department of corrections in the amount of \$2,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse. (4) Community and technical colleges: (a) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a childcare center costing \$2,410,000. The balance of project cost will be a combination of local capital funds and nonstate funds provided through private gifts or contributions. (b) Enter into a financing contract on behalf of Pierce College in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a new classroom building on the Lakewood campus costing \$1,816,665. The balance of project cost will be provided through a combination of local capital funds and existing minor works appropriation to replace relocatable classrooms that are at the end of their useful lives. (c) Enter into a financing contract in behalf of Bellingham Technical College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for construction of a new classroom addition to the diesel/heavy equipment instructional shop costing \$411,309. (d) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building. (e) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,787,950 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and make improvements to several buildings and property contiguous to the college campus. (f) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college. (5) State parks and recreation: Enter into a financing contract on behalf of state parks and recreation in the amount of \$2,012,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to construct cabin and lodge facilities at Cama Beach, develop new campsite electrical hookups, develop new recreational facilities, and expand campsites at Ocean Beach/Grayland. It is the intent of the legislature that debt service on all projects financed under this authority be paid from operating revenues. (6) Central Washington University: Enter into a financing contract for \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and improve the Sno-King Building for the Lynnwood Extended Degree Center. A financial plan identifying all costs related to this project, and the sources and amounts of all payments to cover these costs and a copy of the building appraisal and engineering assessment shall be submitted for approval to the office of financial management before execution of any contract. Copies of the financial plan shall also be submitted to the senate ways and means committee and the house of representatives capital budget committee. (7) Washington state patrol: Enter into a financing contract for \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the Washington state patrol Port Angeles detachment office.

**NEW SECTION. Sec. 703.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees. (3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency. (4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1997-99 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

**NEW SECTION. Sec. 704.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

**NEW SECTION. Sec. 705.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1997, from the 1995-97 biennial appropriations for each project.

**NEW SECTION. Sec. 706.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 707.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee.

**NEW SECTION. Sec. 708.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

**NEW SECTION. Sec. 709.** Notwithstanding any other provisions of law, for the 1997-99 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continued obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

**NEW SECTION. Sec. 710.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

**NEW SECTION. Sec. 711.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act. For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way. A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 712.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house and senate. Reports will be submitted on July 1 and December 31 each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 713.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the allotment of the funds to be expended has been approved by the office of financial management. Projects that will be employing alternative public works construction procedures, under chapter 39.10 RCW, are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for

the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

**NEW SECTION. Sec. 714.** Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

**NEW SECTION. Sec. 715.** State agencies receiving appropriations from this act and from Senate Bill No. 5562 or Senate Bill No. 6091 (transportation budget) for land acquisition and environmental mitigation activities shall, to the extent feasible, coordinate those acquisitions and mitigation activities. When cost-effective and ecologically beneficial, the acquisition and development of environmental mitigation sites and activities, including but not limited to wetland banks and advance mitigation, should be provided in a manner that benefits both the department of transportation sites and activities and other agency sites and activities. The coordination of environmental mitigation shall also take into consideration the acquisitions and activities of local watershed groups. The coordination of environmental mitigation sites and activities is intended to improve ecological benefits gained from state expenditures, provide greater emphasis on shared natural resource management, and increase mitigation credit opportunities for the department of transportation. The credits earned from these activities are not intended to reduce department of transportation mitigation obligations, but to reduce the cost of meeting those obligations. The activities of this section shall be carried out in a manner consistent with recommendations developed by a work group consisting of state agencies with substantial environmental mitigation related responsibilities. The office of financial management shall report to the fiscal committees of the senate and house of representatives and to the legislative transportation committee by December 1, 1998, on the results of the coordination of these environmental mitigation activities and make recommendations to further improve the coordination among state agencies to achieve better cost-efficiencies and ecological benefits.

**NEW SECTION. Sec. 716.** No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

**NEW SECTION. Sec. 717.** When authority has been delegated to a local health district or county to administer and enforce the well tagging, sealing, and decommissioning portions of the water well construction program, the department of ecology shall provide to the local health district or county 75 percent of the fee revenue generated from well construction fees for wells constructed in the delegated county.

**Sec. 718.** RCW 43.98A.040 and 1990 1st ex.s. c 14 s 5 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way: (a) Not less than thirty-five percent for the acquisition and development of critical habitat; (b) Not less than twenty percent for the acquisition and development of natural areas; (c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and (d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 1999, the remaining amount may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans. (2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium. (3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1) (a), (b), and (d) of this section. (4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1) (c) and (d) of this section. **Sec. 719.** RCW 43.98A.060 and 1990 1st ex.s. c 14 s 7 are each amended to read as follows: (1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account. (2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 1999, for the administrative costs of implementing the pilot watershed plan implementation program and developing an inventory of publicly owned lands. (3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing. (4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account. (5) During the fiscal biennium ending June 30, 1999, the committee may approve a riparian zone habitat protection project where the local agency share is less than the amount to be awarded from the habitat conservation account. (6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria: (a) For critical habitat and natural areas proposals: (i) Community support; (ii) Immediacy of threat to the site; (iii) Uniqueness of the site; (iv) Diversity of species using the site; (v) Quality of the habitat; (vi) Long-term viability of the site; (vii) Presence of endangered, threatened, or sensitive species; (viii) Enhancement of existing public property; (ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and (x) Educational and scientific value of the site. (b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection: (i) Population of, and distance from, the nearest urban area; (ii) Proximity to other wildlife habitat; (iii) Potential for public use; and (iv) Potential for use by special needs populations. ~~((6))~~ (7) Before October 1st of each even-numbered year,

the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project. ~~((7))~~ (8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project. **Sec. 720.** RCW 43.98A.070 and 1990 1st ex.s. c 14 s 8 are each amended to read as follows: (1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities. (2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 1999, for the administrative costs of implementing the pilot watershed plan implementation program and developing an inventory of publicly owned lands. (3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing. (4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account. (5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account. (6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria: (a) For trails proposals: (i) Community support; (ii) Immediacy of threat to the site; (iii) Linkage between communities; (iv) Linkage between trails; (v) Existing or potential usage; (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan; (vii) Availability of water access or views; (viii) Enhancement of wildlife habitat; and (ix) Scenic values of the site. (b) For water access proposals: (i) Community support; (ii) Distance from similar water access opportunities; (iii) Immediacy of threat to the site; (iv) Diversity of possible recreational uses; and (v) Public demand in the area. (7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project. (8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project. **Sec. 721.** RCW 43.160.070 and 1996 c 51 s 6 are each amended to read as follows: Public facilities financial assistance, when authorized by the board, is subject to the following conditions: (1) The moneys in the public facilities construction loan revolving fund shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the fund. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board. (2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans as the board determines. The loans shall not exceed twenty years in duration. (3) Repayments of loans made under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving fund. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account. (4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist. **NEW SECTION. Sec. 722.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications



planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

## PART 7

### 1995-1997 SUPPLEMENTAL APPROPRIATIONS

NEW SECTION. Sec. 801. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in sections 802 through 808 of this act, the several dollar amounts hereinafter specified, or as much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in sections 802 through 808 of this act.

NEW SECTION. Sec. 802. A new section is added to 1995 2nd sp.s. c 16 to read as follows:

#### FOR THE MILITARY DEPARTMENT

**Federal construction projects:** For minor capital construction projects included on office of financial management unanticipated receipt approval request log numbers 261 and 275.

**Appropriation: General Fund--Federal \$ 3,644,300**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 3,644,300NEW SECTION. Sec. 803. A new section is added to 1995 2nd

sp.s. c 16 to read as follows:

#### FOR THE STATE PARKS AND RECREATION COMMISSION

**Riverside State Park renovations:** For renovation of the sewer system, water system, and cottages at Riverside state park, as described on office of financial management unanticipated receipt approval request log number 264.

**Appropriation: General Fund--Federal \$ 30,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 30,000NEW SECTION. Sec. 804. A new section is added to 1995 2nd

sp.s. c 16 to read as follows:

#### FOR THE DEPARTMENT OF NATURAL RESOURCES

**Special lands acquisition:** For acquisition of properties within the Trout Lake wetlands, as described on office of financial management unanticipated receipt approval request log number 265.

**Appropriation: General Fund--Federal \$ 450,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 450,000NEW SECTION. Sec. 805. A new section is added to 1995 2nd

sp.s. c 16 to read as follows:

#### FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

##### **Yakima Valley College--Replace pedestrian street crossing (96-1-400)**

The appropriation in this section is provided solely to use with other nonstate sources for the construction or installation of a pedestrian street crossing or other safety improvements in lieu of a street crossing. The college shall ensure that this appropriation is expended only for the direct cost of the construction or installation of the street crossing improvements.

**Appropriation: St Bldg Constr Acct--State \$ 100,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 100,000Sec. 806. 1995 2nd sp.s. c 16 s 713 (uncodified) is amended to

read as follows:

#### FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

**Everett Community College:** To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

**Appropriation: St Bldg Constr Acct--State \$ ((3,558,440))5,068,984**

Prior Biennia (Expenditures) \$ 25,140Future Biennia (Projected Costs)\$((12,251,270))14,911,229

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TOTAL \$ ((15,834,859))20,005,353NEW SECTION. Sec. 807. A new section is added to 1995 2nd sp.s. c 16 to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College--Central heating repairs (98-1-043)**

**Appropriation: St Bldg Constr Acct--State \$ 2,410,000**

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 2,410,000NEW SECTION. Sec. 808. A new section is added to 1995 2nd

sp.s. c 16 to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

**Olympic College Library replacement (98-2-500)**

**Appropriation: St Bldg Constr Acct--State \$ 1,669,563General Fund--Federal \$ 5,008,686**

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Subtotal Appropriation \$ 6,678,249

Prior Biennia (Expenditures) \$ 0Future Biennia (Projected Costs)\$0

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TOTAL \$ 6,678,249PART 8

**SEVERABILITY AND EFFECTIVE DATE NEW SECTION. Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. **NEW SECTION. Sec. 902.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.” Correct the title Signed by Senators Strannigan, Rossi; Representatives Sehlin, Honeyford.

**MOTION**

Senator Johnson moved that the Report of the Conference Committee on Substitute Senate Bill No. 6063 be adopted. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson to adopt the Report of the Conference Committee on Substitute Senate Bill No. 6063.

The motion by Senator Johnson carried on a rising vote and the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 6063.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6063, as recommended by the Conference Committee.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6063, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Hale, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 25. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 21. Excused: Senators Jacobsen, McCaslin and Snyder - 3.. **SUBSTITUTE SENATE BILL NO. 6063**, as recommended by the Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5105, deferred earlier today, after the Senate concurred in the House amendments to the bill.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5105, as amended by the House.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Hochstatter, Horn, Johnson, Long, McDonald, Morton, Newhouse, Oke, Prince, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 27. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Haugen, Heavey, Kohl, Loveland, McAuliffe, Patterson, Prentice, Rasmussen, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 18. Excused: Senators Jacobsen, Kline, McCaslin and Snyder - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5105, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5266 with the following amendment(s):

On page 2, line 11, after "investigations" strike "upon its own motion or in response to a written complaint" On page 3, line 8, after "allegation." strike all material through "chapter." on line 11 On page 3, line 7, after "sworn to" insert "in writing" On page 3, line 8, after "the allegation." insert "A registrant against whom a complaint was made must be immediately informed of such complaint by the board.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Horn, the Senate concurred in the House amendments to Senate Bill No. 5266.

#### MOTION

On motion of Senator Franklin, Senator Kline was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5266, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators Jacobsen, Kline, McCaslin and Snyder - 4. SENATE BILL NO. 5266, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5273 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. (1) The legislature finds that: (a) The state lacks a clear policy relating to the mitigation of wetlands and aquatic habitat for infrastructure development; (b) Regulatory agencies have generally required project proponents to use compensatory mitigation only at the site of the project's impacts and to mitigate narrowly for the habitat or biological functions impacted by a project; (c) This practice of considering traditional on-site, in-kind mitigation may provide fewer environmental benefits when compared to innovative mitigation proposals that provide benefits in advance of a project's planned impacts and that restore functions or habitat other than those impacted at a project site; and (d) Regulatory decisions on development proposals that attempt to incorporate innovative mitigation measures take an unreasonably long period of time and are subject to a great deal of uncertainty and additional expenses. (2) The legislature therefore declares that it is the policy of the state to authorize

innovative mitigation measures by requiring state regulatory agencies to consider mitigation proposals for infrastructure projects that are timed, designed, and located in a manner to provide equal or better biological functions and values compared to traditional on-site, in-kind mitigation proposals. (3) It is the intent of the legislature to authorize local governments to accommodate the goals of this chapter. It is not the intent of the legislature to: (a) Restrict the ability of a project proponent to pursue project specific mitigation; or (b) create any new authority for regulating wetlands or aquatic habitat beyond what is specifically provided for in this chapter. **NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Mitigation" means sequentially avoiding impacts, minimizing impacts, or compensating for remaining unavoidable impacts. (2) "Compensatory mitigation" means the restoration, creation, enhancement, or preservation of uplands, wetlands, or other aquatic resources for the purposes of compensating for unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved. "Compensatory mitigation" includes mitigation that: (a) Occurs at the same time as, or in advance of, a project's planned environmental impacts; (b) Is located in a site either on, near, or distant from the project's impacts; and (c) Provides either the same or different biological functions and values as the functions and values impacted by the project. (3) "Infrastructure development" means an action that is critical for the maintenance or expansion of an existing infrastructure feature such as a highway, rail line, airport, marine terminal, utility corridor, harbor area, or hydroelectric facility and is consistent with an approved land use planning process. This planning process may include the growth management act, chapter 36.70A RCW, or the shoreline management act, chapter 90.58 RCW, in areas covered by those chapters. (4) "Mitigation plan" means a document or set of documents developed through joint discussions between a project proponent and environmental regulatory agencies that describe the unavoidable wetland or aquatic resource impacts of the proposed infrastructure development and the proposed compensatory mitigation for those impacts. (5) "Project proponent" means a public or private entity responsible for preparing a mitigation plan. (6) "Watershed" means an area identified as a state of Washington water resource inventory area under WAC 173-500-040 as it exists on the effective date of this section. **NEW SECTION. Sec. 3.** (1) Project proponents may use a mitigation plan to propose compensatory mitigation within a watershed. A mitigation plan shall: (a) Contain provisions that guarantee the long-term viability of the created, restored, enhanced, or preserved habitat, including assurances for protecting any essential biological functions and values defined in the mitigation plan; (b) Contain provisions for long-term monitoring of any created, restored, or enhanced mitigation site; and (c) Be consistent with the local comprehensive land use plan and any other applicable planning process in effect for the development area, such as an adopted subbasin or watershed plan. (2) The departments of ecology and fish and wildlife may not limit the scope of options in a mitigation plan to areas on or near the project site, or to habitat types of the same type as contained on the project site. The departments of ecology and fish and wildlife shall fully review and give due consideration to compensatory mitigation proposals that improve the overall biological functions and values of the watershed or bay and accommodate the mitigation needs of infrastructure development. The departments of ecology and fish and wildlife are not required to grant approval to a mitigation plan that the departments find does not provide equal or better biological functions and values within the watershed or bay. (3) When making a permit or other regulatory decision under the guidance of this chapter, the departments of ecology and fish and wildlife shall consider whether the mitigation plan provides equal or better biological functions and values, compared to the existing conditions, for the target resources or species identified in the mitigation plan. This consideration shall be based upon the following factors: (a) The relative value of the mitigation for the target resources, in terms of the quality and quantity of biological functions and values provided; (b) The compatibility of the proposal with the intent of broader resource management and habitat management objectives and plans, such as existing resource management plans, watershed plans, critical areas ordinances, and shoreline master programs; (c) The ability of the mitigation to address scarce functions or values within a watershed; (d) The benefits of the proposal to broader watershed landscape, including the benefits of connecting various habitat units or providing population-limiting habitats or functions for target species; (e) The benefits of early implementation of habitat mitigation for projects that provide compensatory mitigation in advance of the project's planned impacts; and (f) The significance of any negative impacts to nontarget species or resources. (4) A mitigation plan may be approved through a memorandum of agreement between the project proponent and either the department of ecology or the department of fish and wildlife, or both. **NEW SECTION. Sec. 4.** (1) In making regulatory decisions relating to wetland or aquatic resource mitigation, the departments of ecology and fish and wildlife shall, at the request of the project proponent, follow the guidance of sections 1 through 3 of this act. (2) If the department of ecology or the department of fish and wildlife receives multiple requests for review of mitigation plans, each department may schedule its review of these proposals to conform to available budgetary resources. **NEW SECTION. Sec. 5.** A new section is added to chapter 75.20 RCW to read as follows: The department shall not require mitigation for sediment dredging or capping actions that result in a cleaner aquatic environment and equal or better habitat functions and values, if the actions are taken under a state or federal cleanup action. This chapter shall not be construed to require habitat mitigation for navigation and maintenance dredging of existing channels and berthing areas. **NEW SECTION. Sec. 6.** A new section is added to chapter 75.20 RCW to read as

follows: When reviewing a mitigation plan under RCW 75.20.100 or RCW 75.20.103, the department shall, at the request of the project proponent, follow the guidance contained in sections 1 through 4 of this act. NEW SECTION. Sec. 7. A new section is added to chapter 90.48 RCW to read as follows: When exercising its powers under RCW 90.48.260, the department shall, at the request of the project proponent, follow the guidance contained in sections 1 through 4 of this act. NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute a new chapter in Title 90 RCW." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5273.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5273.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5273.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5273, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5273, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Fairley, Heavey, Kohl, Patterson, Swecker, Thibaudeau and Wojahn - 7. Absent: Senator Finkbeiner - 1. Excused: Senators Jacobsen, Kline, McCaslin and Snyder - 4.. ENGROSSED SUBSTITUTE SENATE BILL NO. 5273, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Swecker, Senator Hale was excused.

On motion of Senator Franklin, Senator McAuliffe was excused.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5337 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 53.04.023 and 1994 c 223 s 84 are each amended to read as follows: A less than county-wide port district with an assessed valuation of at least (~~seventy-five~~) one hundred fifty million dollars may be created in a county that already has a less than county-wide port district located within its boundaries. Except as provided in this section, such a port district shall be created in accordance with the procedure to create a county-wide port district. The effort to create such a port district is initiated by the filing of a petition with the county auditor calling for the creation of such a port district, describing the boundaries of the proposed port district, designating either three or five commissioner positions, describing commissioner districts if the petitioners propose that the commissioners represent districts, and providing a name for the proposed port district. The petition must be signed by voters residing within the proposed port district equal in number to at least ten percent of such voters who voted at the last county general election. A public hearing on creation of the proposed port district shall be held by the county legislative authority if the county auditor certifies that the petition contained sufficient valid signatures. Notice of the public hearing must be published in the county's official newspaper at least ten days prior to the date of the public hearing. After taking testimony, the county legislative authority may make changes in the boundaries of the proposed port district if it finds that such changes

are in the public interest and shall determine if the creation of the port district is in the public interest. No area may be added to the boundaries unless a subsequent public hearing is held on the proposed port district. The county legislative authority shall submit a ballot proposition authorizing the creation of the proposed port district to the voters of the proposed port district, at any special election date provided in RCW 29.13.020, if it finds the creation of the port district to be in the public interest. The port district shall be created if a majority of the voters voting on the ballot proposition favor the creation of the port district. The initial port commissioners shall be elected at the same election, from districts or at large, as provided in the petition initiating the creation of the port district. The election shall be otherwise conducted as provided in RCW 53.12.172, but the election of commissioners shall be null and void if the port district is not created. (~~This section shall expire July 1, 1997.~~) **NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Horn moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5337.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate do concur in the House amendment to Substitute Senate Bill No. 5337.

The motion by Senator Horn carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5337.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5337, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5337, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hargrove, Hochstatter, Horn, Johnson, Long, Loveland, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 30. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Heavey, Kline, Kohl, Patterson, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 14. Excused: Senators Hale, Jacobsen, McAuliffe, McCaslin and Snyder - 5. SUBSTITUTE SENATE BILL NO. 5337, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5341 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.163.090 and 1989 c 279 s 10 are each amended to read as follows: The authority shall adopt a general plan of economic development finance objectives to be implemented by the authority during the period of the plan. The authority may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the authority shall consider and set objectives for: (1) Employment generation associated with the authority's programs; (2) The application of funds to sectors and regions of the state economy evidencing need for improved access to capital markets and funding resources; (3) Geographic distribution of funds and programs available through the authority; (4) Eligibility criteria for participants in authority programs; (5) The use of funds and resources available from or through federal, state, local, and private sources and programs; (6) Standards for economic viability and growth opportunities of participants in authority programs; (7) New programs which serve a targeted need for financing assistance within the purposes of this chapter; and (8) Opportunities to improve capital access as evidenced by programs existent in other states or as they are made possible by results of private capital market circumstances. The authority shall, as part of the finance plan required under this section, develop an outreach and marketing plan designed to increase its financial services to distressed counties. As used in this section, "distressed counties" has the same meaning as

distressed area in RCW 43.168.020. At least one public hearing shall be conducted by the authority on the plan prior to its adoption. The plan shall be adopted by resolution of the authority no later than November 15, 1990. The plan shall be submitted to the chief clerk of the house of representatives and secretary of the senate for transmittal to and review by the appropriate standing committees no later than December 15, 1990. The authority shall periodically update the plan as determined necessary by the authority, but not less than once every two years. The plan or updated plan shall include a report on authority activities conducted since the commencement of authority operation or since the last plan was reported, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the plan. **Sec. 2.** RCW 43.163.210 and 1996 c 310 s 1 are each amended to read as follows: For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages: (1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for ~~((no more than five))~~ economic development activities~~((, per fiscal year, included under the authority's general plan of economic development finance objectives. In addition, the authority may issue tax exempt bonds to finance ten manufacturing or processing activities, per fiscal year, for which the total project cost is less than one million dollars per project))~~. (2) The authority may ~~((also))~~ develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program. (a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it; (ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority; (iii) Negotiate royalty payments to the authority on patents and licenses for products arising as a result of assistance provided by the authority; (iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution; (v) Encourage and provide technical assistance to eligible persons in the process of developing new products; (vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and (vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party. (b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics. (3) The authority may also develop and implement, if authorized by the legislature, such other economic development financing programs adopted in future general plans of economic development finance objectives developed under RCW 43.163.090. (4) The authority may not issue any bonds for the programs authorized under this section after June 30, 2000." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Schow, the Senate concurred in the House amendment to Substitute Senate Bill No. 5341.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5341, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5341, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hargrove, Haugen, Hochstatter, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senator Heavey - 1. Absent: Senator Deccio - 1. Excused: Senators Hale, Jacobsen, McCaslin and Snyder - 4. SUBSTITUTE SENATE BILL NO. 5341, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5483 with the following amendment(s):

On page 5, line 2, after "coast guard-approved" strike "type III or" On page 5, line 4, after "type III" insert "or type V" On page 9, line 10, after "licensing" strike "," On page 9, line 12, after "implement" strike "this chapter" and insert "RCW 88.12.275" On page 10, line 5, after "4," insert "5," and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Oke moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5483.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate do concur in the House amendments to Substitute Senate Bill No. 5483.

The motion by Senator Oke carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5483.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5483, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5483, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 6; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Fairley, Franklin, Fraser, Goings, Hargrove, Haugen, Heavey, Horn, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Wood - 37. Voting nay: Senators Benton, Finkbeiner, Hochstatter, Morton, Stevens and Zarelli - 6. Absent: Senators Deccio and Newhouse - 2. Excused: Senators Hale, Jacobsen, McCaslin and Snyder - 4. SUBSTITUTE SENATE BILL NO. 5483, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Hargrove was excused.



MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5359 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 82.08.02566 and 1996 c 247 s 4 are each amended to read as follows: (1) The tax levied by RCW 82.08.020 shall not apply to sales of ~~((materials used in designing and developing aircraft parts, auxiliary equipment, and aircraft modification whether from enterprise funds or on a contract or fee basis for a taxpayer with gross sales of less than twenty million dollars per year. This exemption may not exceed one hundred thousand dollars for a taxpayer in a year))~~ tangible personal property incorporated into a prototype for aircraft parts, auxiliary equipment, or modifications; or to sales of tangible personal property that at one time is incorporated into the prototype but is later destroyed in the testing or development of the prototype. (2) This exemption does not apply to sales to any person whose total taxable amount during the immediately preceding calendar year exceeds twenty million dollars. For purposes of this section, "total taxable amount" means gross income of the business and value of products manufactured, less any amounts for which a credit is allowed under RCW 82.04.440. (3) State and local taxes for which an exemption is received under this section and RCW 82.12.02566 shall not exceed one hundred thousand dollars for any person during any calendar year. **Sec. 2.** RCW 82.12.02566 and 1996 c 247 s 5 are each amended to read as follows: (1) The provisions of this chapter shall not apply with respect to the use of ~~((materials used in designing and developing aircraft parts, auxiliary equipment, and aircraft modification whether from enterprise funds or on a contract or fee basis for a taxpayer with gross sales of less than twenty million dollars per year. This exemption may not exceed one hundred thousand dollars for a taxpayer in a year))~~ tangible personal property incorporated into a prototype for aircraft parts, auxiliary equipment, or modifications; or in respect to the use of tangible personal property that at one time is incorporated into the prototype but is later destroyed in the testing or development of the prototype. (2) This exemption does not apply in respect to the use of tangible personal property by any person whose total taxable amount during the immediately preceding calendar year exceeds twenty million dollars. For purposes of this section, "total taxable amount" means gross income of the business and value of products manufactured, less any amounts for which a credit is allowed under RCW 82.04.440. (3) State and local taxes for which an exemption is received under this section and RCW 82.08.02566 shall not exceed one hundred thousand dollars for any person during any calendar year. **NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Correct the title accordingly., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator West moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5359.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Substitute Senate Bill No. 5359.

The motion by Senator West carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5359.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5359, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Haugen, Heavey, Hochstatter, Horn, Johnson, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senator Kline - 1. Excused: Senators Hale, Hargrove, Jacobsen, McCaslin and Snyder - 5.. SUBSTITUTE SENATE BILL NO. 5359, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:27 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:52 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 6063.

At 4:53 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was call to order at 5:02 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6063, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

At 5:03 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Tuesday, April 22, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

**JOURNAL OF THE SENATE**

**NINETY-NINTH DAY, APRIL 21, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

**ONE HUNDREDTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Tuesday, April 22, 1997

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Finkbeiner, Horn, McCaslin, Roach, Schow, Snyder and Stevens. On motion of Senator Hale, Senators McCaslin, Roach and Stevens were excused. On motion of Senator Franklin, Senator Snyder was excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Marsh and Erik Scott, presented the Colors. Senator Adam Kline offered the prayer.

MOTION

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

PERSONAL PRIVILEGE

Senator Prentice: "I rise to a point of personal privilege, Mr. President. I would like to express my thanks for the television monitor having been moved over here--in the spirit of fairness. I would like for you to know that since I have

exhibited such power after one tantrum, that I have now been inundated with a list and I decided we will knock it off after swimming pool and onsite day care and I said, 'No more requests; I will convey those.' So, thank you very much."

MESSAGES FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1032,  
SUBSTITUTE HOUSE BILL NO. 1076,  
SUBSTITUTE HOUSE BILL NO. 1086,  
SECOND SUBSTITUTE HOUSE BILL NO. 1557,  
SUBSTITUTE HOUSE BILL NO. 2089,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2096,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,  
SUBSTITUTE HOUSE BILL NO. 1607,  
SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1826,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1841.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2083,  
SUBSTITUTE HOUSE BILL NO. 2189.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2272 and passed the bill as amended by the Senate.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5193,  
SUBSTITUTE SENATE BILL NO. 5230,  
SUBSTITUTE SENATE BILL NO. 5334,  
SUBSTITUTE SENATE BILL NO. 5763, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5011,  
SENATE BILL NO. 5018,  
SUBSTITUTE SENATE BILL NO. 5103,  
SUBSTITUTE SENATE BILL NO. 5110,  
SUBSTITUTE SENATE BILL NO. 5144,  
SENATE BILL NO. 5151,  
SECOND SUBSTITUTE SENATE BILL NO. 5178,  
SECOND SUBSTITUTE SENATE BILL NO. 5179,  
SUBSTITUTE SENATE BILL NO. 5188,  
SUBSTITUTE SENATE BILL NO. 5295,  
SUBSTITUTE SENATE BILL NO. 5318,  
SENATE BILL NO. 5340,  
SENATE BILL NO. 5361,  
SUBSTITUTE SENATE BILL NO. 5668,

SUBSTITUTE SENATE BILL NO. 5838,  
SUBSTITUTE SENATE BILL NO. 6046, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1033,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1110,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360,  
HOUSE BILL NO. 1367,  
SECOND SUBSTITUTE HOUSE BILL NO. 1392,  
HOUSE BILL NO. 1420,  
HOUSE BILL NO. 1457,  
HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1468,  
SUBSTITUTE HOUSE BILL NO. 1474,  
SUBSTITUTE HOUSE BILL NO. 1491,  
SUBSTITUTE HOUSE BILL NO. 1499,  
SUBSTITUTE HOUSE BILL NO. 1513,  
HOUSE BILL NO. 1589,  
SUBSTITUTE HOUSE BILL NO. 1632,  
SUBSTITUTE HOUSE BILL NO. 1791,  
HOUSE BILL NO. 2117,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2276, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1008,  
HOUSE BILL NO. 1019,  
SUBSTITUTE HOUSE BILL NO. 1166,  
SUBSTITUTE HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1235,  
SUBSTITUTE HOUSE BILL NO. 1325,  
HOUSE BILL NO. 1353,  
HOUSE BILL NO. 1609,  
HOUSE BILL NO. 1945,  
HOUSE BILL NO. 2011,  
HOUSE JOINT RESOLUTION NO. 4208, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 21, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5508. The Speaker has appointed the following members as conferees: Representatives Johnson, Talcott and Cole.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1008,  
HOUSE BILL NO. 1019,  
SUBSTITUTE HOUSE BILL NO. 1166,  
SUBSTITUTE HOUSE BILL NO. 1190,  
SUBSTITUTE HOUSE BILL NO. 1235,  
SUBSTITUTE HOUSE BILL NO. 1325,  
HOUSE BILL NO. 1353,  
HOUSE BILL NO. 1609,  
HOUSE BILL NO. 1945,  
HOUSE BILL NO. 2011,  
HOUSE JOINT RESOLUTION NO. 4208.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1033,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1110,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1292,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360,  
HOUSE BILL NO. 1367,  
SECOND SUBSTITUTE HOUSE BILL NO. 1392,  
HOUSE BILL NO. 1420,  
HOUSE BILL NO. 1457,  
HOUSE BILL NO. 1458,  
HOUSE BILL NO. 1468,  
SUBSTITUTE HOUSE BILL NO. 1474,  
SUBSTITUTE HOUSE BILL NO. 1491,  
SUBSTITUTE HOUSE BILL NO. 1499,  
SUBSTITUTE HOUSE BILL NO. 1513,  
HOUSE BILL NO. 1589,  
SUBSTITUTE HOUSE BILL NO. 1632,  
SUBSTITUTE HOUSE BILL NO. 1791,  
HOUSE BILL NO. 2117,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2276.

MOTION

On motion of Senator Johnson, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

April 21, 1997

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

I have the honor to advise you that on April 21, 1997, Governor Locke approved the following Senate Bills entitled:

SUBSTITUTE SENATE BILL NO. 5560

Relating to social card games.

SUBSTITUTE SENATE BILL NO. 5562

Relating to the involuntary commitment of mentally ill persons.

SENATE BILL NO. 5603

Relating to student records.

SUBSTITUTE SENATE BILL NO. 5621

Relating to registration of criminals who have victimized children.

SENATE BILL NO. 5626

Relating to transport tags for game.

SENATE BILL NO. 5642

Relating to limiting the number of fishers eligible to commercially fish for Puget Sound dungeness crab.

SUBSTITUTE SENATE BILL NO. 5653

Relating to the establishment of procedures for direct sale of timber from state-owned land.

ENGROSSED SENATE BILL NO. 5657

Relating to long-term leases of real estate on behalf of state agencies.

Sincerely,  
EVERETT H. BILLINGSLEA, General Counsel

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Sellar, Gubernatorial Appointment No. 9232, Dr. Thomas F. Sanquist, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF DR. THOMAS F. SANQUIST

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Bauer, Benton, Brown, Deccio, Fairley, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Rossi, Sellar, Sheldon, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Absent: Senators Anderson, Finkbeiner, Horn and Schow - 4. Excused: Senators McCaslin, Roach, Snyder and Stevens - 4. MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Newhouse, the following resolution was adopted

. SENATE RESOLUTION 1997-8645

By Senators Newhouse and Deccio

WHEREAS, Citizens in the Yakima Valley have lost a dear friend, philanthropist, and community leader with the passing of life-long Valley resident Dan McDonald, Sr. at age ninety-six; and

WHEREAS, Dan McDonald, Sr. will always be remembered for publicly supporting his Japanese-American neighbors during World War II; for testifying in favor of Japanese-Americans at Congressional hearings on national defense issues; and for protecting his Japanese-American neighbors' belongings when they were evacuated to internment camps; and

WHEREAS, He graduated from Washington State University with a degree in agriculture and raised fruit and hops for many years with his wife, Virginia; and

WHEREAS, He served as a commissioner with the Washington State Soft Fruit Commission; worked as a member of the fruit cooperative which eventually became Snokist Growers; and was honored as "Man of the Year" at the 1952 Central Washington State Fair; and

WHEREAS, He served Yakima Valley through several public offices and community activities, including as a Yakima County Public Utility Commissioner, as a District Five Parker Heights School District board member; as a Yakima Valley Memorial Hospital finance committee member; as a trustee of the Konewock Ditch Company; and as a volunteer with the local Boy Scout troop; and

WHEREAS, He was a charter and life member of the Yakima Valley Sportsman Association and was honored in 1972 as "Old-Timer of the Year" for his years of dedication to conservation and his work on the game program for the state of Washington; and

WHEREAS, He was an active, life-long member of the Parker Heights Presbyterian Church where he served many terms on the Elder-Trustee Board, Deacon's Board, and Pastoral Search Board and established an endowment scholarship fund to aid church members who were graduating high school seniors; and

WHEREAS, We, in the Legislature, share the sense of loss and grief felt by his family, friends, community, and fellow WSU Cougar alumni;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do hereby formally convey our most sincere condolences to the family of Dan McDonald, Sr. and especially his wife, Virginia; we thank them for sharing him with the state and the Yakima Valley; and we hereby urge all citizens of the state of Washington to join us in recognizing and honoring his life of service and his unprejudiced commitment to those less fortunate than him; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the family of Dan McDonald, Sr.; Washington State University; the Yakima Chamber of Commerce; Yakima Valley Memorial Hospital; and Parker Heights Presbyterian Church.

Senators Newhouse, Deccio and Prentice spoke to Senate Resolution 1997-8645.

#### MOTION

On motion of Senator Fraser, the following resolution was adopted

. SENATE RESOLUTION 1997-8672

By Senators Fraser, McAuliffe, Kohl, Spanel, Brown, Patterson, Franklin and Fairley

WHEREAS, April 22 marks the twenty-seventh Earth Day; and

WHEREAS, This worldwide event is an annual opportunity for citizens to recommit themselves to a healthy environment and sustainable communities; and

WHEREAS, The number of people participating in Earth Day has grown from 20 million to more than 200 million people in one hundred forty-one countries; and

WHEREAS, Since the first Earth Day in 1970, the Washington State Legislature and Congress have enacted a number of important environmental laws, protecting our air, water, lands, and wildlife; and

WHEREAS, Washington citizens appreciate that air, water, soil, forests, minerals, rivers, lakes, oceans, scenic beauty, wildlife habitats, and biodiversity are fundamental to the health and wealth of our state and nation; and

WHEREAS, The protection and enhancement of these resources help stimulate our economy, enhance our quality of life, and ensure a viable future for our children and grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes our obligation to protect our planet and the state of Washington for future generations; and

BE IT FURTHER RESOLVED, That the Senate supports citizen efforts and activities in communities throughout Washington and around the world to commemorate Earth Day and enhance and sustain our natural resources throughout the year.

Senators Fraser, McAuliffe and Thibaudeau spoke to Senate Resolution 1997-8672.

#### MOTION

On motion of Senator Hale, Senators McDonald and Sellar were excused.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5505 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that there is a need for development of additional water resources to meet the forecasted population growth in the state. It is the intent of chapter . . . , Laws of 1997 (this act) to direct the responsible agencies to assist applicants seeking a safe and reliable water source for their use. Providing this assistance for public water supply systems can be accomplished through assistance in the creation of municipal interties and transfers, additional storage capabilities, enhanced conservation efforts, and added efficiency standards for using existing supplies. Sec. 2. RCW 43.21A.064 and 1995 c 8 s 3 are each amended to read as follows: Subject to RCW 43.21A.068, the director of the department of ecology shall have the following powers and duties: (1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith; (2) Insofar as may be necessary to assure safety to life or property, ~~((he))~~ the director shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and ~~((he))~~ may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property; (3) ~~((He))~~ The director shall regulate and control the diversion of water in accordance with the rights thereto; (4) ~~((He))~~ The director shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes; (5) ~~((He))~~ The director shall, if requested, provide assistance to an applicant for a water right in obtaining or developing an adequate and appropriate supply of water consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area under RCW 43.62.035. If the applicant is a public water supply system, the supply being sought must be used in a manner consistent with applicable land use, watershed and water system plans, and the population forecast for that area provided under RCW 43.62.035; (6) The director shall keep such records as may be necessary for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. ~~((He))~~ The director shall keep a seal of the office, and all certificates ~~((by him))~~ covering any of ~~((his))~~ the director's acts or the acts of ~~((his))~~ the director's office, or the records and files of ~~((his))~~ that office, under such seal, shall be taken as evidence thereof in all courts; ~~((6-He))~~ (7) The director shall render when required by the governor, a full written report of the ~~((work of his office))~~ office's work with such recommendations for legislation as ~~((he may))~~ the director deems advisable for the better control and development of the water resources of the state; ~~((7))~~ (8) The director and duly authorized deputies may administer oaths; ~~((8-He))~~ (9) The director shall establish and promulgate rules governing the administration of chapter 90.03 RCW; ~~((9-He))~~ (10) The director shall perform such other duties as may be prescribed by law. NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Morton, the Senate concurred in the House amendment to Substitute Senate Bill No. 5505.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5505, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5505, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Absent: Senators Deccio and Schow - 2. Excused: Senators McCaslin, McDonald, Sellar and Snyder - 4. SUBSTITUTE SENATE BILL NO. 5505, as amended by the House,

having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5521 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.110.010 and 1990 c 104 s 1 are each amended to read as follows: There shall be a state agency which shall be known as the municipal research council. The council shall be composed of ~~((eighteen))~~ twenty-three members. Four members shall be appointed by the president of the senate, with equal representation from each of the two major political parties; four members shall be appointed by the speaker of the house of representatives, with equal representation from each of the two major political parties; one member shall be appointed by the governor independently; ~~((and the other))~~ nine members, who shall be city or town officials, shall be appointed by the governor from a list of nine nominees submitted by the board of directors of the association of Washington cities; and five members, who shall be county officials, shall be appointed by the governor, two of whom shall be from a list of two nominees submitted by the board of directors of the Washington association of county officials, and three of whom shall be from a list of three nominees submitted by the board of directors of the Washington state association of counties. Of the ~~((members appointed by the association))~~ city or town officials, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred. The terms of members shall be for two years ~~((and shall not))~~. The terms of those members who are appointed as legislators or city, town, or county officials shall be dependent upon continuance in legislative ~~((or))~~ city, town, or county office. The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year. Council members shall receive no compensation but shall be reimbursed for travel expenses at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, except that members of the council who are also members of the legislature shall be reimbursed at the rates provided by RCW 44.04.120. **Sec. 2.** RCW 43.110.030 and 1990 c 104 s 2 are each amended to read as follows: The municipal research council shall contract for the provision of municipal research and services to cities ~~((and))~~ towns, and counties. Contracts for municipal research and services shall be made with state agencies, educational institutions, or private consulting firms, that in the judgment of council members are qualified to provide such research and services. Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the council members are qualified to provide such support. Municipal research and services shall consist of: (1) Studying and researching ~~((municipal))~~ city, town, and county government and issues relating to ~~((municipal))~~ city, town, and county government; (2) acquiring, preparing, and distributing publications related to ~~((municipal))~~ city, town, and county government and issues relating to ~~((municipal))~~ city, town, and county government; (3) providing educational conferences relating to ~~((municipal))~~ city, town, and county government and issues relating to ~~((municipal))~~ city, town, and county government; and (4) furnishing legal, technical, consultative, and field services to cities ~~((and))~~ towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to ~~((municipal))~~ city, town, and county government. Requests for legal services by county officials shall be sent to the office of the county prosecuting attorney. Responses by the municipal research council to county requests for legal services shall be provided to the requesting official and the county prosecuting attorney. The activities, programs, and services of the municipal research council shall be carried on, and all expenditures shall be made, in cooperation with the cities and towns of the state acting through the board of directors of the association of Washington cities, which is recognized as their official agency or instrumentality, and in cooperation with counties of the state acting through the Washington state association of counties. Services to cities and towns shall be based upon the moneys appropriated to the municipal research council under RCW 82.44.160. Services to counties shall be based upon the moneys appropriated to the municipal research council from the county research services account under section 3 of this act. **NEW SECTION. Sec. 3.** A new section is added to chapter 43.110 RCW to read as follows: A special account is created in the state treasury to be known as the county research services account. The account shall consist of all money transferred to the account under RCW 82.08.170 or otherwise transferred or appropriated to the account by the legislature. Moneys in the account may be spent only after appropriation. The account is subject to the allotment process under chapter 43.88 RCW. Moneys in the county research services account may be expended only to finance the costs of county research. **Sec. 4.** RCW 82.08.170 and 1983 c 3 s 215 are each amended to read as follows: ~~((On the first day of))~~ (1) During the months of January, April, July and October of each year, the state treasurer shall make the apportionment and distribution of all moneys in the liquor excise tax fund to the counties, cities and towns in the following proportions: Twenty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the counties of the state in accordance with the provisions of RCW 66.08.200; eighty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW 66.08.210. (2) Each fiscal quarter and prior to making the twenty percent distribution to counties under subsection (1) of this section, the treasurer shall transfer to the county research services account under section 3 of this act sufficient moneys that, when combined with any cash balance in the account, will fund the allotments from any legislative appropriations from the county research services account. **Sec. 5.** RCW 43.88.114 and 1983 c 22 s 2 are each amended to read as follows: Appropriations of funds to the municipal research council from motor vehicle excise taxes shall not be subject to allotment by the office of financial management. **NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION



Senator West moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5521.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Substitute Senate Bill No. 5521.

The motion by Senator West carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5521.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5521, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5521, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators McCaslin, McDonald, Sellar and Snyder - 4. SUBSTITUTE SENATE BILL NO. 5521, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5571 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** (1) The legislature finds that failure to report and underreporting of industrial insurance premiums and unemployment insurance contributions creates, among other problems, a serious economic disadvantage for those employers who comply with the law. Based on the recommendations of a legislative task force that reviewed these issues, the legislature finds that some employers who comply with one of these laws, but fail to comply with the other, may be more likely to comply with both laws if employers were required to file their reports on a unified form. In addition, the agencies may be better able to coordinate efforts to enforce the reporting requirements if reporting information is provided to both agencies. (2) By January 1, 1998, the department of labor and industries and the employment security department shall jointly develop a plan, and report the plan to the appropriate committees of the legislature, for implementing a unified form for reporting industrial insurance premiums under Title 51 RCW and unemployment insurance contributions under Title 50 RCW beginning with reports due in calendar year 1999. The implementation plan must address at least the following: (a) The use of separate pages or separate sections on the form for each agency's report. The agencies may review but are not required to change coverage or reporting requirements in developing a unified form; (b) Procedures for employers to mail or electronically transmit the report to a central location with distribution to the agencies or other distribution alternative that provides the agencies with notice of the employers' filings; and (c) Methods to permit employers to make payment to both agencies in a single payment. (3) By January 1, 1998, the department of labor and industries and the employment security department shall report to the appropriate committees of the legislature the results of a study that cross-matches the names or the unified business identifier numbers, or both, of employers who file reports under Title 50 RCW or Title 51 RCW, or both. At a minimum, the report must include the number of employers who file a report under only one title and the results of the agency's investigating the failure to file a report under both titles. **Sec. 2.** RCW 51.04.030 and 1994 c 164 s 25 are each amended to read as follows: (1) The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: **PROVIDED**, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: **AND PROVIDED FURTHER**, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers. (2) The director shall, in consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. The department shall coordinate with other state purchasers of health care services to establish as much consistency and uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title, including services provided to injured workers, whether aliens or other injured workers, who are not residing in the United States at the time of receiving the services, shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as used in RCW 34.05.010(15). (3) The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the adopted rules, regulations, established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or

the established fee schedules and rules and regulations adopted under it. **Sec. 3.** RCW 51.32.110 and 1993 c 375 s 1 are each amended to read as follows: (1) Any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the worker and as may be provided by the rules of the department. An injured worker, whether an alien or other injured worker, who is not residing in the United States at the time that a medical examination is requested may be required to submit to an examination at any location in the United States determined by the department or self-insurer. (2) If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer upon approval by the department, with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That the department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section. (3) If the worker necessarily incurs traveling expenses in attending the examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be. (4)(a) If the medical examination required by this section causes the worker to be absent from his or her work without pay: (i) In the case of a worker insured by the department, the worker shall be paid compensation out of the accident fund in an amount equal to his or her usual wages for the time lost from work while attending the medical examination; or (ii) In the case of a worker of a self-insurer, the self-insurer shall pay the worker an amount equal to his or her usual wages for the time lost from work while attending the medical examination. (b) This subsection (4) shall apply prospectively to all claims regardless of the date of injury. **Sec. 4.** RCW 50.29.070 and 1990 c 245 s 8 are each amended to read as follows: (1) Within a reasonable time after the computation date each employer shall be notified of the employer's rate of contribution as determined for the succeeding rate year and factors used in the calculation. The commissioner shall include on the notice sent to each employer in 1997 and 1998 the following information for the rate year immediately preceding the computation date: (a) The taxable wages reported by the employer; (b) The employer's contribution rate; (c) The contributions paid by the employer; (d)(i) The benefits charged to the employer's experience rating account; and (ii) The benefits not charged to the employer's experience rating account under RCW 50.29.020(2)(e); and (e) The dollar amount that represents the difference between (c) and (d) of this subsection, to be termed "share of employer's contribution that is socialized cost." The notice must include an explanation in plain language of socialized cost and the relationship of the employer's contribution to the support of socialized cost. (2) Any employer dissatisfied with the benefit charges made to the employer's account for the twelve-month period immediately preceding the computation date or with his or her determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within thirty days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section. **Sec. 5.** RCW 51.32.140 and 1971 ex.s. c 289 s 45 are each amended to read as follows: Except as otherwise provided by treaty or this title, whenever compensation is payable to a beneficiary who is an alien not residing in the United States, ~~((there shall be paid fifty percent of))~~ the department or self-insurer, as the case may be, shall pay the compensation ~~((herein otherwise provided))~~ to ~~((such))~~ which a resident beneficiary is entitled under this title. But if a nonresident alien beneficiary is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefit of such law in as favorable a degree as herein extended to nonresident aliens, he or she shall receive no compensation. No payment shall be made to any beneficiary residing in any country with which the United States does not maintain diplomatic relations when such payment is due. **Sec. 6.** RCW 51.08.050 and 1977 ex.s. c 350 s 11 are each amended to read as follows: "Dependent" means any of the following named relatives of a worker whose death results from any injury and who leaves surviving no widow, widower, or child, viz: father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the worker (~~(: PROVIDED, That unless otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident, are not included).~~)" Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Schow, the Senate concurred in the House amendment to Senate Bill No. 5571.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5571, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5571, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 29. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Heavey, Jacobsen, Kline, Kohl, Loveland, McAuliffe, Patterson, Prentice, Sheldon, Spanel, Thibaudeau and Wojahn - 16. Excused: Senators

McCaslin, McDonald, Sellar and Snyder - 4. SENATE BILL NO. 5571, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5590 with the following amendment(s):

On page 1, line 15, after "elements," insert "providing technical assistance", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5590. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5590.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5590.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5590, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5590, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Excused: Senators McCaslin, McDonald, Sellar and Snyder - 4. ENGROSSED SENATE BILL NO. 5590, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Heavey was excused.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5676 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 18.140.010 and 1996 c 182 s 2 are each amended to read as follows: As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise. (1) "Appraisal" means the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions. (2) "Appraisal report" means any communication, written or oral, of an appraisal, review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment. (3) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the value of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work. (4) "Brokers price opinion" means an oral or written report of property value that is prepared by a real estate broker or salesperson licensed under chapter 18.85 RCW ((for listing, sale, purchase, or rental purposes)). (5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter. (6) "Client" means any party for whom an appraiser performs a service. (7) "Committee" means the real estate appraiser advisory committee of the state of Washington. (8) "Comparative market analysis" means a brokers price opinion. (9) "Department" means the department of licensing. (10) "Director" means the director of the department of licensing. (11) "Expert review appraiser" means a state-certified or state-licensed real estate appraiser chosen by the director for the purpose of providing appraisal review assistance to the director. (12) "Federal department" means an executive department of the United States of America specifically concerned with housing finance issues, such as the department of housing and urban development, the department of veterans affairs, or their legal federal successors. (13) "Federal financial institutions regulatory agency" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision, the national credit union administration, their successors and/or such other agencies as may be named in future amendments to 12 U.S.C. Sec. 3350(6). (14) "Federal secondary mortgage marketing agency" means the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, their successors and/or such other similarly functioning housing finance agencies as may be federally chartered in the future. (15) "Federally related transaction" means any real estate-related financial transaction that the federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for, or regulates; and that requires the services of an appraiser. (16) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies,

savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, and the affiliates, subsidiaries, and service corporations thereof. ~~((16))~~ (17) "Licensed appraisal" means an appraisal prepared or signed by a state-licensed real estate appraiser. A licensed appraisal represents to the public that it meets the appraisal standards defined in this chapter. ~~((17))~~ (18) "Mortgage broker" for the purpose of this chapter means a mortgage broker licensed under chapter 19.146 RCW, any mortgage broker approved and subject to audit by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation as provided in RCW 19.146.020, any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance under the national housing act, 12 U.S.C. Sec. 1201, and the affiliates, subsidiaries, and service corporations thereof. ~~((18))~~ (19) "Real estate" means an identified parcel or tract of land, including improvements, if any. ~~((19))~~ (20) "Real estate-related financial transaction" means any transaction involving: (a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; (b) The refinancing of real property or interests in real property; and (c) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities. (21) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate. ~~((20))~~ (22) "Review" means the act or process of critically studying an appraisal report prepared by another. ~~((21))~~ (23) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service. ~~((22))~~ (24) "State-certified general real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of property. A state-certified general real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal." ~~((23))~~ (25) "State-certified residential real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value as specified in rules adopted by the director. A state certified residential real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal." ~~((24))~~ (26) "State-licensed real estate appraiser" means a person licensed by the director to develop and communicate real estate appraisals of noncomplex one to four residential units and complex one to four residential units and nonresidential property having transaction values as specified in rules adopted by the director. **Sec. 2.** RCW 18.140.020 and 1996 c 182 s 3 are each amended to read as follows: (1) No person other than a state-certified or state-licensed real estate appraiser may receive compensation of any form for a real estate appraisal or an appraisal review. However, compensation may be provided for brokers price opinions prepared by a real estate licensee, licensed under chapter 18.85 RCW. (2) No person, other than a state-certified or state-licensed real estate appraiser, may assume or use that title or any title, designation, or abbreviation likely to create the impression of certification or licensure as a real estate appraiser by this state. (3) A person who is not certified or licensed under this chapter shall not prepare any appraisal of real estate located in this state, except as provided under subsection (1) of this section. (4) This section does not preclude a staff employee of a governmental entity from performing an appraisal or an appraisal assignment within the scope of his or her employment insofar as the performance of official duties for the governmental entity are concerned. Such an activity for the benefit of the governmental entity is exempt from the requirements of this chapter. (5) This ~~(section)~~ chapter does not preclude an individual person licensed by the state of Washington as a real estate broker or as a real estate salesperson ~~((and who performs))~~ from issuing a brokers price opinion ((as a service to a prospective seller, buyer, lessor, or lessee as the only intended user, and not for dissemination to a third party, within the scope of his or her employment or agency. Such an activity for the sole benefit of the prospective seller, buyer, lessor, or lessee is exempt from the requirements of this chapter)). However, if the brokers price opinion is written, or given as evidence in any legal proceeding, and is issued to a person who is not a prospective seller, buyer, lessor, or lessee as the only intended user, then the brokers price opinion shall contain a statement, in an obvious location within the written document or specifically and affirmatively in spoken testimony, that substantially states: "This brokers price opinion is not an appraisal as defined in chapter 18.140 RCW and has been prepared by a real estate licensee, licensed under chapter 18.85 RCW, who . . . . (is/is not) also state certified or state licensed as a real estate appraiser under chapter 18.140 RCW." However, the brokers price opinion issued under this subsection may not be used as an appraisal in conjunction with a federally related transaction. (6) This section does not apply to an appraisal or an appraisal review performed for a financial institution or mortgage broker ~~((, whether conducted))~~ by an employee ~~((or third party))~~, when such appraisal or appraisal review is not required to be performed by a state-certified or state-licensed real estate appraiser by the appropriate federal financial institutions regulatory agency. (7) This section does not apply to an attorney licensed to practice law in this state or to a certified public accountant, as defined in RCW 18.04.025, who evaluates real property in the normal scope of his or her professional services. **NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Schow, the Senate concurred in the House amendment to Substitute Senate Bill No. 5676. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5676, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5676, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Excused: Senators Heavey, McCaslin, McDonald, Sellar and Snyder - 5. SUBSTITUTE SENATE BILL NO. 5676, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5759 with the following amendment(s):  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 4.24.550 and 1996 c 215 s 1 are each amended to read as follows: (1) Public agencies are authorized to release ~~((relevant and necessary))~~ information to the public regarding sex offenders ~~((to the public when the release of the information is necessary for public protection))~~ when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9.94A.030; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense and subsequently committed under chapter 71.05 or 71.34 RCW. (2) The extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety. (3) Local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; and (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large. (4) Local law enforcement agencies ~~((and officials who decide to release))~~ that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all sex offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the sex offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. ~~((If a change occurs in the release plan, this notification provision will not require an extension of the release date. The department of corrections and the department of social and health services shall provide local law enforcement officials with all relevant information on sex offenders about to be released or placed into the community in a timely manner. When a sex offender under county jurisdiction will be released from jail and will reside in a county other than the county of incarceration, the chief law enforcement officer of the jail, or his or her designee, shall notify the sheriff in the county where the offender will reside of the offender's release as provided in RCW 70.48.470. (3)))~~ (5) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for damages for any discretionary ~~((decision to release))~~ risk level classification decisions ~~((and the))~~ or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The ~~((authorization and))~~ immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding ~~((: (a) A person convicted of, or juvenile found to have committed, a sex offense as defined by RCW 9.94A.030; (b) a person found not guilty of a sex offense by reason of insanity under chapter 10.77 RCW; (c) a person found incompetent to stand trial for a sex offense and subsequently committed under chapter 71.05 or 71.34 RCW; (d) a person committed as a sexual psychopath under chapter 71.06 RCW; or (e) a person committed as a sexually violent predator under chapter 71.09 RCW))~~ any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify a sex offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees ~~((or officials)),~~ or public agencies, and to the general public. ~~((4))~~ (6) Except as may otherwise be provided by ~~((statute))~~ law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information ~~((as provided in subsections (2) and (3) of))~~ authorized under this section. ~~((5))~~ (7) Nothing in this section implies that information regarding persons designated in subsection ~~((s (2) and (3)))~~ (1) of this section is confidential except as may otherwise be provided by ~~((statute))~~ law. (8) When a local law enforcement agency or official classifies a sex offender differently than the offender is classified by the department of corrections, the department of social and health services, or the indeterminate sentence review board, the law enforcement agency or official shall notify the appropriate department or the board and submit its reasons supporting the change in classification. **Sec. 2.** RCW 13.40.217 and 1990 c 3 s 102 are each amended to read as follows: (1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning juveniles adjudicated of sex offenses. (2) In order for public agencies to have the information necessary for notifying the public about sex offenders as authorized in RCW 4.24.550, the secretary shall issue to appropriate law enforcement agencies

narrative notices regarding the pending release of sex offenders from the department's juvenile rehabilitation facilities. The narrative notices shall, at a minimum, describe the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as either risk level II or III, the narrative notices shall also include the reasons underlying the classification. (3) For the purposes of this section, the department shall classify as risk level I those offenders whose risk assessments indicate a low risk of reoffense within the community at large. The department shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The department shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large. Sec. 3. RCW 70.48.470 and 1996 c 215 s 2 are each amended to read as follows: (1) A person having charge of a jail shall notify in writing any confined person who is in the custody of the jail for a conviction of a ((sexual-{sex}) sex offense as defined in RCW 9.94A.030 of the registration requirements of RCW 9A.44.130 at the time of the inmate's release from confinement, and shall obtain written acknowledgment of such notification. The person shall also obtain from the inmate the county of the inmate's residence upon release from jail and, where applicable, the city. (2) ((If an inmate convicted of a sexual offense will reside in a county other than the county of incarceration upon release, the chief law enforcement officer, or his or her designee, shall notify the sheriff of the county where the inmate will reside of the inmate's impending release. Notice shall be provided at least fourteen days prior to the inmate's release, or if the release date is not known at least fourteen days prior to release, notice shall be provided not later than the day after the inmate's release)) When a sex offender under local government jurisdiction will reside in a county other than the county of conviction upon discharge or release, the chief law enforcement officer of the jail or his or her designee shall give notice of the inmate's discharge or release to the sheriff of the county and, where applicable, to the police chief of the city where the offender will reside. NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows: (1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning offenders convicted of sex offenses. (2) In order for public agencies to have the information necessary to notify the public as authorized in RCW 4.24.550, the secretary shall establish and administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders. The committee shall assess, on a case-by-case basis, the public risk posed by sex offenders who are: (a) Preparing for their release from confinement for sex offenses committed on or after July 1, 1984; and (b) accepted from another state under a reciprocal agreement under the interstate compact authorized in chapter 72.74 RCW. (3) Notwithstanding any other provision of law, the committee shall have access to all relevant records and information in the possession of public agencies relating to the offenders under review, including police reports; prosecutors' statements of probable cause; presentence investigations and reports; complete judgments and sentences; current classification referrals; criminal history summaries; violation and disciplinary reports; all psychological evaluations and psychiatric hospital reports; sex offender treatment program reports; and juvenile records. Records and information obtained under this subsection shall not be disclosed outside the committee unless otherwise authorized by law. (4) The committee shall review each sex offender under its authority before the offender's release from confinement or start of the offender's term of community placement or community custody in order to: (a) Classify the offender into a risk level for the purposes of public notification under RCW 4.24.550; (b) where available, review the offender's proposed release plan in accordance with the requirements of RCW 72.09.340; and (c) make appropriate referrals. (5) The committee shall classify as risk level I those sex offenders whose risk assessments indicate a low risk of reoffense within the community at large. The committee shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The committee shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large. (6) The committee shall issue to appropriate law enforcement agencies, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities. The narrative notices shall, at a minimum, describe the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as either risk level II or III, the narrative notices shall also include the reasons underlying the classification. Sec. 5. RCW 9.95.145 and 1990 c 3 s 127 are each amended to read as follows: (1) In addition to any other information required to be released under this chapter, the indeterminate sentence review board may, pursuant to RCW 4.24.550, release information concerning inmates under the jurisdiction of the indeterminate sentence review board who are convicted of sex offenses as defined in RCW 9.94A.030. (2) In order for public agencies to have the information necessary for notifying the public about sex offenders as authorized in RCW 4.24.550, the board shall issue to appropriate law enforcement agencies narrative notices regarding the pending release from confinement of sex offenders under the board's jurisdiction. The narrative notices shall, at a minimum, describe the identity and criminal history behavior of the offender. For sex offenders being discharged from custody on serving the maximum punishment provided by law or fixed by the court, the narrative notices shall also include the board's risk level classification for the offender and the reasons underlying the classification. (3) For the purposes of this section, the board shall classify as risk level I those offenders whose risk assessments indicate a low risk of reoffense within the community at large. The board shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The board shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large. NEW SECTION. Sec. 6. (1) By December 1, 1997, the Washington association of sheriffs and police chiefs shall develop a model policy for law enforcement agencies to follow when they disclose information about sex offenders to the public under RCW 4.24.550. The model policy shall be designed to further the objectives of providing adequate notice to the community concerning sex offenders who are or will be residing in the community and of assisting community members in developing constructive plans to prepare themselves and their children for residing near released sex offenders. (2) In developing the policy, the association shall consult with representatives of the following agencies and professions: (a) The department of corrections; (b) the department of social and health services; (c) the indeterminate sentence review board; (d) the Washington state council of police officers; (e) local correctional agencies; (f) the Washington association of prosecuting attorneys; (g) the Washington public defender association; (h) the Washington association for the treatment of sexual abusers; and (i) victim advocates. (3) The model policy shall, at a minimum, include recommendations to address the following issues: (a) Procedures for local agencies or officials to accomplish the notifications required under RCW 4.24.550(8); (b) contents and form of community notification documents, including procedures for ensuring the accuracy of factual information

contained in the notification documents, and ways of protecting the privacy of victims of the offenders' crimes; (c) methods of distributing community notification documents; (d) methods of providing follow-up notifications to community residents at specified intervals and of disclosing information about offenders to law enforcement agencies in other jurisdictions if necessary to protect the public; (e) methods of educating community residents at public meetings on how they can use the information in the notification document in a reasonable manner to enhance their individual and collective safety; (f) procedures for educating community members regarding the right of sex offenders not to be the subject of harassment or criminal acts as a result of the notification process; and (g) other matters the Washington association of sheriffs and police chiefs deems necessary to ensure the effective and fair administration of RCW 4.24.550. **NEW SECTION. Sec. 7.** (1) The department of corrections, the department of social and health services, and the indeterminate sentence review board shall jointly develop, by September 1, 1997, a consistent approach to risk assessment for the purposes of implementing this act, including consistent standards for classifying sex offenders into risk levels I, II, and III. (2) The department of social and health services, the department of corrections, and the indeterminate sentence review board shall each prepare and deliver to the legislature, by December 1, 1998, a report indicating the number of sex offenders released after the effective date of this section and classified in each level of risk category. The reports shall also include information on the number, jurisdictions, and circumstances where the risk level classification made by a local law enforcement agency or official for specific sex offenders differed from the risk level classification made by the department or the indeterminate sentence review board for the same offender. **NEW SECTION. Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void. **NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Long moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5759. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Long that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5759.

The motion by Senator Long carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5759.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 44. Absent: Senator Prince - 1. Excused: Senators McCaslin, McDonald, Sellar and Snyder - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5770 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The legislature finds unacceptable laws that bar legitimate and appropriate inquiries about the activities of public agencies in abuse and neglect cases, for they frustrate the ability of the legislature to set informed policy and act in appropriate oversight capacity; impair the ability of independent government agencies to determine the effectiveness of services, staff, and funding; corrode public trust; and undermine the right of the public to determine whether abused and neglected children are being adequately protected. The legislature therefore finds a compelling need to reform the confidentiality laws and declares its intent, by enactment of this act, to increase the capacity for oversight and monitoring of the child welfare system, to increase information available to the public, and to increase accountability among the agencies involved in the system. The legislature finds that the privacy of children and their families in child abuse and neglect cases must be safeguarded, but that the interests of children, their families, and the public are best protected by increased knowledge and oversight concerning the system, and by greater accountability; and therefore declares that this privacy must be balanced with the appropriate release of information concerning these cases. When the child has died, the legislature finds that disclosure is strongly in the public interest. **NEW SECTION. Sec. 2.** (1) Consistent with the provisions of chapter 42.17 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse or neglect, and any services related to the abuse or neglect of a child if any one of the following factors is present: (a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system; (b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local

investigative agency or official, or by a judge of the superior court; (c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or (d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department at the time of death or within twelve months before death. (2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household. (3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present. NEW SECTION. Sec. 3. For purposes of section 2 of this act, the following information shall be disclosable: (1) The name of the abused or neglected child; (2) The determination made by the department of the referrals, if any, for abuse or neglect; (3) Identification of child protective or other services provided or actions, if any, taken regarding the child named in the report and his or her family as a result of any such report or reports. These records include but are not limited to administrative reports of fatality, fatality review reports, case files, inspection reports, and reports relating to social work practice issues; and (4) Any actions taken by the department in response to reports of abuse or neglect of the child. NEW SECTION. Sec. 4. In determining under section 2 of this act whether disclosure will be contrary to the best interests of the child, the secretary, or the secretary's designee, must consider the effects which disclosure may have on efforts to reunite and provide services to the family.

NEW SECTION. Sec. 5. For purposes of section 2(1)(d) of this act, the secretary must make the fullest possible disclosure consistent with chapter 42.17 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department at the time of their death or within the twelve months previous to their death. If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information. For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case. NEW SECTION. Sec. 6. Except as it applies directly to the cause of the abuse or neglect of the child and any actions taken by the department in response to reports of abuse or neglect of the child, nothing in sections 2 through 5 of this act is deemed to authorize the release or disclosure of the substance or content of any psychological, psychiatric, therapeutic, clinical, or medical reports, evaluations, or like materials, or information pertaining to the child or the child's family. NEW SECTION. Sec. 7. The department, when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.17.340, for any action taken under sections 1 through 6 of this act. NEW SECTION. Sec. 8. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. NEW SECTION. Sec. 9. Sections 1 through 7 of this act are each added to chapter 74.13 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Long moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5770.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Long that the Senate do concur in the House amendment to Substitute Senate Bill No. 5770.

The motion by Senator Long carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5770.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5770, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5770, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 47. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5770, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Franklin, Senator Loveland was excused.



MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5768 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that the rate of unemployment among persons with developmental disabilities is high due to the limited employment opportunities available to disabled persons. Given that persons with disabilities are capable of filling employment positions in the general work force population, supported employment is an effective way of integrating such individuals into the general work force population. The creation of supported employment programs can increase the types and availability of employment positions for persons with developmental disabilities. NEW SECTION. Sec. 2. Unless the context clearly requires otherwise the definitions in this section apply throughout sections 3 through 5 of this act. (1) "Developmental disability" means a disability as defined in RCW 71A.10.020. (2) "Supported employment" means employment for individuals with developmental disabilities who may require on-the-job training and long-term support in order to fulfill their job duties successfully. Supported employment offers the same wages and benefits as similar nonsupported employment positions. (3) "State agency" means any office, department, division, bureau, board, commission, community college or institution of higher education, or agency of the state of Washington. NEW SECTION. Sec. 3. State agencies are encouraged to participate in supported employment activities. The department of social and health services, in conjunction with the department of personnel and the office of financial management, shall identify agencies that have positions and funding conducive to implementing supported employment. An agency may only participate in supported employment activities pursuant to this section if the agency is able to operate the program within its existing budget. These agencies shall: (1) Designate a coordinator who will be responsible for information and resource referral regarding the agency's supported employment program. The coordinator shall serve as a liaison between the agency and the department of personnel regarding supported employment; (2) Submit an annual update to the department of social and health services, the department of personnel, and the office of financial management. The annual update shall include: A description of the agency's supported employment efforts, the number of persons placed in supported employment positions, recommendations concerning expanding the supported employment program to include people with mental disabilities or other disabilities, and an overall evaluation of the effectiveness of supported employment for the agency. NEW SECTION. Sec. 4. The department of social and health services and the department of personnel shall, after consultation with supported employment provider associations and other interested parties, encourage, educate, and assist state agencies in implementing supported employment programs. The department of personnel shall provide human resources technical assistance to agencies implementing supported employment programs. The department of personnel shall make available, upon request of the legislature, an annual report that evaluates the overall progress of supported employment in state government. NEW SECTION. Sec. 5. The creation of supported employment positions under sections 3 and 4 of this act shall not count against an agency's allotted full-time equivalent employee positions. Supported employment programs are not intended to displace employees or abrogate any reduction-in-force rights. NEW SECTION. Sec. 6. Sections 2 through 5 of this act are each added to chapter 41.04 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Horn moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5768.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate do concur in the House amendment to Substitute Senate Bill No. 5768.

The motion by Senator Long carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5768.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5768, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5768, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator Swecker - 1. Excused: Senators Loveland, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5768, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5104 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that pheasant populations in eastern Washington have greatly decreased from their historic high levels and that pheasant hunting success rates have plummeted. The number of pheasant hunters has decreased due to reduced hunting success. There is an opportunity to enhance the pheasant population by release of pen-reared pheasants and habitat enhancements to create

increased hunting opportunities on publicly owned and managed lands. NEW SECTION. Sec. 2. There is created within the department the eastern Washington pheasant enhancement program. The purpose of the program is to improve the harvest of pheasants by releasing pen-reared rooster pheasants on sites accessible for public hunting and by providing grants for habitat enhancement on public or private lands under agreement with the department. The department may either purchase rooster pheasants from private contractors, or produce rooster pheasants from department-sanctioned cooperative projects, whichever is less expensive, provided that the pheasants released meet minimum department standards for health and maturity. Any surplus hen pheasants from pheasant farms or projects operated by the department or the department of corrections for this enhancement program shall be made available to landowners who voluntarily open their lands to public pheasant hunting. Pheasants produced for the eastern Washington pheasant enhancement program must not detrimentally affect the production or operation of the department's western Washington pheasant release program. The release of pheasants for hunting purposes must not conflict with or supplant other department efforts to improve upland bird habitat or naturally produced upland birds. NEW SECTION. Sec. 3. The commission must establish special pheasant hunting opportunities for juvenile hunters in eastern Washington for the 1998 season and future seasons. NEW SECTION. Sec. 4. Beginning September 1, 1997, a person who hunts for pheasant in eastern Washington must pay an annual surcharge of ten dollars, in addition to other licensing requirements. Funds from the surcharge must be deposited in the eastern Washington pheasant enhancement account created in section 5 of this act. NEW SECTION. Sec. 5. The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under section 4 of this act must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. Not less than eighty percent of expenditures from the account must be used to purchase or produce pheasants. The eastern Washington pheasant enhancement account funds must not be used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting. NEW SECTION. Sec. 6. The department of fish and wildlife must jointly investigate with the department of corrections the feasibility of producing pheasants for the eastern Washington pheasant enhancement program utilizing inmate labor and facilities at the Walla Walla state penitentiary or other eastern Washington state correctional facilities. The investigation must include a comparison of the costs of producing pheasants at a correctional facility versus the costs of purchasing pheasants for this enhancement program. The two departments must report their findings to the senate and house of representatives natural resources committees on or before January 1, 1998. NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 77.12 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5104. Debate ensued.

#### POINT OF INQUIRY

Senator Haugen: "Senator Oke, does this mean that with this, you will be closing my pheasant farm on Whidbey Island?"

Senator Oke: "We will not be closing the farm, but we will be reducing what has been done there in the past. We will be taking away the full time person. After the chicks are old enough, we will move them up there and have pheasants for your area and I think the program will even get better."

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Substitute Senate Bill No. 5104.

The motion by Senator West carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5104.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5104, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Fairley, Fraser, Heavey, Kohl, McAuliffe, Spanel, Swanson, Thibaudeau and Wojahn - 9. Excused: Senators Loveland, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5104, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT:

April 10, 1997

The House has passed SUBSTITUTE SENATE BILL NO. 5781 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 35.13A.030 and 1971 ex.s. c 95 s 3 are each amended to read as follows: Whenever a portion of a ~~((water district or sewer))~~ water-sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property lying within such district, is included within the corporate boundaries of a city, the city may either: (1) Assume by ordinance the full and complete management and control of that portion of the entire district that is contiguous to the city and not included within another city, (whereupon) if the district voters of such an area approve a ballot proposition authorizing the assumption requested by the city, submitted to these voters by the board of commissioners of the district. The provisions of RCW 35.13A.020 shall be operative if the city proceeds under this subsection and any rates that are charged for service outside of the city shall be reasonable to all parties; or (2) The city may proceed directly under the provisions of RCW 35.13A.050. The city or district may petition to dissolve the district under the provisions of RCW 35.13A.080. **Sec. 2.** RCW 35.13A.050 and 1971 ex.s. c 95 s 5 are each amended to read as follows: When electing under RCW 35.13A.030 or 35.13A.040 to proceed under this section, the city may assume, by ordinance, jurisdiction of the district's responsibilities, property, facilities and equipment within the corporate limits of the city ~~((: PROVIDED, That))~~. If on the effective date of such an ordinance the territory of the district included within the city contains any facilities serving or designed to serve any portion of the district outside the corporate limits of the city or if the territory lying within the district and outside the city contains any facilities serving or designed to serve territory included within the city (which facilities are hereafter in this section called the "serving facilities"), the city or district shall for the economically useful life of any such serving facilities make available sufficient capacity therein to serve the sewage, drainage, or water requirements of such territory, to the extent that such facilities were designed to serve such territory at a rate charged to the municipality being served which is reasonable to all parties. In the event a city proceeds under this section, the ~~((district may elect upon a favorable vote of a majority of all voters within the district voting upon such propositions to require the))~~ city shall be required to assume responsibility for ~~((the operation and maintenance of))~~ operating and maintaining the district's property, facilities and equipment throughout that portion of the entire district that is contiguous to the city but not included in any other city and ((tø)) the district shall pay the city a charge for such operation and maintenance which is reasonable under all of the circumstances, if the voters of the district who reside in such an area approve a ballot proposition providing for this transfer of responsibility, submitted to the voters by the board of commissioners of the district. A city acquiring property, facilities and equipment under the provisions of this section shall acquire such property, facilities and equipment, and fix and collect service and other charges from owners and occupants of properties served by the city, subject, to any contractual obligations of the district which relate to the property, facilities, or equipment so acquired by the city or which are secured by taxes, assessments or revenues from the territory of the district included within the city. In such cases, the property included within the city and the owners and occupants thereof shall continue to be liable for payment of its and their proportionate share of any outstanding district indebtedness. The district and its officers shall continue to levy taxes and assessments on and to collect service and other charges from such property, or owners or occupants thereof, to enforce such collections, and to perform all other acts necessary to insure performance of the district's contractual obligations in the same manner and by the same means as if the territory of the district had not been included within the boundaries of a city. The city or district may petition to dissolve the district under the provisions of RCW 35.13A.080. **Sec. 3.** RCW 57.08.065 and 1996 c 230 s 313 are each amended to read as follows: (1) A district shall have power to establish, maintain, and operate a mutual water, sewer, drainage, and street lighting system, a mutual system of any two or three of the systems, or separate systems. (2) Where any two or more districts include the same territory as of July 1, 1997, none of the overlapping districts may provide any service that was made available by any of the other districts prior to July 1, 1997, within the overlapping territory without the consent by resolution of the board of commissioners of the other district or districts. (3) A district that was a water district prior to July 1, 1997, that did not operate a sewer or drainage system prior to July 1, 1997, may not proceed to exercise the powers to establish, maintain, construct, and operate any sewer or drainage system without first obtaining written approval by resolution of the city or town in whose jurisdiction it proposes to exercise such powers and certification of necessity from the department of ecology and department of health. Any comprehensive plan for a sewer or drainage system ~~((of sewers))~~ or addition thereto or betterment thereof proposed by a district that was a water district prior to July 1, 1997, shall be approved by the same county, city, town, and state officials as were required to approve such plans adopted by a sewer district immediately prior to July 1, 1997, and as subsequently may be required." Correct the title., and the same are herewith transmitted. TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hale moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5781 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hale that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5781 and asks the House to recede therefrom.

The motion by Senator Hale carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5781 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 18, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5574 with the following amendment(s):

Beginning on page 3, line 9, strike everything through "parcels." on page 4, line 5, and insert: "(2) The treasurer shall notify each taxpayer in the county, at the expense of the county, of the amount of the real and personal property, and the current and delinquent amount of tax due on the same; and the treasurer shall have printed on the notice the name of each tax

and the levy made on the same. (3) As soon as practical, but not later than the first tax year after a major change in data systems or software used by the treasurer, the notice shall at a minimum contain the following information and this information must be separately stated on the notice: (a) The name and address of the taxpayer; (b) The name, address, and telephone number of the county issuing the notice; (c) The parcel number as noted in the county records; (d) The property address if one exists, or the abbreviated legal description; (e) The year for which the taxes are due; (f) The assessed valuation of the parcel's land value and improvement value, and the assessment year, determined by the county assessor's office; (g) Current billing information containing each type of taxing jurisdiction levying a tax on the identified parcel, and the total amount due for each type of taxing jurisdiction: (i) As a result of regular property taxes, expressed as a dollar amount; and (ii) As a result of the aggregate of all voter-approved levies, including special levies and assessments, expressed as a dollar amount; (h) The total taxes due and payable from the taxpayer, including any delinquent taxes when included and any interest or penalties due as of a specific future date. The treasurer shall include a phone number for current interest and penalty calculations; and (i) A notice of the payment due dates and possible delinquency penalties and interest. (4) In any county where the county treasurer includes multiple parcels of land on a combined tax statement to a single owner, the county treasurer is not required to comply with subsection (3)(d) and (g) of this section. A taxpayer may request a separate tax statement on any or all parcels. (5) Renumber subsections consecutively and correct any internal references accordingly., and the same are herewith transmitted. TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hale moved that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 5574 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hale that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 5574 and requests of the House a conference thereon.

The motion by Senator Hale carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 5574 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5574 and the House amendment thereto: Senators Horn, Patterson and Swecker.

#### MOTION

On motion of Senator Hale, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5491 with the following amendment(s):

On page 1, beginning on line 5, strike section 1. Correct the title and renumber remaining sections consecutively. On page 6, after line 33, insert "(3) That the child is currently a dependent child under RCW 13.34.030(4); and" Renumber remaining subsections consecutively and correct internal references accordingly. On page 7, line 20, after "future;" strike "((and))" and insert "and" On page 7, beginning on line 23, after "home;" strike all matter through "based;" on line 26. On page 8, line 36, after "evidence" insert ". The findings of a prior dependency shall not form the basis for establishing allegations (3) through (7) of RCW 13.34.180" On page 9, line 2, after "(2)," strike "(5),((and))" and insert "(((5), and)) (3)", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5491 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5491 and the House amendments thereto: Senators Long, Franklin and Stevens.

#### MOTION

On motion of Senator Hargrove, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5327 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** In an effort to increase the amount of habitat available for fish and wildlife, the legislature finds that it is desirable for the department of fish and wildlife and other interested parties to work closely with private landowners to achieve habitat enhancements. In some instances, private landowners avoid enhancing habitat because of a concern that the presence of fish or wildlife may make future land management more difficult. It is the intent of this act to provide a mechanism that facilitates habitat development while avoiding an adverse impact on the landowner at a later date. **NEW SECTION. Sec. 2.** (1) The department of fish and wildlife shall initiate a habitat incentives program in two phases. In creating this program, the department shall make use of and complement other study efforts underway relating to habitat protection and enhancement, including the department's own review of the hydraulic project approval process, the forestry module under development for the forest practices board dealing with practices within riparian areas, and the study on permitting requirements by the regional fisheries enhancement groups called for in chapter . . . (Second Substitute Senate Bill No. 5886), Laws of 1997. (2) In phase one, the department of fish and wildlife shall work with affected federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the department of natural resources, and other interested parties to identify appropriate criteria and other factors necessary for implementation of the habitat incentives program. The department in concert with the interested parties shall identify at least the following elements for implementation of the program: (a) The factors and the approach that the department should use in evaluating and weighing the benefits and concurrent risks of entering into a habitat incentives agreement with a landowner; (b) The approach to be used in assigning responsibilities for implementation of the agreement to the landowner and to the department; (c) Assignment of responsibility for documentation of the conditions on a landowner's property prior to the department's entering into a habitat incentives agreement; (d) The process to be used when a landowner who has entered into a habitat incentives agreement applies for hydraulic project approval during the term of the agreement; (e) The process to be used to monitor and evaluate whether actions taken as a part of the agreement actually enhance habitat for the target species and to amend the agreement if the existing agreement is not enhancing habitat; (f) The conditions under which the department and the landowner may terminate the agreement and the remedies if either party breaches the terms of the agreement; (g) The means for ensuring that the department is notified if the property covered by the agreement is sold or otherwise transferred into other ownership; (h) The process to be used for reaching concurrence between the landowner, the department, the department of natural resources, and affected federally recognized Indian tribes; and (i) The process to be used in prioritizing proposed agreements if the requests for agreements exceed the funding available for entering into and implementing such agreements. The department and the interested parties may identify and propose solutions to other issues necessary in order to implement the habitat incentives program. The department and the interested parties shall report to the legislature on their findings as well as on any other recommendations for implementation and funding for the habitat incentives program by December 1, 1997. **NEW SECTION. Sec. 3.** A new section is added to chapter 77.12 RCW to read as follows: (1) Beginning in January 1998, the department shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the department of natural resources, and other interested parties. The program shall allow a private landowner to enter into an agreement with the department to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive more state regulatory certainty with regard to future applications for hydraulic project approval on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the department and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the department, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The department is not obligated to enter into an agreement unless the department finds that the agreement is in the best interest of protecting fish or wildlife species or habitat. (2) A habitat enhancement agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the department for future reference and decisions. (3) As part of the agreement, the department may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 75.20.100 or 75.20.103 on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise. (4) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the department may jointly choose to retain the agreement on the property. (5) If, during the course of the agreement, the landowner or the department must alter some terms of the agreement in order to comply with federal laws or regulations, the remaining terms of the agreement shall continue to remain binding on the parties. (6) If the department receives multiple requests for agreements with private landowners under the habitat incentives program, the department shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources. **NEW SECTION. Sec. 4.** A new section is added to chapter 75.20 RCW to read as follows: When a private landowner is applying for hydraulic project approval under this chapter and that landowner has entered into a habitat incentives agreement with the department as provided in section 3 of this act, the department shall comply with the terms of that agreement when evaluating the request for hydraulic project approval. **NEW SECTION. Sec. 5.** The department of fish and wildlife and the department of natural resources, in conjunction with the timber-fish-wildlife cooperators, shall investigate the feasibility of providing private landowners with more state level regulatory certainty with regard to forest practices regulations in exchange for a landowner's enhancement of habitat for fish or wildlife on the landowner's property. The agencies shall focus their efforts on possible agreements with landowners covering not more than one thousand acres per agreement, but the agencies shall consider the possibility of multiple agreements with a single landowner, not to exceed a total of ten thousand acres per landowner. The agencies shall evaluate the possibility of including provisions relating to forest practices regulations into the habitat incentives program being

developed under this act. The agencies shall report to the legislature by December 1, 1997, the same time frame as the phase one report from the department of fish and wildlife. If the agencies and other interested parties find it expedient to do so, the studies in this section and in section 2 of this act may be combined into one effort. NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Oke moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5327 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate refuse to concur in the House amendment to Engrossed Substitute Senate Bill No. 5327 and requests of the House a conference thereon.

The motion by Senator Oke carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5327 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5327 and the House amendment thereto: Senators Morton, Hargrove and Rossi.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL No. 5785 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 90.44 RCW to read as follows: Upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may consolidate that right with a ground water right exempt from the permit requirement under RCW 90.44.050, without affecting the priority of either of the water rights being consolidated. Such a consolidation amendment shall be issued only after publication of a notice of the application, a comment period, and a determination made by the department, in lieu of meeting the conditions required for an amendment under RCW 90.44.100, that: (1) The exempt well taps the same body of public ground water as the well to which the water right of the exempt well is to be consolidated; (2) use of the exempt well shall be discontinued upon approval of the consolidation amendment to the permit or certificate; (3) legally enforceable agreements have been entered to prohibit the construction of another exempt well to serve the area previously served by the exempt well to be discontinued, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land; (4) the exempt well or wells the use of which is to be discontinued will be properly decommissioned in accordance with chapter 18.104 RCW and the rules of the department; and (5) other existing rights, including ground and surface water rights and minimum stream flows adopted by rule, shall not be impaired. The notice shall be published by the applicant in a newspaper of general circulation in the county or counties in which the wells for the rights to be consolidated are located once a week for two consecutive weeks. The applicant shall provide evidence of the publication of the notice to the department. The comment period shall be for thirty days beginning on the date the second notice is published. The amount of the water to be added to the holder's permit or certificate upon discontinuance of the exempt well shall be the average withdrawal from the well, in gallons per day, for the most recent five-year period preceding the date of the application, except that the amount shall not be less than eight hundred gallons per day for each residential connection or such alternative minimum amount as may be established by the department in consultation with the department of health, and shall not exceed five thousand gallons per day. The department shall presume that an amount identified by the applicant as being the average withdrawal from the well during the most recent five-year period is accurate if the applicant establishes that the amount identified for the use or uses of water from the exempt well is consistent with the average amount of water used for similar use or uses in the general area in which the exempt well is located. The department shall develop, in consultation with the department of health, a schedule of average household and small-area landscaping water usages in various regions of the state to aid the department and applicants in identifying average amounts used for these purposes. The presumption does not apply if the department finds credible evidence of nonuse of the well during the required period or credible evidence that the use of water from the exempt well or the intensity of the use of the land supported by water from the exempt well is substantially different than such uses in the general area in which the exempt well is located. The department shall also accord a presumption in favor of approval of such consolidation if the requirements of this subsection are met and the discontinuance of the exempt well is consistent with an adopted coordinated water system plan under chapter 70.116 RCW, an adopted comprehensive land use plan under chapter 36.70A RCW, or other comprehensive watershed management plan applicable to the area containing an objective of decreasing the number of existing and newly developed small ground water withdrawal wells. The department shall provide a priority to reviewing and deciding upon applications subject to this subsection, and shall make its decision within sixty days of the end of the comment period following publication of the notice by the applicant or within sixty days of the date on which compliance with the state environmental policy act, chapter 43.21C RCW, is

completed, whichever is later. The applicant and the department may by prior mutual agreement extend the time for making a decision.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5785.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Substitute Senate Bill No. 5785.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5785.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5785, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5785, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Absent: Senator McDonald - 1. Excused: Senators Loveland, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5785, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1997

#### MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL No. 5886 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature finds that: (1) Currently, many of the salmon stocks on the Washington coast and in Puget Sound are severely depressed and may soon be listed under the federal endangered species act. (2) Immediate action is needed to reverse the severe decline of this resource and ensure its very survival. (3) The cooperation and participation of private landowners is crucial in efforts to restore and enhance salmon populations. (4) Regional fisheries enhancement groups have been exceptionally successful in their efforts to work with private landowners to restore and enhance salmon habitat on private lands. (5) Regional fisheries enhancement groups have provided the most cost-effective approach to assisting the recovery of salmon fisheries in Washington state. Work undertaken by regional fisheries enhancement groups returns an average of nine dollars in matching funds for every one dollar in expenditures from the regional enhancement account. (6) State funding for regional fisheries enhancement groups has been declining and is a significant limitation to current fisheries enhancement and habitat restoration efforts. (7) Therefore, a stable funding source is essential to the success of the regional enhancement groups and their efforts to work cooperatively with private landowners to restore salmon resources. NEW SECTION. Sec. 2. A new section is added to chapter 75.50 RCW to read as follows: The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The regional fisheries enhancement group advisory board and the department shall develop guidelines for providing funds to the regional fisheries enhancement groups. NEW SECTION. Sec. 3. A new section is added to chapter 75.50 RCW to read as follows: (1) The regional fisheries enhancement project account is created in the state treasury. All receipts from federal sources and moneys from state sources specified by law must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the sole purpose of fisheries enhancement and habitat restoration by regional fisheries enhancement groups. (2) The salmonid recovery account is created in the custody of the state treasurer. All receipts from private gifts, grants, bequests, and donations must be deposited into the account. Expenditures from the account may be used for the sole purpose of fisheries enhancement and habitat restoration by regional fisheries enhancement groups. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Oke moved that the Senate refuse to concur in the House amendment to Second Substitute Senate Bill No. 5886 and requests of the House a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate refuse to concur in the House amendment to Second Substitute Senate Bill No. 5886 and requests of the House a conference thereon.

The motion by Senator Oke carried and the Senate refuses to concur in the House amendment to Second Substitute Senate Bill No. 5886 and requests of the House a conference thereon.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5886 and the House amendment thereto: Senators Strannigan, Oke and Jacobsen.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Franklin, Senator Fraser was excused.

MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SENATE BILL No. 5229 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 84.36.037 and 1993 c 327 s 1 are each amended to read as follows: (1) Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre: PROVIDED, That for property essentially unimproved except for restroom facilities and structures on such property which has been used primarily for annual community celebration events for at least ten years, such exempt property shall not exceed twenty-nine acres. (2) To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations or persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property. (3) The use of the property for pecuniary gain or to promote business activities, except as provided in this section, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by: (a) The collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user. (b) Fund-raising activities conducted by a nonprofit organization. (c) The use of the property for pecuniary gain or to promote business activities for periods of not more than ~~((three))~~ seven days in a year. (d) In a county with a population of less than ten thousand, the use of the property to promote the following business activities: Dance lessons, art classes, or music lessons. (e) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years. (4) The department of revenue shall narrowly construe this exemption." Correct the title accordingly., and the same are herewith transmitted. TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator West moved that the Senate refuse to concur in the House amendment to Senate Bill No. 5229 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate refuse to concur in the House amendment to Senate Bill No. 5229 and asks the House to recede therefrom.

The motion by Senator West carried and the Senate refuses to concur in the House amendment to Senate Bill No. 5229 and asks the House to recede therefrom.

MOTION

On motion of Senator Hale, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

March 8, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5803 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 34.05 RCW to read as follows: (1) In order to provide the greatest possible access to agency documents to the most people, agencies are encouraged to make their rule, interpretive, and policy information available through electronic distribution as well as through the regular mail. Agencies that have the capacity to transmit electronically may ask persons who are on mailing lists or rosters for copies of interpretive statements, policy statements, preproposal statements of inquiry, and other similar notices whether they would like to receive the notices electronically. (2) Electronic distribution to persons who request it may substitute for mailed copies related to rule making or policy or interpretive statements. If a notice is distributed electronically, the agency is not required to transmit the actual notice form but must send all the information contained in the notice. (3) Agencies which maintain mailing lists or rosters for any notices relating to rule making or policy or interpretive statements may establish different rosters or lists by general subject area. **Sec. 2.** RCW 34.05.010 and 1992 c 44 s 10 are each amended to read as follows: The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise. (1) "Adjudicative proceeding" means a proceeding before an agency in which an



opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law. (2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.41 RCW. (3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits. Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including eminent domain, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency. (4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head. (5) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective. (6) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head. (7) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." (8) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order. (9)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency. (b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license. (10) "Mail" or "send," for purposes of any notice relating to rule making or policy or interpretive statements, means regular mail or electronic distribution, as provided in section 1 of this act. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail. (11)(a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons. (b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule. ((41)) (12) "Party to agency proceedings," or "party" in a context so indicating, means: (a) A person to whom the agency action is specifically directed; or (b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding. ((42)) (13) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means: (a) A person who files a petition for a judicial review or civil enforcement proceeding; or (b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding. ((43)) (14) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency. ((44)) (15) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach. ((45)) (16) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes. ((46)) (17) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 for the purpose of selectively reviewing existing and proposed rules of state agencies. ((47)) (18) "Rule making" means the process for formulation and adoption of a rule. ((48)) (19) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5803. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5803, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5803, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Fairley, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibadeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Absent: Senators McDonald and Prince - 2. Excused: Senators Deccio, Fraser, Loveland, McCaslin and Snyder - 5. SUBSTITUTE SENATE BILL NO. 5803, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hale, Senator McDonald was excused.

#### MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL No. 5274 with the following amendment(s):  
Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows: (1) School districts and public schools may not request the disclosure of a student's federal social security number, except as provided in subsection (2) of this section. (2)(a) A school district or public school may request the disclosure of a student's federal social security number for the purpose of seeking medicaid reimbursement for covered services to eligible students under RCW 74.09.5241 through 74.09.5256, or for the purpose of compliance with any other explicit federal law requiring the disclosure. If disclosure is requested under this subsection (2)(a), the school district or public school shall cite the law requiring the disclosure. (b) If the student is an employee of the school district, a school district or public school may request disclosure of a student's social security number for employment purposes, if employment records containing the number are maintained separately from student records. (c) Any school district or public school requesting the disclosure of a student's federal social security number under this subsection must use a consent form, to be signed by the parent or guardian, that contains a disclosure statement printed on the form. The disclosure statement must include the following information: (i) Whether the disclosure is mandatory or voluntary; (ii) What federal or state statute, rule, or regulation requires the disclosure; (iii) What uses will be made of the number; and (iv) Who will have access to it. A parent's or guardian's general consent for another purpose, including medical consent or any consent used to approve admission to or involvement in a special education or remedial program or regular school activity, does not constitute consent to disclosure of the student's social security number. (3) It is unlawful for any public school or public school district to deny a student any right, benefit, or privilege provided by law because the student or the student's parent or legal guardian refuses to disclose the student's federal social security number. (4) Except as provided in section 2 of this act, no official, employee, or agent of an educational institution or agency may release a student's social security number to any public or private party without the written consent of the student age eighteen or older, or the parent or legal guardian of a student under age eighteen. The request for release must include the following information: (a) Whether the disclosure is mandatory or voluntary; (b) What federal or state statute, rule, or regulation requires the disclosure; (c) What uses will be made of the number; and (d) Who will have access to it. A parent's or guardian's general consent for other purposes, including medical consent or any consent used to approve admission to or involvement in a special education or remedial program or regular school activity, does not constitute consent to disclosure of the student's social security number. (5) This section shall not be construed as prohibiting a school district from developing an individual student identification number, unrelated to the student's social security number, to identify and maintain education records on students enrolled in the district." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hochstatter moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5274.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hochstatter that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5274.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5274.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5274, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Benton, Brown, Deccio, Finkbeiner, Goings, Hale, Hargrove, Heavey, Hochstatter, Horn, Johnson, Long, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Bauer, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kline, Kohl, McAuliffe, Prentice, Sheldon, Thibaudeau and Wojahn - 13. Excused: Senators Loveland, McCaslin, McDonald and Snyder - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5274, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL No. 5827 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 19.16.500 and 1982 c 65 s 1 are each amended to read as follows: (1)(a) Agencies, departments, taxing districts, political subdivisions of the state, counties, and ~~((incorporated))~~ cities may retain, by written contract, collection agencies licensed under this chapter for the purpose of collecting public debts owed by any person, including any restitution that is being collected on behalf of a crime victim. (b) Any governmental entity as described in (a) of this subsection using a collection agency may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee incurred or to be incurred. The amount to be paid for collection services shall be left to the agreement of the governmental entity and its collection agency or agencies, but a contingent fee of up to fifty percent of the first one hundred thousand dollars of the unpaid debt per account and up to thirty-five percent of the unpaid debt over one hundred thousand dollars per account is reasonable, and a minimum fee of the full amount of the debt up to one hundred dollars per account is reasonable. Any fee agreement entered into by a governmental entity is presumptively reasonable. (2) No debt may be assigned to a collection agency unless (a) there has been an attempt to advise the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid, and (b) at least thirty days have elapsed from the time ~~((the))~~ notice was ~~((sent))~~ attempted. (3) Collection agencies assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors. (4) For purposes of this section, the term debt shall include fines and other debts, including the fee required under subsection (1)(b) of this section.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Patterson moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5827.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate do concur in the House amendment to Substitute Senate Bill No. 5827.

The motion by Senator Patterson carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5827.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5827, as amended by the House.

Debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Substitute Senate Bill No. 5827, as amended by the House, was deferred.

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SENATE BILL No. 5831 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 36.01.050 and 1963 c 4 s 36.01.050 are each amended to read as follows: (1) All actions against any county may be commenced in the superior court of such county, or ~~((of the adjoining county, and))~~ in the superior court of either of the two nearest counties. All actions by any county shall be commenced in the superior court of the county in which the defendant resides, or in ~~((the county adjoining the county by which such action is commenced))~~ either of the two counties nearest to the county bringing the action. (2) The determination of the nearest counties is measured by the travel time between county seats using major surface routes, as determined by the office of the administrator for the courts.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Deccio moved that the Senate concur in the House amendment to Senate Bill No. 5831.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Deccio that the Senate do concur in the House amendment to Senate Bill No. 5831.

The motion by Senator Deccio carried and the Senate concurred in the House amendment to Senate Bill No. 5831.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5831, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5831, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Fairley, Fraser, Heavey, Kohl, McAuliffe, Thibaudeau and Wojahn - 7. Absent: Senator Schow - 1. Excused: Senators Loveland, McCaslin, McDonald and Snyder - 4. SENATE BILL NO. 5831, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 18, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL No. 5915 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 36.70A.367 and 1996 c 167 s 2 are each amended to read as follows: (1) In addition to the major industrial development allowed under RCW 36.70A.365, a county required or choosing to plan under RCW 36.70A.040 that has a population greater than two hundred fifty thousand and that is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand or a county that has a population greater than one hundred forty thousand and is adjacent to another country may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas. (2) A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met: (a) New infrastructure is provided for and/or applicable impact fees are paid; (b) Transit-oriented site planning and traffic demand management programs are implemented; (c) Buffers are provided between the major industrial development and adjacent nonurban areas; (d) Environmental protection including air and water quality has been addressed and provided for; (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; (g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365. (3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area. (4) Final approval of inclusion of a master planned location in the urban industrial land bank shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time. (5) Once a master planned location has been included in the urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there. (6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW. (7) The authority of a county to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, 1998. However, any location included in the urban industrial land bank on December 31, 1998, shall remain available for major industrial development as long as the criteria of subsection (2) of this section continue to be met. (8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent((-)); or (c) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in a urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Anderson moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5915.

#### POINT OF INQUIRY

Senator Patterson: "Senator Anderson, because there is some confusion due to the fact that they have put the wrong amendment in the book today, could you reassure us of the fact that the bill has now been scaled back so that it only applies to land banking in Whatcom County?"

Senator Anderson: "Yes, Senator Patterson, and I believe that staff gave you the scaled back amendment that has come over from the House and it was stamped 'adopted.' What it does is--the current law for industrial development is left the same and it adds the language that we have in current statutes that references Clark County as language--or a county that has a population greater than one hundred forty thousand and is adjacent to another county. So, that is the language that we are dealing with."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Anderson that the Senate do concur in the House amendment to Engrossed Senate Bill No. 5915.

The motion by Senator Anderson carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5915.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5915, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5915, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senators Fairley, Heavey, Kline and Thibaudeau - 4. Excused: Senators McCaslin, McDonald and Snyder - 3. ENGROSSED SENATE BILL NO. 5915, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:09 a.m., on motion of Senator Johnson, the Senate recessed until 1:30 p.m.

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

#### MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SENATE BILL No. 5968 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 46.04 RCW to read as follows: "Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than one thousand watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour. **Sec. 2.** RCW 46.16.010 and 1996 c 184 s 1 are each amended to read as follows: (1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction. (2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows: (a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred; (b) For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred; (c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed shall be deposited in the vehicle licensing fraud account created in the state treasury; (d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion. (3) These provisions shall not apply to the following vehicles: (a) Electric-assisted bicycles; (b) Farm vehicles (as defined in RCW 46.04.181) if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law(~~PROVIDED FURTHER, That these provisions shall not apply to~~); (c) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation(~~PROVIDED FURTHER, That these provisions shall not apply to~~); (d) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve(~~PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows~~); (e) "Special highway construction equipment" (~~is~~) defined as follows: Any vehicle which

is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either ~~((1))~~ (i) are in excess of the legal width, or ~~((2))~~ (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or ~~((3))~~ (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface. Exclusions: "Special highway construction equipment" does not include any of the following: Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter: (a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle. (b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar. **Sec. 3.** RCW 46.20.500 and 1982 c 77 s 1 are each amended to read as follows: No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles, nor may a person drive a motorcycle of a larger engine displacement than that authorized by such special endorsement or by an instruction permit for such category(~~(: - PROVIDED, That any)~~). However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle. **Sec. 4.** RCW 46.37.530 and 1990 c 270 s 7 are each amended to read as follows: (1) It is unlawful: (a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931; (b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol; (c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets; (d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle; (e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol. (2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets. **Sec. 5.** RCW 46.61.710 and 1979 ex.s. c 213 s 8 are each amended to read as follows: (1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630. (2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail. (3) Operation of a moped or an electric-assisted bicycle on a fully controlled limited access highway or on a sidewalk is unlawful. (4) Removal of any muffling device or pollution control device from a moped is unlawful. (5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles. Electric-assisted bicycles may have access to highways of the state to the same extent as bicycles. Electric-assisted bicycles may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Wood moved that the Senate concur in the House amendment to Senate Bill No. 5968.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wood that the Senate do concur in the House amendment to Senate Bill No. 5968.

The motion by Senator Wood carried and the Senate concurred in the House amendment to Senate Bill No. 5968.

#### MOTION

On motion of Senator Franklin, Senators Brown, Loveland, Patterson and Swanson were excused.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5968, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5968, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Rasmussen, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 40. Absent: Senators Prince, Roach and West - 3. Excused: Senators Brown, Loveland, McCaslin, Patterson, Snyder and Swanson - 6. SENATE BILL NO. 5968, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SENATE BILL No. 5991 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 43.330.140 and 1994 c 306 s 1 are each amended to read as follows: (1) The Washington quality award council shall be organized as a ~~((part of the))~~ private, nonprofit corporation ~~((quality for Washington state foundation, with the assistance of the department)),~~ in accordance with chapter 24.03 RCW and this section, ~~with limited staff assistance by the secretary of state as provided by section 2 of this act.~~ ~~((4))~~ (2) The council shall oversee the governor's Washington state quality achievement award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The program shall annually recognize organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations. ~~((2))~~ (3) The council shall consist of the governor and the ~~((director))~~ secretary of state, or their designees, as chair and vice-chair, respectively, ~~((and))~~ the director of the department of community, trade, and economic development, or his or her designee, and twenty-seven members appointed by the governor. Those twenty-seven council members must be selected from recognized professionals who shall have backgrounds in or experience with effective quality improvement techniques, employee involvement quality of work life initiatives, ((and)) development of innovative labor-management relations, and other recognized leaders in state and local government and private business. The ~~((initial))~~ membership of the board beyond the chair and vice-chair shall be appointed by the governor ~~((from a list of nominees submitted by the quality for Washington state foundation. The list of nominees shall include representatives from the governor's small business improvement council, the Washington state efficiency commission, the Washington state productivity board, the Washington state service quality network, the association for quality and participation, the American society for quality control, business and labor associations, educational institutions, elected officials, and representatives from former recipients of international, national, or state quality awards))~~ for terms of three years. ~~((3))~~ (4) The council shall establish a board of examiners, a recognition committee, and such other subcommittee groups as it deems appropriate to carry out its responsibilities. Subcommittee groups established by the council may be composed of noncouncilmembers. ~~((4) The council shall receive its administrative support and operational expenses from the quality for Washington state foundation.)~~ (5) The council shall ~~((, in conjunction with the quality for Washington state foundation,))~~ compile a list of resources available for organizations interested in productivity improvement, quality techniques, effective methods of work organization, and upgrading work force skills as a part of the quality for Washington state foundation's ongoing educational programs. The council shall make the list of resources available to the general public ~~((, including labor, business, nonprofit and public agencies, and the department)).~~ (6) The council ~~((, in conjunction with the quality for Washington state foundation,))~~ may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington. (7) The council shall: (a) Approve and announce achievement award recipients; (b) Approve guidelines to examine applicant organizations; (c) Approve appointment of judges and examiners; (d) Arrange appropriate annual awards and recognition for recipients, in conjunction with the quality for Washington state foundation; (e) Formulate recommendations for change in the nomination form or award categories, in cooperation with the quality for Washington state foundation; and (f) Review any related education, training, technology transfer, and research initiatives proposed ~~((by the quality for Washington state foundation))~~ to it, and that it determines merits such a review. (8) By January 1st of each even-numbered year, the council shall report to the governor and the appropriate committees of the legislature on its activities in the proceeding two years and on any recommendations in state policies or programs that could encourage quality improvement and the development of high-performance work organizations. (9) The council shall cease to exist on July 1, ~~((2004))~~ 1999, unless otherwise extended by law. **NEW SECTION. Sec. 2.** A new section is added to chapter 43.07 RCW to read as follows: (1) The secretary of state shall provide administrative assistance and support to the Washington quality award council only to the extent that the legislature appropriates funds specifically designated for this purpose. The secretary of state has no duty to provide assistance or support except to the extent specifically provided by appropriation. (2) The Washington quality award council may develop private sources of funding, including the establishment of a private foundation. Except as provided in subsection (1) of this section, the council shall receive all administrative support and expenses through private sources of funding and arrangements with a private foundation. Public funds shall not be used to purchase awards, be distributed as awards, or be utilized for any expenses of the

board of examiners, recognition committee, and such other subcouncil groups as the council may establish. Public funds shall not be used to pay overtime or travel expenses of secretary of state staff, for purposes related to the council, unless funded by specific appropriation. NEW SECTION. Sec. 3. RCW 43.330.140 is recodified as a section in chapter 43.07 RCW.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Horn, the Senate concurred in the House amendment to Senate Bill No. 5991.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5991, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5991, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn, Wood and Zarelli - 46. Absent: Senator West - 1. Excused: Senators McCaslin and Snyder - 2. SENATE BILL NO. 5991, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1997-8671

By Senators Kline, Thibaudeau, Brown, Swanson, Hargrove, Franklin, Prentice, Wojahn, Patterson and Kohl

WHEREAS, The African American Academy in the Seattle School District first opened its doors to students in the fall of 1991, with the mission to increase academic achievement; and

WHEREAS, The African American Academy, educating three hundred seventy students in grades K-8, is dedicated to the principle that the future belongs to the prepared child; and

WHEREAS, The African American Academy prepares students to meet the future and to flourish in that future; and

WHEREAS, The African American Academy truly demonstrates that "it takes a whole village to raise a child" through the commitment of the community, parents, students, teachers, staff, and administrators to help each child achieve academic, vocational, and professional success; and

WHEREAS, The African American Academy meets the emotional needs of each child, and helps each child develop positive social and cultural skills; and

WHEREAS, The African American Academy provides all children with the education and skills to become leaders of tomorrow;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that every student of the African American Academy be honored for their pursuit of academic excellence; that each parent and community member be honored for their support of the children and the school; and that the principal, teachers, and staff be commended for their dedication, hard work, and commitment to each student; and

BE IT FURTHER RESOLVED, That the Seattle School Board and Superintendent John Stanford be commended for their commitment to creating and supporting a unique school that provides an education for children today and hope for tomorrow; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the African American Academy and to the Seattle School District.

Senators Kline, Kohl, Franklin and Prentice spoke to Senate Resolution 1997-8671.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from the African American Academy who were seated in the gallery.

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.



MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL No. 6002 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. (1) Many acute and chronically mentally ill offenders are delayed in their release from Washington correctional facilities due to their inability to access reasonable treatment and living accommodations prior to the maximum expiration of their sentences. Often the offender reaches the end of his or her sentence and is released without any follow-up care, funds, or housing. These delays are costly to the state, often lead to psychiatric relapse, and result in unnecessary risk to the public. These offenders rarely possess the skills or emotional stability to maintain employment or even complete applications to receive entitlement funding. Nation-wide only five percent of diagnosed schizophrenics are able to maintain part-time or full-time employment. Housing and appropriate treatment are difficult to obtain. This lack of resources, funding, treatment, and housing creates additional stress for the mentally ill offender, impairing self-control and judgment. When the mental illness is instrumental in the offender's patterns of crime, such stresses may lead to a worsening of his or her illness, reoffending, and a threat to public safety. (2) It is the intent of the legislature to create a pilot program to provide for postrelease mental health care and housing for a select group of mentally ill offenders entering community living, in order to reduce incarceration costs, increase public safety, and enhance the offender's quality of life. NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows: (1) The secretary shall select and contract with a regional support network or private provider to provide specialized access and services to mentally ill offenders upon release from total confinement within the department of corrections who have been identified by the department of corrections and selected by the regional support network or private provider as high-priority clients for services and who meet service program entrance criteria. The program shall enroll no more than twenty-five offenders at any one time, or a number of offenders that can be accommodated within the appropriated funding level, and shall seek to fill any vacancies that occur. (2) Criteria shall include a determination by department of corrections staff that: (a) The offender suffers from a major mental illness and needs continued mental health treatment; (b) The offender's previous crime or crimes have been determined by either the court or department of corrections staff to have been substantially influenced by the offender's mental illness; (c) It is believed the offender will be less likely to commit further criminal acts if provided ongoing mental health care; (d) The offender is unable or unlikely to obtain housing and/or treatment from other sources for any reason; and (e) The offender has at least one year remaining before his or her sentence expires but is within six months of release to community housing and is currently housed within a work release facility or any department of corrections' division of prisons facility. (3) The regional support network or private provider shall provide specialized access and services to the selected offenders. The services shall be aimed at lowering the risk of recidivism. An oversight committee composed of a representative of the department, a representative of the selected regional support network or private provider, and a representative of the department of corrections shall develop policies to guide the pilot program, provide dispute resolution including making determinations as to when entrance criteria or required services may be waived in individual cases, advise the department of corrections and the regional support network or private provider on the selection of eligible offenders, and set minimum requirements for service contracts. The selected regional support network or private provider shall implement the policies and service contracts. The following services shall be provided: (a) Intensive case management to include a full range of intensive community support and treatment in client-to-staff ratios of not more than ten offenders per case manager including: (i) A minimum of weekly group and weekly individual counseling; (ii) home visits by the program manager at least two times per month; and (iii) counseling focusing on relapse prevention and past, current, or future behavior of the offender. (b) The case manager shall attempt to locate and procure housing appropriate to the living and clinical needs of the offender and as needed to maintain the psychiatric stability of the offender. The entire range of emergency, transitional, and permanent housing and involuntary hospitalization must be considered as available housing options. A housing subsidy may be provided to offenders to defray housing costs up to a maximum of six thousand six hundred dollars per offender per year and be administered by the case manager. Additional funding sources may be used to offset these costs when available. (c) The case manager shall collaborate with the assigned prison, work release, or community corrections staff during release planning, prior to discharge, and in ongoing supervision of the offender while under the authority of the department of corrections. (d) Medications including the full range of psychotropic medications including atypical antipsychotic medications may be required as a condition of the program. Medication prescription, medication monitoring, and counseling to support offender understanding, acceptance, and compliance with prescribed medication regimens must be included. (e) A systematic effort to engage offenders to continuously involve themselves in current and long-term treatment and appropriate rehabilitative activities shall be made. (f) Classes appropriate to the clinical and living needs of the offender and appropriate to his or her level of understanding. (g) The case manager shall assist the offender in the application and qualification for entitlement funding, including medicaid, state assistance, and other available government and private assistance at any point that the offender is qualified and resources are available. (h) The offender shall be provided access to daily activities such as drop-in centers, prevocational and vocational training and jobs, and volunteer activities. (4) Once an offender has been selected into the pilot program, the offender shall remain in the program until the end of his or her sentence or unless the offender is released from the pilot program earlier by the department of corrections. (5) Specialized training in the management and supervision of high-crime risk mentally ill offenders shall be provided to all participating mental health providers by the department and the department of corrections prior to their participation in the program and as requested thereafter. (6) The pilot program provided for in this section must be providing services by July 1, 1998. NEW SECTION. Sec. 3. The department shall indemnify and hold harmless the regional support network, private provider, and any mental health center, housing facility, or other mental health provider from all claims or suits arising in any manner from any acts committed by an enrolled offender during his or her period of enrollment. NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows: The department, in collaboration with the department of corrections and the oversight committee created in section 2 of this act, shall track outcomes and submit to the legislature a report of services and outcomes by December 1, 1998, and annually thereafter as may be necessary. The reports shall include the following: (1) A statistical analysis regarding the reoffense and reinstitutionalization rate by the enrollees in the program set forth in

section 2 of this act; (2) a quantitative description of the services provided in the program set forth in section 2 of this act; and (3) recommendations for any needed modifications in the services and funding levels to increase the effectiveness of the program set forth in section 2 of this act. By December 1, 2003, the department shall certify the reoffense rate for enrollees in the program authorized by section 2 of this act to the office of financial management and the appropriate legislative committees. If the reoffense rate exceeds fifteen percent, the authorization for the department to conduct the program under section 2 of this act is terminated on January 1, 2004. **NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void. **NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Long, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 6002.

#### MOTION

On motion of Senator Swecker, Senator Wood was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6002, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, Winsley, Wojahn and Zarelli - 43. Absent: Senators Bauer, Deccio and West - 3. Excused: Senators McCaslin, Snyder and Wood - 3. **SECOND SUBSTITUTE SENATE BILL NO. 6002**, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5003,  
SUBSTITUTE SENATE BILL NO. 5028,  
SUBSTITUTE SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5079,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5105,  
SUBSTITUTE SENATE BILL NO. 5119,  
SUBSTITUTE SENATE BILL NO. 5173,  
SUBSTITUTE SENATE BILL NO. 5177,  
SENATE BILL NO. 5195,  
SUBSTITUTE SENATE BILL NO. 5218,  
SENATE BILL NO. 5266,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5337,  
SUBSTITUTE SENATE BILL NO. 5341,  
SUBSTITUTE SENATE BILL NO. 5359,  
SUBSTITUTE SENATE BILL NO. 5445,  
SUBSTITUTE SENATE BILL NO. 5483,  
SENATE BILL NO. 5503,  
SUBSTITUTE SENATE BILL NO. 5512,  
ENGROSSED SENATE BILL NO. 5514,  
SENATE BILL NO. 5530,  
SUBSTITUTE SENATE BILL NO. 5539,  
SENATE BILL NO. 5554,  
SUBSTITUTE SENATE BILL NO. 5563,  
SENATE BILL NO. 5570,  
SENATE BILL NO. 5659,  
SENATE BILL NO. 5674,  
SUBSTITUTE SENATE BILL NO. 5715,  
SENATE BILL NO. 5741,  
SUBSTITUTE SENATE BILL NO. 5750,

ENGROSSED SENATE BILL NO. 5954,  
SUBSTITUTE SENATE BILL NO. 5965,  
SUBSTITUTE SENATE BILL NO. 6022.

MESSAGES FROM THE HOUSE

April 22, 1997

MR. PRESIDENT:

On SECOND SUBSTITUTE SENATE BILL NO. 5508, the Speaker has replaced Representative Talcott with Representative Hickel as a member of the Conference Committee.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5082. The Speaker has appointed the following members as conferees: Representatives Cooke, Ballasiotes and Wolfe.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House Bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1330,  
SUBSTITUTE HOUSE BILL NO. 1425,  
HOUSE BILL NO. 1439,  
SUBSTITUTE HOUSE BILL NO. 1592,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1866,  
SUBSTITUTE HOUSE BILL NO. 1888,  
HOUSE BILL NO. 1982,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2046,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050,  
HOUSE BILL NO. 2091,  
SUBSTITUTE HOUSE BILL NO. 2227.

TIMOTHY A. MARTIN, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5267 with the following amendment(s):  
On page 9, line 21, after "liability" strike "company" and insert "partnership", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Schow, the Senate concurred in the House amendment to Substitute Senate Bill No. 5267.

MOTIONS

On motion of Senator Swecker, Senator Deccio was excused.

On motion of Senator Franklin, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5267, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5267, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 44. Excused: Senators Bauer, Deccio, McCaslin, Snyder and Wood - 5. SUBSTITUTE SENATE BILL NO. 5267, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6030 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature recognizes the importance of the state workers' compensation program in providing medical and financial services and benefits to workers who are injured on the job, and to their families, and in facilitating the injured workers' return to employment and a productive life. In addition, the legislature considers periodic performance audits to be of assistance in determining the impact of state programs and in developing findings and recommendations that ensure the most effective use of worker, employer, state agency, and public time and resources. NEW SECTION. Sec. 2. The joint legislative audit and review committee, in consultation with members of the senate and house of representatives commerce and labor committees and the workers' compensation advisory committee established under RCW 51.04.110, shall conduct a performance audit of the state workers' compensation system. The performance audit shall review the following issues: (1)(a) The organizational structure of the workers' compensation system and its effectiveness; (b) The management principles, program process, and ongoing practices of the workers' compensation system; (2)(a) The program's taxation system, including the method of collection and the manner in which funds are prioritized and distributed; (b) The use of all revenues generated from reserve surpluses and all other fund sources; (3) The types of services and programs within the system; (4) The level of cooperation and continuity between program and services; (5)(a) The effectiveness of the system in providing sure and certain relief to injured workers as mandated by Title 51 RCW; (b) The effectiveness of the workers' compensation system in returning injured workers to work and meeting other system goals; (6) The level of customer satisfaction of workers and employers participating in the system; (7) The current method by which the department internally reviews and determines the workers' compensation program effectiveness and performance and its process for responding to its findings or recommendations; (8) The manner in which the workers' compensation system coordinates its activities with other programs or activities within the department or other state agencies, including: the WISHA program, the board of industrial insurance appeals, the employment security department, the department of revenue, the department of health, and the work force training and education coordinating board; (9) The cost-effectiveness and efficiency of the state workers' compensation system as compared with other private and public sector delivery systems; (10) Claims administration practices of the state fund, self-insured employers, and third-party administrators, and the effectiveness of department sanctions in promoting best practices in claims administration; and (11) Any other item considered necessary by the joint legislative audit and review committee. NEW SECTION. Sec. 3. The joint legislative audit and review committee is directed to contract with a private entity that is not affiliated with an insurance company, brokerage, or agency, consistent with the provisions of chapter 39.29 RCW. The committee shall consult with the workers' compensation advisory committee in the design of the request for proposals from potential contractors and in the choice of a performance audit contractor. The committee shall provide an interim report on its findings and recommendations to the appropriate house of representatives and senate standing committees by December 31, 1997, and a final report by August 1, 1998. NEW SECTION. Sec. 4. The department of labor and industries shall actively cooperate with the joint legislative audit and review committee in the course of the performance audit and provide information and assistance as necessary. Funding for the performance audit in the amount, as determined by the joint legislative audit and review committee, is provided from the nonappropriated medical aid fund within the department of labor and industries. The department will transfer the funds necessary to implement this act to the joint legislative audit and review committee through an interagency agreement. NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Schow, the Senate concurred in the House amendment to Substitute Senate Bill No. 6030.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6030, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6030, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 3; Excused, 5.

Voting yea: Senators Anderson, Benton, Brown, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Patterson, Prentice, Rasmussen, Roach, Rossi, Schow, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn and Zarelli - 41. Absent: Senators McDonald, Prince and Sellar - 3. Excused: Senators Bauer, Deccio, McCaslin, Snyder and Wood - 5. SUBSTITUTE SENATE BILL NO. 6030, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, Senators Heavey and Patterson were excused.

MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6039 with the following amendment(s):  
On page 1, line 7, after "After" insert "a" On page 1, line 9, after "authority" insert ",", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator West, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6039.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6039, as amended by the House.  
Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6039, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 10; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Johnson, Long, Loveland, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 34. Voting nay: Senators Brown, Fairley, Franklin, Jacobsen, Kline, Kohl, McAuliffe, Prentice, Swanson and Thibaudeau - 10. Excused: Senators Bauer, Heavey, McCaslin, Patterson and Snyder - 5. ENGROSSED SENATE BILL NO. 6039, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 17, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5739 with the following amendment(s):  
On page 3, line 2, after "worn by" strike "all", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Horn moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5739.  
Debate ensued.  
The President declared the question before the Senate to be the motion by Senator Horn that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5739.  
The motion by Senator Horn carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5739.  
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5739, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5739, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Benton, Deccio, Finkbeiner, Goings, Hale, Haugen, Hochstatter, Horn, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Bauer, Brown, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kohl, Sheldon, Spanel, Swanson, Thibaudeau and Wojahn - 13. Excused: Senators Heavey, McCaslin, Patterson and Snyder - 4. ENGROSSED SUBSTITUTE SENATE BILL NO. 5739, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 7900 with the following amendment(s):  
On page 19, line 30, after "((though it))" strike all language through "register" on line 36, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 7900.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate do concur in the House amendment to Engrossed Senate Bill No. 7900.

The motion by Senator Swecker carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 7900.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 7900, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 7900, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bauer, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 43. Voting nay: Senator Benton - 1. Absent: Senator Swanson - 1. Excused: Senators Heavey, McCaslin, Patterson and Snyder - 4. ENGROSSED SENATE BILL NO. 7900, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5701 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 15.54.270 and 1993 c 183 s 1 are each amended to read as follows: Terms used in this chapter have the meaning given to them in this chapter unless the context clearly indicates otherwise. (1) "Brand" means a term, design, or trademark used in connection with the distribution and sale of one or more grades of commercial fertilizers. (2) "Bulk fertilizer" means commercial fertilizer distributed in a nonpackage form such as, but not limited to, tote bags, tote tanks, bins, tanks, trailers, spreader trucks, and railcars. (3) "Calcium carbonate equivalent" means the acid-neutralizing capacity of an agricultural liming material expressed as a weight percentage of calcium carbonate. (4) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and that is used for its plant nutrient content or that is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, ~~(and)~~ manipulated animal and vegetable manures, and a material approved under section 5 of this act. It does not include unmanipulated animal and vegetable manures and other products exempted by the department by rule. (5) "Customer-formula fertilizer" means a mixture of commercial fertilizer or materials of which each batch is mixed according to the specifications of the final purchaser. (6) "Department" means the department of agriculture of the state of Washington or its duly authorized representative. (7) "Director" means the director of the department of agriculture. (8) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend commercial fertilizer, or to offer for sale, sell, barter, exchange, or otherwise supply commercial fertilizer in this state. (9) "Distributor" means a person who distributes. (10) "Grade" means the percentage of total nitrogen, available phosphoric acid, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the "guaranteed analysis," unless otherwise allowed by a rule adopted by the department. Specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or potash. Fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units. (11) "Guaranteed analysis." (a) Until the director prescribes an alternative form of "guaranteed analysis" by rule the term "guaranteed analysis" shall mean the minimum percentage of plant nutrients claimed in the following order and form:

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The percentage shall be stated in whole numbers unless otherwise allowed by the department by rule. The "guaranteed analysis" may also include elemental guarantees for phosphorus (P) and potassium (K). (b) For unacidulated mineral phosphatic material and basic slag, bone, tankage, and other organic phosphatic materials, the total phosphoric acid or degree of fineness may also be guaranteed. (c) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium shall be as allowed or required by rule of the department. The guarantees for such other nutrients shall be expressed in the form of the element. (d) The guaranteed analysis for limes shall include the percentage of calcium or magnesium expressed as their carbonate; the calcium carbonate equivalent as determined by methods prescribed by the association of official analytical chemists; and the minimum percentage of material that will pass respectively a one hundred mesh, sixty mesh, and ten mesh sieve. The mesh size declaration may also include the percentage of material that will pass additional mesh sizes. (e) In commercial fertilizer, the principal constituent of which is calcium sulfate (gypsum), the percentage of calcium sulfate (CaSO<sub>4</sub>.2H<sub>2</sub>O) shall be given along with the percentage of total sulfur. (f) The guaranteed analysis for a material approved under section 5 of this act and to be used as a soil amendment shall include the name and percentage of each soil amending ingredient and the total percentage of all other ingredients. (12) "Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer. (13) "Labeling" includes all written, printed, or graphic matter, upon or accompanying a commercial fertilizer, or advertisement, brochures, posters, television, and radio announcements used in promoting the sale of such fertilizer. (14) "Licensee" means the person who receives a license to distribute a fertilizer under the provisions of this chapter. (15) "Lime" means a substance or a mixture of substances, the principal constituent of which is calcium or magnesium carbonate, hydroxide, or oxide, singly or combined. (16) "Manipulation" means processed or treated in any manner, including drying to a moisture content less than thirty percent. (17) "Manufacture" means to compound, produce, granulate, mix, blend, repackage, or otherwise alter the composition of fertilizer materials. (18) "Official sample" means a sample of commercial fertilizer taken by the department and designated as "official" by the department. (19) "Packaged fertilizer" means commercial fertilizers, either agricultural or specialty, distributed in nonbulk form. (20) "Person" means an individual, firm, brokerage, partnership, corporation, company, society, or association. (21) "Percent" or "percentage" means the percentage by weight. (22) "Registrant" means the person who registers commercial fertilizer under the provisions of this chapter. (23) "Specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as, but not limited to, use on home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries. (24) "Ton" means the net weight of two thousand pounds avoirdupois. (25) "Total nutrients" means the sum of the percentages of total nitrogen, available phosphoric acid, and soluble potash as guaranteed and as determined by analysis. **NEW SECTION. Sec. 2.** A new section is added to chapter 15.54 RCW to read as follows: A material approved under section 5 of this act may be distributed as a commercial fertilizer and may be registered as a packaged commercial fertilizer. However, the department may refuse to register such a material as a packaged commercial fertilizer, may cancel the registration of the material as a packaged commercial fertilizer, and may prohibit its distribution as a commercial fertilizer if the department finds evidence that use of the material as a commercial fertilizer poses unacceptable hazards to human health or the environment that were not known during the approval process specified in section 5 of this act. **Sec. 3.** RCW 15.54.800 and 1993 c 183 s 14 are each amended to read as follows: (1) The director shall administer and enforce the provisions of this chapter and any rules adopted under this chapter. All authority and requirements provided for in chapter 34.05 RCW apply to this chapter in the adoption of rules. (2) The director may adopt appropriate rules for carrying out the purpose and provisions of this chapter, including but not limited to rules providing for: (a) Definitions of terms; (b) Determining standards for labeling and registration of commercial fertilizers (~~and agricultural minerals and limes~~); (c) The collection and examination of commercial fertilizers (~~and agricultural mineral and limes~~); (d) Recordkeeping by registrants and licensees; (e) Regulation of the use and disposal of commercial fertilizers for the protection of ground water and surface water; and (f) The safe handling, transportation, storage, display, and distribution of commercial fertilizers. **Sec. 4.** RCW 70.95.240 and 1993 c 292 s 3 are each amended to read as follows: (1) After the adoption of regulations or ordinances by any county, city, or jurisdictional board of health providing for the issuance of permits as provided in RCW 70.95.160, it shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit. This section shall not: (a) Prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate statutes or ordinances, or create a nuisance; or (b) Apply to a person using a material or materials on the land as commercial fertilizer if (i) the department of ecology has issued written approval for the use of the material or materials as commercial fertilizer as provided in section 5 of this act, (ii) the registration of the material or materials as a packaged commercial fertilizer has not been canceled under section 2 of this act, and (iii) the distribution of the material or materials as a commercial fertilizer has not been prohibited by the department of agriculture under section 2 of this act. (2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot. (b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a



court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. NEW SECTION. Sec. 5. A new section is added to chapter 70.95 RCW to read as follows: (1) The legislature finds that an optional procedure should be established that provides certainty as to whether certain materials generated as byproducts from the manufacturing of wood products may clearly be distributed and used as commercial fertilizer. It is the intent of the legislature in establishing such a procedure that it be truly optional, and that the procedure or the legislature's establishment of the procedure not be construed, except as provided in subsection (3) of this section, as suggesting in any manner whatsoever that a material submitted or not submitted for approval under the procedure or generated or not generated as a byproduct from the manufacturing of wood products is or is not to be regulated as a solid waste. (2) If a person desires to receive the express approval of the department of ecology to distribute a material generated as a byproduct from the manufacturing of wood products as a commercial fertilizer under chapter 15.54 RCW for use as a commercial fertilizer, the person may request in writing the department to provide such approval. The department shall issue written approval to the person and to the department of agriculture that the material may be used as a commercial fertilizer, if the material characteristics and management methods will not pose unacceptable hazards to human health and the environment. The written approval shall certify, to the extent practicable, that the use of the material as a commercial fertilizer is consistent with the following: (a) The biosolids standards set forth in rule or guidance under chapter 70.95J RCW, municipal sewage sludge; (b) Chapter 70.105D RCW, model toxics control act; (c) Chapter 90.48 RCW, water pollution control; (d) Chapter 70.94 RCW, Washington clean air act; (e) Chapter 70.105 RCW, hazardous waste management act; and (f) Other factors intended to protect human health and the environment. (3) A material generated as a byproduct from the manufacturing of wood products that is approved by the department under this section for use as commercial fertilizer and that is distributed and used as such shall not be regulated as solid waste. (4) A party aggrieved by a decision of the department to issue a written approval under this section or to deny the issuance of such an approval may appeal the decision to the pollution control hearings board within thirty days of the decision. Review of such a decision shall be conducted in accordance with chapter 43.21B RCW. Any subsequent appeal of a decision of the hearings board shall be obtained in accordance with RCW 43.21B.180." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Morton moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5701.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate do concur in the House amendment to Substitute Senate Bill No. 5701.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5701.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5701, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5701, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 37. Voting nay: Senators Franklin, Fraser, Kohl, McAuliffe, Newhouse, Prentice, Spanel, Swanson, Thibaudeau and Wojahn - 10. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5701, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 18, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5749 with the following amendment(s):

On page 7, line 9, after "installer" insert "who holds a medical gas piping installer endorsement", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Schow moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5749.  
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Schow that the Senate do concur in the House amendment to Substitute Senate Bill No. 5749.

The motion by Senator Schow carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5749.

#### MOTION

On motion of Senator Thibaudeau, Senator Fairley was excused.  
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5749, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5749, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 45. Voting nay: Senator Stevens - 1. Excused: Senators Fairley, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5749, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5827, deferred earlier today after the Senate concurred in House amendment to the bill.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5827, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5827, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 41. Voting nay: Senators Brown, Franklin, McAuliffe, Swanson and Thibaudeau - 5. Excused: Senators Fairley, McCaslin and Snyder - 3. SUBSTITUTE SENATE BILL NO. 5827, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5002 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Huff, Carlson and H. Sommers.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Winsley, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5002 and the House amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5002 and the House amendment(s) thereto: Senators Wood, Bauer and Winsley.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 19, 1997

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2279 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Huff, Backlund and Murray.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator Winsley, the Senate granted the request of the House for a conference on Substitute House Bill No. 2279 and the Senate amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2279 and the Senate amendment(s) thereto: Senators Deccio, Fairley and West.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5336 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives D. Schmidt, L. Thomas and Scott.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Horn moved that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 5336 and the House amendment(s) thereto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 5336 and the House amendment(s) thereto.

The motion by Senator Horn carried and the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5336 and the House amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5336 and the House amendment(s) thereto: Senators Horn, Patterson and Finkbeiner.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5867 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives B. Thomas, Carrell and Morris.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hale moved that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 5867 and the House amendment(s) thereto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hale that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 5867 and the House amendment(s) thereto.

The motion by Senator Hale carried and the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5867 and the House amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5867 and the House amendment(s) thereto: Senators Sellar, Haugen and Hale.

#### MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1997

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1054 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Carlson, Dunn and Mason.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Winsley, the Senate granted the request of the House for a conference on House Bill No. 1054 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1054 and the Senate amendment(s) thereto: Senators Winsley, Kohl and Hale.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5484 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dyer, Skinner and Wood.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Hale, the Senate granted the request of the House for a conference on Senate Bill No. 5484 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5484 and the House amendment(s) thereto: Senators Deccio, Thibaudeau and Hale.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL No. 1850 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Dyer, Backlund and Cody.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Winsley, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 1850 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1850 and the Senate amendment(s) thereto: Senators Deccio, Wojahn and Benton.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5650 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives D. Schmidt, D. Sommers and Scott.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Hale moved that the Senate grant the request of the House for a conference on Senate Bill No. 5650 and the House amendment(s) thereto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hale that the Senate grant the request of the House for a conference on Senate Bill No. 5650 and the House amendment(s) thereto.

The motion by Senator Hale carried and the Senate granted the request of the House for a conference on Senate Bill No. 5650 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 5650 and the House amendment(s) thereto: Senators Horn, Haugen and Finkbeiner.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1997

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1418 and asks the Senate to recede therefrom.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Oke, the Senate insists on its position regarding the Senate amendment(s) to Substitute House Bill No. 1418 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1418 and the Senate amendment(s) thereto: Senators Prince, Jacobsen and Morton.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 19, 1997

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL No. 1581 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Sterk, Radcliff and Quall.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Hochstatter moved that the Senate grant the request of the House for a conference on Engrossed House Bill No. 1581 and the Senate amendment(s) thereto.

POINT OF INQUIRY

Senator McAuliffe: "Senator Hochstatter, is the issue of concern in this bill--Engrossed House Bill No. 1581--the issue of being the definition of a gang? Is that the need for a conference?"

Senator Hochstatter: "Senator McAuliffe, my understanding is changing the definition is not to be an issue considered. That is my understanding in talking to the prime sponsor."

The President declared the question before the Senate to be the motion by Senator Hochstatter to grant the request of the House for a conference on Engrossed House Bill No. 1581 and the Senate amendment(s) thereto.

The motion by Senator Hochstatter carried and the Senate granted the request of the House for a conference on Engrossed House Bill No. 1581 and the Senate amendment(s) thereto.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1581 and the Senate amendment(s) thereto: Senators Zarelli, McAuliffe and Johnson.

#### MOTION

On motion of Senator Winsley, the Conference Committee appointments were confirmed.

#### MESSAGES FROM THE HOUSE

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SENATE BILL NO. 5034. The Speaker has appointed the following members as conferees: Representatives McMorris, Honeyford and Wood.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5710. The Speaker has appointed the following members as conferees: Representatives Carrell, Cooke and Kastama.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5718. The Speaker has appointed the following members as conferees: Representatives Robertson, K. Schmidt and Hatfield.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

At 3:08 p.m., on motion of Senator Johnson, the Senate adjourned until 9:00 a.m., Wednesday, April 23, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

#### **ONE HUNDREDTH DAY, APRIL 22, 1997**

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

#### **ONE HUNDRED-FIRST DAY**

#### ----- **MORNING SESSION** -----

Senate Chamber, Olympia, Wednesday, April 23, 1997

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Heavey, Horn, McCaslin, McDonald, Patterson and Snyder. On motion of Senator Hale, Senators McCaslin and McDonald were excused. On motion of Senator Franklin, Senators Patterson and Snyder were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kyle Gallagher and Tom Petrich, presented the Colors. Senator Harold Hochstatter offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 22, 1997

EHCR 4407 Prime Sponsor, Representative Clements: Creating a joint select committee on Yakima Valley water storage.  
Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

April 22, 1997

ESHCR 4409 Prime Sponsor, House Committee on Government Reform and Land Use: Establishing a joint select subcommittee on wetlands. Reported by Committee on Agriculture and Environment

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

April 22, 1997

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

I have the honor to advise you that on April 22, 1997, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5056

Relating to limiting property assessments to permitted land use.

Senate Bill No. 5111

Relating to the preparation of maps by county assessors for listing of real estate.

Substitute Senate Bill No. 5121

Relating to the waiver of cancellation of interest or penalties for certain estate tax returns.

Senate Bill No. 5139

Relating to the state parks and recreation commission fiscal matters.

Senate Bill No. 5181

Relating to a debtor's liability for a deficiency after default under a security agreement.

Second Substitute Senate Bill No. 5313

Relating to environmental mitigation projects.

Senate Bill No. 5383

Relating to the collection of sales tax on manufactured housing.

Senate Bill No. 5395

Relating to the formula for determining certificated instructional staff salaries in basic education and special education programs.

Senate Bill No. 5439

Relating to small public works surface mines.

Senate Bill No. 5452

Relating to the property taxation of nonprofit cancer clinics.

Senate Bill No. 5519

Relating to assuring compliance with sentence conditions.

Senate Bill No. 5551

Relating to significant historic places.

Substitute Senate Bill No. 5578

Relating to technical clarifying changes to the family reconciliation act.

Senate Bill No. 5637

Relating to the residency of the county road engineer.

Substitute Senate Bill No. 5664

Relating to credit and debit card purchases in state liquor stores.

Sincerely,  
EVERETT H. BILLINGSLEA, General Counsel

MESSAGES FROM THE HOUSE

April 22, 1997

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5003,  
SUBSTITUTE SENATE BILL NO. 5028,  
SUBSTITUTE SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5079,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5105,  
SUBSTITUTE SENATE BILL NO. 5119,  
SUBSTITUTE SENATE BILL NO. 5173,  
SUBSTITUTE SENATE BILL NO. 5177,  
SENATE BILL NO. 5195,  
SUBSTITUTE SENATE BILL NO. 5218,  
SENATE BILL NO. 5266,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5337,  
SUBSTITUTE SENATE BILL NO. 5341,  
SUBSTITUTE SENATE BILL NO. 5359,  
SUBSTITUTE SENATE BILL NO. 5445,  
SUBSTITUTE SENATE BILL NO. 5483,  
SENATE BILL NO. 5503,  
SUBSTITUTE SENATE BILL NO. 5512,  
ENGROSSED SENATE BILL NO. 5514,  
SENATE BILL NO. 5530,  
SUBSTITUTE SENATE BILL NO. 5539,  
SENATE BILL NO. 5554,  
SUBSTITUTE SENATE BILL NO. 5563,  
SENATE BILL NO. 5570,  
SENATE BILL NO. 5659,  
SENATE BILL NO. 5674,  
SUBSTITUTE SENATE BILL NO. 5715,  
SENATE BILL NO. 5741,  
SUBSTITUTE SENATE BILL NO. 5750,  
ENGROSSED SENATE BILL NO. 5954,  
SUBSTITUTE SENATE BILL NO. 5965,  
SUBSTITUTE SENATE BILL NO. 6022, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5327. The Speaker has appointed the following members as conferees: Representatives Buck, Alexander and Butler.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5491. The Speaker has appointed the following members as conferees: Representatives Boldt, Bush and Tokuda.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5574. The Speaker has appointed the following members as conferees: Representatives Carrell, Mulliken and Dunshee.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5886. The Speaker has appointed the following members as conferees: Representatives Buck, Alexander and Anderson.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5175 and passed the bill without the House amendment(s), and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:



On SENATE BILL NO. 5034, the Speaker has replaced Representative Wood with Representative Conway as conferee.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

On SECOND SUBSTITUTE SENATE BILL NO. 5508, the Speaker has replaced Representative Talcott with Representative Hickel as conferee.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1086,  
SUBSTITUTE HOUSE BILL NO. 1257,  
SUBSTITUTE HOUSE BILL NO. 1261,  
HOUSE BILL NO. 1267,  
SUBSTITUTE HOUSE BILL NO. 2083, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1032,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,  
SUBSTITUTE HOUSE BILL NO. 1076,  
HOUSE BILL NO. 1162,  
SECOND SUBSTITUTE HOUSE BILL NO. 1191,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1527,  
SUBSTITUTE HOUSE BILL NO. 1536,  
SECOND SUBSTITUTE HOUSE BILL NO. 1557,  
SUBSTITUTE HOUSE BILL NO. 1607,  
SUBSTITUTE HOUSE BILL NO. 1620,  
SUBSTITUTE HOUSE BILL NO. 1768,  
SUBSTITUTE HOUSE BILL NO. 1770,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,  
SECOND SUBSTITUTE HOUSE BILL NO. 1817,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1875,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2096,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2170,  
SUBSTITUTE HOUSE BILL NO. 2189,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2272, and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

April 22, 1997

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE HOUSE BILL NO. 1176,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1372,  
SUBSTITUTE HOUSE BILL NO. 1387,  
HOUSE BILL NO. 1398,  
HOUSE BILL NO. 1646,  
SUBSTITUTE HOUSE BILL NO. 1693,  
SUBSTITUTE HOUSE BILL NO. 1757,  
SUBSTITUTE HOUSE BILL NO. 1780,  
SUBSTITUTE HOUSE BILL NO. 1865,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1899,  
SUBSTITUTE HOUSE BILL NO. 1903,  
HOUSE BILL NO. 1922,  
SUBSTITUTE HOUSE BILL NO. 1936,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2013,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2042,  
SECOND SUBSTITUTE HOUSE BILL NO. 2080,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,  
HOUSE BILL NO. 2165,  
HOUSE BILL NO. 2267, and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1086,  
SUBSTITUTE HOUSE BILL NO. 1257,  
SUBSTITUTE HOUSE BILL NO. 1261,  
HOUSE BILL NO. 1267,  
SUBSTITUTE HOUSE BILL NO. 2083.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1032,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,  
SUBSTITUTE HOUSE BILL NO. 1076,  
HOUSE BILL NO. 1162,  
SECOND SUBSTITUTE HOUSE BILL NO. 1191,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1527,  
SUBSTITUTE HOUSE BILL NO. 1536,  
SECOND SUBSTITUTE HOUSE BILL NO. 1557,  
SUBSTITUTE HOUSE BILL NO. 1607,  
SUBSTITUTE HOUSE BILL NO. 1620,  
SUBSTITUTE HOUSE BILL NO. 1768,  
SUBSTITUTE HOUSE BILL NO. 1770,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,  
SECOND SUBSTITUTE HOUSE BILL NO. 1817,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1875,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2096,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2170,  
SUBSTITUTE HOUSE BILL NO. 2189,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2264,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2272.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1176,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1372,  
SUBSTITUTE HOUSE BILL NO. 1387,  
HOUSE BILL NO. 1398,  
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SUBSTITUTE HOUSE BILL NO. 1780,  
SUBSTITUTE HOUSE BILL NO. 1865,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1899,  
SUBSTITUTE HOUSE BILL NO. 1903,  
HOUSE BILL NO. 1922,  
SUBSTITUTE HOUSE BILL NO. 1936,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2013,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2042,  
SECOND SUBSTITUTE HOUSE BILL NO. 2080,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,  
HOUSE BILL NO. 2165,  
HOUSE BILL NO. 2267.

MESSAGE FROM THE HOUSE

April 21, 1997

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Huff, Carlson and Mason.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Wood, the Senate granted the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 5927 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927 and the House amendment(s) thereto: Senators Wood, Kohl and Winsley.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MOTION

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

SENATE RESOLUTION 1997-8665

By Senator Bauer

WHEREAS, Each year high schools from around Washington participate in the Academic Decathlon where Washington high school students compete against one another by answering questions in the following ten academic areas: Math, economics, science, social science, literature, fine arts, essay, speech, interview, and super quiz; and

WHEREAS, An Academic Decathlon Team is composed of nine students who are given the opportunity to win medals and whose combined score determines the overall winner of the competition; and

WHEREAS, Gold, silver, and bronze medals were awarded to Hudson's Bay High School's Academic Decathlon Team composed of: Court Tisdale, Clayton Hanson, Frank Fuhrman, Matt Cameron, Jon Marshall, Matt Weber, Rian Mueller, Luke Hammer, and William Davis; and

WHEREAS, Leading the Hudson's Bay High School Academic Decathlon Team is Coach Fran Duncan whose dedication and willingness to share her evenings and free time has enabled the Hudson's Bay High School Academic Decathlon Team to win the State Academic Decathlon competition and represent Washington in the national Academic Decathlon in Saint George, Utah; and

WHEREAS, Each team member sacrifices free time after school and on weekends to practice and prepare for the Academic Decathlon; and

WHEREAS, Several members of the Academic Decathlon Team are also on the Hudson's Bay Knowledge Bowl Team that recently won first place at the regional competition and second place at the state competition, and for the last three years has been selected to represent the state of Washington in the national Panasonic Academic Challenge;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Hudson's Bay Academic Decathlon Team; and

BE IT FURTHER RESOLVED, That the Washington State Academic Decathlon Board of Directors: Richard Kistler, Irene Clise, Roberta M. Sahr, Dr. David A. Steele, Linn Hergert, and Fran Duncan be recognized for their gift of time and dedication to the Washington State Academic Decathlon; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Hudson's Bay High School, Coach Fran Duncan, each member of the Washington State Academic Decathlon Board of Directors, and each member of the Hudson's Bay Academic Decathlon Team.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5157 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows: (1) The tax levied by RCW 82.08.020 shall not apply to sales of the following: (a) Labor and services rendered in respect to repairing buildings damaged by a disaster or constructing new buildings to replace buildings destroyed by a disaster, if the buildings are located in a county or Indian nation declared as a federal disaster area eligible for individual assistance during the period September 1, 1995, through June 30, 1997; (b) Tangible personal property that becomes an ingredient or component of such buildings during the course of repair or construction; (c) Private automobiles, when replacing a private automobile that was damaged by a disaster occurring during the period November 1, 1995, through June 30, 1997, and the damaged automobile was registered and licensed under the laws of this state at the time of the disaster. (2) A person claiming exemption under this section shall present to the department proof showing that he or she has been approved to receive one or more of the following forms of disaster assistance: (a)

Housing assistance grant from the federal emergency management agency to repair a damaged home; (b) Small business administration loan to repair damages to a residential or commercial building; or (c) Farm service agency loan to repair damages to farm property. (3) The department shall verify an applicant's eligibility and issue a special disaster assistance certificate to qualified persons. (4) A person claiming this exemption at the time of sale shall: (a) Provide the seller with a copy of his or her special disaster assistance certificate; and (b) Display to the seller a valid Washington state driver's license or other valid identification card that has a photograph of the holder; and (c) Complete an exemption certificate in a form and manner prescribed by the department. The exemption certificate must contain the name, address, and telephone number of the buyer, and a list of items purchased, price of the items, and the date of the purchase. (5) The seller shall retain a copy of the exemption certificate and the special disaster assistance certificate. (6) This section expires July 1, 1998. NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows: (1) The provisions of this chapter do not apply in respect to the use of: (a) Tangible personal property that becomes an ingredient or component of buildings during the course of repairing buildings to replace buildings destroyed by a disaster, if the buildings are located in a county or Indian nation declared as a federal disaster area eligible for individual assistance during the period November 1, 1995, through June 30, 1997; (b) A private automobile, if the automobile replaces a private automobile that was damaged by a disaster occurring during the period November 1, 1995, through June 30, 1997, and the automobile was registered and licensed under the laws of this state at the time of the disaster. (2) This section expires July 1, 1998. NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

On motion of Senator West, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5157 and requests of the House a conference thereon.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5120 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1 The legislature finds that trout and salmon population levels are greatly below the carrying capacity of many state waters, and that reintroduction of both trout and salmon can be accomplished with the use of remote site incubators. Remote site incubators have been shown to be a cost-effective means of bypassing the early period of high mortality that is often experienced by salmonid eggs that are naturally spawned in streams with degraded habitat. In addition, remote site incubators provide an efficient method for reintroduction of fish into areas that are not fully seeded by natural spawn. The technology for remote site incubators is well developed, and their application is easily accomplished in a wide variety of habitat by persons with a moderate level of training. It is a goal of the remote site incubator program to assist reestablishment of sustainable fish populations so that the populations may become naturally spawning in many cases. In other cases, primarily where spawning conditions are not optimal or where numbers of spawners are chronically low, the remote site incubator program may become a cost-effective long-term solution for supplementation and restoration of fish populations. Another goal of the remote site incubator program is to provide a means of utilizing excess or surplus salmonid eggs which in the past would have been destroyed or not used in a way that would have rebuilt fish populations. NEW SECTION. Sec. 2. (1) The department shall identify potential sites throughout the state and potential fish species for each site that are suitable for remote site incubators. The initial selection of sites shall be completed by July 1, 1998. Thereafter the site selection list shall be updated at least on an annual basis. (2)(a) The director may use employees of the fish and wildlife construction crew to construct remote site incubators. (b) The director shall purchase commercially available remote site incubators in cases in which it would be more economical to purchase remote site incubators rather than to build them with the construction crew. (c) The director of fish and wildlife and the secretary of the department of corrections shall jointly investigate the potential of producing remote site incubators through the prison industries program of the department of corrections, and shall jointly report their finding to the natural resources committees of the house of representatives and the senate by December 1, 1998. NEW SECTION. Sec. 3. (1) The department shall coordinate the implementation of the remote site incubator program throughout the state and shall make annual reports to the fish and wildlife commission on the progress of the program. (2) The department shall fully involve and depend chiefly upon volunteer efforts to implement the remote site incubator program through the regional fisheries enhancement groups, volunteer cooperative groups, private nonprofit groups, treaty Indian tribes, and interested individuals. (3) The director shall approve a remote site incubator project unless it is a direct threat to the salmonid resource. The director may prioritize remote site incubator projects within regional enhancement areas. NEW SECTION. Sec. 4. (1) The director shall make every effort to utilize appropriate salmonid eggs in remote site incubators if the eggs are not allocated for other fish culture uses or would otherwise be sold or donated. (2) The director may purchase or accept as a gift to the state viable salmonid eggs from private fish farmers for purposes of stocking remote site incubators and for the stocking of all public waters. (3) As required to carry out the purposes of this chapter, the director shall contact the treaty Indian tribes, the federal fish and wildlife service, and the state fish management agencies of Oregon and Idaho for the purpose of obtaining donations of viable salmonid eggs for stocking remote site incubators. NEW SECTION. Sec. 5. The director shall direct the warm water fish enhancement program of the department to investigate ways for applying the remote site incubator technology to the production of warm water fish. NEW SECTION. Sec. 6. Sections 2 through 5 of this act constitute a new chapter in Title 75 RCW." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendment to Second Substitute Senate Bill No. 5120.

#### POINT OF ORDER

Senator Spanel: "A point of order, Mr. President. I would rise to question the scope of the non-flood amendments which were added, dealing with hydraulics. There is some concern about what was amended in the House with the hydraulic permit and the waivers. We have some concerns on those and ask for a scope of them."

#### MOTION

On motion of Senator West, further consideration of Second Substitute Senate Bill No. 5120 was deferred.

#### MESSAGE FROM THE HOUSE

April 9, 1997

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5442 with the following amendment(s):  
Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to read as follows: (1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the ~~((written))~~ approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. (2)(a) Except as provided in RCW 75.20.1001 ~~((and 75.20.1002))~~, the department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. (b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. (c) The forty-five day requirement shall be suspended if ~~((4))~~: (i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ~~((2))~~ (ii) The site is physically inaccessible for inspection; or ~~((3))~~ (iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay. (d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (6)(b) of this section are not met. (3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. (b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application. (c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection. (d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. (4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. (5) If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained ~~((written))~~ approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such. ~~((For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man. The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.))~~ (6)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation. (b) For purposes of this section and RCW 75.20.103, "emergency" means an

immediate threat to life, the public, property, or of environmental degradation. (c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection. (7) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects. (8) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103. (9) For the purposes of this section and RCW 75.20.103, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man. (10) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval. Correct the title., and the same are herewith transmitted TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator West moved that the Senate do concur in the House amendment to Second Substitute Senate Bill No. 5442. Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Second Substitute Senate Bill No. 5442.

The motion by Senator West carried and the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5442.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5442, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5442, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Jacobsen, Johnson, Kline, Kohl, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senator Fairley - 1. Absent: Senators Heavey and Horn - 2. Excused: Senators McCaslin, McDonald, Patterson and Snyder - 4. SECOND SUBSTITUTE SENATE BILL NO. 5442, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5120 and the pending House amendment deferred earlier today.

#### WITHDRAWAL OF MOTION

On motion of Senator Spanel, and there being no objection, Senator Spanel withdrew the point of order for scope and object of the House amendment.

The President declared the question before the Senate to be the motion by Senator West that the Senate do concur in the House amendment to Second Substitute Senate Bill No. 5120.

Debate ensued.

The motion by Senator West carried and the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5120.

#### MOTION

On motion of Senator Franklin, Senator Heavey was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5120, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5120, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 9; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Franklin, Goings, Hale, Hargrove, Haugen, Hochstatter, Johnson, Long, Loveland, McAuliffe, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swanson, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 33. Voting nay: Senators Fairley, Fraser, Jacobsen, Kline, Kohl, Prentice, Sheldon, Spanel and Thibaudeau - 9. Absent: Senators Brown and Horn -

2. Excused: Senators Heavey, McCaslin, McDonald, Patterson and Snyder - 5. SECOND SUBSTITUTE SENATE BILL NO. 5120, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Goings, Senator Fairley was excused.

#### MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5725 with the following amendment(s): Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. A new section is added to chapter 90.46 RCW to read as follows: The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use and distribution of the reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding. If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of the regional water supply plan or plans addressing potable water supply service by multiple water purveyors. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans. NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows: The permit requirements of RCW 90.03.250 do not apply to the use of reclaimed water by the owner of a wastewater treatment facility under the provisions of section 1 of this act. NEW SECTION. Sec. 3. A new section is added to chapter 90.44 RCW to read as follows: The permit requirements of RCW 90.44.060 do not apply to the use of reclaimed water by the owner of a wastewater treatment facility under the provisions of section 1 of this act. NEW SECTION. Sec. 4. A new section is added to chapter 90.46 RCW to read as follows: Facilities that reclaim water under this chapter shall not impair any existing water right downstream from any freshwater discharge points of such facilities unless compensation or mitigation for such impairment is agreed to by the holder of the affected water right. Sec. 5. RCW 90.46.010 and 1995 c 342 s 2 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Greywater" means wastewater having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters. (2) "Land application" means application of treated effluent for purposes of irrigation or landscape enhancement for residential, business, and governmental purposes. (3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever. (4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a ~~((direct))~~ beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater. (5) "Sewage" means water-carried human wastes~~((including kitchen, bath, and laundry waste))~~ from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present. (6) "User" means any person who uses reclaimed water. (7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system. (8) "~~((Direct))~~ Beneficial use" means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose. (9) "Direct recharge" means the controlled subsurface addition of water directly to the ground water basin that results in the replenishment of ground water. (10) "Ground water recharge criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW. (11) "Planned ground water recharge project" means any reclaimed water project designed for the purpose of recharging ground water, via direct recharge or surface ~~((spreading))~~ percolation. (12) "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health. (13) "Streamflow augmentation" means the discharge of reclaimed water to rivers and streams of the state or other surface water bodies, but not wetlands. (14) "Surface ~~((spreading))~~ percolation" means the controlled application of water to the ground surface for the purpose of replenishing ground water. (15) "Wetland or wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands regulated under this chapter shall be delineated in accordance with the manual adopted by the department of ecology pursuant to RCW 90.58.380. (16) "~~((Created wetlands" means a wetland intentionally created from a nonwetland site to produce or replace natural habitat.))~~ "Constructed beneficial use wetlands" means those wetlands intentionally constructed on nonwetland sites to produce or replace natural wetland functions and values. Constructed beneficial use wetlands are considered "waters of the state." (17) "Constructed treatment wetlands" means those wetlands intentionally constructed on nonwetland sites and managed for the primary purpose of wastewater or storm water treatment. Constructed treatment wetlands are considered part of the collection and treatment system and are not considered "waters of the state." Sec. 6. RCW 90.46.080 and 1995 c 342 s 3 are each amended to read as follows: (1) Reclaimed water may be beneficially used for surface ~~((spreading))~~ percolation provided the reclaimed water meets the ground water recharge criteria as measured in ground water beneath or down gradient of the recharge project site, and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable. (2) If the state ground water recharge criteria as defined by RCW 90.46.010 do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge

limit consistent with the goals of this chapter. (3) Reclaimed water that does not meet the ground water recharge criteria may be beneficially used for surface percolation where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standard. **Sec. 7.** RCW 90.46.090 and 1995 c 342 s 4 are each amended to read as follows: (1) Reclaimed water may be beneficially used for discharge into ~~((created))~~ constructed beneficial use wetlands and constructed treatment wetlands provided the reclaimed water meets the class A or B reclaimed water standards as defined in the reclamation criteria, and the discharge is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable. (2) Reclaimed water that does not meet the class A or B reclaimed water standards may be beneficially used for discharge into ~~((created))~~ constructed treatment wetlands where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standards ~~((in conjunction with a pilot project designated pursuant to this chapter, the purpose of which is to test and implement the use of created wetlands for advanced treatment)).~~ (3) The department of ecology and the department of health must develop appropriate standards for discharging reclaimed water into constructed beneficial use wetlands and constructed treatment wetlands. These standards must be considered as part of the approval process under subsections (1) and (2) of this section. **NEW SECTION. Sec. 8.** A new section is added to chapter 90.46 RCW to read as follows: (1) The department of health shall develop standards, procedures, and guidelines for the reuse of greywater, consistent with RCW 43.20.230(2), by January 1, 1998. (2) Standards, procedures, and guidelines developed by the department of health for reuse of greywater shall encourage the application of this technology for conserving water resources, or reducing the wastewater load, on domestic wastewater facilities, individual on-site sewage treatment and disposal systems, or community on-site sewage treatment and disposal systems. (3) The department of health and local health officers may permit the reuse of greywater according to rules adopted by the department of health. **NEW SECTION. Sec. 9.** A new section is added to chapter 90.48 RCW to read as follows: The evaluation of any plans submitted under RCW 90.48.110 must include consideration of opportunities for the use of reclaimed water as defined in RCW 90.46.010. **NEW SECTION. Sec. 10.** The department of ecology and the department of health shall report on the progress of the implementation of chapter 342, Laws of 1995, as amended by chapter . . . , Laws of 1997 (this act) to the members of the agriculture and ecology committee of the house of representatives and the members of the agriculture and environment committee of the senate by December 15, 1997. **NEW SECTION. Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Swecker moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5725.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 5725.

The motion by Senator Swecker carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5725.

#### POINT OF INQUIRY

Senator Morton: "Is it the intent of this legislation to authorize owners of a wastewater treatment facility to sale reclaimed water on a retail basis to residential customers as a water purveyor pursuant to RCW 70.116.030(3)?"

Senator Swecker: "No, however, the owner of a wastewater treatment facility may wholesale reclaimed water to other water purveyors within the area."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5725, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5725, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, Morton, Newhouse, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 41. Absent: Senators Loveland and Schow - 2. Excused: Senators Fairley, Heavey, McCaslin, McDonald, Patterson and Snyder - 6. ENGROSSED SUBSTITUTE SENATE BILL NO. 5725, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 19, 1997

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1924 and asks the Senate for a conference thereon. The Speaker has appointed the following members a conferees: Representatives Ballasiotes, Koster and Costa.



MOTION

Senator Roach, moved that the Senate refuse to grant the request of the House for a conference on House Bill No. 1924, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate refuse to grant the request of the House for a conference, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

The motion by Senator Roach carried and the Senate refuses to grant the request of the House for a conference on House Bill No. 1924, insists on its position regarding the Senate amendment(s) and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5736 with the following amendment(s): On page 1, line 18, strike "~~((more))~~" and insert "more than the limit established by the county legislative authority nor" On page 2, line 2, strike "~~((to exceed))~~" and insert "to exceed the limit established by the county legislative authority nor", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Roach moved that the Senate do concur in the House amendments to Senate Bill No. 5736.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate do concur in the House amendments to Senate Bill No. 5736.

The motion by Senator Roach carried and the Senate concurred in the House amendments to Senate Bill No. 5736.

MOTION

On motion of Senator Goings, Senator Loveland was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5736, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5736, as amended by the House, and the bill passed the House by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, Morton, Oke, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli - 40. Absent: Senators Finkbeiner and Newhouse - 2. Excused: Senators Fairley, Heavey, Loveland, McCaslin, McDonald, Patterson and Snyder - 7. SENATE BILL NO. 5736, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:56 a.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 11:40 a.m. by President Owen.

APPOINTMENT OF CONFERENCE COMMITTEE TO SUBSTITUTE SENATE BILL NO. 5157

The President appointed Senators West, Kohl and Zarelli as members of the Conference Committee to Substitute Senate Bill No. 5157.

MOTION

On motion of Senator Johnson, the conferees were confirmed.

CHANGE IN CONFERENCE COMMITTEE TO SUBSTITUTE SENATE BILL NO. 5002

The President appointed Senator Finkbeiner to replace Senator Winsley as a conferee to Substitute Senate Bill No. 5002.

## MOTION

On motion of Senator Johnson, the change in conferees was confirmed.

## MESSAGE FROM THE HOUSE

April 15, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5434 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "NEW SECTION. Sec. 1. The legislature recognizes that the extraction of minerals by surface mining is an essential activity making an important contribution to the economic well-being of the state and the nation. The citizens of the state are rapidly running out of approved or designated sites at which to conduct these activities. Therefore, the available sources of these minerals are nearly exhausted. The state has enacted several laws in recent years directing local governments to make land use decisions for appropriate uses of land through designation in advance of or during the comprehensive planning process and then to limit the specific approval process to mitigating specific impacts of the use or uses allowed by the designation. The current planning and regulatory environment makes economically viable permits unobtainable for the vast majority of the sites where the minerals are located and needed. While it is not possible to extract minerals without producing some environmental impacts, the current structure of regulation of mining operations is doing much more than preventing or mitigating conditions that would be detrimental to the environment and property rights of the citizens of the state. In the current regulatory environment, economically viable permits simply cannot be obtained for the vast majority of the sites where the minerals are located. The cost of transportation of minerals for any significant distance can have a substantial effect on the costs to the taxpayers of the state. Surface mining must take place in diverse areas where the geologic, topographic, climatic, biologic, and social conditions are significantly different, and reclamation specifications must vary accordingly. But surface, mining is a finite use of the land and another beneficial use must follow through reclamation. Therefore, the legislature finds that designation, production, and conservation of adequate sources of minerals and a balance between appropriate environmental protection and the appropriate regulation of production operations and conservation of minerals is in the best interests of the citizens of the state. Sec. 2. RCW 78.44.011 and 1993 c 518 s 1 are each amended to read as follows: The legislature recognizes that the extraction of minerals through surface mining has historically included regulatory involvement by both state and local governments. It is the intent of the legislature to clarify that surface mining is an appropriate land use, subject to reclamation authority exercised by the department of natural resources and land use designation and ~~(operation)~~ regulatory authority by counties, cities, and towns. The authority for any cities, counties, or towns to regulate operations is derived from this chapter and exercised only as described in RCW 78.44.040. The question of regulatory overlap, the scope of impacts to be regulated by local ordinances, development of model ordinances, the role of each state agency, and reclamation of abandoned mines, shall be the subjects of further study by the house of representatives and senate natural resources committees. The results of these studies must be reported to the legislature prior to the 1998 legislative session. Nothing in this section shall alter or preempt any local government's authority under chapter 43.21C RCW, the state environmental policy act. Sec. 3. RCW 78.44.020 and 1993 c 518 s 3 are each amended to read as follows: The purposes of this chapter are to: (1) Provide that the usefulness, productivity, and scenic values of all lands and waters involved in surface mining within the state will receive the greatest practical degree of protection and reclamation at the earliest opportunity following completion of surface mining; (2) Provide for the greatest practical degree of state-wide consistency in the regulation of surface mines; (3) Apportion regulatory authority between state and local governments in order to minimize redundant regulation of mining; (4) Ensure that reclamation is consistent with local land use plans; and (5) Ensure the power of ~~(local government)~~ cities, counties, and towns to designate sites, and regulate land use and operations (pursuant to section 16 of this act) as provided in this chapter. Sec. 4. RCW 78.44.040 and 1993 c 518 s 6 are each amended to read as follows: (1) The department of natural resources is charged with the administration of reclamation under this chapter. In order to implement and enforce this chapter, the department, under the administrative procedure act (chapter 34.05 RCW), may from time to time adopt those rules necessary to carry out the purposes of this chapter. (2)(a) Once designated under section 6 of this act, counties, cities, and towns may regulate surface mining operations only by ordinance and only in accordance with the requirements of this chapter. Ordinances required to implement this chapter must be adopted by July 1, 1998. (b) Local surface mining operating standards shall: (i) Be limited to those standards that address mitigation of impacts of operations; (ii) Be performance-based, objective standards that: (A) Are directly and proportionately related to limiting surface mining impacts; (B) Are reasonable and generally capable of being achieved; (C) Take into account existing and available technologies; and (D) May be met by any lawful means selected by the applicant or operator that, in the judgment of the county, city, or town, achieve compliance with the standard. However, if compliance with the standards described in this section cannot be met by the applicant, after that applicant has had reasonable opportunity to propose mitigation measures that would meet the standards by all other means, the county, city, or town may impose limitations on the hours of operation of that portion of the operation creating the impact that cannot be mitigated any other way; (iii) Limit application and monitoring fees to the amount necessary to pay the costs of administering, processing, monitoring, and enforcing the regulation of surface mining in accordance with this section; (iv) Except as otherwise provided in this section, implement the ordinance through an operating plan review and approval process. Such approval process shall: (A) Require submittal of sufficient, complete, and accurate information, as specified by the local ordinance, to allow the decision maker to review the plan for compliance with state, federal, and local standards; (B) At the option of the county, city, or town, provide for administrative approval subject to appeal or for initial consideration through a public hearing process; and (C) Require that project-specific conditions or restrictions be based upon written findings of facts demonstrating their need to achieve compliance with local standards; (v) Subject to subsection (3) of this section, provide that approvals issued will be valid for fifty years or until the resource is exhausted, whichever is less. (3) Operating regulations and amendments thereto adopted pursuant to this section may be applied to lawfully preexisting mining operations only if the local ordinance: (a) Limits application of this section relating to traffic to the designation of approved haul routes; (b) Provides for an expedited review process for operation plans submitted pursuant to this chapter; (c) Provides reasonable time periods for compliance with new or amended local operating standards that in no event may be less than one year; and (d) Includes a variance procedure to allow continuation of existing operations for a nonconforming surface mining operation where strict adherence to

a local operating standard would be economically or operationally impractical due to conditions relating to site configuration, topography, or the nature of historic operations. (4) Nothing in this section precludes a county, city, or town from exercising the express authority delegated to it by a state agency under state law, or from complying with state law when required as a regulated entity. (5) Nothing in this section shall alter or preempt any local government's authority under chapter 43.21C RCW, the state environmental policy act. **Sec. 5.** RCW 78.44.050 and 1993 c 518 s 7 are each amended to read as follows: The department shall have the exclusive authority to regulate surface mine reclamation ((~~except that, by contractual agreement, the department may delegate some or all of its enforcement authority to a county, city, or town~~)). No county, city, or town may require for its review or approval a separate reclamation plan or application. The department may, however, delegate some or all of its enforcement authority by contractual agreement to a county, city, or town that employs personnel who are, in the opinion of the department, qualified to enforce plans approved by the department. All counties, cities, or towns shall have the authority to zone surface mines and adopt ordinances regulating operations ((~~pursuant to section 16 of this act~~)) as provided in this chapter, except that county, city, or town operations ordinances may be preempted by the department during the emergencies outlined in RCW 78.44.200 and related rules. This chapter shall not alter or preempt any provisions of the state fisheries laws (Title 75 RCW), the state water allocation and use laws (chapters 90.03 and 90.44 RCW), the state water pollution control laws (chapter 90.48 RCW), the state wildlife laws (Title 77 RCW), state noise laws or air quality laws (Title 70 RCW), shoreline management (chapter 90.58 RCW), the state environmental policy act (chapter 43.21C RCW), state growth management (chapter 36.70A RCW), state drinking water laws (chapters 43.20 and 70.119A RCW), or any other state statutes. **NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows: (1)(a) Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in RCW 78.44.031, shall be established as an allowed use in local development regulations. (b) The county shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used. (c) This section has no applicability to metals mining and milling operations as defined in RCW 78.56.020. (2) Nothing in this section precludes any unit of government from accepting the lowest responsible bid for purchase of mineral materials, regardless of source. (3) Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, a county, city, or town shall discourage the siting of new applications of incompatible uses adjacent to mineral resource industries, deposits, and holdings. (4) Any additions or amendments to comprehensive plans or development regulations required by this section may be adopted during the normal course of adopting or amending the comprehensive plan or development regulations. Reasonable notice of additions or amendments to comprehensive plans or development regulations shall be given to property owners and other affected and interested individuals. The county shall use either an existing reasonable notice provision already employed by the county or a new reasonable notice provision, including any of the following: (a) Notifying owners of real property, as shown by the records of the county assessor, located within three hundred feet of the boundaries of the proposed designation; (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the mineral resource deposits are located; (c) Notifying public or private groups with known interest in the proposed mineral resource designation; or (d) Placing notices in appropriate regional, neighborhood, or trade journals. (5) For the purposes of this section: (a) "Long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land. (b) "Allowed use" means the use or uses specified by local development regulations as appropriate within those areas designated through the advance or comprehensive planning process. Once designated, a proposed allowed use shall be reviewed for project specific impacts and may be conditioned to mitigate significant adverse impacts within the context of site plan approval, but such review shall not revisit the question of land use. **Sec. 7.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended to read as follows: (1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. (2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992. (3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency. (4) The development regulations adopted by such counties and cities regarding surface mining operations under RCW 78.44.040 shall not be inconsistent with rules adopted by the department of natural resources. (5) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Swecker moved that the Senate do concur in the House amendment to Senate Bill No. 5434.

#### POINT OF ORDER

Senator Patterson: "A point of order, Mr. President. I rise to challenge the scope and object of the House amendment to Senate Bill No. 5434. The underlying bill is a measure that adds a new section to Chapter 36.70A of the RCWs requiring certain counties to designate mineral resource lands in their comprehensive plans to meet a projected twenty year county-wide need.

"The House amendment to this bill makes numerous changes to the surface mining statutes in Chapter 78.44 in the RCWs. These changes modify the regulation and the enforcement of surface mining operations by the Department of Natural Resources and local governments, changing the scope and object of this bill."

Debate ensued.

#### MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5434 was deferred.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5460 with the following amendment(s): Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to read as follows: (1) No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency(~~(: PROVIDED, That))~~. However, the foregoing provisions of this section shall not apply to the following activities: ~~((1))~~ (a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as ~~((a))~~ (i) any required notice of the meeting includes the title and number of the ballot proposition, and ~~((b))~~ (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view; ~~((2))~~ (b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry; or ~~((3))~~ (c) Activities which are part of the normal and regular conduct of the office or agency. ~~(2)(a) An association composed of local governments or local government officials and financially supported by local governments may not participate in any election. (b) The association may (i) gather and disseminate objective and factual information to members relating to a ballot measure; (ii) participate in the determination of a collective position on the ballot measure; and (iii) participate on a committee appointed to prepare arguments to appear in the voter's pamphlet regarding the ballot measure. (c) Each association shall prepare and submit a full report to the house of representatives government administration committee and the senate government operations committee no later than January 31st of each year through the year 1999 certifying it did not participate in any election during the previous year and providing full disclosure of any activities engaged in by the association under (b) of this subsection during the previous year.~~" Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Johnson moved that the Senate refuse to concur in the House amendment to Senate Bill No. 5460 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate refuse to concur in the House amendment to Senate Bill No. 5460 and asks the House to recede therefrom.

The motion by Senator Johnson carried and the Senate refuses to concur in the House amendment to Senate Bill No. 5460 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 11, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5783 with the following amendment(s): Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The legislature finds that it is in the public interest for water rights held by public water systems to be managed and regulated in a manner that: (1) Allows such systems to prolong and maximize the use of water rights applied to municipal purposes consistent with the population demand projections established in state-approved water system plans and adopted growth management plans; and (2) Promotes water conservation, with enhanced efforts occurring in water critical areas, promotes water system efficiencies, and eliminates disincentives for investments in water efficient technologies. The department of ecology is therefore directed to administer water rights laws consistent with RCW 90.03.320 and 90.03.330 and section 2 of this act. **NEW SECTION. Sec. 2.** A new

section is added to chapter 90.03 RCW to read as follows: (1) For the purposes of this chapter and RCW 90.14.140, "municipal water supply purposes" means water distributed by a group A public water system as defined by RCW 70.119.020, and includes domestic, commercial, and industrial water uses provided as an integral element of the public water system and includes industrial water uses provided on the effective date of this act under RCW 54.16.030 which are included in a comprehensive water system plan. Except as stated above, this definition does not include commercial, industrial, irrigation, or other water systems that are not designated as a public water system for potable water use recognized by a state-approved public water system plan or withdrawals of public ground waters exempt from permit requirements under RCW 90.44.050. (2) For the purposes of RCW 90.14.140, the amount of water held for municipal water supply purposes is limited to the water that is deemed to be an efficient use and that meets the needs of the public water system's service area as determined by plans in RCW 90.03.320. Water uses that are deemed as efficient uses of water are those that are in full compliance with the department of health's conservation guidelines for such systems. This section applies only to those public water systems that are required to develop water conservation plans pursuant to the department of health's conservation guidelines. **Sec. 3.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to read as follows: Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the department, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the department. The department, in fixing the time for the commencement of the work, or for the completion thereof and the application of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public interests affected: and, for good cause shown, it shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected. In fixing construction schedules and the time, or extension of time, for application of water to beneficial use for municipal water supply purposes, the department shall also take into consideration the term and amount of financing required to complete the project, delays that may result from planned and existing conservation and water use efficiency measures implemented by the public water system, and the supply needs of the public water system's service area, consistent with an approved comprehensive plan under chapter 36.70A RCW, or in the absence of such a plan, a county-approved comprehensive plan under chapter 36.70 RCW or a plan approved under chapter 35.63 RCW, and related water demand projections prepared by public water systems in accordance with state law. An existing comprehensive plan under chapter 36.70A or 36.70 RCW, plan under chapter 35.63 RCW, or demand projection may be used. If the terms of the permit or extension thereof, are not complied with the department shall give notice by registered mail that such permit will be canceled unless the holders thereof shall show cause within sixty days why the same should not be so canceled. If cause ~~((be))~~ is not shown, ~~((said))~~ the permit shall be canceled. **Sec. 4.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows: (1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by ~~((him))~~ the director, and such certificate shall thereupon be recorded with the department. (2) For those public water supplies that fulfill municipal water supply purposes and are designed to accommodate future growth as defined by a state-approved water system plan, the amount of instantaneous diversion or withdrawal considered to be applied to beneficial use at the time of perfection of the certificate shall be based upon the design capacity of the diversion structures and mainlines or withdrawal facilities and mainlines installed at such time. Further, the amount of annual appropriation considered to be applied to beneficial use at the time of perfection shall be based on the growth projection contained in the most current state-approved water system plan. However, the department may not issue a certificate for quantities of water in excess of those contained in a permit if a permit has been issued. This subsection shall apply to the administration of water rights existing on the effective date of this section and prospectively issued water rights, but shall not apply to water rights subject to the terms of final adjudication decrees entered in accordance with this chapter. Withdrawal of ground water shall be in compliance with RCW 90.44.100. (3) Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be by the department transmitted to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof. Correct the title., and the same are herewith transmitted

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Swecker moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5783.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate do concur in the House amendment to Substitute Senate Bill No. 5783.

The motion by Senator Swecker carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5783.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5783, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5783, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Stevens, Strannigan, Swecker, West, Winsley, Wood and Zarelli - 32. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Goings, Jacobsen, Kline, Kohl, Patterson, Prentice, Sheldon, Spanel, Swanson, Thibaudeau and

Wojahn - 15. Excused: Senators McCaslin and Snyder - 2. SUBSTITUTE SENATE BILL NO. 5783, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 1997

MR. PRESIDENT:

The House refuses to recede from the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6061 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives K. Schmidt, Mitchell and Fisher.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Prince moved that the Senate grant the request of the House for a conference on Engrossed Substitute Senate Bill No. 6061 and the Senate amendment(s) thereto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Prince that the Senate grant the request of the House for a conference on Engrossed Substitute Senate Bill No. 6061 and the Senate amendment(s) thereto.

The motion by Senator Prince carried and the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 6061 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6061 and the Senate amendment(s) thereto: Senators Prince, Haugen and Sellar.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 22, 1997

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5270 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives L. Thomas, Smith and Wolfe.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Winsley moved that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 5270 and the House amendment(s) thereto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate grant the request of the House for a conference on Substitute Senate Bill No. 5270 and the House amendment(s) thereto.

The motion by Senator Winsley carried and the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5270 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5270 and the House amendment(s) thereto: Senators Hale, Prentice and Winsley.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 22, 1997

MR. PRESIDENT:

The House refuses to concur with the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2097 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives L. Thomas, Benson and Keiser.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

Senator Winsley moved that the Senate grant the request of the House for a conference on Substitute House Bill No. 2097 and the Senate amendment(s) thereto.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate grant the request of the House for a conference on Substitute House Bill No. 2097 and the Senate amendment(s) thereto.

The motion by Senator Winsley carried and the Senate granted the request of the House for a conference on Substitute House Bill No. 2097 and the House amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2097 and the Senate amendment(s) thereto: Senators Winsley, Heavey and Hale.

MOTION

On motion of Senator Johnson, the Conference Committee appointments were confirmed.

MOTION

At 12:02 p.m., on motion of Senator Johnson, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:33 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5104,  
SUBSTITUTE SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5267,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5505,  
SUBSTITUTE SENATE BILL NO. 5521,  
SENATE BILL NO. 5571,  
ENGROSSED SENATE BILL NO. 5590,  
SUBSTITUTE SENATE BILL NO. 5676,  
SUBSTITUTE SENATE BILL NO. 5701,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5739,  
SUBSTITUTE SENATE BILL NO. 5749,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,  
SUBSTITUTE SENATE BILL NO. 5768,  
SUBSTITUTE SENATE BILL NO. 5770,  
SUBSTITUTE SENATE BILL NO. 5785,  
SUBSTITUTE SENATE BILL NO. 5803,  
SUBSTITUTE SENATE BILL NO. 5827,  
SENATE BILL NO. 5831,  
ENGROSSED SENATE BILL NO. 5915,  
SENATE BILL NO. 5968,  
SENATE BILL NO. 5991,  
SECOND SUBSTITUTE SENATE BILL NO. 6002,  
SUBSTITUTE SENATE BILL NO. 6030,  
ENGROSSED SENATE BILL NO. 6039,  
ENGROSSED SENATE BILL NO. 7900.

MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1997-8670

By Senator Haugen

WHEREAS, May 15 marks the Tenth Anniversary of Navy Kids Day at Whidbey Island Naval Air Station; and  
WHEREAS, This day brings joy, smiles, and self-esteem to as many as seven hundred special-needs children every year; and

WHEREAS, Founder Harvey Jansma, of Camano Island, and hundreds of volunteers help organize the annual event; and

WHEREAS, The children enjoy a free lunch, live entertainment, music, aerial displays, and hands-on opportunities to explore aircraft, parachutes, and Navy equipment; and

WHEREAS, A uniformed Navy or Marine escort is matched with each child for the day, leading to new friendships and pen pal correspondence;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby honor Harvey Jansma for his tireless dedication and commitment to special-needs children; and

BE IT FURTHER RESOLVED, That the Senate also recognize co-coordinator Sara McGruder, KOMO-TV, the men and women of Whidbey Island Naval Air Station, Whidbey Island Bank, Mike Pegram and McDonald's, Mr. Bruce Mouw and the Stanwood High School Band, "The Camano Islanders" singing group, and hundreds of volunteers responsible for the annual success of Navy Kids Day.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Harvey Jansma, who was seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Haugen: "Mr. President, I rise for a point of personal privilege. The President has agreed to host a small coffee at three o'clock in his office. Mr. Jansma will be there, along with members from the naval station and I would ask all of you if you would just stop in for a minute, so you can meet this extraordinary individual and the people that are here with him today--people representing the naval station and somebody representing the local school board. These are people who have done--like I said--do something for kids and these people really have. I just think it would be really nice if you would stop in and say 'hello.' That is at three o'clock in the Lieutenant Governor's Office. Mr. Governor, I appreciate you opening your office for that event. Thank you."

#### MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 8, 1997

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5538 with the following amendment(s):

On page 1, line 12, after "child victim" strike "or" and insert "and" On page 2, line 31, after "child victim" strike "," and insert "((;)) or" On page 2, line 31, after "child witness," insert "and the" On page 2, line 31, after "parents" strike "," and insert "((;))" On page 2, line 31, after "legal guardians" insert "of the child victim or witness" On page 4, after line 2, insert the following: "(12) With respect to child victims and witnesses testifying in court, to be protected from questioning that is unreasonably embarrassing, repetitive, confusing, or otherwise unnecessary, which does not serve the interest of justice and, in the court's view, is not likely to be helpful to the trier of fact.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Long moved that the Senate refuse to concur in the House amendments to Senate Bill No. 5538 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Long that the Senate refuse to concur in the House amendments to Senate Bill No. 5538 and asks the House to recede therefrom.

The motion by Senator Long carried and the Senate refuses to concur in the House amendments to Senate Bill No. 5538 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5527 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 90.03.380 and 1996 c 320 s 19 are each amended to read as follows: (1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That ((said)) the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of



diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and ~~((said))~~ the application shall not be granted until notice of ~~((said))~~ the application ~~((shall be))~~ is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. (2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial or operational integrity of either of the districts. (3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights. The board of directors of an irrigation district may approve such a change if the board determines that the change: Will not adversely affect the district's ability to deliver water to other landowners; will not require the construction by the district of diversion or drainage facilities unless the board finds that the construction by the district is in the interest of the district; will not impair the financial or operational integrity of the district; and is consistent with the contractual obligations of the district. (4) Subsections (1), (2), and (3) of this section do not apply to a transfer or change governed by section 2 of this act. (5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070. (6) Any right represented by an application for a water right for which a permit for water use has not been issued by the time a transfer or change is approved under this section may not be construed as being injured or detrimentally affected by the transfer or change. An existing right that is in the status of an undeveloped water use permit under which water has not been withdrawn by the time a transfer or change is approved under this section may not be construed as being injured or detrimentally affected by the transfer or change. (7) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for a transfer or change is filed under this section during the period beginning on the date the department receives the application and ending two years after the date the department approves or denies the application. **NEW SECTION. Sec. 2.** A new section is added to chapter 90.03 RCW to read as follows: (1)(a) If a portion of the water governed by a water right is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected, the right to use the surplus water may be changed as provided by subsection (2), (3), or (6) of this section. (b) If a portion of the water governed by a water right is made surplus to the beneficial uses exercised under the right through a change in the crops grown under the water right, the right to use the surplus water may be changed as provided by subsection (3) of this section. This subsection (1)(b) does not apply to water supplied by an irrigation district. (c) This section applies only to a change of an agricultural use or portion of an agricultural use of water to an agricultural use of water. (2) The use within an irrigation district of water supplied by the district and made surplus as provided in subsection (1)(a) of this section shall be regulated solely as provided by the board of directors of the irrigation district. Such a use requires the approval of the board of directors of the irrigation district or must otherwise be authorized by the board. The board may approve or authorize such a use only if the use does not impair the financial or operational integrity of the district. Water supplied by an irrigation district and made surplus as provided in subsection (1)(a) of this section through actions taken by an individual water user served by the district is not available for use as a matter of right by that individual water user, but may be used by the board for the benefit of the district generally. The district's board of directors may approve or otherwise authorize under this subsection uses of such surplus water that result in the total irrigated acreage within the district exceeding the irrigated acreage recorded with the department for the district's water right if the board notifies the department of the change in the irrigated acreage within the district. Except as provided in subsection (6) of this section, such a notification provides a change in the district's water right and, upon receiving the notification, the department shall revise its records for the district's right to reflect the change. If an irrigation district is within a federal reclamation project and the district's board of directors approves or otherwise authorizes under this subsection uses of such surplus water that result in the total irrigated acreage within the federal project exceeding the irrigated acreage recorded with the department for the federal project's water right, the board shall notify the department of the change in the irrigated acreage within the federal project. Except as provided by this subsection and subsection (6) of this section, such a notification provides a change in the federal reclamation project's water right and, upon receiving the notification, the department shall revise its records for the federal project's right to reflect the change except that the total irrigable acreage for a water right for a federal reclamation project may not exceed the total irrigable acreage authorized for the project by the United States and related repayment contracts. (3) The right to use water made surplus as provided in subsection (1)(a) or (b) of this section but not supplied by an irrigation district may be changed to use on other parcels of land owned by the holder of the water right that are contiguous to the parcel or parcels of land upon which the use of the water was authorized by the right before such a change. The holder of the water right shall notify the department of such a change. Except as provided in subsection (6) of this section, the notification provides a change in the holder's water right and, upon receiving the notification, the department shall revise its records for the water right to reflect the change. (4) A change governed by this section shall be made without loss of priority of the right. (5) This section shall not be construed as authorizing the use of a junior water right in a manner that impairs or interferes with the use of a senior water right. (6) It is presumed that a change in a water right made by a notification of the department under this section does not impair or interfere with the use of a water right that is senior to the right being changed. However, if upon receiving such a notification, the department determines that the change would impair or interfere with the use of a senior water right, the department shall notify the person providing the notice and shall file a notice of its decision with the superior court of the county in which the withdrawal of water under the right takes place. The notice provided by the department shall not stay the

change made to the water right under this section. The superior court shall review the determination of the department de novo. In such a review, the burden of proof in overcoming the presumption provided by this subsection is on the department. The presumption can be overcome only through the application of scientific data supporting the department's determination. At the conclusion of its review, the superior court shall enter a ruling canceling the change identified in the notification provided to the department, modifying the conditions or extent of that change, or affirming the change. If the ruling modifies the change or affirms the change, the department shall revise its records regarding the right accordingly. A determination regarding impairment or interference made by the department under this subsection concerning a notification it receives under this section shall be made within one year of receiving the notification. The presumption provided by this subsection does not apply with regard to a claim made in superior court by a person with a water right that a change made under this section by a junior water right holder impairs or interferes with the use of the person's senior water right. (7) If a water right changed under this section is a right represented by a statement of claim in the water rights claims registry, the department's obligation to revise its records to reflect the change shall be accomplished by providing an amendment to the statement of claim to reflect the change. (8) This section does not apply in an area with an acreage expansion program in effect on the effective date of this section that is an element of a ground water area or subarea management program as provided in RCW 90.44.445. (9) Nothing in this section authorizes a change in a water right or a portion of a water right that has not been perfected through beneficial use prior to the change. **Sec. 3.** RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows: (1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water(~~(= PROVIDED, HOWEVER, That such))~~. An amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: ~~((1))~~ (a) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; ~~((2))~~ (b) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; ~~((3))~~ (c) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and ~~((4))~~ (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit. (2) This section does not apply to a transfer or change governed by section 2 of this act. (3) Any right represented by an application for a water right for which a permit for water use has not been issued by the time an amendment is approved under this section may not be construed as being impaired by the amendment. An existing right that is in the status of an undeveloped water use permit under which water has not been withdrawn by the time an amendment is approved under this section may not be construed as being impaired by the amendment. (4) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for an amendment is filed under this section during the period beginning on the date the department receives the application and ending two years after the date the department makes a decision on the application. **Sec. 4.** RCW 90.03.290 and 1994 c 264 s 84 are each amended to read as follows: When an application complying with the provisions of this chapter and with the rules and regulations of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit. The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: **PROVIDED**, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: **PROVIDED FURTHER**, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance. This section does not apply to transfers or changes made under section 2 of this act or to applications for transfers or changes made under RCW 90.03.380 or 90.44.100. **Sec. 5.** RCW 90.44.445 and 1993 c 99 s 1 are each amended to read as follows: In any acreage expansion program adopted by the

department as an element of a ground water management program, the authorization for a water right certificate holder to participate in the program shall be on an annual basis for the first two years. After the two-year period, the department may authorize participation for ten-year periods. The department may authorize participation for ten-year periods for certificate holders who have already participated in an acreage expansion program for two years. The department may require annual certification that the certificate holder has complied with all requirements of the program. The department may terminate the authority of a certificate holder to participate in the program for one calendar year if the certificate holder fails to comply with the requirements of the program. This section applies only in an area with an acreage expansion program in effect on the effective date of this amendatory section that has been adopted by the department as an element of a ground water area or subarea management program. The provisions of section 2 of this act, RCW 90.03.380, and 90.44.100 apply to transfers, changes, and amendments to permits or rights for the beneficial use of ground water in any other area. Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Long moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5527 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Long that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5527 and asks the House to recede therefrom.

The motion by Senator Long carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5527 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5276 with the following amendment(s): Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** The legislature finds that in many basins in the state there is water available on a seasonal basis that is in excess of the needs of either existing water right holders or instream resources. The legislature finds that excess waters often result in significant flooding and damage to public and private resources. Further, it is in the public interest to encourage the impoundment of excess water and other measures that can be used to offset the impact of withdrawals and diversions on existing rights and instream resources. Further, in some areas of the state additional supplies of water are needed to meet the needs of a growing economy and population. The legislature finds there is a range of alternatives that offset the impacts that should be encouraged including the creation, restoration, enhancement, or enlargement of ponds, wetlands, and reservoirs and the artificial recharge of aquifers. The purpose of this act is to foster the improvement in the water supplies available to meet the needs of the state. It is the goal of this act to strengthen the state's economy while maintaining and improving the overall quality of the state's environment. **Sec. 2.** RCW 90.03.255 and 1996 c 306 s 1 are each amended to read as follows: The department shall, when evaluating an application for a water right, transfer, or change filed pursuant to RCW 90.03.250 or 90.03.380 that includes provision for any water impoundment or other resource management technique, take into consideration the benefits and costs, including environmental effects, of ~~((the))~~ any water impoundment or other resource management technique that is included as a component of the application. The department's consideration shall extend to any increased water supply that results from the impoundment or other resource management technique, including~~((;))~~ but not limited to~~((;))~~ any recharge of ground water that may occur, as a means of making water available or otherwise offsetting the impact of the diversion of surface water proposed in the application for the water right, transfer, or change. Provision for an impoundment or other resource management technique in an application shall be made solely at the discretion of the applicant and shall not otherwise be made by the department as a condition for approving an application that does not include such provision ~~((for impoundment))~~. This section does not lessen, enlarge, or modify the rights of any riparian owner, or any existing water right acquired by appropriation or otherwise. **Sec. 3.** RCW 90.44.055 and 1996 c 306 s 2 are each amended to read as follows: The department shall, when evaluating an application for a water right or an amendment filed pursuant to RCW 90.44.050 or 90.44.100 that includes provision for any water impoundment or other resource management technique, take into consideration the benefits and costs, including environmental effects, of ~~((the))~~ any water impoundment or other resource management technique that is included as a component of the application. The department's consideration shall extend to any increased water supply that results from the impoundment or other resource management technique, including~~((;))~~ but not limited to~~((;))~~ any recharge of ground water that may occur, as a means of making water available or otherwise offsetting the impact of the withdrawal of ground water proposed in the application for the water right or amendment in the same water resource inventory area. Provision for an impoundment or other resource management technique in an application shall be made solely at the discretion of the applicant and shall not be made by the department as a condition for approving an application that does not include such provision ~~((for impoundment))~~. This section does not lessen, enlarge, or modify the rights of any riparian owner, or any existing water right acquired by appropriation or otherwise. **NEW SECTION. Sec. 4.** A new section is added to chapter 90.03 RCW to read as follows: Upon the request of the applicant, the department shall, when evaluating an application for a water right, transfer, or change filed pursuant to RCW 90.03.250 or 90.03.380, take into account the recharge of ground water from septic tanks or other on-site wastewater treatment facilities in an amount not to exceed the proposed use of water for indoor purposes. The department shall, based upon hydrogeologic data for the area in which the application is located, determine the amount of recharge to the aquifer that is likely to occur and factor that amount into the decision it makes on the application. Any water right permit, transfer, or change that is authorized under this section shall be conditioned to state that the water right permit, transfer, or change shall remain in effect only so long as the water use, including the discharge of water used for indoor purposes through a septic tank or other wastewater treatment facility, remains unchanged from that proposed in the original application. **NEW SECTION. Sec. 5.** A new section is added to chapter 90.44 RCW to read as

follows: Upon the request of the applicant, the department shall, when evaluating an application for a water right or an amendment to a water right or permit filed pursuant to RCW 90.44.050 or 90.44.100, take into account the recharge of ground water from septic tanks or other on-site wastewater treatment facilities in an amount not to exceed the proposed use of water for indoor purposes. The department shall, based upon hydrogeologic data for the area in which the application is located, determine the amount of recharge to the aquifer that is likely to occur and factor that amount into the decision it makes on the application. Any water right permit or amendment that is authorized under this section shall be conditioned to state that the water right permit or amendment shall remain in effect only so long as the water use, including the discharge of water used for indoor purposes through a septic tank or other wastewater treatment facility, remains unchanged from that proposed in the original application." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Swecker moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 5276. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate do concur in the House amendment to Substitute Senate Bill No. 5276.

The motion by Senator Swecker carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5276.

#### MOTIONS

On motion of Senator Franklin, Senators Kohl, Spanel and Swanson were excused.  
On motion of Senator Hale, Senators West, Winsley and Wood were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5276, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5276, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 3; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sheldon, Stevens, Strannigan, Swecker and Zarelli - 37. Voting nay: Senators Fairley, Thibaudeau and Wojahn - 3. Absent: Senator Sellar - 1. Excused: Senators Kohl, McCaslin, Snyder, Spanel, Swanson, West, Winsley and Wood - 8. SUBSTITUTE SENATE BILL NO. 5276, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5434 and the pending House striking amendment deferred earlier today.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Patterson, the President finds that Senate Bill No. 5434 is a measure which provides that counties shall designate resource lands and deposits in comprehensive plans, and shall designate mineral resource uses in local development regulations.

"The House amendment would make similar provisions. However, the amendment would also provide (1) that local governments may regulate surface mining operations under certain standards, and (2) that local governments may not require separate reclamation plans.

"The President, therefore, finds that the proposed House amendment does change the scope and object of the bill and the point of order is well taken."

The House striking amendment to Senate Bill No. 5434 was ruled out of order.

#### WITHDRAWAL OF MOTION

Senator Swecker moved to withdraw the motion that the Senate concur in the House amendment to Senate Bill No. 5434.

#### MOTION

Senator Heavey moved that Senate Bill No. 5434 be laid on the table.

#### WITHDRAWAL OF MOTION

Senator Heavey moved to withdraw the motion that Senate Bill No. 5434 be laid upon the table.

#### MOTION

On motion of Senator Johnson, further consideration of Senate Bill No. 5434 was deferred.

#### MESSAGES FROM THE HOUSE

April 23, 1997

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following House bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1687,  
SUBSTITUTE HOUSE BILL NO. 1935.

TIMOTHY A. MARTIN, Chief Clerk

April 23, 1997

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 1418. The Speaker has appointed the following members as conferees: Representatives Buck, Schoesler and Regala.

TIMOTHY A. MARTIN, Chief Clerk

#### MESSAGE FROM THE HOUSE

April 16, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5354 with the following amendment(s):

On page 1, after line 15, insert: "NEW SECTION. Sec. 3. The state capitol committee shall approve the recommendations of the World War II Advisory Committee for the design and siting of the World War II memorial on the state capitol campus, that was approved and recommended by the Capitol Campus Design Advisory Committee." Correct the title. On page 1, after line 15, insert: "NEW SECTION. Sec. 3. The state capitol committee shall study the physical condition of, and the need for any repairs to, the governor's mansion and report its findings to the legislature on or before January 1, 1998." Correct the title., and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hale moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 5354.

#### POINT OF ORDER

Senator Fraser: "Thank you, Mr. President. A point of order. I believe that the House amendments exceed the scope and object of the bill. The bill deals with membership of the State Capitol Committee and the amendments deal with duties--it gives them assignments of tasks--so, I believe for that reason it does exceed the scope and object."

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fraser, the President believes that the House amendments do expand the scope and object of Engrossed Senate Bill No. 5354 and the point of order is well taken."

The House amendments to Engrossed Senate Bill No. 5354 were ruled out of order.

#### PARLIAMENTARY INQUIRY

Senator Benton: Thank you, Mr. President, a point of clarification. There are two House amendments. Is your scope ruling on both of those amendments or just on one?"

#### REPLY BY THE PRESIDENT

President Owen: "It is on both, Senator Benton."

Senator Benton: "Okay, thank you."

#### WITHDRAWAL OF MOTION

On motion of Senator Hale, and there being no objection, the motion to concur in the House amendments to Engrossed Senate Bill No. 5354 was withdrawn.

#### MOTION

On motion of Senator Hale, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5354 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

April 14, 1997

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5671 with the following amendment(s):  
On page 6, after line 23, insert the following: "**Sec. 3.** RCW 34.05.310 and 1995 c 403 s 301 are each amended to read as follows: (1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies shall solicit comments from the public on a subject of possible rule making before filing with the code reviser a notice of proposed rule making under RCW 34.05.320. The agency shall prepare a statement of inquiry that: (a) Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject; (b) Discusses why rules on this subject may be needed and what they might accomplish; (c) Identifies other federal and state agencies that regulate this subject, and describes the process whereby the agency would coordinate the contemplated rule with these agencies; (d) Discusses the process by which the rule might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; (e) Specifies the process by which interested parties can effectively participate in the decision to adopt a new rule and formulation of a proposed rule before its publication. ~~(2)(a)~~ The statement of inquiry shall be filed with the code reviser for publication in the state register at least thirty days before the date the agency files notice of proposed rule making under RCW 34.05.320 and shall be sent to any party that has requested receipt of the agency's statements of inquiry. ~~(b)~~ The statement of inquiry shall also be sent to the chair of the appropriate standing committees and the majority and minority leaders of the house and senate for comment on the legislative intent of the statute that the rule implements. Any comments submitted by the chairs or leaders shall become part of the record of any subsequent rule making hearing. ~~((2))~~ (3) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to: (a) Negotiated rule making by which representatives of an agency and of the interests that are affected by a subject of rule making, including, where appropriate, county and city representatives, seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated; and (b) Pilot rule making which includes testing the feasibility of complying with or administering draft new rules or draft amendments to existing rules through the use of volunteer pilot groups in various areas and circumstances, as provided in RCW 34.05.313 or as otherwise provided by the agency. ~~((3))~~ (4)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate. (b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided. ~~((4))~~ (5) This section does not apply to: (a) Emergency rules adopted under RCW 34.05.350; (b) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party; (c) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; (d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; (e) Rules the content of which is explicitly and specifically dictated by statute; (f) Rules that set or adjust fees or rates pursuant to legislative standards; or (g) Rules that adopt, amend, or repeal: (i) A procedure, practice, or requirement relating to agency hearings; or (ii) A filing or related process requirement for applying to an agency for a license or permit." Renumber the remaining sections and correct the title. On page 3, line 30, after "order" insert "of adoption" On page 3, line 32, after "rule." insert ""Issuance" does not include final agency orders issued following an adjudicative proceeding under Part IV of this chapter.", and the same are herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

#### MOTION

Senator Hale moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5671.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hale that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 5671.

The motion by Senator Hale carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5671.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5671, as amended by the House.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bauer, Benton, Deccio, Finkbeiner, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Johnson, Long, Loveland, McAuliffe, McDonald, Morton, Newhouse, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Stevens, Strannigan, Swanson, Swecker, West, Winsley and Zarelli - 35. Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl, Prentice, Spanel, Thibaudeau and Wojahn - 11. Excused: Senators McCaslin, Snyder and Wood - 3. ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Johnson, the Senate advanced to the eighth order of business.

#### MOTION

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

#### SENATE RESOLUTION 1997-8652

By Senators Zarelli, Anderson, Schow, Winsley, Benton, Strannigan, Swecker, Hochstatter, Stevens, Finkbeiner, Roach, Rossi, Johnson, Wood, Hargrove, Oke and Long

WHEREAS, The state of Washington is committed to excellence in education; and  
WHEREAS, Teaching children at home was the predominant form of education for much of America's early years;  
and

WHEREAS, Most children in the first two centuries of America's history received their precollege training at home and produced an extremely high literacy rate and made our nation the most educated on earth; and

WHEREAS, Many notable Americans have been the product of home education, including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Thomas Edison, Helen Keller, Douglas MacArthur, Pearl S. Buck, Franklin Roosevelt, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson; and

WHEREAS, The state of Washington recognizes the fundamental right and critical importance of parents to direct the upbringing and choice of education for their children; and

WHEREAS, The state of Washington appropriately recognizes, by law, the right to home education as a legitimate and viable educational alternative; and

WHEREAS, Studies confirm that children who are educated at home exhibit self-confidence and good citizenship and are fully prepared academically to meet the challenge of today's society; and

WHEREAS, It is appropriate that Washington home educating families be recognized for their sacrificial contribution to the diversity and quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby honor, thank, and celebrate the home educating families in the state.

Senators Zarelli, Hargrove, Anderson, Oke, McAuliffe and Swecker spoke to Senate Resolution 1997-8652.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the home schooling families, who were seated in the gallery.

#### MOTION

At 2:23 p.m., on motion of Johnson, the Senate adjourned until 9:00 a.m., Thursday, April 24, 1997.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

#### **JOURNAL OF THE SENATE**

**ONE HUNDRED-FIRST DAY, APRIL 23, 1997**

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**ONE HUNDRED-SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, April 24, 1997

The House was called to order at 9:00 a.m. by the Speaker (Representative Robertson presiding). The Clerk called the roll and a quorum was present.

Representative Robertson called upon Representative Bush to preside.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jessica MacDonald and Micah Raymond. Prayer was offered by Major Al Summerfield, Olympia Salvation Army.

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

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Clerk announced that the Speaker signing:

SUBSTITUTE SENATE BILL NO. 5104,

SUBSTITUTE SENATE BILL NO. 5175,  
SUBSTITUTE SENATE BILL NO. 5267,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5505,  
SUBSTITUTE SENATE BILL NO. 5521,  
SENATE BILL NO. 5571,  
ENGROSSED SENATE BILL NO. 5590,  
SUBSTITUTE SENATE BILL NO. 5676,  
SUBSTITUTE SENATE BILL NO. 5701,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5739,  
SUBSTITUTE SENATE BILL NO. 5749,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,  
SUBSTITUTE SENATE BILL NO. 5768,  
SUBSTITUTE SENATE BILL NO. 5770,  
SUBSTITUTE SENATE BILL NO. 5785,  
SUBSTITUTE SENATE BILL NO. 5803,  
SUBSTITUTE SENATE BILL NO. 5827,  
SENATE BILL NO. 5831,  
ENGROSSED SENATE BILL NO. 5915,  
SENATE BILL NO. 5968,  
SENATE BILL NO. 5991,  
SECOND SUBSTITUTE SENATE BILL NO. 6002,  
SUBSTITUTE SENATE BILL NO. 6030,  
ENGROSSED SENATE BILL NO. 6039,  
ENGROSSED SENATE BILL NO. 7900,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050,



## SENATE AMENDMENTS TO HOUSE BILL

April 14, 1997

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1565 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that small scale prospecting and mining is an important part of the heritage of the state. The legislature further finds that small scale prospecting and mining provide economic benefits to the state, and help to meet the national security demand and industrial demand for minerals. The legislature further finds that it is critical that small scale miners and prospectors be allowed access to open public lands in the state. The legislature further finds that mineral prospecting and mining activities can be conducted in a manner that is consistent with fish habitat and fish-life population. Now, therefore, the legislature declares that small scale prospecting and mining must not be unreasonably regulated. The legislature further declares that small scale prospecting and mining must not be unfairly limited or obstructed from access to open public lands. The legislature further declares that all restrictions or regulations of small scale prospecting and mining activities must be based on sound scientific evidence and applicable documentation supporting the need for such restrictions.

**Sec. 2.** RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals,

storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

This section does not apply to small scale prospecting and mining activities, which are governed by section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 75.20 RCW to read as follows:

(1) Small scale prospecting and mining is exempt from the provisions of this chapter, provided that such activity does not undercut streambanks or disturb rooted live woody plants such as trees or shrubs.

(2) For the purposes of this chapter, "small scale prospecting and mining" means only the use of the following methods: Pans, sluice boxes, concentrators, and mini-rocker boxes for the discovery and recovery of minerals."

On page 1, line 1 of the title, after "mining;" strike the remainder of the title and insert "amending RCW 75.20.100; adding a new section to chapter 75.20 RCW; and creating a new section."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House did not concur in the Senate amendments to Substitute House Bill No. 1565, and asked the Senate for a Conference thereon.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Pennington, Mielke and Regala as conferees on Substitute House Bill No. 1565.

#### SENATE AMENDMENTS TO HOUSE BILL

April 16, 1997

Mr. Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 5.60.060 and 1996 c 156 s 1 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by

one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) No parent or guardian of a minor child arrested on a criminal charge may be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability,

civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

**Sec. 2.** RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)~~((a))~~ "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction ~~((a))~~ (a) whether the defendant has been placed on probation and the length and terms thereof; and ~~((b))~~ (b) whether the defendant has been incarcerated and the length of incarceration.

~~((b) "Criminal history" shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.))~~

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22)~~((a))~~ "First-time offender" means any person who is convicted of a felony ~~((i))~~ (a) not classified as a violent offense or a sex offense under this chapter, or ~~((ii))~~ (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, ~~((and except as provided in (b) of this subsection.))~~ who previously has never been convicted of a felony in this state,

federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

~~((b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses and serious violent offenses.))~~

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of (A) rape in the first degree, rape in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in

the second degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 3.** RCW 9.94A.040 and 1996 c 232 s 1 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or



modifications of the standards (~~in accordance with RCW 9.94A.045~~). The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

- (i) Racial disproportionality in juvenile and adult sentencing;
- (ii) The capacity of state and local juvenile and adult facilities and resources; and
- (iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 4.** RCW 9.94A.120 and 1996 c 275 s 2, 1996 c 215 s 5, 1996 c 199 s 1, and 1996 c 93 s 1 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (i) Devote time to a specific employment or training;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
- (iii) Report as directed to a community corrections officer;
- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender,

regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of

confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a) (viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of

confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) An offender in community custody shall not unlawfully possess controlled substances;
- (v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For sex offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during a sex offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 5.** RCW 9.94A.360 and 1995 c 316 s 1 and 1995 c 101 s 1 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) ~~((Except as provided in subsection (4) of this section,))~~ Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

~~(4) ((Always include juvenile convictions for sex offenses and serious violent offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.~~

~~(5))~~ Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

~~((6))~~ (5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior ~~((adult))~~ offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior ~~((adult))~~ offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) ~~((Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and~~

~~((iii))~~ In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.



(b) As used in this subsection ~~((6))~~ (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

~~((7))~~ (6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

~~((8))~~ (7) If the present conviction is for a nonviolent offense and not covered by subsection ~~((12))~~ (11) or ~~((13))~~ (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

~~((9))~~ (8) If the present conviction is for a violent offense and not covered in subsection ~~((10), (11), (12), or (13))~~ (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

~~((10))~~ (9) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

~~((11))~~ (10) If the present conviction is for Burglary 1, count prior convictions as in subsection ~~((9))~~ (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

~~((12))~~ (11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and ½ point for each juvenile prior conviction.

~~((13))~~ (12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection ~~((9))~~ (8) of this section if the current drug offense is violent, or as in subsection ~~((8))~~ (7) of this section if the current drug offense is nonviolent.

~~((14))~~ (13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

~~((15))~~ (14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

~~((16))~~ (15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection ~~((8))~~ (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

~~((17))~~ (16) If the present conviction is for a sex offense, count priors as in subsections ~~((8))~~ (7) through ~~((16))~~ (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

~~((18))~~ (17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

**Sec. 6.** RCW 13.04.011 and 1992 c 205 s 119 are each amended to read as follows:

For purposes of this title:

(1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, and the terms must be construed identically and used interchangeably;

(2) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, ~~((as now or hereafter amended,))~~ "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

~~((2))~~ (3) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020;

~~((3))~~ (4) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

~~((4))~~ (5) "Parent" or "parents," except as used in chapter 13.34 RCW, ~~((as now or hereafter amended,))~~ means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

~~((5))~~ (6) "Custodian" means that person who has the legal right to custody of the child.

**Sec. 7.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are each reenacted and amended to read as follows:

(1) Except as provided in ~~((subsection (2) of))~~ this section, the juvenile courts in ~~((the several counties of))~~ this state~~((,))~~ shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030 ~~((committed on or after June 13, 1994; or))~~;

(B) A violent offense as defined in RCW 9.94A.030 ((committed on or after June 13, 1994,)) and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after the effective date of this section;

(D) Burglary in the first degree committed on or after the effective date of this section, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this section, and the juvenile is alleged to have been armed with a firearm.

In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(iv) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (iv) of this section, who is detained pending trial, may be detained in a ((county)) detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 8.** RCW 13.40.010 and 1992 c 205 s 101 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that ((both)) communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Provide necessary treatment, supervision, and custody for juvenile offenders;

(g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

(h) Provide for restitution to victims of crime;

(i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; ((and))

(j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; and

(k) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

**Sec. 9.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) ~~((("Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:~~

~~(a) A class A felony, or an attempt to commit a class A felony;~~

~~(b) Manslaughter in the first degree; or~~

~~(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon;~~

~~((2))) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;~~

~~((3))) ((2)) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred ((adjudication))~~

disposition pursuant to RCW 13.40.125. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond (~~imposed pursuant to RCW 13.40.0357~~);

~~((4))~~ (3) Community-based sanctions may include one or more of the following:

- (a) A fine, not to exceed ~~((one))~~ five hundred dollars;
- (b) Community service not to exceed one hundred fifty hours of service;

~~((5))~~ (4) "Community-based rehabilitation" means one or more of the following:

Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

~~((6))~~ (5) "Monitoring and reporting requirements" means one or more of the following:

Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

~~((7))~~ (6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

~~((8))~~ (7) "Court," ~~((s))~~ when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((9))~~ (8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before the effective date of this section or a deferred disposition shall not be considered part of the respondent's criminal history;

~~((10))~~ (9) "Department" means the department of social and health services;

~~((11))~~ (10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

~~((12))~~ (11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The

boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

~~((13))~~ (12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

~~((14))~~ (13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

~~((16))~~ (17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((17))~~ "Middle offender" means ~~a person who has committed an offense and who is neither a minor or first offender nor a serious offender;~~

(18) "~~Minor or first offender~~" means ~~a person whose current offense(s) and criminal history fall entirely within one of the following categories:-~~

~~(a) Four misdemeanors;~~

~~(b) Two misdemeanors and one gross misdemeanor;~~

~~(c) One misdemeanor and two gross misdemeanors; and~~

~~(d) Three gross misdemeanors.~~

~~For purposes of this definition, current violations shall be counted as misdemeanors;~~

~~((19))~~ (18) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((20))~~ (19) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((21))~~ (20) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((22))~~ (21) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

~~((23))~~ (22) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((24))~~ (23) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((25))~~ (24) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((26))~~ (25) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((27))~~ (26) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

~~((28))~~ (27) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

~~((29))~~ (28) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

~~((30))~~ (29) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case.

**Sec. 10.** RCW 13.40.0357 and 1996 c 205 s 6 are each amended to read as follows:

(1) ~~((SCHEDULE A))~~

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
<u>B+</u>	<u>Drive-By Shooting (9A.36.045)</u>	<u>C+</u>
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

**Burglary and Trespass**

B+	Burglary 1 (9A.52.020)	C+
<u>B</u>	<u>Residential Burglary (9A.52.025)</u>	<u>C</u>
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E

D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
<u>C</u>	<u>Vehicle Prowling 1 (9A.52.095)</u>	<u>D</u>
D	Vehicle Prowling <u>2</u> (9A.52.100)	E
	<b>Drugs</b>	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Sale (69.50.401(a)(1)(i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E



B	Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Counterfeit Substances (69.50.401(b)(1)(i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv),(v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

### **Firearms and Weapons**

<u>B</u>	<u>Theft of Firearm (9A.56.300)</u>	<u>C</u>
<u>B</u>	<u>Possession of Stolen Firearm (9A.56.310)</u>	<u>C</u>
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1) (b)( <del>iv</del> )) <u>(iii)</u>	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

### **Homicide**

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+

B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

### **Kidnapping**

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+

### **Obstructing Governmental Operation**

<del>(E)</del> <u>D</u>	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+

### **Public Disturbance**

	Riot with Weapon (9A.84.010)	D+
C+		
	Riot Without Weapon (9A.84.010)	E
D+		
	Failure to Disperse (9A.84.020)	E
E		
	Disorderly Conduct (9A.84.030)	E
E		

### **Sex Crimes**

	Rape 1 (9A.44.040)	B+
A		
	Rape 2 (9A.44.050)	B+
A-		
	Rape 3 (9A.44.060)	D+
C+		
	Rape of a Child 1 (9A.44.073)	B+
A-		
	Rape of a Child 2 (9A.44.076)	C+
<u>B±</u>		
	Incest 1 (9A.64.020(1))	C
B		
	Incest 2 (9A.64.020(2))	D
C		
	Indecent Exposure (Victim < 14) (9A.88.010)	E
D+		
	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
E		

B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+ <del>((B+))</del>	Indecent Liberties (9A.44.100)	C+ <del>((C+))</del>
<u>A-</u> <del>((C+))</del>	Child Molestation 1 (9A.44.083)	<u>B+</u>
<u>B</u>	Child Molestation 2 (9A.44.086)	<u>C±</u>
<b>Theft, Robbery, Extortion, and Forgery</b>		
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+

C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D

**Motor Vehicle Related Crimes**

E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
<del>(D)</del>	<del>Vehicle Prowling (9A.52.100)</del>	<del>E</del>
E	<del>Taking Motor Vehicle Without Owner's Permission (9A.56.070)</del>	<del>D))</del>

<b>Other</b>		
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

~~**((SCHEDULE B  
PRIOR OFFENSE INCREASE FACTOR**~~

~~For use with all CURRENT OFFENSES occurring on or after July 1, 1989.~~

**TIME SPAN**

OFFENSE CATEGORY	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history—Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C  
CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

**AGE**

OFFENSE CATEGORY	12 & Under	13	14	15	16	17
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STANDARD RANGE 180-224 WEEKS

A+

A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10))

**(2) JUVENILE SENTENCING STANDARDS  
((SCHEDULE D-1))**

This schedule ~~((may only))~~ must be used for ~~((minor/first))~~ juvenile offenders. ~~((After the determination is made that a youth is a minor/first offender,))~~ The court ~~((has the discretion to))~~ may select sentencing option A, B, or C.

**((MINOR/FIRST OFFENDER  
OPTION A  
STANDARD RANGE**

Points	Community Supervision	Service Community Hours	Fine
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25



40-49	3-6 months	and/or 16-32	and/or 0-\$25
50-59	3-6 months	and/or 24-40	and/or 0-\$25
60-69	6-9 months	and/or 32-48	and/or 0-\$50
70-79	6-9 months	and/or 40-56	and/or 0-\$50
80-89	9-12 months	and/or 48-64	and/or 10-\$100
90-109	9-12 months	and/or 56-72	and/or 10-\$100

**OR  
OPTION B  
STATUTORY OPTION**

0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

**OR  
OPTION C  
MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-2**

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

**MIDDLE OFFENDER  
OPTION A  
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine	Confinement Days-Weeks	
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	

<del>20-29</del>	<del>0-3 months</del>	<del>and/or 0-16</del>	<del>and/or 0-\$10</del>	<del>and/or 0</del>
<del>30-39</del>	<del>0-3 months</del>	<del>and/or 8-24</del>	<del>and/or 0-\$25</del>	<del>and/or 2-4</del>
<del>40-49</del>	<del>3-6 months</del>	<del>and/or 16-32</del>	<del>and/or 0-\$25</del>	<del>and/or 2-4</del>
<del>50-59</del>	<del>3-6 months</del>	<del>and/or 24-40</del>	<del>and/or 0-\$25</del>	<del>and/or 5-10</del>
<del>60-69</del>	<del>6-9 months</del>	<del>and/or 32-48</del>	<del>and/or 0-\$50</del>	<del>and/or 5-10</del>
<del>70-79</del>	<del>6-9 months</del>	<del>and/or 40-56</del>	<del>and/or 0-\$50</del>	<del>and/or 10-20</del>
<del>80-89</del>	<del>9-12 months</del>	<del>and/or 48-64</del>	<del>and/or 0-\$100</del>	<del>and/or 10-20</del>
<del>90-109</del>	<del>9-12 months</del>	<del>and/or 56-72</del>	<del>and/or 0-\$100</del>	<del>and/or 15-30</del>
<del>110-129</del>				<del>8-12</del>
<del>130-149</del>				<del>13-16</del>
<del>150-199</del>				<del>21-28</del>
<del>200-249</del>				<del>30-40</del>
<del>250-299</del>				<del>52-65</del>
<del>300-374</del>				<del>80-100</del>
<del>375+</del>				<del>103-129</del>

~~Middle offenders with 110 points or more do not have to be committed. They may be assigned community supervision under option B. All A+ offenses 180-224 weeks))~~

**OPTION A**  
**JUVENILE OFFENDER SENTENCING GRID**  
**STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129  
WEEKS | WEEKS | WEEKS | WEEKS  
EXCEPT | | |  
30-40 | | |  
WEEKS FOR | | |  
15-17 | | |  
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129  
Offense WEEKS | WEEKS | WEEKS | WEEKS

Category

B LOCAL SANCTIONS (LS) | | | 52-65  
| 15-36 WEEKS | WEEKS

C+ LS |

| 15-36 WEEKS

C LS | 15-36 WEEKS

Local Sanctions:

0 to 30 Days

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Service

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more

**PRIOR ADJUDICATIONS**

NOTE: References in the grid to days or weeks mean periods of confinement.

(a) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(b) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(c) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(d) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(e) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B  
(~~(STATUTORY OPTION)~~)  
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

~~((0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond~~

~~If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.)~~

~~If the ((middle)) juvenile offender ((has 110 points or more)) is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under ((option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150)) RCW 13.40.160(5) and section 26 of this act.~~

**OR**

**OPTION C  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall ~~((sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range))~~ impose a disposition outside the standard range under RCW 13.40.160(2).

**(~~(JUVENILE SENTENCING STANDARDS  
SCHEDULE D-3~~)**

~~This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.~~

**SERIOUS OFFENDER  
OPTION A  
STANDARD RANGE**

<del>Points</del>	<del>Institution Time</del>
<del>0-129</del>	<del>8-12 weeks</del>
<del>130-149</del>	<del>13-16 weeks</del>

<del>150-199</del>	<del>21-28 weeks</del>
<del>200-249</del>	<del>30-40 weeks</del>
<del>250-299</del>	<del>52-65 weeks</del>
<del>300-374</del>	<del>80-100 weeks</del>
<del>375+</del>	<del>103-129 weeks</del>
<del>All A+ Offenses</del>	<del>180-224 weeks</del>

**OR**  
**OPTION B**  
**MANIFEST INJUSTICE**

~~A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range.)~~

(3) Upon a juvenile offender's conviction for a third or subsequent offense, the court shall refer the juvenile to a community-based intervention program funded under sections 65 through 69 of this act.

**Sec. 11.** RCW 13.40.038 and 1992 c 205 s 105 are each amended to read as follows:

It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment ((and that adjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW)). It is the policy of this state that a juvenile suspect be removed from a confrontational situation as soon as possible. Counties should emphasize immediate enforcement by arrest, booking, and release to a responsible adult or the department of social and health services as provided in RCW 13.40.040.

The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted and if so whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section. Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community. The detention and risk assessment standards shall be developed and implemented no later than December 31, 1992.

**Sec. 12.** RCW 13.40.040 and 1995 c 395 s 4 are each amended to read as follows:

(1) A juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection ~~((2))~~ (3) of this section; or

(c) Pursuant to a court order that the juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A juvenile taken into custody may be held in detention until the juvenile can be released to a responsible adult.

(3) Except as provided in subsection (2) of this section, a juvenile may not be held in detention unless there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

(i) The juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect the juvenile from himself or herself; or

(iii) The juvenile is a threat to community safety; or

(iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending; or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

~~((3))~~ (4) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

~~((4))~~ (5) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

**Sec. 13.** RCW 13.40.045 and 1994 sp.s. c 7 s 518 are each amended to read as follows:

The secretary, assistant secretary, or the secretary's designee shall issue arrest warrants for juveniles who escape from department residential custody. The secretary, assistant secretary, or the secretary's designee may issue arrest warrants for juveniles who abscond from parole supervision or fail to meet conditions of parole. These arrest warrants shall authorize any law enforcement, probation and parole, or peace officer of this state, or any other state where the juvenile is located, to arrest the juvenile and to place the juvenile in physical custody pending the juvenile's return to confinement in a state juvenile rehabilitation facility.

**Sec. 14.** RCW 13.40.050 and 1995 c 395 s 5 are each amended to read as follows:

(1) When a juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays,

and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, ~~((and))~~ stating the right to counsel, and requiring attendance shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 ~~((as now or hereafter amended))~~.

(6) If detention is not necessary under RCW 13.40.040, ~~((as now or hereafter amended,))~~ the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;  
(b) Place restrictions on the travel of the juvenile during the period of release;  
(c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required;

(e) Require that the juvenile return to detention during specified hours; or

(f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in RCW 13.40.040(4).

(7) A juvenile may be released only to a responsible adult or the department of social and health services.

(8) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.

(9) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

**Sec. 15.** RCW 13.40.060 and 1989 c 71 s 1 are each amended to read as follows:

(1) All actions under this chapter shall be commenced and tried in the county where any element of the offense was committed except as otherwise specially provided by statute. In cases in which diversion is provided by statute, venue is in the county in which the juvenile resides or in the county in which any element of the offense was committed.

~~(2) ((The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county where the juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree.~~

~~(3))~~ (3) The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county in which the juvenile resides for supervision and enforcement of the disposition order. The court of the receiving county has jurisdiction to modify and enforce the disposition order.

~~((4))~~ (3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when there is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun.

**Sec. 16.** RCW 13.40.070 and 1994 sp.s. c 7 s 543 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or ~~((9.41.040(1)(e), or any other offense listed in RCW 13.40.020(1) (b) or (e))~~ 9.41.040(1)(b)(iii); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has two or more diversion contracts on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversionary unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.



(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

**Sec. 17.** RCW 13.40.077 and 1996 c 9 s 1 are each amended to read as follows:

**RECOMMENDED PROSECUTING STANDARDS  
FOR CHARGING AND PLEA DISPOSITIONS**

**INTRODUCTION:** These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

Evidentiary sufficiency.

(1) Decision not to prosecute.

**STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. The decision not to prosecute or divert shall not be influenced by the race, gender, religion, or creed of the suspect.

**GUIDELINES/COMMENTARY:**

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years;
- (ii) Most members of society act as if it were no longer in existence;
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) **De Minimis Violation** - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) **Confinement on Other Charges** - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) **Pending Conviction on Another Charge** - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) **High Disproportionate Cost of Prosecution** - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to

the importance of prosecuting the offense in question. The reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

#### Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

#### (2) Decision to prosecute.

#### STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be proved under RCW 13.40.160(~~(5)~~) (4).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

The categorization of crimes for these charging standards shall be the same as found in RCW 9.94A.440(2).

The decision to prosecute or use diversion shall not be influenced by the race, gender, religion, or creed of the respondent.

#### (3) Selection of Charges/Degree of Charge

(a) The prosecutor should file charges which adequately describe the nature of the respondent's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (i) Will significantly enhance the strength of the state's case at trial; or
- (ii) Will result in restitution to all victims.

(b) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (i) Charging a higher degree;
- (ii) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a respondent's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### (4) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (a) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (b) The completion of necessary laboratory tests; and
- (c) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(5) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (a) Probable cause exists to believe the suspect is guilty; and
- (b) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (c) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception (~~that to~~) to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(6) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (a) Polygraph testing;
- (b) Hypnosis;
- (c) Electronic surveillance;
- (d) Use of informants.

(7) Prefiling Discussions with Defendant

Discussions with the defendant or his or her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(8) Plea dispositions:

STANDARD

(a) Except as provided in subsection (2) of this section, a respondent will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(b) In certain circumstances, a plea agreement with a respondent in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

- (i) Evidentiary problems which make conviction of the original charges doubtful;
- (ii) The respondent's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (iii) A request by the victim when it is not the result of pressure from the respondent;
- (iv) The discovery of facts which mitigate the seriousness of the respondent's conduct;
- (v) The correction of errors in the initial charging decision;
- (vi) The respondent's history with respect to criminal activity;
- (vii) The nature and seriousness of the offense or offenses charged;
- (viii) The probable effect of witnesses.

(c) No plea agreement shall be influenced by the race, gender, religion, or creed of the respondent. This includes but is not limited to the prosecutor's decision to utilize such disposition alternatives as (~~"Option B,"~~) the Special Sex Offender Disposition Alternative, the Chemical Dependency Disposition Alternative, and manifest injustice.

(9) Disposition recommendations:

STANDARD

The prosecutor may reach an agreement regarding disposition recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement.

**Sec. 18.** RCW 13.40.080 and 1996 c 124 s 1 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. (~~In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed~~); and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years or longer after the juvenile's eighteenth birthday (~~The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period~~) or longer if necessary to recover the full amount of restitution. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

- (a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;
- (b) Violation of the terms of the agreement shall be the only grounds for termination;
- (c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:
  - (i) Written notice of alleged violations of the conditions of the diversion program; and
  - (ii) Disclosure of all evidence to be offered against the divertee;
- (d) The hearing shall be conducted by the juvenile court and shall include:
  - (i) Opportunity to be heard in person and to present evidence;
  - (ii) The right to confront and cross-examine all adverse witnesses;
  - (iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and
  - (iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.
- (e) The prosecutor may file an information on the offense for which the divertee was diverted:
  - (i) In juvenile court if the divertee is under eighteen years of age; or
  - (ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(~~((9))~~) (8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall

also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(~~(9)~~) (8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**Sec. 19.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to read as follows:

(1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

(2) If notice is by summons, the clerk of the court shall issue a summons directed to the juvenile, if the juvenile is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(3) A copy of the information shall be attached to each summons.

(4) The summons shall advise the parties of the right to counsel.

(5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the juvenile to bring the juvenile to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the juvenile into custody and take the juvenile to the place of detention or shelter designated by the court.

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court. In

determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

**Sec. 20.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held ~~((where))~~ when:

(a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; ~~((or))~~

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnaping in the second degree, or robbery in the second degree; or

(c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

NEW SECTION. Sec. 21. A new section is added to chapter 13.40 RCW to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

(a) Is charged with a sex or violent offense;

(b) Has a criminal history which includes any felony;

(c) Has a prior deferred disposition or deferred adjudication; or

(d) Has two or more diversions.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses. The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.

(8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.

(9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice.

**Sec. 22.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set. The court shall notify the parent, guardian, or custodian who has custody of a juvenile described in the charging document of the dispositional or adjudicatory hearing and shall require attendance.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party and the parent, guardian, or custodian who has custody of the juvenile shall be notified by mail of the time and place of the continued hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.

(9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

(10) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

**Sec. 23.** RCW 13.40.135 and 1990 c 3 s 604 are each amended to read as follows:

(1) The prosecuting attorney shall file a special allegation of sexual motivation in every juvenile offense other than sex offenses as defined in RCW 9.94A.030(~~((29))~~) (33) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably consistent defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact-finder.

(2) In a juvenile case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the juvenile committed the offense with a sexual motivation. The court shall make a finding of fact of whether or not the sexual motivation was present at the time of the commission of the offense. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030(~~((29))~~) (33) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of "sexual motivation" without approval of the court through an order of dismissal. The court shall not dismiss the special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

**Sec. 24.** RCW 13.40.150 and 1995 c 268 s 5 are each amended to read as follows:



(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any, or set a hearing for a later date to determine the amount;

(g) Determine (~~whether the respondent is a serious offender, a middle offender, or a minor or first offender~~) the respondent's offender score;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;

(v) The current offense included a finding of sexual motivation pursuant to RCW 13.40.135;

(vi) The respondent was the leader of a criminal enterprise involving several persons; (~~and~~)

(vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history; and

(viii) The standard range disposition is clearly too lenient considering the seriousness of the juvenile's prior adjudications.

(4) The following factors may not be considered in determining the punishment to be imposed:

(a) The sex of the respondent;

(b) The race or color of the respondent or the respondent's family;

(c) The creed or religion of the respondent or the respondent's family;

(d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

**Sec. 25.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read as follows:

(1) ~~((When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D 3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.))~~  
The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 Option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 Option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ~~((B))~~ C of ~~((schedule D 3,))~~ RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

~~((2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D 1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D 1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230.)~~

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) ~~((If a respondent is found to be a middle offender:~~

~~(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D 2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or~~

~~(b) If the middle offender has less than 110 points, the court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of~~

~~schedule D 2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.~~

~~(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230.~~

~~(5))~~ When a ~~((serious, middle, or minor first))~~ juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for ~~((up to))~~ at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community

mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or

(viii) Comply with the conditions of any court-ordered probation bond.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (~~((5))~~) (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (~~((5))~~) (4) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

~~((6))~~ A disposition entered under this subsection (4) is not appealable under RCW 13.40.230.

(5) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under section 26 of this act.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(~~(e)~~) (b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided (~~(for in)~~) under subsection (4)(~~(b)~~) or (5) of this section or RCW 13.40.125, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION. Sec. 26. A new section is added to chapter 13.40 RCW to read as follows:

(1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment;
- (e) Recommended crime-related prohibitions; and
- (f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community service, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

**NEW SECTION. Sec. 27.** The University of Washington shall develop standards for measuring effectiveness of treatment programs established under section 26 of this act. The standards shall be developed and presented to the governor and legislature not later than January 1, 1998. The standards shall include methods for measuring success factors following treatment. Success factors shall include, but need not be limited to, continued use of alcohol or controlled substances, arrests, violations of terms of community supervision, and convictions for subsequent offenses.

**NEW SECTION. Sec. 28.** A new section is added to chapter 70.96A RCW to read as follows:  
The department shall prioritize expenditures for treatment provided under section 26 of this act. The department shall provide funds for inpatient and outpatient treatment providers that are the most successful, using the standards developed by the University of Washington under section 27, chapter . . . , Laws of 1997 (section 27 of this act). The department may consider variations between the nature of the programs provided and clients served but must provide funds first for those programs that demonstrate the greatest success in treatment within categories of treatment and the nature of the persons receiving treatment.

The department shall, not later than January 1st of each year, provide a report to the governor and the legislature on the success rates of programs funded under this section.

**Sec. 29.** RCW 13.40.190 and 1996 c 124 s 2 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution (~~may~~) shall be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years after the respondent's eighteenth birthday if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. (~~The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period.~~)

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

**Sec. 30.** RCW 13.40.193 and 1994 sp.s. c 7 s 525 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(1)~~((e))~~ (b)(iii), the court shall impose a ~~((determinate))~~ minimum disposition of ten days of confinement ~~((and up to twelve months of community supervision))~~. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. ~~((Ninety days of confinement shall be added to the entire standard range disposition of confinement))~~ If the offender or an accomplice was armed with a firearm when the offender committed ~~((: (a) Any violent offense; or (b) escape in the first degree; burglary in the second degree; theft of livestock in the first or second degree; or any felony drug offense. If the offender or an accomplice was armed with a firearm and the offender is being adjudicated for an anticipatory felony offense under chapter 9A.28 RCW to commit one of the offenses listed in this subsection, ninety days shall be added to the entire standard range disposition of confinement))~~ any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The ~~((ninety days))~~ additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357. ~~((The department shall not release the offender until the offender has served a minimum of ninety days in confinement, unless the juvenile is committed to and successfully completes the juvenile offender basic training camp disposition option.))~~

(3) ~~((Option B of schedule D 2, RCW 13.40.0357, shall not be available for middle offenders who receive a disposition under this section.))~~ When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(4) Any term of confinement ordered pursuant to this section ~~((may))~~ shall run ~~((concurrently))~~ consecutively to any term of confinement imposed in the same disposition for other offenses.

**Sec. 31.** RCW 13.40.200 and 1995 c 395 s 8 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3)~~((a))~~ If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days'

confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

~~((b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty five dollars or eight hours owed.))~~

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

**Sec. 32.** RCW 13.40.210 and 1994 sp.s. c 77 s 527 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the



secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: ~~((a))~~ (i) Undergo available medical ~~((or))~~, psychiatric ~~((treatment))~~, drug and alcohol, sex offender, mental health, and other offense-related treatment services; ~~((b))~~ (ii) report as directed to a parole officer and/or designee; ~~((c))~~ (iii) pursue a course of study ~~((or))~~, vocational training, or employment; ~~((and (d))~~ (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries ~~((and notify the department of any change in his or her address))~~; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community service. Community service for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community service may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement ~~((in an institution))~~ for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**NEW SECTION. Sec. 33.** The legislature finds the present system of transitioning youths from residential status to parole status to discharge is insufficient to provide adequate rehabilitation and public safety in many instances, particularly in cases of offenders at highest risk of reoffending. The legislature further finds that an intensive supervision program based on the following principles holds much promise for positively impacting recidivism rates for juvenile offenders: (1) Progressive increase in responsibility and freedom in the community; (2) facilitation of youths' interaction and involvement with their communities; (3) involvement of both the youth and targeted community support systems such as family, peers, schools, and employers, on the qualities needed for constructive interaction and successful adjustment with the community; (4) development of new resources, supports, and opportunities where necessary; and (5) ongoing monitoring and testing of youth on their ability to abide by community rules and standards.

The legislature intends for the department to create an intensive supervision program based on the principles stated in this section that will be available to the highest risk juvenile offenders placed on parole.

**NEW SECTION. Sec. 34.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall, no later than January 1, 1999, implement an intensive supervision program as a part of its parole services that includes, at a minimum, the following program elements:

(a) A process of case management involving coordinated and comprehensive planning, information exchange, continuity and consistency, service provision and referral, and monitoring. The components of the case management system shall include assessment, classification, and selection criteria; individual case planning that incorporates a family and community perspective; a mixture of intensive surveillance and services; a balance of incentives and graduated consequences coupled with the imposition of realistic, enforceable conditions; and service brokerage with community resources and linkage with social networks;

(b) Administration of transition services that transcend traditional agency boundaries and professional interests and include courts, institutions, aftercare, education, social and mental health services, substance abuse treatment, and employment and vocational training; and

(c) A plan for information management and program evaluation that maintains close oversight over implementation and quality control, and determines the effectiveness of both the processes and outcomes of the program.

(2) The department shall report annually to the legislature, beginning December 1, 1999, on the department's progress in meeting the intensive supervision program evaluation goals required under subsection (1)(c) of this section.

**Sec. 35.** RCW 13.40.230 and 1981 c 299 s 16 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160, as now or hereafter amended, shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, (~~or which imposes confinement for a minor or first offender,~~) the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range (~~, or nonconfinement for a minor or first offender,~~) would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range (~~or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter~~).

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) (~~Pending appeal, a respondent may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed or sixty days, whichever is longer.~~) The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6). (~~Upon the expiration of the period of commitment or detention specified in this subsection, the court may also impose such conditions on the respondent's release pending disposition of the appeal.~~)

(6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

**Sec. 36.** RCW 13.40.250 and 1980 c 128 s 16 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 37.** RCW 13.40.265 and 1994 sp.s. c 7 s 435 are each amended to read as follows:

(1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(1)(~~e~~) (b)(iii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

**Sec. 38.** RCW 13.40.320 and 1995 c 40 s 1 are each amended to read as follows:

(1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility.

(2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp, notwithstanding the provisions of RCW 41.06.380. Requests for proposals from possible contractors shall not call for payment on a per diem basis.

(3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities.

(4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, (~~prevocational training,~~) work-based learning, live work, work ethic skills, (~~conflict resolution counseling, substance abuse intervention, anger management counseling,~~) and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these (~~or other rehabilitation and training~~) components for no less than sixteen hours per day, six days a week.

The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program.

(5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than (~~seventy-eight~~) sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program.

(6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program.

(7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, (~~or if the offender cannot complete the juvenile offender basic training camp program due to medical problems,~~) the secretary shall require that the offender be committed to a juvenile institution to serve the entire (~~remainder~~) standard range of his or her disposition(~~(, less the amount of time already served in the juvenile offender basic training camp program)~~). If the offender cannot complete the juvenile offender basic training camp program due to a medical problem, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition.

(8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The program shall make available prevocational training, conflict resolution, anger management counseling, and substance abuse intervention and treatment. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process

for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services.

(9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program. ~~((The department shall produce an outcome evaluation report on the progress of the juvenile offender basic training camp program to the appropriate committees of the legislature no later than December 12, 1996.))~~

NEW SECTION. Sec. 39. A new section is added to chapter 13.40 RCW to read as follows:

(1) A program for the provision of community-based volunteer mentoring services for juvenile offenders is created in the department. The department shall adopt funding criteria and program guidelines for the mentoring services which shall be provided through contracts with private nonprofit agencies.

(2) The funding criteria shall give priority to communities that have identified youth violence as a problem behavior in their community public health and safety network plans.

(3) The program guidelines shall include, at a minimum, the following:

(a) Minimum qualifications and background screening for volunteer mentors and case managers. Programs should encourage recruitment of volunteers who have prior education, professional experience, or personal experience in working with at-risk or adjudicated youth;

(b) Appropriate orientation and training;

(c) A commitment to provide an average of four hours of contact with the youth per week for a period of at least twelve consecutive months;

(d) Reimbursement rates and procedures. Volunteer mentors may be reimbursed for expenses consistent with the reimbursement policies established in RCW 43.03.050 and 43.03.060;

(e) Services to youth who are between ages twelve and fifteen years of age at the time of entry into the program, who have at least: (i) Two convictions or diversions for misdemeanor or gross misdemeanor offenses, or any combination thereof; (ii) one conviction for a felony offense; or (iii) one conviction or diversion and have been evaluated and referred by a probation officer who has determined the youth is at high risk of reoffending;

(f) One-to-one ratio for mentors and juvenile offenders; and

(g) Will collect and transmit to the department data as necessary for evaluation of the program.

(4) The program shall begin no later than January 1, 1998.

NEW SECTION. Sec. 40. A new section is added to chapter 13.40 RCW to read as follows:

(1) A juvenile meeting the criteria listed in subsection (2) of this section shall be referred to the department for determination of whether:

(a) He or she is a child in need of services as defined in chapter 13.32A RCW; or

(b) A petition should be filed under chapter 13.34 RCW.

(2) A mandatory referral shall be made for any juvenile upon:

(a) The conviction of a juvenile for three misdemeanors or gross misdemeanors or a combination of three misdemeanors and gross misdemeanors;

(b) The conviction of two felonies;

(c) A felony committed when he or she was under fifteen years of age; or

(d) A recommendation of a county probation officer who exercised supervisory authority over the juvenile.

(3) The referral shall take place before the juvenile's release from confinement or termination of probation, whichever is later, and all information about the juvenile that is in the possession of the government agency that confined the juvenile shall be forwarded to the department except as prohibited by federal law.

NEW SECTION. Sec. 41. A new section is added to chapter 13.40 RCW to read as follows:

(1) In the event a prosecuting attorney is unable to file or elects not to file a criminal charge against a juvenile as a result of the provisions of RCW 9A.04.050, the prosecutor shall forward the name of the juvenile and the alleged facts of the incident to the department.

(2) In the event a law enforcement officer investigating an alleged offense has reasonable cause to believe the offense was committed by a juvenile under the age of eight, the officer, or the law enforcement agency for which the officer works, shall forward the name of the juvenile and the alleged facts of the incident to the department.

(3) The department shall, upon receipt of the information under this section, investigate the circumstances of the juvenile to determine whether it is appropriate for the department to file a child in need of services petition under chapter 13.32A RCW or a dependency proceeding under chapter 13.34 RCW.

(4) The department shall prepare a biennial report to the governor and the legislature on the referrals made under this section. The report shall include:

- (a) The number of referrals received by the department;
- (b) The number of petitions filed or proceedings initiated as a result of the referrals; and
- (c) The outcome of the petitions or proceedings.

**Sec. 42.** RCW 13.32A.140 and 1996 c 133 s 19 are each amended to read as follows:

Unless the department files a dependency petition, the department shall file a child in need of services petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed by the department in an out-of-home placement, and:

- (a) The parent has been notified that the child was so admitted or placed;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
- (c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No child in need of services petition has been filed by either the child or parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

- (a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;
- (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

- (a) The party to whom the arrangement is no longer acceptable has so notified the department;
- (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No child in need of services petition has been filed by either the child or the parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(4) A referral to the department has been made under section 40 or 41 of this act and the department reasonably concludes the child is a child in need of services.

(5) Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in an out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by the court.

(6) The department may authorize emergency medical or dental care for a child admitted to a crisis residential center or placed in an out-of-home placement by the department. The state, when the

department files a child in need of services petition under this section, shall be represented as provided for in RCW 13.04.093.

**Sec. 43.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present

a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW ~~((13.40.025 and))~~ 9.94A.040 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

**Sec. 44.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((24))~~ (22) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) ~~((Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense))~~ For class B felonies other



than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent ten consecutive years in the community without committing any crime that subsequently results in conviction. For class C felonies other than sex offenses, since the last date of release from confinement, including full-time residential treatment, pursuant to a felony conviction, if any, or entry of judgment and sentence, the person has spent five consecutive years in the community without committing any crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; ~~((and))~~

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a sex offense;

(e) Treatment has been successfully completed if the person was ordered into treatment under RCW 13.40.160(4) or section 26 of this act; and

(f) Full restitution has been paid.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((24))~~ (22) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. The existence of an obligation to register as a sex offender under chapter 9A.44 RCW regardless of when the obligation arose, or any adjudication of a juvenile offense or a conviction of a crime that creates the obligation to register as a sex offender under chapter 9A.44 RCW subsequent to sealing, has the effect of nullifying the sealing order. Any ~~((conviction for any))~~ charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW ~~((for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030)).~~

~~(16) ((In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.~~

~~(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:~~

~~(a) The person making the motion is at least twenty three years of age;~~

~~(b) The person has not subsequently been convicted of a felony;~~

~~(c) No proceeding is pending against that person seeking the conviction of a criminal offense;~~  
and

~~(d) The person has never been found guilty of a serious offense.~~

~~(18))~~ A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((24))~~ (22) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((19))~~ (17) If the court grants the motion to destroy records made pursuant to subsection (16) ~~((or (18)))~~ of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((20))~~ (18) The person making the motion pursuant to subsection (16) ~~((or (18)))~~ of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((21))~~ (19) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((22))~~ (20) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((23))~~ (21) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((24))~~ (22) of this section and ~~((subparagraphs))~~ (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((24))~~ (22) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((25))~~ (23) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

**Sec. 45.** RCW 72.01.410 and 1994 c 220 s 1 are each amended to read as follows:

(1) Whenever any child under the age of eighteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the secretary of corrections, after making an independent assessment and evaluation of the child and determining that the needs and correctional goals for the child could better be met by the programs and housing environment provided by the juvenile correctional institution, with the consent of the secretary of social and health services, may transfer such child to a juvenile correctional institution, or to such other institution as is now, or may hereafter be authorized by law to receive such child, until such time as the child arrives at the age of twenty-one years, whereupon the child shall be returned to the institution of original commitment. Retention within a juvenile detention facility or return to an adult correctional facility shall regularly be reviewed by the secretary of corrections and the secretary of social and health services with a determination made based on the level of maturity and sophistication of the individual, the behavior and progress while within the juvenile detention facility, security needs, and the program/treatment alternatives which would best prepare the individual for a successful return to the community. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known.

(2)(a) Except as provided in (b) of this subsection, an offender under the age of eighteen who is convicted in adult criminal court and who is committed to a term of confinement at the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from offenders eighteen years of age or older, until the offender reaches the age of eighteen.

(b) An offender under the age of eighteen may be housed in an intensive management unit or administrative segregation unit containing offenders eighteen years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender shall be kept physically separate from other offenders at all times.

**NEW SECTION. Sec. 46.** A new section is added to chapter 72.01 RCW to read as follows:

An offender under the age of eighteen who is convicted in adult criminal court of a crime and who is committed for a term of confinement in a jail as defined in RCW 70.48.020, must be housed in a jail cell that does not contain adult offenders, until the offender reaches the age of eighteen.

**Sec. 47.** RCW 72.09.460 and 1995 1st sp.s. c 19 s 5 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection ~~((3))~~ (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall provide a program of education to all inmates who are under the age of eighteen and who have not met high school graduation requirements as established by the state board of education. The program of education established by the department for inmates under the age of eighteen must consist of curriculum that will enable the inmate to achieve a high school diploma. The department shall extend the program of education required under this subsection to an inmate who is over the age of eighteen but less than twenty-one if the inmate was incarcerated prior to his or her eighteenth birthday and failed to obtain a high school diploma before reaching the age of eighteen.

(3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection ~~((4))~~ (5) of this section; and

(c) Other work and education programs as appropriate.

~~((3))~~ (4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

~~((4))~~ (5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first

thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level, except an inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

~~((5))~~ (6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

~~((6))~~ (7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

~~((7))~~ (8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

~~((8))~~ (9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

**Sec. 48.** RCW 9A.36.045 and 1995 c 129 s 8 are each amended to read as follows:

(1) A person is guilty of ~~((reckless endangerment in the first degree))~~ drive-by shooting when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) ~~((Reckless endangerment in the first degree))~~ Drive-by shooting is a class B felony.

**Sec. 49.** RCW 9A.36.050 and 1989 c 271 s 110 are each amended to read as follows:

(1) A person is guilty of reckless endangerment ~~((in the second degree))~~ when he or she recklessly engages in conduct not amounting to ~~((reckless endangerment in the first degree but which))~~ drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment ~~((in the second degree))~~ is a gross misdemeanor.

**Sec. 50.** RCW 9.41.010 and 1996 c 295 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

- (a) There is a cartridge in the chamber of the firearm;
- (b) Cartridges are in a clip that is locked in place in the firearm;
- (c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;
- (d) There is a cartridge in the tube or magazine that is inserted in the action; or
- (e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

- (a) Any crime of violence;
- (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;
- (c) Child molestation in the second degree;
- (d) Incest when committed against a child under age fourteen;
- (e) Indecent liberties;
- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) ~~(Reckless endangerment in the first degree)~~ Drive-by shooting;
- (j) Sexual exploitation;
- (k) Vehicular assault;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

(16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

**Sec. 51.** RCW 9.41.040 and 1996 c 295 s 2 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter.

(b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under (a) of this subsection, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment (~~in the second degree~~), criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(2)(a) Unlawful possession of a firearm in the first degree is a class B felony, punishable under chapter 9A.20 RCW.

(b) Unlawful possession of a firearm in the second degree is a class C felony, punishable under chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or

post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) Notwithstanding subsection (1) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) of this section and has not previously been convicted of a sex offense prohibiting firearm ownership under subsection (1) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(a) Under RCW 9.41.047; and/or

(b)(i) If the conviction was for a felony offense, after five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360; or

(ii) If the conviction was for a nonfelony offense, after three or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360 and the individual has completed all conditions of the sentence.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 52.** RCW 9.94A.103 and 1995 c 129 s 5 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

(1) Any violent offense as defined in this chapter;

(2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.125;

(4) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or



(5) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

**Sec. 53.** RCW 9.94A.105 and 1995 c 129 s 6 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.103 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.103. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

(a) Any violent offense as defined in this chapter;

(b) Any most serious offense as defined in this chapter;

(c) Any felony with any deadly weapon special verdict under RCW 9.94A.125;

(d) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or

(e) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.320, offender score as defined in RCW 9.94A.360, and any applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission.

**Sec. 54.** RCW 9.94A.310 and 1996 c 205 s 5 are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE    OFFENDER SCORE

0 1 2 3 4 5 6 7 8 more

XV Life Sentence without Parole/Death Penalty

XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y  
240- 250- 261- 271- 281- 291- 312- 338- 370- 411-  
320 333 347 361 374 388 416 450 493 548

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y  
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m  
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-  
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m  
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-  
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m  
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-  
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m  
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-  
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m  
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m  
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-  
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m  
12+ - 15- 21- 26- 31- 36- 46- 57- 67- 77-  
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y  
6- 12+ - 13- 15- 22- 33- 41- 51- 62- 72-  
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y  
1- 3- 4- 9- 12+ - 17- 22- 33- 43- 51-  
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II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m

0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43-  
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m  
0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22-  
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following

additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

**Sec. 55.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996 c 36 s 2 are each reenacted and amended to read as follows:

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**Sec. 56.** RCW 9A.46.060 and 1994 c 271 s 802 and 1994 c 121 s 2 are each reenacted and amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (~~(in the second degree)~~) (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) Residential burglary (RCW 9A.52.025); and
- (35) Violation of a temporary or permanent protective order issued pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW.

**Sec. 57.** RCW 10.99.020 and 1996 c 248 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
  - (b) Assault in the second degree (RCW 9A.36.021);
  - (c) Assault in the third degree (RCW 9A.36.031);
  - (d) Assault in the fourth degree (RCW 9A.36.041);
  - (e) (~~Reckless endangerment in the first degree~~) Drive-by shooting (RCW 9A.36.045);
  - (f) Reckless endangerment (~~in the second degree~~) (RCW 9A.36.050);
  - (g) Coercion (RCW 9A.36.070);
  - (h) Burglary in the first degree (RCW 9A.52.020);
  - (i) Burglary in the second degree (RCW 9A.52.030);
  - (j) Criminal trespass in the first degree (RCW 9A.52.070);
  - (k) Criminal trespass in the second degree (RCW 9A.52.080);
  - (l) Malicious mischief in the first degree (RCW 9A.48.070);
  - (m) Malicious mischief in the second degree (RCW 9A.48.080);
  - (n) Malicious mischief in the third degree (RCW 9A.48.090);
  - (o) Kidnapping in the first degree (RCW 9A.40.020);
  - (p) Kidnapping in the second degree (RCW 9A.40.030);
  - (q) Unlawful imprisonment (RCW 9A.40.040);
  - (r) Violation of the provisions of a restraining order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.09.300, 26.10.220, or 26.26.138);
  - (s) Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);
  - (t) Rape in the first degree (RCW 9A.44.040);
  - (u) Rape in the second degree (RCW 9A.44.050);
  - (v) Residential burglary (RCW 9A.52.025);
  - (w) Stalking (RCW 9A.46.110); and
  - (x) Interference with the reporting of domestic violence (RCW 9A.36.150).
- (4) "Victim" means a family or household member who has been subjected to domestic violence.

**Sec. 58.** RCW 10.99.040 and 1996 c 248 s 7 are each amended to read as follows:

- (1) Because of the serious nature of domestic violence, the court in domestic violence actions:
- (a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
  - (b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
  - (c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence:

PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9.41.800. The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.

(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated.

(d) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system



available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**Sec. 59.** RCW 10.99.050 and 1996 c 248 s 8 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is a gross misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated.

The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**Sec. 60.** RCW 43.43.735 and 1991 c 3 s 297 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all adults and juveniles lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor. ~~((a) When such juveniles are brought directly to a juvenile detention facility, the juvenile court administrator is also authorized, but not required, to cause the photographing, fingerprinting, and record transmittal to the appropriate law enforcement agency; and (b) a further))~~ An exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all adults lawfully arrested, all persons who are the subject of dependency record information, or all persons who are the subject of protection proceeding record information.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons whose photograph and fingerprints are required or allowed to be taken under this section, all persons who are the subject of dependency record information, or all persons who are the subject of protection proceeding record information, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

(4) It shall be the duty of the department of health or the court having jurisdiction over the dependency action and protection proceedings under chapter 74.34 RCW to cause the fingerprinting of

all persons who are the subject of a disciplinary board final decision, dependency record information, protection proceeding record information, or to obtain other necessary identifying information, as specified by the section in rules adopted under chapter 34.05 RCW to carry out the provisions of this subsection.

(5) The court having jurisdiction over the dependency or protection proceeding action may obtain and record, in addition to fingerprints, the photographs, palmprints, soleprints, toeprints, or any other identification data of all persons who are the subject of dependency record information or protection proceeding record information, when in the discretion of the court it is necessary for proper identification of the person.

**NEW SECTION. Sec. 61.** A new section is added to chapter 43.121 RCW to read as follows:

The legislature of the state of Washington finds that community deterioration and family disintegration are increasing problems in our state. One clear indicator of this damage is juvenile crime and violence. The legislature further finds that prevention is one of the best methods of fighting juvenile crime. Building more facilities to house juvenile offenders can be at best only one part of any solution. Any increased spending on confining juvenile offenders must be closely linked to existing efforts to prevent juvenile crime.

**NEW SECTION. Sec. 62.** The sentencing guidelines commission shall review conviction data for the past ten years. The commission shall submit a proposed bill to the legislature for introduction in the 1998 legislative session that appropriately ranks all unranked felony offenses for which there have been convictions for the period studied.

**NEW SECTION. Sec. 63.** The legislature finds that it is necessary to improve the analysis, evaluation, and forecasting of sentencing and treatment alternatives for adult and juvenile offenders.

In order to establish a universally accepted measuring tool for use in making informed corrections and public safety policy decisions in the adult and juvenile corrections systems, the Washington state institute for public policy shall develop a proposed definition of recidivism. The institute's definition shall provide the legislature and the governor with an objective, outcome-based standard for measuring the success of programs in increasing public safety and reducing subsequent offenses by convicted persons.

The definition shall be reported to the governor and the legislature by December 31, 1997.

**NEW SECTION. Sec. 64.** The legislature finds it critical to evaluate the effectiveness of the revisions made in this act to juvenile sentencing for purposes of measuring improvements in public safety and reduction of recidivism.

To accomplish this evaluation, the Washington state institute for public policy shall conduct a study of the sentencing revisions. The study shall: (1) Be conducted starting January 1, 2001; (2) examine whether the revisions have affected the rate of initial offense commission and recidivism; (3) determine the impacts of the revisions by age, race, and gender impacts of the revisions; (4) compare the utilization and effectiveness of sentencing alternatives and manifest injustice determinations before and after the revisions; and (5) examine the impact and effectiveness of changes made in the exclusive original jurisdiction of juvenile court over juvenile offenders.

The institute shall report the results of the study to the governor and legislature not later than July 1, 2002.

**NEW SECTION. Sec. 65.** The legislature finds that meaningful community involvement is vital to the juvenile justice system's ability to respond to the serious problem of juvenile crime. Citizens and crime victims need to be active partners in responding to crime, in the management of resources, and in the disposition decisions regarding juvenile offenders in their community. Involvement of citizens and crime victims increase offender accountability and build healthier communities, which will reduce recidivism and crime rates in Washington state.

The legislature also finds that local governments are in the best position to develop, coordinate, and manage local community prevention, intervention, and corrections programs for juvenile offenders,

and to determine local resource priorities. Local community management will build upon local values and increase local control of resources, encourage the use of a comprehensive range of community-based intervention strategies.

The primary purpose of sections 65 through 69 of this act, the community juvenile accountability act, is to provide a continuum of community-based programs that emphasize the juvenile offender's accountability for his or her actions while assisting him or her in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety.

**NEW SECTION. Sec. 66.** (1) In order to receive funds under sections 65 through 69 of this act, local governments may, through their respective agencies that administer funding for consolidated juvenile services, submit proposals that establish community juvenile accountability programs within their communities. These proposals must be submitted to the juvenile rehabilitation administration of the department of social and health services for certification.

(2) The proposals must:

(a) Demonstrate that the proposals were developed with the input of the community public health and safety networks established under RCW 70.190.060, and the local law and justice councils established under RCW 72.09.300;

(b) Describe how local community groups or members are involved in the implementation of the programs funded under sections 65 through 69 of this act;

(c) Include a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in their community. Data approaches are not required to be replicated if the networks have information that addresses risks in the community for juvenile offenders.

(3) A local government receiving a grant under this section shall agree that any funds received must be used efficiently to encourage the use of community-based programs that reduce the reliance on secure confinement as the sole means of holding juvenile offenders accountable for their crimes. The local government shall also agree to account for the expenditure of all funds received under the grant and to submit to audits for compliance with the grant criteria developed under section 67 of this act.

(4) The juvenile rehabilitation administration, in consultation with the Washington association of juvenile court administrators, the state law and justice advisory council, and the family policy council, shall establish guidelines for programs that may be funded under sections 65 through 69 of this act. The guidelines must:

(a) Target diverted and adjudicated juvenile offenders;

(b) Include assessment methods to determine services, programs, and intervention strategies most likely to change behaviors and norms of juvenile offenders;

(c) Provide maximum structured supervision in the community. Programs should use natural surveillance and community guardians such as employers, relatives, teachers, clergy, and community mentors to the greatest extent possible;

(d) Promote good work ethic values and educational skills and competencies necessary for the juvenile offender to function effectively and positively in the community;

(e) Maximize the efficient delivery of treatment services aimed at reducing risk factors associated with the commission of juvenile offenses;

(f) Maximize the reintegration of the juvenile offender into the community upon release from confinement;

(g) Maximize the juvenile offender's opportunities to make full restitution to the victims and amends to the community;

(h) Support and encourage increased court discretion in imposing community-based intervention strategies;

(i) Be compatible with research that shows which prevention and early intervention strategies work with juvenile offenders;

(j) Be outcome-based in that it describes what outcomes will be achieved or what outcomes have already been achieved;

(k) Include an evaluation component; and

(1) Recognize the diversity of local needs.

(5) The state law and justice advisory council, with the assistance of the family policy council and the governor's juvenile justice advisory committee, may provide support and technical assistance to local governments for training and education regarding community-based prevention and intervention strategies.

**NEW SECTION. Sec. 67.** (1) The state may make grants to local governments for the provision of community-based programs for juvenile offenders. The grants must be made under a grant formula developed by the juvenile rehabilitation administration, in consultation with the Washington association of juvenile court administrators.

(2) Upon certification by the juvenile rehabilitation administration that a proposal satisfies the application and selection criteria, grant funds will be distributed to the local government agency that administers funding for consolidated juvenile services.

**NEW SECTION. Sec. 68.** The legislature recognizes the importance of evaluation and outcome measurements of programs serving juvenile offenders in order to ensure cost-effective use of public funds.

The Washington state institute for public policy shall develop standards for measuring the effectiveness of juvenile accountability programs established and approved under section 66 of this act. The standards must be developed and presented to the governor and legislature not later than January 1, 1998. The standards must include methods for measuring success factors following intervention. Success factors include, but are not limited to, continued use of alcohol or controlled substances, arrests, violations of terms of community supervision, convictions for subsequent offenses, and restitution to victims.

**NEW SECTION. Sec. 69.** (1) Each community juvenile accountability program approved and funded under sections 65 through 69 of this act shall comply with the information collection requirements in subsection (2) of this section and the reporting requirements in subsection (3) of this section.

(2) The information collected by each community juvenile accountability program must include, at a minimum for each juvenile participant: (a) The name, date of birth, gender, social security number, and, when available, the juvenile information system (JUVIS) control number; (b) an initial intake assessment of each juvenile participating in the program; (c) a list of all juveniles who completed the program; and (d) an assessment upon completion or termination of each juvenile, including outcomes and, where applicable, reasons for termination.

(3) The juvenile rehabilitation administration shall annually compile the data and report to the legislature on: (a) The programs funded under sections 65 through 69 of this act; (b) the total cost for each funded program and cost per juvenile; and (c) the essential elements of the program.

**NEW SECTION. Sec. 70.** The Washington state institute for public policy shall evaluate the costs and benefits of the programs funded in sections 65 through 69 of this act. The evaluation must measure whether the programs cost-effectively reduce recidivism and crime rates in Washington state. The institute shall submit reports to the governor and the legislature by December 1, 1998, and December 1, 2000.

**NEW SECTION. Sec. 71.** Sections 65 through 69 of this act may be known as the community juvenile accountability act.

**NEW SECTION. Sec. 72.** Sections 65 through 69 and 71 of this act are added to chapter 13.40 RCW.

**NEW SECTION. Sec. 73.** The code reviser shall alphabetize the definitions in RCW 13.40.020 and correct any references.

NEW SECTION. Sec. 74. The following acts or parts of acts are each repealed:

- (1) RCW 9.94A.045 and 1996 c 232 s 2;
- (2) RCW 13.40.025 and 1996 c 232 s 4, 1995 c 269 s 302, 1986 c 288 s 8, 1984 c 287 s 11, & 1981 c 299 s 3;
- (3) RCW 13.40.0354 and 1994 sp.s. c 7 s 521 & 1989 c 407 s 6;
- (4) RCW 13.40.075 and 1994 sp.s. c 7 s 546; and
- (5) RCW 13.40.125 and 1995 c 395 s 6 & 1994 sp.s. c 7 s 545.

NEW SECTION. Sec. 75. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 76. Sections 10, 25, 26, and 30 of this act take effect July 1, 1998."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 5.60.060, 9.94A.040, 13.04.011, 13.40.010, 13.40.0357, 13.40.038, 13.40.040, 13.40.045, 13.40.050, 13.40.060, 13.40.070, 13.40.077, 13.40.080, 13.40.100, 13.40.110, 13.40.130, 13.40.135, 13.40.150, 13.40.160, 13.40.190, 13.40.193, 13.40.200, 13.40.210, 13.40.230, 13.40.250, 13.40.265, 13.40.320, 13.32A.140, 13.50.010, 13.50.050, 72.01.410, 72.09.460, 9A.36.045, 9A.36.050, 9.41.010, 9.41.040, 9.94A.103, 9.94A.105, 9.94A.310, 10.99.020, 10.99.040, 10.99.050, and 43.43.735; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.360, 13.04.030, 13.40.020, 9.94A.320, and 9A.46.060; adding new sections to chapter 13.40 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 72.01 RCW; adding a new section to chapter 43.121 RCW; creating new sections; repealing RCW 9.94A.045, 13.40.025, 13.40.0354, 13.40.075, and 13.40.125; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House insisted on its position regarding the Senate amendments to Engrossed Third Substitute House Bill No. 3900, and asked the Senate for a Conference thereon.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sheahan, Ballasiotes and Dickerson as conferees on Engrossed Third Substitute House Bill No. 3900.

#### MESSAGE FROM THE SENATE

April 19, 1997

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5127 and asks the House to recede therefrom, and the same is/are herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House insisted on its position on Second Substitute Senate Bill No. 5127, and asked the Senate for a Conference thereon.

#### APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Carrell, Mulliken and Conway as conferees on Second Substitute Senate Bill No. 5127.

MESSAGE FROM THE SENATE

April 23, 1997

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5157 and asks the House for a Conference thereon. The President has appointed the following members as Conferees:

Senators West, Kohl and Zarelli

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House granted the Senate a conference on Substitute Senate Bill No. 5157.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Pennington, Boldt and Dunshee as conferees on Substitute Senate Bill No. 5157.

MESSAGES FROM THE SENATE

April 24, 1997

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5120,  
SUBSTITUTE SENATE BILL NO. 5276,  
SECOND SUBSTITUTE SENATE BILL NO. 5442,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5725,  
SENATE BILL NO. 5736,  
SUBSTITUTE SENATE BILL NO. 5783,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 24, 1997

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1234,  
SUBSTITUTE HOUSE BILL NO. 1272,  
HOUSE BILL NO. 1316,  
HOUSE BILL NO. 1330,  
SUBSTITUTE HOUSE BILL NO. 1425,  
HOUSE BILL NO. 1439,  
SUBSTITUTE HOUSE BILL NO. 1464,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1841,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1866,  
SUBSTITUTE HOUSE BILL NO. 1888,  
HOUSE BILL NO. 1982,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2046,  
SUBSTITUTE HOUSE BILL NO. 2059,

and the same are herewith transmitted.

Mike O'Connell, Secretary

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1997

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1485 with the following amendments:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 75.08 RCW to read as follows:

Beginning September 1, 1998, and each September 1st thereafter, the department shall submit a report to the appropriate standing committees of the legislature identifying the total salmon and steelhead harvest of the preceding season. This report shall include the final commercial harvests and recreational harvests. At a minimum, the report shall clearly identify:

- (1) The total treaty tribal and nontribal harvests by species and by management unit;
- (2) Where and why the nontribal harvest does not meet the full allocation allowed under United States v. Washington, 384 F. Supp. 312 (1974) (Boldt I) including a summary of the key policies within the management plan that result in a less than full nontribal allocation; and
- (3) The location and quantity of salmon and steelhead harvested under the wastage provisions of United States v. Washington, 384 F. Supp. 312 (1974)."

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "and adding a new section to chapter 75.08 RCW."

and the same are herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House concurred in the Senate amendments to Substitute House Bill No. 1485, and advanced the bill as amended by the Senate to Final Passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1485 as amended by the Senate.

Representatives Linville and Buck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1485 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H.,

Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.  
Absent: Representative Huff - 1.

Substitute House Bill No. 1485, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1485.

TOM HUFF, 26<sup>th</sup> District

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

	SUBSTITUTE HOUSE BILL NO. 1277,
ENGROSSED SECOND	SUBSTITUTE HOUSE BILL NO. 1423,
	SUBSTITUTE HOUSE BILL NO. 1592,
	SUBSTITUTE HOUSE BILL NO. 1657,
	SUBSTITUTE HOUSE BILL NO. 2089,
SECOND SUBSTITUTE SENATE BILL NO. 5120,	
	SUBSTITUTE SENATE BILL NO. 5276,
	SECOND SUBSTITUTE SENATE BILL NO. 5442,
	ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,
	ENGROSSED SUBSTITUTE SENATE BILL NO. 5725,
	SENATE BILL NO. 5736,
	SUBSTITUTE SENATE BILL NO. 5783,

#### MESSAGES FROM THE SENATE

April 24, 1997

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5229,  
SUBSTITUTE SENATE BILL NO. 5462,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 24, 1997

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 5511 as amended by the House (amendment(s) #708),

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 24, 1997

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 5149 as amended by the House (amendment(s) #705),

and the same is herewith transmitted.



SENATE AMENDMENTS TO HOUSE BILL

April 18, 1997

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1708 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.46.130 and 1995 c 5 s 1 are each amended to read as follows:

- (1) Except as otherwise provided in this section and section 2 of this act, no employer shall employ any of his employees for a work week longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.
- (2) This section does not apply to:
  - (a) Any person exempted pursuant to RCW 49.46.010(5). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(5)(c);
  - (b) Employees who request compensating time off in lieu of overtime pay;
  - (c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;
  - (d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;
  - (e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;
  - (f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;
  - (g) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;
  - (h) Any industry in which federal law provides for an overtime payment based on a work week other than forty hours. However, the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259)).
- (3) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, ((~~or~~)) manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(4) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

NEW SECTION. Sec. 2. A new section is added to chapter 49.46 RCW to read as follows:  
RCW 49.46.130(1) does not apply to any individual employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer software field who, if compensated on an hourly basis, is compensated at a rate of not less than twenty-seven dollars and sixty-three cents an hour, and whose primary duty is:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

(4) A combination of duties described in subsections (1), (2), and (3) of this section, the performance of which requires the same level of skills."

On page 1, line 2 of the title, after "week;" strike the remainder of the title and insert "amending RCW 49.46.130; and adding a new section to chapter 49.46 RCW."

and the same are herewith transmitted.

Susan Carlson, Deputy Secretary

#### POINT OF ORDER

Representative Quall: I request a ruling to Scope and Object on the Senate amendment(s) to House Bill No. 1708.

#### SPEAKER'S RULING

Mr. Speaker: Representative Quall, I am prepared to rule on your Scope and Object request.

The subject portion of the title of House Bill No. 1708 is: "AN ACT Relating to the minimum rate of compensation for employment in excess of a forty-hour work week"

The Scope of the bill, as measured by the title of the act, is broad, any amendment which deals with compensation for employment in excess of a forty-hour work week falls within the scope of this title.

The Senate amendment to House Bill No. 1708 proposes to exempt computer professionals that are paid at least \$27.60 per hour from overtime pay requirements.

The Senate amendment is clearly within the scope of House Bill No. 1708 as measured by the title of the act .

The Object of House Bill No. 1708 is to treat, with respect to overtime laws, commissioned salespersons who sell farm implements in the same manner as the law now treats commissioned salespersons who sell cars, trucks, recreational vehicles and manufactured homes.

The Senate amendment deals with exempting computer professionals that are paid at least \$27.60 per hour from the overtime law. The Senate amendment does not perfect the underlying bill and the manner in which it deals with salespersons who sell farm implements.

The Speaker finds that the Senate amendment to House Bill No. 1708 is beyond the Object of House Bill No. 1708.

Representative Quall, your Point of Order is well taken.

#### MOTION

Representative McMorris moved that the House not concur in the Senate amendment(s) to House Bill No. 1708, and ask the Senate to recede therefrom.

The motion was carried.

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTIONS AND FIRST READING

HB 2287 by Representative Dyer

Regulating the sales of nonprofit hospitals.

Referred to Committee on Health Care

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

#### RESOLUTIONS

HOUSE RESOLUTION NO. 97-4662, by Representatives Kessler and Buck

WHEREAS, It is the policy of the Washington State Legislature to recognize commitment to public service; and

WHEREAS, Clallam Transit, the public bus system serving the north Olympic Peninsula, is currently facing a budgetary shortfall necessitating higher fares and painful cutbacks in service; and

WHEREAS, Public bus service is an essential community resource which provides the only means of transportation to many citizens and is vital to community efforts to alleviate traffic congestion; and

WHEREAS, The forty-eight bus drivers and maintenance personnel of Clallam Transit, represented by the Amalgamated Transit Union, Local 587, volunteered to forego their contracted three and one-half percent cost-of-living adjustment for the current year in order to reduce transit system expenses; and

WHEREAS, Curtis Stacey, the Executive Board Officer for Local 587 and a Clallam Transit driver for thirteen years, convinced his fellow drivers and maintenance workers of the need and value in foregoing the scheduled pay raise; and

WHEREAS, Mr. Stacey and his colleagues were following the lead of Clallam Transit executive personnel who had earlier agreed to forego any possible pay raise;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Curtis Stacey, the members of Local 587, and the nonrepresented personnel of Clallam Transit for their willingness to sacrifice their own financial gain for the greater good of their community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Amalgamated Transit Union, Local 587, and to Daniel Di Guilio, General Manager, Clallam Transit.

House Resolution No. 4662 was adopted.

HOUSE RESOLUTION NO. 97-4669, by Representatives Keiser, Constantine, Van Luven, Reams, Blalock and Poulsen

WHEREAS, The State of Washington applauds those educators who promote and encourage an interest in science by providing quality science experiences for students and teachers; and

WHEREAS, Jane Morton and Judi Backman have been named to the 1997 Honor Roll of Teachers by the Association of Science-Technology Centers and Pacific Science Center for their exemplary use of community resources to enhance and expand the science enrichment opportunities available to students and teachers; and

WHEREAS, Jane Morton, a teacher of kindergarten and first grade at Ardmore Elementary in Bellevue, Washington, and the Elementary Level Science Specialist for the Bellevue School District, has done a great deal to enhance science education at Ardmore Elementary and other schools in the Bellevue School District by promoting involvement in interactive science programs; organizing scholarships for Bellevue students to attend field study programs at the Mercer Slough Environmental Education Center; organizing teams of children and teachers to participate in Pacific Science Center's Science Champions program; and helping to establish the WasteBusters environmental education program in the Bellevue School District; and

WHEREAS, Judi Backman, Science Curriculum Coordinator for the thirty-one schools and over eighteen thousand students in the Highline School District, has expanded the science enrichment opportunities available to Highline students and for science teachers across the state by providing venues for Pacific Science Center's Science Education Associates to teach their yearly interactive science workshops; by bringing teams of children and adults to the Science Champions program; by assisting the STAFF Leadership program in providing district-wide training to rural school districts; and through her leadership role in the WISE-STEP program, contributing to the state-wide improvement of science teachers' professional development; and

WHEREAS, Jane Morton and Judi Backman, along with approximately forty other educators being named to the 1997 Honor Roll of Teachers, will be honored in Washington, D.C., on May 1 and 2, 1997, before members of Congress; and

WHEREAS, The National Science Foundation has declared April 20 through April 26, 1997, National Science and Technology Week to convey the importance of science to the nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Jane Morton and Judi Backman for their outstanding efforts as science educators; and

BE IT FURTHER RESOLVED, That the House of Representatives commend Pacific Science Center for its dedication to providing interactive science, mathematics, and technology education to students and teachers throughout the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jane Morton, Judi Backman, and the Directors of the Association of Science-Technology Centers and Pacific Science Center.

House Resolution No. 4669 was adopted.

HOUSE RESOLUTION NO. 97-4670, by Representatives Veloria, Cooke, Tokuda, Murray, Crouse, Wolfe, Cody, K. Schmidt, Alexander, Reams, Kastama, Cooper, Dickerson and Butler

WHEREAS, The Pulitzer Prize was created by Joseph Pulitzer in 1883 for "the encouragement of public service, public morale, American literature and the advancement of education"; and

WHEREAS, The Pulitzer Prize is journalism's most prestigious prize; and

WHEREAS, The Seattle Times recently won two 1997 Pulitzer Prizes in journalism, which is a rare honor; and

WHEREAS, One Pulitzer Prize was awarded for a series about fraud and mismanagement in federally funded tribal housing programs, which resulted in a subsequent investigation by the United States Department of Housing and Urban Development and by Congress; and

WHEREAS, Another Pulitzer Prize was awarded for coverage on commercial airline safety, a topic which could have wide implications; and

WHEREAS, The tribal housing story involved the reporting team of Deborah Nelson, Eric Nalder, and Alexander Tizon; and

WHEREAS, The aerospace story was investigated and written by Byron Acohido; and

WHEREAS, Efforts to diversify newsroom staff should be recognized and encouraged; and

WHEREAS, Alexander Tizon and Bryon Acohido are both Filipino Americans; and

WHEREAS, Deborah Nelson, Eric Nalder, Alexander Tizon, and Byron Acohido are all residents of Washington state and Alexander Tizon and Eric Nalder were born in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the achievements of The Seattle Times reporters Alexander Tizon, Byron Acohido, Deborah Nelson, and Eric Nalder, as well as the historical contributions by Joseph Pulitzer, a Hungarian-born American journalist; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Seattle Times, Alexander Tizon, Byron Acohido, Deborah Nelson, Eric Nalder, and the School of Journalism at Columbia University.

House Resolution No. 4670 was adopted.

HOUSE RESOLUTION NO. 97-4666, by Representatives Kessler and Buck

WHEREAS, The Crescent High School Loggers raced to a convincing victory last December in capturing the Washington State B-8 Football Championship; and

WHEREAS, In guiding this impressive Tacoma Dome triumph, Crescent Head Coach Gary Kautz capped his twenty-nine-year coaching career at the helm of Logger football; and

WHEREAS, Assistant football Coaches Mike Hazellet and Clark Sage tirelessly worked with Coach Kautz in steering the Crescent troops to one of the most celebrated seasons in the annals of Logger time; and

WHEREAS, A large contingent of highly supportive Crescent boosters traveled from the northern Olympic Peninsula city of Joyce and the surrounding Crescent School District area to behold the state-wide prominence claimed by their gridiron mainstays; and

WHEREAS, The citizens of Joyce, no less than other northern Olympic Peninsula timber families, are battling problems not of their own making as federal court decisions hound the forest products industry; and

WHEREAS, Led by a formidable contingent of fourteen seniors, the twenty-six member Crescent football squad has earned the respect of these real-life loggers, and fired the imagination of all working families; and

WHEREAS, The high-powered Logger offense was never held to less than forty-five points in its undefeated 1996 football season, and the Loggers piled up seventy-two points in a semifinal contest the week before the championship showdown; and

WHEREAS, A Crescent defense every bit as dominating as the Crescent offense shut out their final opponent, an accomplishment rarely witnessed in the storied history of the state football playoffs;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hail and herald the Crescent Loggers for their undefeated, state championship football season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the football coaching staff and administration at Crescent High School.

House Resolution No. 4666 was adopted.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., Friday, April 25, 1997.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

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JOURNAL OF THE HOUSE

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**ONE HUNDRED-THIRD DAY**

MORNING SESSION

House Chamber, Olympia, Friday, April 25, 1997

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Victor Langford and Georg Wiese. Prayer was offered by Colonel Victor Langford, State Chaplain, Washington Army National Guard and pastor of St. Mark's Church.

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

SPEAKER'S PRIVILEGE

The Speaker: Colonel Langford has been nominated for promotion to the rank of Brigadier General. He is the only nominee for this promotion which culminates by the approval of Congress. Upon confirmation he will be the highest ranking National Guard Chaplain in the United States.

MESSAGES FROM THE SENATE

Mr. Speaker:

April 24, 1997

The President of the Senate has appointed Senator Patterson to replace Senator Haugen as conferee on SENATE BILL NO. 5650,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

Mr. Speaker:

April 24, 1997

The President has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050,  
and the same is herewith transmitted.

Mike O'Connell, Secretary

Mr. Speaker:

April 24, 1997

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1565. The President has appointed the following members as Conferees:

Senators Benton, Jacobsen and Rossi

and the same is herewith transmitted.

Mike O'Connell, Secretary

April 24, 1997

Mr. Speaker:

The Senate grants the request of the House for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5127. The President has appointed the following members as Conferees:

Senators Deccio, Wojahn and Winsley

and the same is herewith transmitted.

Mike O'Connell, Secretary

April 24, 1997

Mr. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1729 and passed the bill without the Senate amendment(s),

and the same is herewith transmitted.

Mike O'Connell, Secretary

April 24, 1997

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8416,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 25, 1997

Mr. Speaker:

The Senate rejected the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850, refused to adopt said report, and returned the bill to the Conference Committee,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 23, 1997

Mr. Speaker:

The President of the Senate ruled the House amendment(s) to ENGROSSED SENATE BILL NO. 5354 beyond the scope and object of the bill. The Senate refuses to concur in said amendment(s) and asks the House to recede therefrom,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House receded from its positions, and advanced Engrossed Senate Bill No. 5354 to final passage.

The Speaker (Representative Pennington stated the question before the House to be final passage of Engrossed Senate Bill No. 5354 without the House amendments.

Representatives D. Schmidt and Scott spoke in favor of the passage of the bill.

#### MOTIONS

On motion by Representative Kessler, Representatives Gardner, Mason, Costa, Murray, Quall, Cole and Poulsen were excused. On motion by Representatives Cairnes, Representatives Reams, Carroll, Dyer, L. Thomas, McMorris, Thompson and Skinner were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5354 without the House amendments, and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Fisher, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, Mielke, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Radcliff, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Excused: Representatives Carrell, Costa, Dyer, Gardner, Mason, McMorris, Murray, Poulsen, Quall, Reams and Skinner - 11.

Engrossed Senate Bill No. 5354, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

#### MESSAGE FROM THE SENATE

April 24, 1997

Mr. Speaker:

The Senate has passed:  
and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1478,

Susan Carlson, Deputy Secretary

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1433,  
SUBSTITUTE HOUSE BILL NO. 1935,  
SUBSTITUTE SENATE BILL NO. 5149,  
SENATE BILL NO. 5229,  
SUBSTITUTE SENATE BILL NO. 5462,  
SUBSTITUTE SENATE BILL NO. 5511,

There being no objection, the House reverted to the fourth order of business.

## INTRODUCTION AND FIRST READING

HB 2288 by Representatives Dyer, Zellinsky, Radcliff, Backlund, Crouse, Cooke, Cairnes, Sehlin, B. Thomas, Sherstad, Robertson, Hickel, Pennington, Carlson, Ballasiotes, Carrell, Cody, Fisher, Dickerson, O'Brien and H. Sommers

Providing equity in business and occupation taxation of hospitals.

HB 2289 by Representative Dyer

Removing the prohibition of engaging in the practice of chiropractic and spinal manipulation by licensed physical therapists.

HCR 4413 by Representative Robertson

Exempting the cutoff date requirements for House Bill No. 2192.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the Rules Committee.

## MOTION

There being no objection, the rules were suspended, and House Concurrent Resolution No. 4413 was advanced to second reading, and read the second time in full.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4413, by Representative Robertson

Exempting the cutoff date requirements for House Bill No. 2192.

There being no objection, the rules were suspended, the second reading considered the third,, and the resolution was placed on final passage.

Representatives Robertson and B. Thomas spoke in favor of adoption.

Division was demanded. The Speaker divided the House. The results of the division was 64-YEAS; 29-NAYS.

House Concurrent Resolution No. 4413 was adopted.

There being no objection, House Concurrent Resolution No. 4413 was immediately transmitted to the Senate.

There being no objection, the Committee on Capital Budget was relieved of further consideration of House Bill No. 2192, and the bill was placed on second reading.

HOUSE BILL NO. 2192, by Representatives Van Luven and Wolfe (originally requested by Governor Locke)

Financing a stadium and exhibition center and technology grants.

The bill was read the second time. There being no objection, Substitute House Bill No. 2192 was substituted for House Bill No. 2192 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2192 was read the second time.

### MOTION

Representative Sheldon moved that Substitute House Bill No. 2192 be laid on the table. The motion was not adopted.

There being no objection, the House deferred consideration of Substitute House Bill No. 2192 and the bill held its place on the second reading calendar.

### CONFERENCE COMMITTEE REPORT

SB 5034 Date: April 22, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SENATE BILL NO. 5034, changing the definition of "bona fide charitable or nonprofit organization" for gambling statutes, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached S-3286.1/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.46.0209 and 1987 c 4 s 4 are each amended to read as follows:

"Bona fide charitable or nonprofit organization," as used in this chapter, means: (1) Any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (2) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than ~~(fifteen)~~ seven bona fide active members each with the right to an equal vote in the election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the internal revenue code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized

under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

**Sec. 2.** RCW 9.46.0205 and 1987 c 4 s 3 are each amended to read as follows:

(1) "Bingo," as used in this chapter, means a game (~~conducted only in the county within which the organization is principally located~~) in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of ~~(said)~~ the game, ~~(when said)~~ except as authorized by the commission for joint bingo games.

(2) The game ~~(is)~~ shall be conducted only by:

(a) A bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week~~(,)~~; or ~~(#)~~

(b) An agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year~~(, and)~~.

(3) Except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of ~~(said)~~ the organization ~~(takes)~~ may take any part in the management or operation of ~~(said)~~ the game unless approved by the commission, and no person who takes any part in the management or operation of ~~(said)~~ the game ~~(takes)~~ may take any part in the management or operation of any game conducted by any other organization or any other branch of the same organization~~(,)~~ unless approved by the commission~~(, and)~~.

(4) No part of the proceeds ~~(thereof)~~ from a bingo game may inure to the benefit of any person other than the organization conducting ~~(said)~~ the game.

(5) A bingo game must be conducted only in the county where the sponsoring organization is principally located, except as authorized by the commission for joint bingo games. For the purposes of this section, the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer~~(: PROVIDED, That)~~. Any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981, shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(6) The commission may authorize joint bingo games conducted by two or more bona fide charitable or nonprofit organizations if the prizes are pooled and the games are conducted during each organization's normal period of operation. The commission may adopt rules for the operation, management, and location of the games.

**Sec. 3.** RCW 9.46.120 and 1987 c 4 s 40 are each amended to read as follows:

(1) Except in the case of an agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a member of a bona fide charitable or nonprofit organization (and their employees) or any other person, association or organization (and their employees) approved by the commission, shall take any part in the management or operation of any gambling activity authorized under this chapter~~(, and)~~ unless approved by the commission. No person who takes any part in the management or operation of any such gambling activity shall take any part in the management or operation of any gambling activity conducted by any other organization or any other branch of the same organization~~(,)~~ unless approved by the commission~~(, and)~~. No part of the proceeds ~~(thereof)~~ of the activity shall inure to the benefit of any person other than the organization conducting such gambling activities or if such gambling activities be for the charitable benefit of any specific persons designated in the application for a license, then only for such specific persons as so designated.

(2) No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any gambling activity authorized under this chapter in any leased premises if rental for such premises is unreasonable or to be paid, wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity.

**Sec. 4.** RCW 9.46.110 and 1994 c 301 s 2 are each amended to read as follows:

(1) The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules ~~((and regulations promulgated hereunder))~~ adopted under this chapter, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the ~~((same: PROVIDED, That))~~ activity. Any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located ~~((therein))~~ in the county but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county ~~((: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall))~~.

(2) The operation of punch boards and pull-tabs are subject to the following conditions:

(a) Chances may only be sold to adults ~~((, which shall have a fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull tabs; and (2)))~~;

(b) The price of a single chance may not exceed one dollar;

(c) No punch board or pull-tab license may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; ~~((and (3)))~~

(d) All prizes ~~((for punch boards and pull tabs))~~ available to be won must be described on an information flare. All merchandise prizes must be on display within the immediate area of the premises ~~((wherein))~~ in which any such punch board or pull-tab is located ~~((and))~~. Upon a winning number or symbol being drawn, ~~((such))~~ a merchandise prize must be immediately removed ~~((therefrom))~~ from the display and awarded to the winner. All references to cash or merchandise prizes, with a value over twenty dollars, must be removed immediately from the information flare when won, or such omission shall be deemed a fraud for the purposes of this chapter; and ~~((4))~~

(e) When any person ~~((shall win over twenty dollars in))~~ wins money or merchandise from any punch board or pull-tab over an amount determined by the commission, every licensee ~~((hereunder))~~ shall keep a public record ~~((thereof))~~ of the award for at least ninety days ~~((thereafter))~~ containing such information as the commission shall deem necessary ~~((: AND PROVIDED FURTHER, That))~~.

(3)(a) Taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross ~~((revenue received therefrom))~~ receipts from a bingo game or raffle less the amount ~~((paid for or))~~ awarded as cash or merchandise prizes.

(b) Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross ~~((revenue therefrom))~~ receipts from the amusement game less the amount ~~((paid for))~~ awarded as prizes ~~((: PROVIDED FURTHER, That))~~.

(c) No tax shall be imposed under the authority of this chapter on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross ~~((income))~~ receipts from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount ~~((paid for))~~ awarded as cash or merchandise prizes.

(d) No tax shall be imposed on the first ten thousand dollars of ~~((net proceeds))~~ gross receipts less the amount awarded as cash or merchandise prizes from raffles conducted by any bona fide charitable or nonprofit organization as defined in this chapter.

(e) Taxation of punch boards and pull-tabs for bona fide charitable or nonprofit organizations is based on gross receipts from the operation of the games less the amount awarded as cash or merchandise prizes, and shall not exceed ~~((five))~~ a rate of ten percent ~~((of gross receipts, nor shall))~~. At the option of the county, city-county, city, or town, the taxation of punch boards and pull-tabs for commercial stimulant operators may be based on gross receipts from the operation of the games, and may not exceed a rate of five percent, or may be based on gross receipts from the operation of the games less the amount awarded as cash or merchandise prizes, and may not exceed a rate of ten percent.

(f) Taxation of social card games may not exceed twenty percent of the gross revenue from such games.

(4) Taxes imposed under this chapter become a lien upon personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010. The lien shall attach on the date the tax becomes due and shall relate Backlund and have priority against real and personal property to the same extent as ad valorem taxes.



**Sec. 5.** RCW 9.46.0233 and 1987 c 4 s 24 are each amended to read as follows:

(1) "Fund raising event," as used in this chapter, means a fund raising event conducted during any seventy-two consecutive hours (~~(but exceeding twenty-four consecutive hours and)~~) not more than ~~((once))~~ twice in any calendar year when no gambling activities are conducted between the hours of 2:00 a.m. and 6:00 a.m.; or a fund raising event conducted not more than ((twice)) four times each calendar year for not more than ((twenty-four)) twenty consecutive hours ((each time)) when no gambling activities are conducted between the hours of 2:00 a.m. and 6:00 a.m.; or a combination of one seventy-two consecutive hour event and not more than two twenty consecutive hour events by a bona fide charitable or nonprofit organization as defined in RCW 9.46.0209 other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings and for the purchase cost of prizes given as winnings do not exceed ~~((ten))~~ fifteen thousand dollars during a single event or thirty thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization or their spouses who are not paid for such service shall participate in the management or operation of the activities~~((, and))~~. However, an organization may use up to five individuals who are not members or spouses of members to operate gambling activities when the individuals are approved by the commission. The individuals may be paid an amount determined by the commission but shall not be involved in the management of the event, perform duties of a cashier, banker, or otherwise have access to or share in the net proceeds of the event, or perform any of the accounting functions or otherwise have access to the accounting records. Further, anyone licensed by the commission to rent equipment to conduct the activities may be paid an amount determined by the commission to provide training and advisory services in conjunction with the events; (d) all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; and ~~((d))~~ (e) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

(2) Bona fide charitable or nonprofit organizations holding a license to conduct a fund raising event may join together to jointly conduct a fund raising event if:

(a) Approval to do so is received from the commission; ~~((and))~~

(b) The method of dividing the income and expenditures and the method of recording and handling of funds are disclosed to the commission in the application for approval of the joint fund raising event and are approved by the commission~~((-))~~;

(c) The gross wagers and bets received by the organizations less the amount of money paid by the organizations as winnings and for the purchase costs of prizes given as winnings ~~((may))~~ does not exceed ~~((ten))~~ fifteen thousand dollars during the total calendar days of such event. The net receipts each organization receives shall count against the organization's annual limit stated in this subsection~~((-))~~;

(d) A joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the net receipts for the purposes of the number of such events an organization may conduct each year~~((-))~~; and

(e) The commission may issue a joint license for a joint fund raising event and charge a license fee for such license according to a schedule of fees adopted by the commission which reflects the added cost to the commission of licensing more than one licensee for the event."

On page 1, line 1 of the title, after "gambling;" strike the remainder of the title and insert "and amending RCW 9.46.0209, 9.46.0205, 9.46.120, 9.46.110, and 9.46.0233."

There being no objection, the Conference Committee recommendation on Senate Bill No. 5034 was adopted.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be final passage of Senate Bill No. 5034 as recommended by the Conference Committee.

Representatives McMorris and Conway spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5034, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Ballasiotes, Benson, Blalock, Boldt, Buck, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Zellinsky - 90.

Voting nay: Representatives Backlund, Bush, Cole, Mielke, Parlette, Smith and Mr. Speaker - 7.

Excused: Representative Skinner - 1.

Senate Bill No. 5034, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

ESSB 5082 Date: April 23, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, relating to mental health and chemical dependency treatment for minors, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H3324.1) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds it is often necessary for parents to obtain mental health or chemical dependency treatment for their minor children prior to the time the child's condition presents a likelihood of serious harm or the child becomes gravely disabled. The legislature finds that treatment of such conditions is not the equivalent of incarceration or detention, but is a legitimate act of parental discretion, when supported by decisions of credentialed professionals. The legislature finds that, consistent with *Barham v. J.R.*, 442 U.S. 584 (1979), state action is not involved in the determination of a parent and professional person to admit a minor child to treatment and finds this act provides sufficient independent review by the department of social and health services, as a neutral fact-finder, to protect the interests of all parties. The legislature finds it is necessary to provide parents a statutory process, other than the petition process provided in chapters 70.96A and 71.34 RCW, to obtain treatment for their minor children without the consent of the children.

The legislature finds that differing standards of admission and review in parent-initiated mental health and chemical dependency treatment for their minor children are necessary and the admission standards and procedures under state involuntary treatment procedures are not adequate to provide

safeguards for the safety and well-being of all children. The legislature finds the timeline for admission and reviews under existing law do not provide sufficient opportunities for assessment of the mental health and chemically dependent status of every minor child and that additional time and different standards will facilitate the likelihood of successful treatment of children who are in need of assistance but unwilling to obtain it voluntarily. The legislature finds there are children whose behavior presents a clear need of medical treatment but is not so extreme as to require immediate state intervention under the state involuntary treatment procedures.

## MENTAL HEALTH

**Sec. 2.** RCW 71.34.010 and 1992 c 205 s 302 are each amended to read as follows:

It is the purpose of this chapter to ~~((ensure))~~ assure that minors in need of mental health care and treatment receive an appropriate continuum of culturally relevant care and treatment, ~~((from))~~ including prevention and early intervention ~~((to))~~, self-directed care, parent-directed care, and involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the department that provide mental health services to minors shall jointly plan and deliver those services.

It is also the purpose of this chapter to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment. The mental health care and treatment providers shall encourage the use of voluntary services and, whenever clinically appropriate, the providers shall offer less restrictive alternatives to inpatient treatment. Additionally, all mental health care and treatment providers shall ~~((ensure))~~ assure that minors' parents are given an opportunity to participate in the treatment decisions for their minor children. The mental health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

It is also the purpose of this chapter to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under this chapter.

**Sec. 3.** RCW 71.34.020 and 1985 c 354 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(12) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder; or (b) prevent the worsening of mental conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(13) "Medically appropriate" means that a minor admitted to inpatient treatment, under section 13 of this act, has not sufficiently improved his or her condition to be released to a less restrictive setting.

(14) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

~~((13))~~ (15) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

~~((14))~~ (16) "Minor" means any person under the age of eighteen years.

~~((15))~~ (17) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025(3).

~~((16))~~ (18) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

~~((17))~~ (19) "Professional person in charge" or "professional person" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

~~((18))~~ (20) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

~~((19))~~ (21) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

~~((20))~~ (22) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

~~((21))~~ (23) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

~~((22))~~ (24) "Secretary" means the secretary of the department or secretary's designee.

~~((23))~~ (25) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

**Sec. 4.** RCW 71.34.025 and 1995 c 312 s 56 are each amended to read as follows:

(1) ~~((The admission of any child under RCW 71.34.030 may be reviewed by the county-designated mental health professional between fifteen and thirty days following admission. The county-designated mental health professional may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.~~

~~(2))~~ The department shall ~~((ensure))~~ assure that, for any minor admitted to inpatient treatment under section 13 of this act, a review is conducted by a physician or other mental health professional who is employed by the department, or an agency under contract with the department, and who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the facility providing the treatment. The physician or other mental health professional shall conduct the review no sooner than five days and no later than ~~((sixty))~~ ten days, excluding Saturdays, Sundays, and holidays, following admission to determine whether it is medically appropriate to continue the ~~((child's))~~ minor's treatment on an inpatient basis. ~~((The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.~~

If the county-designated mental health professional determines that continued inpatient treatment of the child is no longer medically appropriate, the professional shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination.

~~(3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.)~~

(2) The department shall, at thirty-day intervals following the review conducted under subsection (1) of this section, conduct three reviews of the treatment status of each minor admitted to inpatient treatment, under section 13 of this act, to determine whether it is medically appropriate to continue the minor's treatment under inpatient status. The reviews shall be conducted by a physician or other mental health professional who is employed by the department, or an agency under contract with the department, and who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the facility providing the treatment.

(3) In making a determination under subsection (1) or (2) of this section, the department shall consider the opinion of the treatment provider, the safety of the minor, and the likelihood the minor's mental health will deteriorate if released from inpatient treatment. The department shall consult with the parent in advance of making its determination.

(4) If the department determines it is no longer medically appropriate for a minor to receive inpatient treatment, the department shall immediately notify the parents and the facility. The facility shall release the minor to the parents within twenty-four hours of receiving notice. If the professional person in charge and the parent believe that it is medically appropriate for the minor to remain in inpatient treatment, the minor shall be released to the parent on the second judicial day following the department's determination in order to allow the parent time to file an at-risk youth petition under chapter 13.32A RCW. If the department determines it is medically appropriate for the minor to receive outpatient treatment and the minor declines to obtain such treatment, such refusal shall be grounds for the parent to file an at-risk youth petition.

(5) If after the third department review under subsection (2) of this section, the department determines that it is medically appropriate to continue the minor's inpatient treatment, the department, or the department's designee, shall file a petition under RCW 71.34.070 within seven days of the department's determination. For the purposes of this section, it is not necessary to file a petition for initial detention.

(6) If the evaluation conducted under section 13 of this act is done by the department, the reviews required by subsections (1) and (2) of this section shall be done by contract with an independent agency.

(7) The department may, subject to available funds, contract with other governmental agencies to conduct the reviews under this section. The department may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.34 RCW to read as follows:

For purposes of eligibility for medical assistance under chapter 74.09 RCW, minors in inpatient mental health treatment shall be considered to be part of their parent's or legal guardian's household, unless the minor has been assessed by the department or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the parents are found to not be exercising responsibility for care and control of the minor. Payment for such care by the department shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

## VOLUNTARY MENTAL HEALTH OUTPATIENT TREATMENT

**Sec. 6.** RCW 71.34.030 and 1995 c 312 s 52 are each amended to read as follows:

~~((4))~~ Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

~~((2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:~~

~~(a) A minor may be voluntarily admitted by application of the parent. The consent of the minor is not required for the minor to be evaluated and admitted as appropriate.~~

~~(b) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:~~

~~(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.~~

~~(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.~~

~~(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.~~

~~(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.~~

~~(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.~~

~~(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.~~

~~(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.~~

~~(c) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months.~~

~~(d) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.~~

~~(3) A notice of intent to leave shall result in the following:~~

~~(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.~~

~~(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.~~

~~(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county designated mental health professional, and the parent.~~

~~(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty four hours after receipt of the minor's notice of intent to leave, unless the county designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.~~

~~(4) The ability of a parent to apply to a certified evaluation and treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.)~~

**NEW SECTION. Sec. 7.** For the purpose of gathering information related to parental notification of outpatient mental health treatment of minors, the department of health shall conduct a survey of providers of outpatient treatment, as defined in chapter 71.34 RCW. The survey shall gather information from a statistically valid sample of providers. In accordance with confidentiality statutes and the physician-patient privilege, the survey shall secure information from the providers related to:

- (1) The number of minors receiving outpatient treatment;
- (2) The number of parents of minors in treatment notified of the minor's treatment;
- (3) The average number of outpatient visits prior to parental notification;
- (4) The average number of treatments with parental notification;
- (5) The average number of treatments without parental notification;
- (6) The percentage of minors in treatment who are prescribed medication;
- (7) The medication prescribed;
- (8) The number of patients terminating treatment due to parental notification; and
- (9) Any other pertinent information.

The department shall submit the survey results to the governor and the appropriate committees of the legislature by December 1, 1997.

This section expires June 1, 1998.

## VOLUNTARY MENTAL HEALTH INPATIENT TREATMENT

**NEW SECTION. Sec. 8.** A new section is added to chapter 71.34 RCW to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

**NEW SECTION. Sec. 9.** A new section is added to chapter 71.34 RCW to read as follows:

The administrator of the treatment facility shall provide notice to the parents of a minor when the minor is voluntarily admitted to inpatient treatment under section 8 of this act. The notice shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent: (1) That the minor has been admitted to inpatient treatment; (2) of the location and telephone number of the facility providing such treatment; (3) of the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent; and (4) of the medical necessity for admission.

**NEW SECTION. Sec. 10.** A new section is added to chapter 71.34 RCW to read as follows:

(1) Any minor thirteen years or older who has voluntarily admitted himself or herself to inpatient treatment shall be released to the parent upon the parent's written request for release unless the professional person in charge of the facility exercises his or her option to file a petition for commitment of a minor.

(2)(a) The petition shall be filed with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(b) The petition shall be signed by the minor and the professional person in charge of the facility or that person's designee.

(c) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(d) There shall be a hearing on the petition, which shall be held within seventy-two hours from the filing of the petition.

(3) The commitment hearing shall be conducted at the superior court or an appropriate place at the treatment facility.

(4) The professional person must demonstrate, by a preponderance of the evidence, that the minor is in need of inpatient treatment and that the release would constitute a threat to the minor's health or safety. The rules of evidence shall not apply at the hearing.

**NEW SECTION. Sec. 11.** A new section is added to chapter 71.34 RCW to read as follows:

(1) Any minor thirteen years or older voluntarily admitted to an evaluation and treatment facility under section 8 of this act may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(2) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(3) The professional person shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional commences an initial detention proceeding under the provisions of this chapter.

**NEW SECTION. Sec. 12.** A new section is added to chapter 71.34 RCW to read as follows:

Any minor admitted to inpatient treatment under section 8 or 13 of this act shall be discharged immediately from inpatient treatment upon written request of the parent.

#### PARENT-INITIATED MENTAL HEALTH TREATMENT

**NEW SECTION. Sec. 13.** A new section is added to chapter 71.34 RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to an evaluation and treatment facility and request that the professional person examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.



(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation without being admitted or released. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be admitted. Prior to admission, the facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition. Within twenty-four hours of the admission, the professional person shall notify the department of the admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) For the purposes of this section "professional person" does not include a social worker, unless the social worker is certified under RCW 18.19.110 and appropriately trained and qualified by education and experience, as defined by the department, in psychiatric social work.

**NEW SECTION. Sec. 14.** A new section is added to chapter 71.34 RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to a provider of outpatient mental health treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a mental disorder and is in need of outpatient treatment.

(2) The consent of the minor is not required for evaluation if the parent brings the minor to the provider.

(3) The professional person may evaluate whether the minor has a mental disorder and is in need of outpatient treatment.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.34 RCW to read as follows:

The ability of a parent to apply to a certified evaluation and treatment program for the admission of his or her minor does not create a right to obtain or benefit from any funds or resources of the state. The state may provide services for indigent minors to the extent that funds are available.

## CHEMICAL DEPENDENCY

**Sec. 16.** RCW 70.96A.020 and 1996 c 178 s 23 and 1996 c 133 s 33 are each reenacted and amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who suffers from the disease of alcoholism.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means alcoholism or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

(9) "Drug addict" means a person who suffers from the disease of drug addiction.

(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other drugs" means that a person, as a result of the use of alcohol or other drugs: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and presents a likelihood of serious harm to himself or herself, to any other person, or to property.

(14) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(15) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(16) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(17) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others.

(18) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the worsening of chemical dependency conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(19) "Medically appropriate" means a minor admitted by his or her parents to inpatient treatment under section 21 of this act has not sufficiently improved his or her condition to be released to a less restrictive setting.

(20) "Minor" means a person less than eighteen years of age.

~~((49))~~ (21) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

~~((20))~~ (22) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((21))~~ (23) "Person" means an individual, including a minor.

~~((22))~~ (24) "Professional person in charge" or "professional person" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(25) "Secretary" means the secretary of the department of social and health services.

~~((23))~~ (26) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

~~((24))~~ (27) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

## VOLUNTARY CHEMICAL DEPENDENCY OUTPATIENT TREATMENT

**Sec. 17.** RCW 70.96A.095 and 1996 c 133 s 34 are each amended to read as follows:

~~((4))~~ Any person thirteen years of age or older may give consent for himself or herself to the furnishing of outpatient treatment by a chemical dependency treatment program certified by the department. ~~((Consent of the parent of a person less than eighteen years of age for inpatient treatment is necessary to authorize the care unless the child meets the definition of a child in need of services in RCW 13.32A.030(4)(c), as determined by the department.))~~ Parental authorization is required for any treatment of a minor under the age of thirteen. ~~((The parent of a minor is not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the treatment.~~

~~(2) The parent of any minor child may apply to a certified treatment program for the admission of his or her minor child for purposes authorized in this chapter. The consent of the minor child shall not be required for the application or admission. The certified treatment program shall accept the application and evaluate the child for admission. The ability of a parent to apply to a certified treatment program for the admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.~~

~~(3) Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents if: (a) The minor signs a written consent authorizing the disclosure; or (b) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. The notice shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent.)~~

**NEW SECTION. Sec. 18.** A new section is added to chapter 70.96A RCW to read as follows:

Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents if: (1) The minor signs a written consent authorizing the disclosure; or (2) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. The notice shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent.

## VOLUNTARY CHEMICAL DEPENDENCY INPATIENT TREATMENT

**NEW SECTION. Sec. 19.** A new section is added to chapter 70.96A RCW to read as follows:

Parental consent is required for inpatient chemical dependency treatment of a minor, unless the child meets the definition of a child in need of services in RCW 13.32A.030(4)(c) as determined by the department: PROVIDED, That parental consent is required for any treatment of a minor under the age of thirteen.

This section does not apply to petitions filed under this chapter.

**NEW SECTION. Sec. 20.** A new section is added to chapter 70.96A RCW to read as follows:

(1) The parent of a minor is not liable for payment of inpatient or outpatient chemical dependency treatment unless the parent has joined in the consent to the treatment.

(2) The ability of a parent to apply to a certified treatment program for the admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

## PARENT-INITIATED CHEMICAL DEPENDENCY TREATMENT

**NEW SECTION. Sec. 21.** A new section is added to chapter 70.96A RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to a certified treatment program and request that a chemical dependency assessment be conducted by a professional person to determine whether the minor is chemically dependent and in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the program.

(3) An appropriately trained professional person may evaluate whether the minor is chemically dependent. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the program, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation without being admitted or released. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be admitted. Prior to admission, the facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition. Within twenty-four hours of the admission the professional person shall notify the department of the admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the program based solely on his or her request.

(6) Any minor admitted to inpatient treatment under this section shall be discharged immediately from inpatient treatment upon written request of the parent.

**Sec. 22.** RCW 70.96A.097 and 1995 c 312 s 48 are each amended to read as follows:

(1) ~~((The admission of any child under RCW 70.96A.095 may be reviewed by the county-designated chemical dependency specialist between fifteen and thirty days following admission. The county-designated chemical dependency specialist may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.~~

(2)) The department shall ensure that, for any minor admitted to inpatient treatment under section 21 of this act, a review is conducted by a physician or chemical dependency counselor, as defined in rule by the department, who is employed by the department or an agency under contract with the department and who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the program providing the treatment. The physician or chemical dependency counselor shall conduct the review no sooner than five days and no later than ~~((sixty))~~ ten days, excluding Saturdays, Sundays, and holidays, following admission to determine whether it is medically appropriate to continue the ~~((child's))~~ minor's treatment on an inpatient basis. ~~((The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.~~

~~If the county-designated chemical dependency specialist determines that continued inpatient treatment of the child is no longer medically appropriate, the specialist shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination.~~

~~(3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out of home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.)~~

(2) The department shall, at thirty-day intervals following the review conducted under subsection (1) of this section, conduct reviews of the treatment status of each minor admitted to inpatient treatment, under section 21 of this act, to determine whether it is medically appropriate to continue the minor's treatment under inpatient status. The reviews shall be conducted by a physician or chemical dependency counselor, as defined in rule by the department, who is employed by the

department, or an agency under contract with the department, and who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the program providing the treatment.

(3) In making a determination under subsection (1) or (2) of this section whether it is medically appropriate to release the minor from inpatient treatment, the department shall consider the opinion of the treatment provider, the safety of the minor, the likelihood the minor's chemical dependency recovery will deteriorate if released from inpatient treatment, and the wishes of the parent.

(4) If the department determines it is no longer medically appropriate for a minor to receive inpatient treatment, the department shall immediately notify the parents and the professional person in charge. The professional person in charge shall release the minor to the parents within twenty-four hours of receiving notice. If the professional person in charge and the parent believe that it is medically appropriate for the minor to remain in inpatient treatment, the minor shall be released to the parent on the second judicial day following the department's determination in order to allow the parent time to file an at-risk youth petition under chapter 13.32A RCW. If the department determines it is medically appropriate for the minor to receive outpatient treatment and the minor declines to obtain such treatment, such refusal shall be grounds for the parent to file an at-risk youth petition.

(5) The department may, subject to available funds, contract with other governmental agencies for the conduct of the reviews conducted under this section and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

**NEW SECTION. Sec. 23.** A new section is added to chapter 70.96A RCW to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to a provider of outpatient chemical dependency treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a chemical dependency and is in need of outpatient treatment.

(2) The consent of the minor is not required for evaluation if the parent brings the minor to the provider.

(3) The professional person in charge of the program may evaluate whether the minor has a chemical dependency and is in need of outpatient treatment.

**NEW SECTION. Sec. 24.** A new section is added to chapter 70.96A RCW to read as follows:

For purposes of eligibility for medical assistance under chapter 74.09 RCW, minors in inpatient chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the minor has been assessed by the department or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the parents are found to not be exercising responsibility for care and control of the minor. Payment for such care by the department shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

**NEW SECTION. Sec. 25.** It is the purpose of sections 21 and 23 of this act to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under chapter 70.96A RCW.

**NEW SECTION. Sec. 26.** Part headings used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 27.** The department of social and health services shall adopt rules defining "appropriately trained professional person" for the purposes of conducting mental health and chemical dependency evaluations under sections 13(3), 14(1), 21(3), and 23(1) of this act."

On page 1, line 2 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 71.34.010, 71.34.020, 71.34.025, 71.34.030, 70.96A.095, and 70.96A.097; reenacting and amending RCW 70.96A.020; adding new sections to chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; creating new sections; and providing an expiration date."

There being no objection, the Conference Committee recommendation on Engrossed Substitute Senate Bill No. 5082 was adopted.

FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5082 as recommended by the Conference Committee.

Representatives Cooke and Wolfe spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5082, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Ballasiotes, Blalock, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Mason, Mastin, McDonald, Mielke, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sommers, H., Sullivan, Talcott, Thomas, B., Thomas, L., Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 82.

Voting nay: Representatives Backlund, Benson, Boldt, Crouse, Dunn, Koster, Lambert, McMorris, Mulliken, Sherstad, Smith, Sommers, D., Sterk, Sump and Thompson - 15.

Excused: Representative Skinner - 1.

Engrossed Substitute Senate Bill No. 5082, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SSB 5270 Date: April 24, 1997

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE SENATE BILL NO. 5270, relating to the State Investment Board, have had the same under consideration and we recommend that:

All previous amendments not be adopted, the striking amendment by the Conference Committee (see attached 5270-S AMC CONF S3316.1) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.33A RCW to read as follows:

(1) The board is authorized to create corporations under Title 23B RCW, limited liability companies under chapter 25.15 RCW, and limited partnerships under chapter 25.10 RCW, of which it may or may not be the general partner, for the purposes of transferring, acquiring, holding, overseeing, operating, or disposing of real estate or other investment assets that are not publicly traded on a daily basis or on an organized exchange. The liability of each entity created by the board is limited to the assets or properties of that entity. No creditor or other person has any right of action against the board, its members or employees, or the state of Washington on account of any debts, obligations, or

liabilities of the entity. Entities created under this section may be authorized by the board to make any investment that the board may make, including but not limited to the acquisition of: Equity interests in operating companies, the indebtedness of operating companies, and real estate.

(2) Directors, officers, and other principals of entities created under this section must be board members, board staff, or principals or employees of an advisor or manager engaged by contract by the board or the entity to manage real estate or other investment assets of the entity. Directors of entities created under this section must be appointed by the board. Officers and other principals of entities created under this section are appointed by the directors.

(3) A public corporation, limited liability company, or limited partnership created under this section has the same immunity or exemption from taxation as that of the state. The entity shall pay an amount equal to the amounts that would be paid for taxes otherwise levied upon real property and personal property to the public official charged with the collection of such real property and personal property taxes as if the property were in private ownership. The proceeds of such payments must be allocated as though the property were in private ownership.

NEW SECTION. Sec. 2. A new section is added to chapter 43.33A RCW to read as follows:

Rent and other income from real estate or other investment assets that are not publicly traded on a daily basis or on an organized exchange that are acquired and being held for investment by the board or by an entity created under section 1 of this act by the board, and being managed by an external advisor or other property manager under contract, shall not be deemed income or state funds for the purposes of chapter 39.58 RCW and this title, until distributions are made to the board of such income from the advisor or manager. Bank and other accounts established by the advisor or property manager for the purpose of the management of such investment assets shall not be deemed accounts established by the state for the purpose of chapter 39.58 RCW and this title."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "and adding new sections to chapter 43.33A RCW."

There being no objection, the Conference Committee recommendation on Substitute Senate Bill No. 5270 was adopted.

FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Substitute Senate Bill No. 5270 as recommended by the Conference Committee.

Representatives L. Thomas and Wolfe spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5270, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Substitute Senate Bill No. 5270, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

SB 5484 Date: April 24, 1997

Includes "new item": NO

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SENATE BILL NO. 5484, revising regulation of swimming pools, have had the same under consideration and we recommend that the House Health Care Committee amendment be adopted and the bill do pass as recommended by the Conference Committee.

On page 2, after line 6, insert the following:

"**Sec. 2.** RCW 70.90.250 and 1987 c 222 s 3 are each amended to read as follows:

This chapter applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

- (1) Any water recreation facility for the sole use of residents and invited guests at a single family dwelling;
- (2) Therapeutic water facilities operated exclusively for physical therapy; (~~and~~)
- (3) Steam baths and saunas; and
- (4) Metropolitan park districts authorized under chapter 35.61 RCW."

Correct the title.

#### MOTION

On motion by Representative Dyer, the Conference Committee was dissolved, the House receded from its amendments and Senate Bill No. 5484 was advanced to final passage.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Senate Bill No. 5484.

Representative Dyer spoke in favor of the passage of the bill.

Representative Wood spoke against the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5484 without the House amendments, and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Delvin, Dunn, Dyer, Grant, Hankins, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Voloria, Wensman, Zellinsky and Mr. Speaker - 61.

Voting nay: Representatives Anderson, Appelwick, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunshee, Fisher, Gardner, Gombosky,



Hatfield, Kastama, Keiser, Kenney, Kessler, Lantz, Mason, Morris, Murray, O'Brien, Ogden, Poulsen, Regala, Romero, Scott, Sommers, H., Tokuda, Wolfe and Wood - 36.  
Excused: Representative Skinner - 1.

Senate Bill No. 5484, without the House amendments, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Bill No. 5484.

VELMA VELORIA, 11<sup>th</sup> District

#### CONFERENCE COMMITTEE REPORT

ESSB 5491 Date: April 24, 1997

Includes "new item": NO

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5491, Revising provisions for termination of parent and child relationship, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H-3312.2/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.130 and 1995 c 313 s 2, 1995 c 311 s 19, and 1995 c 53 s 1 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(4)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;  
(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;  
(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 2.** RCW 13.34.180 and 1993 c 412 s 2 and 1993 c 358 s 3 are each reenacted and amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(~~((2))~~) (4); and  
(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and  
(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(~~((2))~~) (4); and

(4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(a) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(b) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been offered or provided.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

#### "NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

On page 1, line 2 of the title, after "relationship;" strike the remainder of the title and insert "and reenacting and amending RCW 13.34.130 and 13.34.180."

There being no objection, the Conference Committee recommendation on Engrossed Substitute Senate Bill No. 5491 was adopted.

FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5491 as recommended by the Conference Committee.

Representatives Boldt and Tokuda spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5491, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Engrossed Substitute Senate Bill No. 5491, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SSB 5867 Date: April 24, 1997

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE SENATE BILL NO. 5867, allowing special excise taxes in certain cities and towns for tourism promotion, have had the same under consideration and we recommend that:

The House Committee on Trade and Economic Development amendment (H2970.2) be adopted with the attached amendments (5867-S AMH CONF LONG 5); and

that the bill do pass as amended by the Conference Committee.

On page 2 of the amendment, after line 9, strike all of subsection (7) and insert:

"(7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor, and used to support tourism, performing arts, or to accommodate tourist activities."

On page 2 of the amendment, after line 16, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality imposed taxes under this chapter and RCW 67.40.100 with a total rate exceeding four percent on January 1, 1998, the rate of tax imposed under this chapter by the municipality shall not exceed the total rate imposed by the municipality under this chapter and RCW 67.40.100 on January 1, 1998.

(b) If a city or town, other than a municipality described in (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the rate of tax imposed under this chapter by the city or town shall not exceed two percent.

(c) If a city has a population of four hundred thousand or more and is located in a county with a population of one million or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals fifteen and two-tenths percent.

(3) Except as provided in RCW 67.28.180, any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event.

(4) Tax imposed under this section on a sale of lodging shall be credited against the amount of sales tax due to the state under chapter 82.08 RCW on the same sale of lodging, but the total credit for taxes imposed by all municipalities on a sale of lodging shall not exceed the amount that would be imposed under a two percent tax under this section. This subsection does not apply to taxes which are credited against the state sales tax under RCW 67.28.180.

On page 3 of the amendment, line 35, after "municipality" insert "with a population of five thousand or more"

On page 4 of the amendment, beginning on line 2, after "authority." strike everything through "chapter." on line 6 and insert "The committee membership shall include: (a) At least two members who are representatives of businesses required to collect tax under this chapter; and (b) at least two members who are persons involved in activities authorized to be funded by revenue received under this chapter. Persons who are eligible for appointment under (a) of this subsection are not eligible for appointment under (b) of this subsection. Persons who are eligible for appointment under (b) of this subsection are not eligible for appointment under (a) of this subsection."

On page 23 of the amendment, line 22, strike "January" and insert "April"

There being no objection, the Conference Committee recommendation on Substitute Senate Bill No. 5867 was adopted.

#### FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Substitute Senate Bill No. 5867 as recommended by the Conference Committee.

Representatives B. Thomas and Morris spoke in favor of the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5867, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Benson, Crouse, Kessler and Sterk - 4.

Excused: Representative Skinner - 1.

Substitute Senate Bill No. 5867, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

2SSB 5886 Date: April 24, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5886, proving a stable funding source for fisheries enhancement and habitat restoration, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H3335.2) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Currently, many of the salmon stocks on the Washington coast and in Puget Sound are severely depressed and may soon be listed under the federal endangered species act.

(b) Immediate action is needed to reverse the severe decline of this resource and ensure its very survival.

(c) The cooperation and participation of private landowners is crucial in efforts to restore and enhance salmon populations.

(d) Regional fisheries enhancement groups have been exceptionally successful in their efforts to work with private landowners to restore and enhance salmon habitat on private lands.

(e) State funding for regional fisheries enhancement groups has been declining and is a significant limitation to current fisheries enhancement and habitat restoration efforts.

(f) Therefore, a stable funding source is essential to the success of the regional enhancement groups and their efforts to work cooperatively with private landowners to restore salmon resources.

(2) The legislature further finds that:

(a) The increasing population and continued development throughout the state, and the transportation system needed to serve this growth, have exacerbated problems associated with culverts, creating barriers to fish passage.

(b) These barriers obstruct habitat and have resulted in reduced production and survival of anadromous and resident fish at a time when salmonid stocks continue to decline.

(c) Current state laws do not appropriately direct resources for the correction of fish passage obstructions related to transportation facilities.

(d) Current fish passage management efforts related to transportation projects lack necessary coordination on a watershed, regional, and state-wide basis, have inadequate funding, and fail to maximize use of available resources.

(e) Therefore, the legislature finds that the department of transportation and the department of fish and wildlife should work with state, tribal, local government, and volunteer entities to develop a coordinated, watershed-based fish passage barrier removal program.

**NEW SECTION. Sec. 2.** A new section is added to chapter 75.50 RCW to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The regional fisheries enhancement group advisory board and the department shall develop guidelines for providing funds to the regional fisheries enhancement groups.

**NEW SECTION. Sec. 3.** A new section is added to chapter 75.50 RCW to read as follows:

The regional fisheries enhancement salmonid recovery account is created in the state treasury. All receipts from federal sources and moneys from state sources specified by law must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the sole purpose of fisheries enhancement and habitat restoration by regional fisheries enhancement groups.

**NEW SECTION. Sec. 4.** The regional fisheries enhancement group advisory board shall conduct a study of federal, state, and local permitting requirements for fisheries enhancement and habitat restoration projects. The study shall identify redundant, conflicting, or duplicative permitting requirements and rules, and shall make recommendations for streamlining and improving the permitting process. The results of the study shall be reported to the senate natural resources and parks committee and the house of representatives natural resources committee by November 1, 1997.

**Sec. 5.** RCW 75.50.080 and 1993 sp.s. c 2 s 47 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon and steelhead resources of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon and steelhead resources for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon and steelhead catch by the year 2000 (~~under chapter 214, Laws of 1988~~); and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department.

**Sec. 6.** RCW 75.50.160 and 1995 c 367 s 2 are each amended to read as follows:

The ~~((department's habitat division shall work with))~~ department and the department of transportation shall convene a fish passage barrier removal task force. The task force shall consist of one representative each from the department, the department of transportation, the department of ecology, tribes, cities, counties, ((and)) a business organization, an environmental organization, regional fisheries enhancement groups, and other interested entities as deemed appropriate by the cochairs. The persons representing the department and the department of transportation shall serve as cochairs of the task force and shall appoint members to the task force. The task force shall make recommendations to ((develop a)) expand the program in RCW 75.50.170 to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical. Program recommendations shall include a funding mechanism and other necessary mechanisms to coordinate and prioritize state, tribal, local, and volunteer efforts within each water resource inventory area. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department or the department of transportation may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

A report on the ~~((progress of impediment identification and removal and the need for))~~ recommendations to develop a program to identify and remove fish passage barriers and any additional legislative action needed to implement the program shall be submitted to the ((senate and the house of representatives natural resources)) appropriate standing committees of the legislature no later than ((January 1, 1996)) December 1, 1997."



On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 75.50.080 and 75.50.160; adding new sections to chapter 75.50 RCW; and creating new sections."

There being no objection, the Conference Committee recommendation on Second Substitute Senate Bill No. 5886 was adopted.

FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Second Substitute Senate Bill No. 5886 as recommended by the Conference Committee.

Representatives Buck and Anderson spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5886, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Second Substitute Senate Bill No. 5886, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1997

Mr. Speaker:

The Senate has adopted the report of the conference committee on HOUSE BILL NO. 1054, and passed the bill as recommended by the Conference Committee,

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28B.10.821 and 1996 c 107 s 1 are each amended to read as follows:

The state educational trust fund is hereby established in the state treasury. The primary purpose of the trust is to pledge state-wide available college student assistance to needy or disadvantaged students, especially middle and high school youth, considered at-risk of dropping out of secondary education who participate in board-approved early awareness and outreach programs and who enter any accredited Washington institution of postsecondary education within two years of high school graduation.

The board shall deposit refunds and recoveries of student financial aid funds expended in prior ~~((biennia))~~ fiscal periods in such account. The board may also deposit moneys that have been contributed from other state, federal, or private sources.

Expenditures from the fund shall be for financial aid to needy or disadvantaged students. The board may annually expend such sums from the fund as may be necessary to fulfill the purposes of this section, including not more than three percent for the costs to administer aid programs supported by the

fund. All earnings of investments of balances in the state educational trust fund shall be credited to the trust fund. Expenditures from the fund shall not be subject to appropriation but are subject to allotment procedures under chapter 43.88 RCW."

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "and amending RCW 28B.10.821."

and the same is herewith transmitted.

Mike O'Connell, Secretary

There being no objection, the Conference Committee recommendation on House Bill No. 1054 was adopted.

FINAL PASSAGE OF HOUSE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of House Bill No. 1054 as recommended by the Conference Committee.

Representatives Carlson and Mason spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1054, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

House Bill No. 1054, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1581, and passed the bill as recommended by the Conference Committee,

and the same is herewith transmitted.

Mike O'Connell, Secretary

CONFERENCE COMMITTEE REPORT

EHB 1581 April 24, 1997

Includes "NEW ITEM": YES

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1581, disruptive students/offenders, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached 1581.E AMC CONF H3317.1) be adopted, and

and that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option B of schedule D-3, RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D-1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D-1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, a disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) If the middle offender has less than 110 points, the court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D-2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4)(a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4)(a) or (b) of this section is not appealable under RCW 13.40.230.

(5) When a serious, middle, or minor first offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, and the court may suspend the execution of the disposition and place the offender on community supervision for up to two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; ((~~or~~))

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (5), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (5) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)((~~e~~)) (b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided for in subsection (4)(b) or (5) of this section or RCW 13.40.125, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 2.** RCW 13.40.215 and 1995 c 324 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside;

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old; is not required to return to school under chapter 28A.225 RCW; or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) After the effective date of this act, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

~~((e))~~ (d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

~~((d))~~ (e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon

discharge, parole, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.

(6) For purposes of this section the following terms have the following meanings:

- (a) "Violent offense" means a violent offense under RCW 9.94A.030;
- (b) "Sex offense" means a sex offense under RCW 9.94A.030;
- (c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;
- (d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 3.** RCW 28A.225.225 and 1995 c 52 s 3 are each amended to read as follows:

(1) All districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student((s)) if:

(a) Acceptance of ~~((these))~~ a nonresident student((s)) would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of violent or disruptive behavior or gang membership; or

(c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (1)(c) must apply uniformly to both resident and nonresident applicants.

For purposes of subsection (1)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

**Sec. 4.** RCW 28A.600.010 and 1990 c 33 s 496 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules ~~((and regulations))~~ prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules ~~((and regulations))~~ regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.305.160 and ~~((long-term))~~ suspensions in excess of ten consecutive days. Such rules ~~((and regulations))~~ shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law ~~((or)),~~ the rules ~~((and regulations))~~ of the superintendent of public instruction ~~((or)),~~ and the state board of education ~~((and))~~. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.305.160. Commencing with the 1976-77 school year, when such rules ~~((and regulations))~~ are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, superintendent of public instruction, and state board of education rules ~~((and regulations))~~ and rules and regulations of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.305.160.

**Sec. 5.** RCW 28A.600.420 and 1995 c 335 s 304 are each amended to read as follows:

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools,

shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, state school for the deaf, or state school for the blind may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the state school for the deaf, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that appeared to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) The board of directors of school districts may contract with alternative educational service providers for eligible students. Alternative educational service providers that the school district may contract with include, but are not limited to:

(a) Other schools;

(b) Alternative education programs not operated by the school district;

(c) Education centers;

(d) Skills centers;

(e) Dropout prevention programs; or

(f) Other public or private organizations, excluding sectarian or religious organizations.

(2) Eligible students include students who are likely to be expelled or who are enrolled in the school district but have been suspended, are academically at risk, or who have been subject to repeated disciplinary actions due to behavioral problems.

(3) If a school district board of directors chooses to initiate specialized programs for students at risk of expulsion or who are failing academically by contracting out with alternative educational service providers identified in subsection (1) of this section, the school district board of directors and the organization must specify the specific learning standards that students are expected to achieve. Placement of the student shall be jointly determined by the school district, the student's parent or legal guardian, and the alternative educational service provider.

(4) For the purpose of this section, the superintendent of public instruction shall adopt rules for reporting and documenting enrollment. Students may reenter at the grade level appropriate to the student's ability. Students who are sixteen years of age or older may take the GED test.

(5) The board of directors of school districts may require that students who would otherwise be suspended or expelled attend schools or programs listed in subsection (1) of this section as a condition of continued enrollment in the school district.

**Sec. 7.** RCW 28A.205.020 and 1993 c 211 s 2 are each amended to read as follows:

Only eligible common school dropouts shall be enrolled in a certified education center for reimbursement by the superintendent of public instruction as provided in RCW 28A.205.040. ~~((No))~~ A person ~~((shall be considered))~~ is not an eligible common school dropout ~~((who))~~ if: (1) The person has completed high school, (2) ~~((who))~~ the person has not reached his or her ~~((thirteenth))~~ twelfth birthday or has passed his or her twentieth birthday, ~~((or))~~ (3) the person shows proficiency beyond the high school level in a test approved by the superintendent of public instruction to be given as part of the initial diagnostic procedure, or (4) ~~((until))~~ less than one month has passed after ~~((he or she))~~ the



person has dropped out of any common school and the education center has not received written verification from a school official of the common school last attended in this state that ~~((such))~~ the person is no longer in attendance at ((such)) the school~~((, unless such center has been requested to admit such person by written communication of))~~. A person is an eligible common school dropout even if one month has not passed since the person dropped out if the board of directors or its designee, of that common school, ((or unless such)) requests the center to admit the person because the person has dropped out or because the person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion ((therefrom)). The fact that any person may be subject to RCW 28A.225.010 through 28A.225.150, 28A.200.010, and 28A.200.020 shall not affect his or her qualifications as an eligible common school dropout under this chapter.

**Sec. 8.** RCW 28A.205.080 and 1993 c 211 s 7 are each amended to read as follows:

The legislature recognizes that education centers provide a necessary and effective service for students who have dropped out of common school programs. Education centers have demonstrated success in preparing such youth for productive roles in society and are an integral part of the state's program to address the needs of students who have dropped out of school. The superintendent of public instruction shall distribute funds, consistent with legislative appropriations, allocated specifically for education centers in accord with chapter 28A.205 RCW. The legislature encourages school districts to explore cooperation with education centers pursuant to section 6 of this act.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 13.40.160, 13.40.215, 28A.225.225, 28A.600.010, 28A.600.420, 28A.205.020, and 28A.205.080; adding a new section to chapter 28A.150 RCW; and prescribing penalties."

There being no objection, the House adopted the Report of the Conference Committee on Engrossed House Bill No. 1581, and advanced the bill to final passage.

FINAL PASSAGE OF HOUSE BILL AS  
RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1581 as recommended by the Conference Committee.

Representatives Sterk and Quall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1581 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Engrossed House Bill No. 1581, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 25, 1997

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1423,  
SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1657,  
SUBSTITUTE HOUSE BILL NO. 2089,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 25, 1997

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5149,  
SUBSTITUTE SENATE BILL NO. 5511,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 25, 1997

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900. The President has appointed the following members as Conferees:

Senators Roach, Hargrove and Johnson

and the same is herewith transmitted.

Mike O'Connell, Secretary

April 25, 1997

Mr. Speaker:

The Senate has receded from its amendments to HOUSE BILL NO. 1708, and passed the bill without said amendment(s),

and the same is herewith transmitted.

Mike O'Connell, Secretary

April 25, 1997

Mr. Speaker:

The Senate grants the request of the House for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 1201. The President has appointed the following members as Conferees:

Senators Horn, Heavey and Schow

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

## CONFERENCE COMMITTEE REPORT

SB 5650 Date: April 24, 1997

Includes "new item": NO

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SENATE BILL NO. 5650, allowing cities to assume jurisdiction over water or sewer districts, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H-3337.1/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35.13A RCW to read as follows:

The board of commissioners of a water-sewer district, with fewer than one hundred twenty customers on the effective date of this act, may by resolution declare that it is in the best interests of the district for a city, with a population greater than one hundred thousand on the effective date of this act, to assume jurisdiction of the district. None of the territory or assessed valuation of the district need be included within the corporate boundaries of the city. If the city legislative body agrees to assume jurisdiction of the district, the district and the city shall enter into a contract under RCW 35.13A.070, acceptable to both the district and the city, to carry out the assumption. The contract must provide for the transfer to the city of all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water and sewer lines, and all other facilities and equipment of the district. The transfers are subject to all financial, statutory, or contractual obligations of the district for the security or performance of which the property may have been pledged. The city may manage, control, maintain, and operate the property, facilities, and equipment and fix and collect service and other charges from owners and occupants of properties so served by the city. However, the actions of the city are subject to any outstanding indebtedness, bonded or otherwise, of the district payable from taxes, assessments, or revenues of any kind or nature and to any other contractual obligations of the district, including but not limited to the contract entered into by the city and the district under RCW 35.13A.070.

Under the contract, the city may assume the obligation of paying the district indebtedness and of levying and collecting or causing to be collected the district taxes, assessments, and utility rates and charges of any kind or nature to pay and secure the payment of the indebtedness, according to all terms, conditions, and covenants incident to the indebtedness. The city shall assume and perform all other outstanding contractual obligations of the district in accordance with all of their terms, conditions, and covenants. The assumption does not impair the obligation of any indebtedness or other contractual obligation entered into after the effective date of this act. Until the outstanding indebtedness of the district has been discharged, the territory of the district and the owners and occupants of property in it, continue to be liable for its and their proportionate share of the indebtedness, including outstanding assessments levied by a local improvement district or utility local improvement district within the water-sewer district. The city shall assume the obligation of paying the indebtedness, collecting the assessments and charges, and observing and performing the other district contractual obligations. The legislative body of the city shall act as the officers of the district for the purpose of certifying the amount of any property tax to be levied and collected in the district, and causing service and other charges and assessments to be collected from the property or owners or occupants of it, enforcing the collection, and performing all other acts necessary to insure performance of the district's contractual obligations.

When the city assumes the obligation of paying the outstanding indebtedness, and if property taxes or assessments have been levied and service or other charges have accrued for that purpose but have not been collected by the district before the assumption, the taxes, assessments, and charges collected belong and must be paid to the city and used by the city so far as necessary for payment of indebtedness of the district that existed and was unpaid on the date the city elected to assume the

indebtedness. Funds received by the city that have been collected for the purpose of paying bonded or other indebtedness of the district must be used for the purpose for which they were collected and for no other purpose. Outstanding indebtedness must be paid as provided in the bond covenants. The city shall use funds of the district on deposit with the county treasurer at the time of title transfer solely for the benefit of the utility, and shall not transfer them to or use them for the benefit of the city's general fund.

This section expires December 31, 1998.

**Sec. 2.** RCW 35.13A.070 and 1971 ex.s. c 95 s 7 are each amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, one or more cities and one or more (~~water districts or sewer~~) districts may, through their legislative authorities, authorize a contract with respect to the rights, powers, duties, and obligation of such cities, or districts with regard to the use and ownership of property, the providing of services, the maintenance and operation of facilities, allocation of cost, financing and construction of new facilities, application and use of assets, disposition of liabilities and debts, the performance of contractual obligations, and any other matters arising out of the inclusion, in whole or in part, of the district or districts within any city or cities, or the assumption by the city of jurisdiction of a district under section 1 of this act. The contract may provide for the furnishing of services by any party thereto and the use of city or district facilities or real estate for such purpose, and may also provide for the time during which such district or districts may continue to exercise any rights, privileges, powers, and functions provided by law for such district or districts as if the district or districts or portions thereof were not included within a city or were not subject to an assumption of jurisdiction under section 1 of this act, including but not by way of limitation, the right to promulgate rules and regulations, to levy and collect special assessments, rates, charges, service charges, and connection fees, (~~and~~) to adopt and carry out the provisions of a comprehensive plan, and amendments thereto, for a system of improvements, and to issue general obligation bonds or revenue bonds in the manner provided by law. The contract may provide for the transfer to a city of district facilities, property, rights, and powers as provided in RCW 35.13A.030 (~~and~~), 35.13A.050, and section 1 of this act, whether or not sixty percent or any of the area or assessed valuation of real estate lying within the district or districts is included within such city. The contract may provide that any party thereto may authorize, issue, and sell revenue bonds to provide funds for new water or sewer improvements or to refund any water revenue, sewer revenue, or combined water and sewer revenue bonds outstanding of any city, or district which is a party to such contract if such refunding is deemed necessary, providing such refunding will not increase interest costs. The contract may provide that any party thereto may authorize and issue, in the manner provided by law, general obligation or revenue bonds of like amounts, terms, conditions, and covenants as the outstanding bonds of any other party to the contract, and such new bonds may be substituted or exchanged for such outstanding bonds(~~:- PROVIDED, That~~). However, no such exchange or substitution shall be effected in such a manner as to impair the obligation or security of any such outstanding bonds.

**Sec. 3.** RCW 35.13A.080 and 1971 ex.s. c 95 s 8 are each amended to read as follows:

In any of the cases provided for in RCW 35.13A.020, 35.13A.030, (~~and~~) 35.13A.050, and section 1 of this act, and notwithstanding any other method of dissolution provided by law, dissolution proceedings may be initiated by either the city or the district, or both, when the legislative body of the city and the governing body of the district agree to, and petition for, dissolution of the district.

The petition for dissolution shall be signed by the chief administrative officer of the city and the district, upon authorization of the legislative body of the city and the governing body of the district, respectively and such petition shall be presented to the superior court of the county in which the city is situated.

If the petition is thus authorized by both the city and district, and title to the property, facilities, and equipment of the district has passed to the city pursuant to action taken under this chapter, all indebtedness and local improvement district or utility local improvement district assessments of the district have been discharged or assumed by and transferred to the city, and the petition contains a statement of the distribution of assets and liabilities mutually agreed upon by the city and the district and a copy of the agreement between such city and the district is attached thereto, a hearing shall not be required and the court shall, if the interests of all interested parties have been protected, enter an order dissolving the district.

In any of the cases provided for in RCW 35.13A.020 (~~and~~), 35.13A.030, and section 1 of this act, if the petition for an order of dissolution is signed on behalf of the city alone or the district alone, or there is no mutual agreement on the distribution of assets and liabilities, the superior court shall enter an order fixing a hearing date not less than sixty days from the day the petition is filed, and the clerk of the court of the county shall give notice of such hearing by publication in a newspaper of general circulation in the district once a week for three successive weeks and by posting in three public places in the district at least twenty-one days before the hearing. The notice shall set forth the filing of the petition, its purposes, and the date and place of hearing thereon.

After the hearing the court shall enter its order with respect to the dissolution of the district. If the court finds that such district should be dissolved and the functions performed by the city, the court shall provide for the transfer of assets and liabilities to the city. The court may provide for the dissolution of the district upon such conditions as the court may deem appropriate. A certified copy of the court order dissolving the district shall be filed with the county auditor. If the court does not dissolve the district, it shall state the reasons for declining to do so.

NEW SECTION. Sec. 4. A new section is added to chapter 35.51 RCW to read as follows:  
Assessments for local improvements in a local improvement district created by a municipality may be pledged and applied when collected to the payment of its obligations under a loan agreement entered into under chapter 39.69 RCW to pay costs of improvements in such a local improvement district.

NEW SECTION. Sec. 5. A new section is added to chapter 35.51 RCW to read as follows:  
The authority granted by section 4 of this act is supplemental and in addition to the authority granted by Title 35 RCW and to any other authority granted to cities, towns, or municipal corporations to levy, pledge, and apply special assessments."

In line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 35.13A.070 and 35.13A.080; adding a new section to chapter 35.13A RCW; and adding new sections to chapter 35.51 RCW."

There being no objection, the House adopted the Conference Committee report on Senate Bill No. 5650, and advanced the bill to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5650 as recommended by the Conference Committee.

Representatives D. Schmidt and Scott spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5650 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Senate Bill No. 5650, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1997

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5781, insists on its position regarding the House amendment(s) and again asks the House to recede therefrom,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House receded from its position Senate Bill No. 5781, and advanced the bill to final passage.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5781 without House amendments.

Representatives D. Schmidt and Scott spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5781 without House amendments, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Substitute Senate Bill No. 5781, without House amendments, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SSB 5336 Date: April 23, 1997

Includes "new item": NO

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE SENATE BILL NO. 5336, clarifying and harmonizing provisions affecting cities and towns, have had the same under consideration, and we recommend that:

House Government Administration Committee amendment as amended (AMH-2999.2) be adopted except for sections 18 and 19, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.16.500 and 1982 c 65 s 1 are each amended to read as follows:

(1) Agencies, departments, taxing districts, political subdivisions of the state, counties, and incorporated cities may retain, by written contract, collection agencies licensed under this chapter for the purpose of collecting public debts owed by any person.

(2) No debt may be assigned to a collection agency unless (a) there has been an attempt to advise the debtor (i) of the existence of the debt and (ii) that the debt may be assigned to a collection agency for collection if the debt is not paid, and (b) at least thirty days have elapsed from the time the notice was sent.

(3) Collection agencies assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors.

(4) For purposes of this section, the term debt shall include fin~~e~~s, fe~~e~~s, pen~~a~~lties, reasonable costs, assessments, and other debts.

(5) The reasonable costs involved in the collection of the debts through the use of a collection agency are reasonable costs that may be added to and included in the debt to be paid by the debtor.

**Sec. 2.** RCW 39.30.010 and 1970 ex.s. c 42 s 26 are each amended to read as follows:

Any city or town or metropolitan park district or county or library district may execute an executory conditional sales contract with a county or counties, the state or any of its political subdivisions, the government of the United States, or any private party for the purchase of any real or personal property, or property rights in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of three-fourths of one percent of the value of the taxable property in such ~~((city or town or metropolitan park district or county or))~~ library district~~((: PROVIDED, That))~~ or the maximum amount of nonvoter-approved indebtedness authorized in such county, city, town, or metropolitan park district. If such a proposed contract would result in a total indebtedness in excess of ~~((three-fourths of one percent of the value of the taxable property of such city or town or metropolitan park district or county or library district, as the case may be))~~ this amount, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters~~((: PROVIDED FURTHER, That))~~. Any city or town or metropolitan park district or county or library district may jointly execute contracts authorized by this section, if the entire amount of the purchase price does not result in a joint total indebtedness in excess of ~~((three-fourths of one percent of the value of the taxable property in such))~~ the nonvoter-approved indebtedness limitation of any city ((~~or~~)), town ((~~or~~)), metropolitan park district ((~~or~~)), county, or library district that participates in the jointly executed contract. The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

**Sec. 3.** RCW 35.27.070 and 1993 c 47 s 2 are each amended to read as follows:

The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor, subject to any applicable law, rule, or regulation relating to civil service, and shall not be subject to confirmation by the town council.

**Sec. 4.** RCW 35.07.040 and 1965 c 7 s 35.07.040 are each amended to read as follows:

~~((If the applicable census shows a population of less than four thousand,))~~ The council shall cause an election to be called upon the proposition of disincorporation. If the city or town has any indebtedness or outstanding liabilities, it shall order the election of a receiver at the same time.

**Sec. 5.** RCW 9.41.050 and 1996 c 295 s 4 are each amended to read as follows:

(1)(a) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

(b) Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and

shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (1)(b) shall be a class 1 civil infraction under chapter ((7-84)) 7.80 RCW and shall be punished accordingly pursuant to chapter ((7-84)) 7.80 RCW and the infraction rules for courts of limited jurisdiction.

(2) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(4) Except as otherwise provided in this chapter, no person may carry a firearm unless it is unloaded and enclosed in an opaque case or secure wrapper or the person is:

(a) Licensed under RCW 9.41.070 to carry a concealed pistol;

(b) In attendance at a hunter's safety course or a firearms safety course;

(c) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(d) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

(e) Engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

(f) In an area where the discharge of a firearm is permitted, and is not trespassing;

(g) Traveling with any unloaded firearm in the person's possession to or from any activity described in (b), (c), (d), (e), or (f) of this subsection, except as provided in (h) of this subsection;

(h) Traveling in a motor vehicle with a firearm, other than a pistol, that is unloaded and locked in the trunk or other compartment of the vehicle, placed in a gun rack, or otherwise secured in place in a vehicle, provided that this subsection (4)(h) does not apply to motor homes if the firearms are not within the driver's compartment of the motor home while the vehicle is in operation. Notwithstanding (a) of this subsection, and subject to federal and state park regulations regarding firearm possession therein, a motor home shall be considered a residence when parked at a recreational park, campground, or other temporary residential setting for the purposes of enforcement of this chapter;

(i) On real property under the control of the person or a relative of the person;

(j) At his or her residence;

(k) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty;

(l) Is a law enforcement officer;

(m) Carrying a firearm from or to a vehicle for the purpose of taking or removing the firearm to or from a place of business for repair; or

(n) An armed private security guard or armed private detective licensed by the department of licensing, while on duty or enroute to and from employment.

(5) Violation of any of the prohibitions of subsections (2) through (4) of this section is a misdemeanor.

(6) Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

(7) Any city, town, or county may enact an ordinance to exempt itself from the prohibition of subsection (4) of this section.

**Sec. 6.** RCW 35A.12.010 and 1994 c 223 s 30 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members(~~(- PROVIDED, That)~~). A city with a population of less than twenty-



five hundred at the time of reclassification as an optional municipal code city may choose to maintain a seven-member council. The decision concerning the number of councilmembers shall be made by the council and be incorporated as a section of the ordinance adopting for the city the classification of noncharter code city. If the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old mayor-council plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

NEW SECTION. Sec. 7. A new section is added to chapter 35.23 RCW to read as follows:

No person is eligible to hold an elective office in a second class city unless the person is a resident and registered voter in the city.

**Sec. 8.** RCW 35.27.080 and 1965 c 7 s 35.27.080 are each amended to read as follows:

No person shall be eligible to or hold an elective office in a town unless he or she is a resident and ~~((elector therein))~~ registered voter in the town.

**Sec. 9.** RCW 35.01.020 and 1994 c 81 s 4 are each amended to read as follows:

A second class city is a city with a population of ~~((more than))~~ fifteen hundred or more at the time of its organization or reorganization that does not have a charter adopted under Article XI, section 10, of the state Constitution, and does not operate under Title 35A RCW.

**Sec. 10.** RCW 35.01.040 and 1994 c 81 s 5 are each amended to read as follows:

A town has a population of less than fifteen hundred ~~((or less))~~ at the time of its organization and does not operate under Title 35A RCW.

**Sec. 11.** RCW 35.02.130 and 1994 c 154 s 308 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20 and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, (~~35.23.310, 35.24.220~~) 35.23.221, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than twelve months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

In any newly incorporated city that has adopted the council-manager form of government, the term of office of the mayor, during the interim period only, shall be set by the council, and thereafter shall be as provided by law.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the

newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

**Sec. 12.** RCW 35.22.010 and 1965 c 7 s 35.22.010 are each amended to read as follows:

Cities of the first class shall be organized and governed according to the law providing for the government of cities having a population of ~~((twenty))~~ ten thousand or more inhabitants that have adopted a charter in accordance with Article ~~((44))~~ XI, section 10 of the state Constitution.

**Sec. 13.** RCW 35.23.051 and 1995 c 134 s 8 are each amended to read as follows:

General municipal elections in second class cities ~~((not operating under the commission form of government))~~ shall be held biennially in the odd-numbered years and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

Council positions shall be numbered in each second class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

In its discretion the council of a second class city may divide the city by ordinance, into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29.70.100. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmembers so designated shall be elected by the voters resident in such ward, or by general vote of the whole city as may be designated in such ordinance. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. ~~((When))~~ Additional territory that is added to the city ~~((it may))~~ shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office.

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

**Sec. 14.** RCW 35.33.020 and 1985 c 175 s 4 are each amended to read as follows:

The provisions of this chapter apply to all cities of the first class (~~(which)~~) that have a population of less than three hundred thousand, to all cities of the second (~~(and third classes)~~) class, and to all towns, except those cities and towns (~~(which)~~) that have adopted an ordinance under RCW 35.34.040 providing for a biennial budget.

**Sec. 15.** RCW 35.34.020 and 1985 c 175 s 5 are each amended to read as follows:

This chapter applies to all cities of the first(~~(,)~~) and second(~~(, and third)~~) classes and to all towns (~~(which)~~), that have by ordinance adopted this chapter authorizing the adoption of a fiscal biennium budget.

**Sec. 16.** RCW 35.86.010 and 1975 1st ex.s. c 221 s 1 are each amended to read as follows:

Cities of the first(~~(,)~~) and second(~~(, and third)~~) classes are authorized to provide off-street parking space and facilities located on land dedicated for park or civic center purposes, or on other municipally-owned land where the primary purpose of such off-street parking facility is to provide parking for persons who use such park or civic center facilities. In addition a city may own other off-street parking facilities and operate them in accordance with RCW 35.86A.120.

**Sec. 17.** RCW 35A.06.020 and 1995 c 134 s 11 are each amended to read as follows:

The classifications of municipalities (~~(which existed prior to the time this title goes into effect —~~)) as first class cities, second class cities, unclassified cities, and towns(~~(—)~~), and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city abandons its old plan of government and reorganizes and adopts a plan of government under chapter 35A.12 or 35A.13 RCW.

**NEW SECTION. Sec. 18.** A new section is added to chapter 35.13 RCW to read as follows:

A city or town may not annex territory located in a county with a population of less than six hundred sixty thousand in which the city or town is not currently located, if the territory proposed to be annexed is characterized by industrial or commercial development and was designated as all or part of an urban growth area under RCW 36.70A.110 within two years of the effective date of this act as the result of a decision by a growth management hearings board.

This section expires July 1, 1999.

**NEW SECTION. Sec. 19.** A new section is added to chapter 35A.14 RCW to read as follows:

A code city may not annex territory located in a county with a population of less than six hundred sixty thousand in which the city is not currently located, if the territory proposed to be annexed is characterized by industrial or commercial development and was designated as all or part of an urban growth area under RCW 36.70A.110 within two years of the effective date of this act as the result of a decision by a growth management hearings board.

This section expires July 1, 1999.

**Sec. 20.** RCW 35.13.005 and 1990 1st ex.s. c 17 s 30 are each amended to read as follows:

~~((No))~~ A city or town may not annex territory located in a county in which urban growth areas have been designated under RCW 36.70A.110 (~~(may annex territory)~~) that is located beyond an urban growth area unless the territory is annexed under RCW 35.13.180.

**Sec. 21.** RCW 35A.14.005 and 1990 1st ex.s. c 17 s 31 are each amended to read as follows:

~~((No))~~ A code city may not annex territory located in a county in which urban growth areas have been designated under RCW 36.70A.110 (~~(may annex territory)~~) that is located beyond an urban growth area unless the territory is annexed under RCW 35A.14.300.

**Sec. 22.** RCW 35.13.180 and 1994 c 81 s 11 are each amended to read as follows:

City and town councils (~~(of second class cities and towns)~~) may by a majority vote annex new unincorporated territory outside the city or town limits, whether contiguous or noncontiguous for park,

cemetery, or other municipal purposes when such territory is owned by the city or town (~~or all of the owners of the real property in the territory give their written consent to the annexation~~)).

**Sec. 23.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area, except that an area owned by a city or town that was annexed to the city or town under RCW 35.13.180 or 35A.14.300 may be located outside of an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

NEW SECTION. Sec. 24. RCW 35.21.620 shall be recodified as a section in chapter 35.22 RCW.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

- (1) RCW 35.07.030 and 1965 c 7 s 35.07.030;
- (2) RCW 35.17.160 and 1965 c 7 s 35.17.160;
- (3) RCW 35.23.390 and 1965 c 7 s 35.23.390;
- (4) RCW 35.23.400 and 1965 c 7 s 35.23.400;
- (5) RCW 35.21.600 and 1979 c 151 s 27, 1965 ex.s. c 47 s 6, & 1965 c 7 s 3.21.600;
- (6) RCW 35.21.610 and 1965 ex.s. c 47 s 1; and
- (7) RCW 35A.61.010 and 1967 ex.s. c 119 s 35A.61.010.

NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title accordingly.

There being no objection, the House adopted the Conference Committee report on Substitute Senate Bill No. 5336, and advanced the bill to final passage.

FINAL PASSAGE OF SENATE BILL AS  
RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5336 as recommended by the Conference Committee.

Representatives D. Schmidt and Scott spoke in favor of passage of the bill.

Representatives Lantz and Gardner spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5336 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cody, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Doumit, Dyer, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kessler, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Parlette, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria, Wensman, Zellinsky and Mr. Speaker - 65.

Voting nay: Representatives Anderson, Appelwick, Blalock, Boldt, Butler, Chopp, Cole, Constantine, Dickerson, Dunn, Dunshee, Fisher, Gardner, Gombosky, Kastama, Keiser, Kenney, Koster, Lantz, Linville, Mason, Murray, Ogden, Poulsen, Regala, Romero, Sherstad, Smith, Sommers, H., Tokuda, Wolfe and Wood - 32.

Excused: Representative Skinner - 1.

Substitute Senate Bill No. 5336, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1022,  
SUBSTITUTE HOUSE BILL NO. 1478,  
SUBSTITUTE HOUSE BILL NO. 1485,  
ENGROSSED HOUSE BILL NO. 1647,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1687,  
HOUSE BILL NO. 1708,  
SUBSTITUTE HOUSE BILL NO. 1729,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2193,

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2192, by the Committee on Trade and Economic Development (Originally by Representatives Van Luven and Wolfe; by request of Governor Locke)

Financing a stadium and exhibition center and technology grants.

Representative B. Thomas moved the adoption of the following amendment by Representative B. Thomas: (691)

On page 1, strike everything before line 4

Representatives B. Thomas and Dunshee spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 27-YEAS; 68-NAYS. The amendment was not adopted.

Representative Van Luven moved the adoption of the following amendment by Representative Van Luven: (741)

Strike everything after the enacting clause and insert the following:

### "PART I AUTHORITY CREATION AND POWERS

**NEW SECTION. Sec. 101.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Design" includes architectural, engineering, and other related professional services.

(2) "Develop" means, generally, the process of planning, designing, financing, constructing, owning, operating, and leasing a project such as a stadium and exhibition center.

(3) "Permanent seat license" means a transferable license sold to a third party that, subject to certain conditions, restrictions, and limitations, entitles the third party to purchase a season ticket to professional football games of the professional football team played in the stadium and exhibition center for so long as the team plays its games in that facility.

(4) "Preconstruction" includes negotiations, including negotiations with any team affiliate, planning, studies, design, and other activities reasonably necessary before constructing a stadium and exhibition center.

(5) "Professional football team" means a team that is a member of the national football league or similar professional football association.

(6) "Public stadium authority operation" means the formation and ongoing operation of the public stadium authority, including the hiring of employees, agents, attorneys, and other contractors, and the acquisition and operation of office facilities.

(7) "Site acquisition" means the purchase or other acquisition of any interest in real property including fee simple interests and easements, which property interests constitute the site for a stadium and exhibition center.

(8) "Site preparation" includes demolition of existing improvements, environmental remediation, site excavation, shoring, and construction and maintenance of temporary traffic and pedestrian routing.

(9) "Stadium and exhibition center" means an open-air stadium suitable for national football league football and for Olympic and world cup soccer, with adjacent exhibition facilities, together with associated parking facilities and other ancillary facilities.

(10) "Team affiliate" means a professional football team that will use the stadium and exhibition center, and any affiliate of the team designated by the team. An "affiliate of the team" means any person or entity that controls, is controlled by, or is under common control with the team.

**NEW SECTION. Sec. 102.** (1) A public stadium authority may be created in any county that has entered into a letter of intent relating to the development of a stadium and exhibition center under chapter . . . , Laws of 1997 (this act) with a team affiliate or an entity that has a contractual right to become a team affiliate.

(2) A public stadium authority shall be created upon adoption of a resolution providing for the creation of such an authority by the county legislative authority in which the proposed authority is located.

(3) A public stadium authority shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The legislative authority of the county in which the public stadium authority is located, or the council of any city located in that county, may transfer property to the public stadium authority created under this chapter. Property encumbered by debt may be transferred by a county legislative authority or a city council to a public stadium authority created to develop a stadium and exhibition center under section 105 of this act, but obligation for payment of the debt may not be transferred.

**NEW SECTION. Sec. 103.** (1) A public stadium authority shall be governed by a board of directors consisting of seven members appointed by the governor. The speaker of the house of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate shall each recommend to the governor a person to be appointed to the board.

(2) Members of the board of directors shall serve four-year terms of office, except that three of the initial seven board members shall serve two-year terms of office. The governor shall designate the initial terms of office for the initial members who are appointed.

(3) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(4) A director appointed by the governor may be removed from office by the governor.

**NEW SECTION. Sec. 104.** (1) There is created a public stadium authority advisory committee comprised of five members. The advisory committee consists of: The director of the office of financial management, who shall serve as chair; two members appointed by the house of representatives, one each appointed by the speaker of the house of representatives and the minority leader of the house of representatives; and two members appointed by the senate, one each appointed by the majority leader of the senate and the minority leader of the senate.

(2) The advisory committee, prior to the final approval of any lease with the master tenant or sale of stadium naming rights, shall review and comment on the proposed lease agreement or sale of stadium naming rights.

**NEW SECTION. Sec. 105.** (1) The public stadium authority is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a stadium and exhibition center as defined in section 101 of this act.



(2) The public stadium authority may enter into agreements under chapter 39.34 RCW for the joint provision and operation of a stadium and exhibition center and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates the stadium and exhibition center for the other party or parties to the contract.

(3) Any employees of the public stadium authority shall be unclassified employees not subject to the provisions of chapter 41.06 RCW and a public stadium authority may contract with a public or private entity for the operation or management of the stadium and exhibition center.

(4) The public stadium authority is authorized to use the alternative supplemental public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of a stadium and exhibition center.

(5) The public stadium authority may impose charges and fees for the use of the stadium and exhibition center, and may accept and expend or use gifts, grants, and donations.

(6) The public stadium authority shall comply with the prevailing wage requirements of chapter 39.12 RCW and goals established for women and minority-business participation for the county.

**NEW SECTION. Sec. 106.** In addition to other powers and restrictions on a public stadium authority, the following apply to a public stadium authority created to develop a stadium and exhibition center under section 105 of this act:

(1) The public stadium authority, in consultation with the team affiliate, shall have the authority to determine the stadium and exhibition center site;

(2) The public stadium authority, in consultation with the team affiliate, shall have the authority to establish the overall scope of the stadium and exhibition center project, including, but not limited to, stadium and exhibition center itself, associated exhibition facilities, associated parking facilities, associated retail and office development that are part of the stadium and exhibition center, and ancillary services and facilities;

(3) The public stadium authority, in consultation with the team affiliate, shall have the authority to make the final determination of the stadium and exhibition center overall design and specification;

(4) The public stadium authority shall have the authority to contract with a team affiliate for the provision of architectural, engineering, environmental, and other professional services related to the stadium and exhibition center site, design options, required environmental studies, and necessary permits for the stadium and exhibition center;

(5) The public stadium authority, in consultation with the team affiliate, shall have the authority to establish the project budget on the stadium and exhibition center project;

(6) The public stadium authority, in consultation with the team affiliate, shall have the authority to make recommendations to the state finance committee regarding the structure of the financing of the stadium and exhibition center project;

(7) The public stadium authority shall have the authority to enter into a development agreement with a team affiliate whereby the team affiliate may control the development of the stadium and exhibition center project, consistent with subsections (1) through (6) of this section, in consideration of which the team affiliate assumes the risk of costs of development that are in excess of the project budget established under subsection (5) of this section. Under the development agreement, the team affiliate shall determine bidding specifications and requirements, and other aspects of development. Under the development agreement, the team affiliate shall determine procurement procedures and other aspects of development, and shall select and engage an architect or architects and a contractor or contractors for the stadium and exhibition center project, provided that the construction, alterations, repairs, or improvements of the stadium and exhibition center shall be subject to the prevailing wage requirements of chapter 39.12 RCW and all phases of the development shall be subject to the goals established for women and minority-business participation for the county where the stadium and exhibition center is located. The team affiliate shall, to the extent feasible, hire local residents and in particular residents from the areas immediately surrounding the stadium and exhibition center during the construction and ongoing operation of the stadium and exhibition center;

(8) The public stadium authority shall have the authority to enter into a long-term lease agreement with a team affiliate whereby, in consideration of the payment of fair rent that is solely intended to cover the reasonable operating expenses of the public stadium authority and assumption of operating and maintenance responsibilities, risk, legal liability, and costs associated with the stadium and exhibition center, the team affiliate becomes the sole master tenant of the stadium and exhibition center. The team affiliate shall provide a guarantee, security, or a letter of credit from a person or

entity with a net worth in excess of one hundred million dollars that guarantees a maximum of ten years' payments of fair rent under the lease in the event of the bankruptcy or insolvency of the team affiliate. The master tenant shall have the power to sublease and enter into use, license, and concession agreements with various users of the stadium and exhibition center including the professional football team, and the master tenant has the right to name the stadium and exhibition center, subject to section 107 of this act. The master tenant shall meet goals, established by the county where the stadium and exhibition center is located, for women and minority employment for the operation of the stadium and exhibition center. The master tenant shall have the right to retain revenues derived from the operation of the stadium and exhibition center, including revenues from the sublease and uses, license and concession agreements, revenues from suite licenses, concessions, advertising, long-term naming rights subject to section 107 of this act, and parking revenue. If federal law permits interest on bonds issued to finance the stadium and exhibition center to be treated as tax exempt for federal income tax purposes, the public stadium authority and the team affiliate shall endeavor to structure and limit the amounts, sources, and uses of any payments received by the state, the county, the public stadium authority, or any related governmental entity for the use or in respect to the stadium and exhibition center in such a manner as to permit the interest on those bonds to be tax exempt;

(9) The public stadium authority may reserve the right to discuss profit sharing from the stadium and exhibition center from sources that have not been identified at the time the long-term lease agreement is executed;

(10) The public stadium authority, in consultation with the team affiliate, must work to secure the hosting of a Super Bowl, if the hosting requirements are changed by the national football league or similar professional football association;

(11) The public stadium authority shall work with surrounding areas to mitigate the impact of the construction and operation of the stadium and exhibition center;

(12) The public stadium authority, in consultation with the office of financial management, shall negotiate filming rights of the demolition of the existing domed stadium on the stadium and exhibition center site. All revenues derived from the filming of the demolition of the existing domed stadium shall be deposited into the film and video promotion account created in section 222 of this act; and

(13) The public stadium authority shall have the authority, upon the agreement of the team affiliate, to sell permanent seat licenses, and the team affiliate may act as the sales agent for this purpose.

**NEW SECTION. Sec. 107.** Revenues from the sales of naming rights of a stadium and exhibition center developed under section 105 of this act may only be used for costs associated with capital improvements associated with modernization and maintenance of the stadium and exhibition center. The sales of naming rights are subject to the reasonable approval of the public stadium authority.

**NEW SECTION. Sec. 108.** A public stadium authority may accept and expend moneys that may be donated for the purpose of a stadium and exhibition center.

**NEW SECTION. Sec. 109.** (1) The public stadium authority, the county, and the city, if any, in which the stadium and exhibition center is to be located shall enter into one or more agreements regarding the construction of a stadium and exhibition center. The agreements shall address, but not be limited to:

(a) Expedited permit processing for the design and construction of the stadium and exhibition center project;

(b) Expedited environmental review processing;

(c) Expedited processing of requests for street, right of way, or easement vacations necessary for the construction of the stadium and exhibition center project; and

(d) Other items deemed necessary for the design and construction of the stadium and exhibition center project.

(2) The county shall assemble such real property and associated personal property as the public stadium authority determines to be necessary as a site for the stadium and exhibition center. Property that is necessary for this purpose that is owned by the county on or after the effective date of this section shall be contributed to the authority, and property that is necessary for this purpose that is

acquired by the county on or after the effective date of this section shall be conveyed to the authority. Property that is encumbered by debt may be transferred by the county to the authority, but obligation for payment of the debt may not be transferred.

(3) A new exhibition facility of at least three hundred twenty-five thousand square feet, with adequate on-site parking, shall be constructed and operational before any domed stadium in the county is demolished or rendered unusable. Demolition of any existing structure and construction of the stadium and exhibition center shall be reasonably executed in a manner that minimizes impacts, including access and parking, upon existing facilities, users, and neighborhoods. No county or city may exercise authority under any landmarks preservation statute or ordinance in order to prevent or delay the demolition of any existing domed stadium at the site of the stadium and exhibition center.

**NEW SECTION. Sec. 110.** A public stadium authority may acquire and transfer real and personal property by lease, sublease, purchase, or sale.

**NEW SECTION. Sec. 111.** The board of directors of the public stadium authority shall adopt a resolution that may be amended from time to time that shall establish the basic requirements governing methods and amounts of reimbursement payable to such authority and employees for travel and other business expenses incurred on behalf of the authority. The resolution shall, among other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and requirements governing the use of credit cards issued in the name of the authority. The resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as provided by general law, cooperate with the public stadium authority in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

**NEW SECTION. Sec. 112.** The board of directors of the public stadium authority may authorize payment of actual and necessary expenses of officers and employees for lodging, meals, and travel-related costs incurred in attending meetings or conferences on behalf of the public stadium authority and strictly in the public interest and for public purposes. Officers and employees may be advanced sufficient sums to cover their anticipated expenses in accordance with rules adopted by the state auditor, which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

**NEW SECTION. Sec. 113.** Each member of the board of directors of the public stadium authority may receive compensation of fifty dollars per day for attending meetings or conferences on behalf of the authority, not to exceed three thousand dollars per year. A director may waive all or a portion of his or her compensation under this section as to a month or months during his or her term of office, by a written waiver filed with the public stadium authority. The compensation provided in this section is in addition to reimbursement for expenses paid to the directors by the public stadium authority.

**NEW SECTION. Sec. 114.** The board of directors of the public stadium authority may purchase liability insurance with such limits as the directors may deem reasonable for the purpose of protecting and holding personally harmless authority officers and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

**NEW SECTION. Sec. 115.** Whenever an action, claim, or proceeding is instituted against a person who is or was an officer or employee of the public stadium authority arising out of the performance of duties for or employment with the authority, the public stadium authority may grant a request by the person that the attorney of the authority's choosing be authorized to defend the claim, suit, or proceeding, and the costs of defense, attorneys' fees, and obligation for payments arising from the action may be paid from the authority's funds. Costs of defense or judgment or settlement against the person shall not be paid in a case where the court has found that the person was not acting in good faith or within the scope of employment with or duties for the public stadium authority.

**NEW SECTION. Sec. 116.** The board of directors of the public stadium authority shall have authority to authorize the expenditure of funds for the public purposes of preparing and distributing information to the general public about the stadium and exhibition center.

**NEW SECTION. Sec. 117.** The public stadium authority shall have authority to create and fill positions, fix wages and salaries, pay costs involved in securing or arranging to secure employees, and establish benefits for employees, including holiday pay, vacations or vacation pay, retirement benefits, medical, life, accident, or health disability insurance, as approved by the board. Public stadium authority board members, at their own expense, shall be entitled to medical, life, accident, or health disability insurance. Insurance for employees and board members shall not be considered compensation. Authority coverage for the board is not to exceed that provided public stadium authority employees.

**NEW SECTION. Sec. 118.** The public stadium authority may secure services by means of an agreement with a service provider. The public stadium authority shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by authority resolution.

## PART II FINANCING

**NEW SECTION. Sec. 201.** (1) The governing board of a public stadium authority may apply for deferral of taxes on the construction of buildings, site preparation, and the acquisition of related machinery and equipment for a stadium and exhibition center. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding the location of the stadium and exhibition center, estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the public facility.

(3) The public stadium authority shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the stadium and exhibition center is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the public stadium authority.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the public stadium authority.

(6) The repayment of deferred taxes and interest, if any, shall be deposited into the stadium and exhibition center account created in section 214 of this act and used to retire bonds issued under section 210 of this act to finance the construction of the stadium and exhibition center.

(7) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

**Sec. 202.** RCW 82.29A.130 and 1995 3rd sp.s. c 1 s 307 are each amended to read as follows:  
The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for

the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in section 101 of this act, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

**NEW SECTION. Sec. 203.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to vehicle parking charges that are subject to tax under section 302 of this act.

**NEW SECTION. Sec. 204.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under section 105 of this act may impose a sales and use tax in accordance with this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall be 0.016 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Before the issuance of bonds in section 210 of this act, all revenues collected on behalf of the county under this section shall be transferred to the public stadium authority. After bonds are issued under section 210 of this act, all revenues collected on behalf of the county under this section shall be deposited in the stadium and exhibition center account under section 214 of this act.

(4) The definitions in section 101 of this act apply to this section.

(5) This section expires on the earliest of the following dates:

(a) December 31, 1999, if the conditions for issuance of bonds under section 210 of this act have not been met before that date;

(b) The date on which all bonds issued under section 210 of this act have been retired; or

(c) Twenty-three years after the date the tax under this section is first imposed.

**NEW SECTION. Sec. 205.** A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall conduct new games that are in addition to any games conducted under RCW 67.70.042 and are intended to generate additional moneys sufficient to cover the distributions under RCW 67.70.240(5). No game may be conducted under this section before January 1, 1998. No game may be conducted under this section after December 31, 1999, unless the conditions for issuance of the bonds under section 210(2) of this act are met, and no game is required to be conducted after the distributions cease under RCW 67.70.240(5).

For the purposes of this section, the lottery may accept and market prize promotions provided in conjunction with private-sector marketing efforts.

**Sec. 206.** RCW 67.70.240 and 1995 3rd sp. s. c 1 s 105 are each amended to read as follows:

The moneys in the state lottery account shall be used only:

(1) For the payment of prizes to the holders of winning lottery tickets or shares;

(2) For purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260;

(3) For purposes of making deposits into the state's general fund;

(4) ~~((for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5)))~~ For distribution to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs ~~((; (6) for the purchase and promotion of lottery games and game related services; and (7) for the payment of agent compensation))~~. Three million dollars shall be distributed under this subsection ~~((5) of this section))~~ during calendar year 1996. During subsequent years, such distributions shall equal the prior year's distributions increased by

four percent. Distributions under this subsection (~~((5) of this section))~~ shall cease when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the tax under RCW 82.14.0485 is first imposed;

(5) For distribution to the stadium and exhibition center account, created in section 214 of this act. Subject to the conditions of section 215 of this act, six million dollars shall be distributed under this subsection during the calendar year 1998. During subsequent years, such distribution shall equal the prior year's distributions increased by four percent. No distribution may be made under this subsection after December 31, 1999, unless the conditions for issuance of the bonds under section 210(2) of this act are met. Distributions under this subsection shall cease when the bonds are retired, but not later than December 31, 2020;

(6) For the purchase and promotion of lottery games and game-related services; and

(7) For the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

**Sec. 207.** RCW 67.70.042 and 1995 3rd sp.s. c 1 s 104 are each amended to read as follows:

The lottery commission shall conduct at least two but not more than four scratch games with sports themes per year. These games are intended to generate additional moneys sufficient to cover the distributions under RCW 67.70.240(~~((5))~~) (4).

**NEW SECTION. Sec. 208.** A new section is added to chapter 67.70 RCW to read as follows:

The person or entity responsible for operating a stadium and exhibition center as defined in section 101 of this act shall promote the lottery with any combination of in-kind advertising, sponsorship, or prize promotions, valued at one million dollars annually beginning January 1998 and increased by four percent each year thereafter for the purpose of increasing lottery sales of games authorized under section 205 of this act. The content and value of the advertising sponsorship or prize promotions are subject to reasonable approval in advance by the lottery commission. The obligation of this section shall cease when the distributions under RCW 67.70.240(5) end, but not later than December 31, 2020.

**NEW SECTION. Sec. 209.** The definitions in section 101 of this act apply to this chapter.

**NEW SECTION. Sec. 210.** (1) For the purpose of providing funds to pay for operation of the public stadium authority created under section 102 of this act, to pay for the preconstruction, site acquisition, design, site preparation, construction, owning, leasing, and equipping of the stadium and exhibition center, and to reimburse the county or the public stadium authority for its direct or indirect expenditures or to repay other indebtedness incurred for these purposes, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred million dollars, or so much thereof as may be required, for these purposes and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine.

(2) Bonds shall not be issued under this section unless the public stadium authority has certified to the director of financial management that:

(a) A professional football team has made a binding and legally enforceable contractual commitment to play all of its regular season and playoff home games in the stadium and exhibition center, other than games scheduled elsewhere by the league, for a period of time not shorter than the term of the bonds issued or to be issued to finance the initial construction of the stadium and exhibition center;

(b) A team affiliate has entered into one or more binding and legally enforceable contractual commitments with a public stadium authority under section 105 of this act that provide that:

(i) The team affiliate assumes the risks of cost overruns;

(ii) The team affiliate shall raise at least one hundred million dollars, less the amount, if any, raised by the public stadium authority under section 106(13) of this act. The total one hundred million dollars raised, which may include cash payments and in-kind contributions, but does not include any interest earned on the escrow account described in section 211 of this act, shall be applied toward the reasonably necessary preconstruction, site acquisition, design, site preparation, construction, and

equipping of the stadium and exhibition center, or to any associated public purpose separate from bond-financed expenses. No part of the payment may be made without the consent of the public stadium authority. In any event, all amounts to be raised by the team affiliate under (b)(ii) of this subsection shall be paid or expended before the completion of the construction of the stadium and exhibition center. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium and exhibition center that are exempt from federal income taxes;

(iii) The team affiliate shall raise at least six million dollars which shall be deposited into the youth athletic facility grant account created in section 214 of this act upon execution of the lease and development agreements in section 106 (7) and (8) of this act;

(iv) At least ten percent of the seats in the stadium for home games of the professional football team shall be for sale at an affordable price. For the purposes of this subsection, "affordable price" means that the price is the average of the lowest ticket prices charged by all other national football league teams;

(v) One executive suite with a minimum of twenty seats must be made available, on a lottery basis, as a free upgrade, at home games of the professional football team, to purchasers of nonexecutive suite and club seat tickets;

(vi) A nonparticipatory interest in the professional football team has been granted to the state beginning on the date on which bonds are issued under this section which only entitles the state to receive ten percent of the gross selling price of the interest in the team that is sold if a majority interest or more of the professional football team is sold within twenty-five years of the date on which bonds are issued under the section. The ten percent shall apply to all preceding sales of interests in the team which comprise the majority interest sold. This provision shall apply only to the first sale of such a majority interest. The ten percent must be used to retire the public debt of the stadium and exhibition center. If the debt is retired at the time of the sale, then the ten percent may only be used for costs associated with capital maintenance, capital improvements, renovations, reequipping, replacement, and operations of the stadium and exhibition center;

(vii) The team affiliate must provide reasonable office space to the public stadium authority without charge;

(viii) The team affiliate, in consultation with the public stadium authority, shall work with surrounding areas to mitigate the impact of the construction and operation of the stadium and exhibition center with a budget of at least ten million dollars dedicated to area mitigation. For purposes of this subsection, "mitigation" includes, but is not limited to, parking facilities and amenities, neighborhood beautification projects and landscaping, financial grants for neighborhood programs intended to mitigate adverse impacts caused by the construction and operation of the stadium and exhibition center, and mitigation measures identified in the environmental impact statement required for the stadium and exhibition center under chapter 43.21C RCW; and

(ix) Twenty percent of the net profit from the operation of the exhibition facility of the stadium and exhibition center shall be deposited into the permanent common school fund. Profits shall be verified by the public stadium authority.

**NEW SECTION. Sec. 211.** On or before August 1, 1997: (1) The state treasurer and a team affiliate or an entity that has an option to become a team affiliate shall enter into an escrow agreement creating an escrow account; and (2) the team affiliate or the entity that has an option to become a team affiliate shall deposit the sum of fifty million dollars into the escrow account as a credit against the obligation of the team affiliate in section 210(2)(b)(ii) of this act. The escrow agreement shall provide that the fifty million dollar deposit shall be invested by the state treasurer and shall earn interest. If the stadium and exhibition center project proceeds, then the interest on amounts in the escrow account shall be for the benefit of the state, and all amounts in the escrow account, including all principal and interest, shall be distributed to the stadium and exhibition center account. The escrow agreement shall provide for appropriate adjustments based on amounts previously and subsequently raised by the team affiliate under section 210(2)(b)(ii) of this act and amounts previously and subsequently raised by the public stadium authority under section 106(13) of this act. If the stadium and exhibition center project does not proceed, all principal and the interest in the escrow account shall be distributed to the team affiliate or the entity that has an option to become a team affiliate.



**NEW SECTION. Sec. 212.** The proceeds from the sale of the bonds authorized in section 210 of this act shall be deposited in the stadium and exhibition center construction account, hereby created in the custody of the state treasurer, and shall be used exclusively for the purposes specified in section 210 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. At the direction of the office of financial management the state treasurer shall transfer moneys from the stadium and exhibition center construction account to the public stadium authority created in section 102 of this act as required by the public stadium authority.

**NEW SECTION. Sec. 213.** The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 210 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall transfer from the stadium and exhibition center account to the nondebt-limit reimbursable bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 210 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. If in any year the amount accumulated in the stadium and exhibition center account is insufficient for payment of the principal and interest on the bonds issued under section 210 of this act, the amount of the insufficiency shall be a continuing obligation against the stadium and exhibition center account until paid.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 214.** (1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under section 204 of this act and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under section 210 of this act, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under section 102 of this act, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under section 210 of this act, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under section 210 of this act;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under section 210 of this act shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility grant account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and section 302 of this act or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss

of any tax exemption under federal law for interest on bonds issued under section 210 of this act shall be deposited in and used exclusively for the purposes of the youth athletic facility grant account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under section 210 of this act, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility grant account hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes of grants to cities, counties, and qualified nonprofit organizations for youth athletic facilities. The athletic facility funds may be used for acquiring, developing, equipping, maintaining, and improving youth athletic facilities. Funds shall be divided equally between the development of new athletic facilities, the improvement of existing athletic facilities, and the maintenance of existing athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor recreation. The grants shall be awarded on a competitive application process and the amount of the grant shall be in proportion to the population of the city or county for where the youth athletic facility is located. Grants awarded in any one year need not be distributed in that year.

**NEW SECTION. Sec. 215.** Unless the office of financial management certifies by December 31, 1997, that the following conditions have been met, sections 201 through 208 of this act are null and void:

(1) The professional football team that will use the stadium and exhibition center is at least majority-owned and controlled by, directly or indirectly, one or more persons who are each residents of the state of Washington and who have been residents of the state of Washington continuously since at least January 1, 1993;

(2) The county in which the stadium and exhibition center is to be constructed has created a public stadium authority under this chapter to acquire property, construct, own, remodel, maintain, equip, reequip, repair, and operate a stadium and exhibition center;

(3) The county in which the stadium and exhibition center is to be constructed has enacted the taxes authorized in RCW 36.38.010(5) and section 302 of this act; and

(4) The county in which the stadium and exhibition center is to be constructed pledges to maintain and continue the taxes authorized in RCW 36.38.010(5), 67.28.180, and section 302 of this act until the bonds authorized in section 210 of this act are fully redeemed, both principal and interest.

**NEW SECTION. Sec. 216.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 210 of this act, and section 213 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 217.** The bonds authorized in section 210 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

**NEW SECTION. Sec. 218.** (1) The total public share of a stadium and exhibition center shall not exceed three hundred million dollars. For the purposes of this section, "total public share" means all state and local funds expended for preconstruction and construction costs of the stadium and exhibition center, including proceeds of any bonds issued for the purposes of the stadium and exhibition center, tax revenues, and interest earned on the escrow account described in section 211 of this act and not including expenditures for deferred sales taxes.

(2) Sections 201 through 207, chapter . . . , Laws of 1997 (sections 201 through 207 of this act) and this chapter constitute the entire state contribution for a stadium and exhibition center. The state will not make any additional contributions based on revised cost or revenue estimates, cost overruns, unforeseen circumstances, or any other reason.

**NEW SECTION. Sec. 219.** The bonds authorized for the purposes identified in section 210 of this act are exempt from the statutory limitations of indebtedness under RCW 39.42.060.

**Sec. 220.** RCW 39.42.060 and 1993 c 52 s 1 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in section 1(c) of Article VIII of the Washington state Constitution for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

- (1) Obligations for the payment of current expenses of state government;
- (2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;
- (3) Principal of and interest on bond anticipation notes;
- (4) Any indebtedness which has been refunded;
- (5) Financing contracts entered into under chapter 39.94 RCW;
- (6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;

- (7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education; ~~((and))~~

- (8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness; and

- (9) Indebtedness incurred for the purposes identified in section 210 of this act.

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

**Sec. 221.** RCW 43.79A.040 and 1996 c 253 s 409 are each amended to read as follows:

- (1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

- (2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

- (3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

- (4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

- (b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, the stadium and exhibition center account,

the youth athletic facility grant account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 222.** A new section is added to chapter 43.330 RCW to read as follows:  
The film and video promotion account is created in the state treasury. All receipts from section 106(12) of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of promotion of the film and video production industry in the state of Washington.

### PART III LOCAL CONTRIBUTION

**Sec. 301.** RCW 36.38.010 and 1995 3rd sp.s. c 1 s 203 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) Subject to subsections (4) and (5) of this section, the tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county(~~(, except that)~~).

(4) Notwithstanding subsection (3) of this section, the legislative authority of a county with a population of one million or more may exclusively levy taxes on events in baseball stadiums constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. If the revenue from the tax exceeds the amount needed for that purpose, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. The tax imposed under this subsection (~~((3))~~) (4)(b) shall expire when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

(5) Notwithstanding subsection (3) of this section, the legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under section 105 of this act may levy and fix a tax on charges for admission to events in a stadium and exhibition center, as defined in section 101 of this act, constructed in the county on or after January 1, 1998, that is owned by a public stadium authority under chapter 36.-- RCW (sections 101 through 118 and 201 of this act). The tax shall be exclusive and shall preclude the city or town within which the stadium and exhibition center is located from imposing a tax of the same or similar kind on charges for admission to events in the stadium and exhibition center, and shall preclude the imposition of a general county admissions tax on charges for admission to events in the stadium and exhibition center. For the purposes of this subsection, "charges for admission to events" means only the actual admission charge, exclusive of taxes and service charges and the value of any other benefit conferred by the admission. The tax authorized under this subsection shall be at the rate of not more than one cent on ten cents or fraction thereof. Revenues collected under this subsection shall be deposited in the stadium and exhibition center account under section 214 of this act until the bonds issued under section 210 of this act for the construction of the stadium and exhibition center are retired. After the bonds issued for the construction of the stadium and exhibition center are retired, the tax authorized under this section shall be used exclusively to fund repair, reequipping, and capital improvement of the stadium and exhibition center. The tax under this subsection may be levied upon the first use of any part of the stadium and exhibition center but shall not be collected at any facility already in operation as of the effective date of this section.

**NEW SECTION. Sec. 302.** A new section is added to chapter 36.38 RCW to read as follows:

The legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under section 105 of this act may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is part of a stadium and exhibition center, as defined in section 101 of this act. The tax shall be exclusive and shall preclude the city or town within which the stadium and exhibition center is located from imposing within its corporate limits a tax of the same or similar kind on any vehicle parking charges imposed at any parking facility that is part of a stadium and exhibition center. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. The tax authorized under this section shall be at the rate of not more than ten percent. Revenues collected under this section shall be deposited in the stadium and exhibition center account under section 214 of this act until the bonds issued under section 210 of this act for the construction of the stadium and exhibition center are retired. After the bonds issued for the construction of the stadium and exhibition center are retired, the tax authorized under this section shall be used exclusively to fund repair, reequipping, and capital improvement of the stadium and exhibition center. The tax under this section may be levied upon the first use of any part of the stadium and exhibition center but shall not be collected at any facility already in operation as of the effective date of this section.

#### PART IV PUBLIC WORKS PROVISIONS

**Sec. 401.** RCW 36.32.235 and 1996 c 219 s 2 are each amended to read as follows:

(1) In each county with a population of one million or more which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section, "public works" has the same definition as in RCW 39.04.010.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be

seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (10) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (12) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(10) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of one million or more shall not have public employees perform a public works project in excess of seventy thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(11) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total

dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(12) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(13) In lieu of the procedures of subsections (3) through (11) of this section, a county may use a small works roster process and award contracts for public works projects with an estimated value of ten thousand dollars up to one hundred thousand dollars as provided in RCW 39.04.155.

Whenever possible, the county shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(14) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

(15) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(16) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(17) This section does not apply to contracts between the public stadium authority and a team affiliate under section 106(4) of this act, or development agreements between the public stadium authority and a team affiliate under section 106(7) of this act or leases entered into under section 106(8) of this act.

**Sec. 402.** RCW 39.04.010 and 1993 c 174 s 1 are each amended to read as follows:

The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020. The term does not include work, construction, alteration, repair, or improvement performed under contracts entered into under section 106(4) of this act or under development agreements entered into under section 106(7) of this act or leases entered into under section 106(8) of this act.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster under the authority of RCW 39.04.150, 35.22.620, 28B.10.355, 35.82.075, and 57.08.050 need not be advertised.

**NEW SECTION. Sec. 403.** A new section is added to chapter 39.30 RCW to read as follows:

This chapter does not apply to contracts entered into under section 106(4) of this act or development agreements entered into under section 106(7) of this act.

**Sec. 404.** RCW 39.10.120 and 1995 3rd sp.s. c 1 s 305 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ~~((1997))~~ 2001. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 shall remain in full force and effect until completion of contracts signed before July 1, ~~((1997))~~ 2001.

(2) For the purposes of a baseball stadium as defined in RCW 82.14.0485, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.

(3) For the purposes of a stadium and exhibition center, as defined in section 101 of this act, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 2002.

## PART V KINGDOME DEBT

**Sec. 501.** RCW 67.28.180 and 1995 1st sp.s. c 14 s 10 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; ~~((or))~~ (ii) in any county with a population of one million or more, for repayment or refinancing of bonded indebtedness incurred prior to January 1, 1997, for any purpose authorized by this section or relating to stadium repairs or rehabilitation, including but not limited to the cost of settling legal claims, reimbursing operating funds, interest payments on short-term loans, and any other purpose for which such debt has been incurred if the county has created a public stadium authority to develop a stadium and exhibition center under section 103 of this act; or (iii) in other counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.



(c)(i) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt(~~(= PROVIDED, That)~~).

(ii) If bonds have been issued under section 210 of this act and any necessary property transfers have been made under section 109 of this act, no city within a county with a population of one million or more may levy the tax authorized by this section before January 1, 2021.

(iii) However, in the event that any city in (~~such~~) a county described in (i) or (ii) of this subsection (2)(c) has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year before 2013 in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium (~~capital improvements, as defined in~~) purposes as authorized under subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion. If all or part of the debt on the stadium is refinanced, all revenues under this subsection (3)(a)(ii) shall be used to retire the debt.

(b) From January 1, 2013, through December 31, 2015, in a county with a population of one million or more, all revenues under this section shall be used to retire the debt on the stadium, or deposited in the stadium and exhibition center account under section 214 of this act after the debt on the stadium is retired.

(c) From January 1, 2016, through December 31, 2020, in a county with a population of one million or more, all revenues under this section shall be deposited in the stadium and exhibition center account under section 214 of this act.

(d) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(~~(b)~~) (d) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(~~(b)~~) (d) must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic, heritage, or cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

(~~(e)~~) (e) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

~~((d))~~ (f) School districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

~~((e))~~ (g) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

~~((f))~~ (h) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

~~((g))~~ (i) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

~~((h))~~ (j) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

~~((i))~~ (k) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired. This subsection (3)~~((j))~~ (k) does not apply in respect to a public stadium under chapter 36.-- RCW (sections 101 through 118 and 201 of this act) transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW or a stadium and exhibition center.

~~((j))~~ (l) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)~~((j))~~ (l) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

**Sec. 502.** RCW 82.14.049 and 1992 c 194 s 3 are each amended to read as follows:

The legislative authority of any county may impose a sales and use tax, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall be one percent of the selling price in the case of a sales tax or rental value of the vehicle in the case of a use tax. Proceeds of the tax shall not be used to subsidize any professional sports team and shall be used solely for the following purposes:

(1) Acquiring, constructing, maintaining, or operating public sports stadium facilities;  
(2) Engineering, planning, financial, legal, or professional services incidental to public sports stadium facilities; ~~((e))~~

(3) Youth or amateur sport activities or facilities; or

(4) Debt or refinancing debt issued for the purposes of subsection (1) of this section.

At least seventy-five percent of the tax imposed under this section shall be used for the purposes of subsections (1), (2), and (4) of this section.

## PART VI MISCELLANEOUS

**NEW SECTION. Sec. 601.** Part headings used in this act are not any part of the law.

**NEW SECTION. Sec. 602.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 603.** (1) Sections 101 through 118 and 201 of this act constitute a new chapter in Title 36 RCW.

(2) Sections 209 through 219 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 604.** The referendum on this act is the only measure authorizing, levying, or imposing taxes for a stadium and exhibition center that may be put to a public vote. Should the act fail to be approved at the special election on or before June 20, 1997, the legislature shall not pass other legislation to build or finance a stadium and exhibition center, as defined in section 101 of this act, for the team affiliate.

**NEW SECTION. Sec. 605.** The legislature neither affirms nor refutes the value of this proposal, and by this legislation simply expresses its intent to provide the voter of the state of Washington an opportunity to express the voter's decision. It is also expressed that many legislators might personally vote against this proposal at the polls, or they might not.

**NEW SECTION. Sec. 606.** Notwithstanding any other provision of this act, this act shall be null and void in its entirety unless the team affiliate as defined in section 101 of this act enters into an agreement with the secretary of state to reimburse the state and the counties for the full cost of the special election to be held on or before June 20, 1997.

**NEW SECTION. Sec. 607.** (1) The secretary of state shall submit sections 101 through 604 of this act to the people for their adoption and ratification, or rejection, at a special election to be held in this state on or before June 20, 1997, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation. The special election shall be limited to submission of this act to the people.

(2) The attorney general shall prepare the explanatory statement required by RCW 29.81.020 and transmit that statement regarding the referendum to the secretary of state no later than the last Monday of April before the special election.

(3) The secretary of state shall prepare and distribute a voters' pamphlet addressing this referendum measure following the procedures and requirements of chapter 29.81 RCW, except that the secretary of state may establish different deadlines for the appointment of committees to draft arguments for and against the referendum, for submitting arguments for and against the referendum, and for submitting rebuttal statements of arguments for and against the referendum. The voters' pamphlet description of the referendum measure may include information to inform the public that ownership of the KingDome will be transferred to the public stadium authority and that the KingDome may be demolished in order to accommodate the new football stadium.

(4) A county auditor may conduct the voting at this special election in all precincts of the county by mail using the procedures set forth in RCW 29.36.121 through 29.36.139.

(5) Notwithstanding the provisions of RCW 29.62.020, the county canvassing board in each county shall canvass and certify the votes cast at this special election in that county to the secretary of state no later than the seventh day following the election. Notwithstanding the provisions of RCW 29.62.120, the secretary of state shall canvass and certify the returns from the counties no later than the ninth day following the special election.

(6) The secretary of state shall reimburse each county for the cost of conducting the special election in that county in the same manner as state primary and general election costs are reimbursed under RCW 29.13.047 (1) and (3).

(7) No other state, county, or local election shall be required or held on any proposition related to or affecting the stadium and exhibition center defined in section 101 of this act.

**NEW SECTION. Sec. 608.** Sections 606 and 607 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (671)

On page 3, line 25 of the striking amendment, after "senate." insert "No member of the advisory committee shall be a legislator. One member of the advisory committee shall be a real estate professional, and one member shall be a commercial banker."

Representative Sheldon spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment number 636 was withdrawn.

Representative Benson moved the adoption of the following amendment by Representative Benson: (734)

On page 4, line 12 of the striking amendment, after "center." insert "If the public stadium authority or team affiliate elects to use the alternative public works contracting procedures, the public stadium authority or team affiliate shall abide by all of the applicable requirements of, and follow all the applicable procedures within, chapter 39.10 RCW."

On page 5, line 17 of the striking amendment, after "development." insert "The bidding specifications, requirements, and other aspects of development shall be consistent with all public works requirements applicable for the county in which the public stadium authority is created, including applicable requirements of chapter 39.04 RCW, chapter 36.32 RCW, and chapter 39.10 RCW."

Beginning on page 28 of the striking amendment, strike all of sections 401, 402, and 403.

Renumber the remaining sections consecutively, and correct internal references.

Representatives Benson, DeBolt, Romero, and Dunshee spoke in favor of adoption of the amendment.

Representatives Zellinsky and Sehlin spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 37-YEAS; 60-NAYS. The amendment was not adopted.

Representative Sherstad moved the adoption of the following amendment by Representative Sherstad: (749)

On page 4 of the striking amendment, beginning on line 14, strike all of subsection (6)

On page 5, line 23 of the striking amendment, after "subject to the" strike all material through "and"

Representative Sherstad spoke in favor of the adoption of the amendment.

Representatives Zellinsky, Butler, Conway and Cairnes spoke against adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment numbers 680, 709, 669 and 732 were withdrawn.

Representative Smith moved the adoption of the following amendment by Representative Smith: (742)

On page 5, line 27 of the striking amendment, after "to the" strike all materials through "located" on line 29, and insert "state goals for women and minority-business participation that are in

effect at the time the development agreement with the team affiliate is approved by the public stadium authority"

Representatives Smith and Smith spoke in favor of the adoption of the amendment.

Representatives Butler, D. Schmidt and Cooper spoke against the adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment numbers 720, 687, 633 and 730 were withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (756)

On page 5, beginning on line 36 of the striking amendment, after "fair" strike all material down through "authority" on line 37, and insert "market rent"

On page 6, line 5 of the striking amendment, after "fair" insert "market"

Representatives Sheldon, B. Thomas, McDonald, Dunshee and Sheldon spoke in favor of the adoption of the amendment.

Representatives Van Luven, Sehlin and Appelwick spoke against the adoption of the amendment. The amendment was not adopted.

Representative Van Luven moved the adoption of the following amendment by Representative Van Luven: (766)

On page 5, line 36 of the striking amendment, after "rent" strike all materials through "authority" on line 37.

On page 6, line 27 of the striking amendment, after "exempt" insert ". As used in this subsection, "fair rent" is solely intended to cover the reasonable operating expenses of the public stadium authority and shall be not less than eight hundred fifty thousand dollars per year with annual increases bases on the consumer price index"

Representative Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

With the consent of the House, amendment numbers 766 and 679 were withdrawn.

Representative Clements moved the adoption of the following amendment by Representative Clements: (737)

On page 6, line 2 of the striking amendment, after "center." insert "The master tenant lease agreement must require the team affiliate to publicly disclose, on an annual basis, an audited profit and loss financial statement."

Representatives Clements and Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

With the consent of the House, amendment numbers 634, 728 and 738 were withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (755)

On page 6, line 14 of the striking amendment, after "center." strike all material through "revenue." on line 19 and insert the following:

"The public stadium authority and master tenant shall share all revenues derived from permanent seat licenses, suite licenses, and long-term naming rights. The proportion received by the public stadium authority shall equal the proportion of the financing for the stadium and exhibition center provided for in section 218 of this act, relative to the proportion of the financing provided by the team affiliate. The revenue received by the public stadium authority under this subsection (8) shall be deposited into the stadium and exhibition center account established under section 214 of this act. The revenue received by the master tenant for long-term naming rights shall be subject to section 107 of this act. Except as otherwise provided in this subsection (8), the master tenant shall have the right to retain revenues derived from the operation of the stadium and exhibition center, including revenues from the sublease and uses, license and concession agreements, advertising, and parking."

Representative Sheldon spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 39-YEAS; 58-NAYS. The amendment was not adopted.

Representative Van Luven moved the adoption of the following amendment by Representative Van Luven: (759)

On page 6, line 14 of the striking amendment, after "center." strike "The" and insert "Except as provided in subsection (10) of this section, the"

On page 6, after line 31 of the striking amendment, insert the following:

"(10) The master tenant may retain an amount to cover the actual cost of preparing the stadium and exhibition center for activities involving the Olympic Games and world cup soccer. Revenues derived from the operation of the stadium and exhibition center for activities identified in this subsection that exceed the master tenant's actual costs of preparing, operating, and restoring the stadium and exhibition center must be deposited into the tourism development and promotion account created in section 223 of this act;"

Renumber the remaining subsection consecutively and correct internal references accordingly.

On page 26, after line 34 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 223.** A new section is added to chapter 43.330 RCW to read as follows:

The tourism development and promotion account is created in the state treasury. All receipts from section 106(10) of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of promotion of the tourism industry in the state of Washington."

Correct internal references accordingly and correct the title of the bill.

Representative Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

Representative Dunn moved the adoption of the following amendment by Representative Dunn: (758)

On page 6, line 14 of the striking amendment, after "center." strike "The" and insert "Except as provided in subsection (10) of this section, the"

On page 6, after line 31 of the striking amendment, insert the following:

"(10) The public stadium authority shall retain one and three-quarters percent of all revenues derived from the operation of the stadium and exhibition center to be divided as follows: (a) fourteen percent to be used to pay for local improvements within the areas immediately surrounding the stadium

and exhibition center, (b) fourteen percent to be deposited into the youth athletic facility grant account created in section 214(4) of this act, (c) thirty-one percent to be deposited into the stadium and exhibition center account created in section 214(1) of this act, (d) fourteen percent may be distributed to a nonprofit organization to be used to support the special Olympics in the state of Washington, and (e) thirty-one percent shall be used for statewide tourism development and promotion activities of the department of community, trade, and economic development;"

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 21, line 10 of the striking amendment, after "under" insert "section 106(10) of this act and"

Representative Dunn spoke in favor of the adoption of the amendment.

Representative Zellinsky spoke against the adoption of the amendment. The amendment was not adopted.

With the consent of the House, the following amendments 768 and 670 were withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (683)

On page 6, after line 27 of the striking amendment, insert:  
"(a) Ten percent of all revenues derived from the sales of all advertising in or on the stadium and exhibition center shall be deposited into the stadium and exhibition account and used to retire the bonds issues under section 210 of this act."

Number the remaining subsection consecutively and correct internal references accordingly.

Representatives Sheldon, McDonald, Pennington and H. Sommers spoke in favor of the adoption of the amendment.

Representatives Sehlin, Van Luven, Appelwick and Wensman spoke against the adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 43-YEAS; 54-NAYS. The amendment was not adopted.

Representative Appelwick moved the adoption of the following amendment by Representative Appelwick: (751)

On page 6, line 28 of the striking amendment, after "(9)" strike "The" and insert "Subject to section 210 (2)(b)(ix) of this act the"

Representatives Appelwick, Van Luven and L. Thomas spoke in favor of the adoption of the amendment.

Representatives Bush and Benson spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 58-YEAS; 38-NAYS. The amendment was adopted.

Representative Veloria moved the adoption of the following amendment by Representative Veloria: (744)

On page 6, after line 31 of the striking amendment, insert the following:

"(10) The public stadium authority, in consultation with a public facilities district that is located within the county, shall work to eliminate the use of the stadium and exhibition center for events during the same time as events are held in the baseball stadium as defined in RCW 82.14.0485;"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Veloria and Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

With the consent of the House, amendments 707, 719, 668, 718, 682, 698, and 639 were withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (674)

On page 7, beginning on line 22 of the striking amendment, after "center" strike all material through "(d) Other" on line 30, and insert "and other"

Representative Sheldon spoke in favor of the adoption of the amendment.

Representative D. Schmidt spoke against the adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment 727 was withdrawn.

Representative Lambert moved the adoption of the following amendment by Representative Lambert: (740)

On page 7, line 33 of the amendment, after "authority" strike "determines" and insert "and the county mutually determine"

Representative Lambert spoke in favor of the adoption of the amendment. The amendment was adopted.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (681)

On page 8, line 10 of the striking amendment, after "structure" strike "and construction" and insert "is prohibited. Construction"

On page 8, line 15 of the striking amendment, strike "demolition of any existing domed stadium at the site" and insert "construction"

Representatives Sheldon, Pennington, B. Thomas and Dunshee spoke in favor of the adoption of the amendment.

Representatives Van Luven, Appelwick, Carrell and Zellinsky spoke against the adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment 700 was withdrawn.

Representative Schoesler moved the adoption of the following amendment by Representative Schoesler: (724)

On page 8 of the striking amendment, after line 16, insert the following:



"**NEW SECTION. Sec. 110.** Moneys expended by the public stadium authority for the construction of a stadium and convention center under section 105 of this act may not be expended for art."

Renumber remaining sections consecutively and correct internal references.

Representative Schoesler spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 34-YEAS; 62-NAYS. The amendment was not adopted.

Representative Lambert moved the adoption of the following amendment by Representative Lambert: (754)

On page 8, line 20 of the striking amendment, after "**Sec. 111.**" insert "(1)"

On page 8, after line 32 of the striking amendment, insert the following:

"(2) The board of directors shall transmit a copy of the adopted annual operating budget of the public stadium authority to the governor and the majority leader and minority leader of the House of Representatives and the Senate. The budget information shall include, but is not limited to a statement of income and expenses of the public stadium authority."

Representatives Lambert and Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

With the consent of the House, amendment 640 was withdrawn.

#### MOTION

Representative Schoesler moved the division of the question.

The Speaker explained that when the question (in this case, the consideration of a bill) was composed of more than one distinct proposition, (funding sources and elimination of existing physical structures), the question may be divided into separate parts, as long as each part can stand on its own. For example, the question of concurring with another chamber's amendments to a bill and of passing the bill as amended. Both issues of the question are able to stand alone.

The Speaker stated the question before the House was Representative Schoesler's motion to divide the question. A yes vote would divide the question into separate parts. Division was demanded. The Speaker divided the House. The results of the division was 23-YEAS; 73-NAYS. The motion was not carried.

Representative L. Thomas moved the adoption of the following amendment by Representative L. Thomas: (748)

On page 10, after line 18 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 119.** The public stadium authority may refuse to disclose financial information on the master tenant, concessioners, the team affiliate, or subleasee under RCW 42.17.310.

**Sec. 120.** RCW 42.17.310 and 1996 c 305 s 2 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under \*RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities

affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in section 101 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption

may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Correct internal references accordingly and correct the title.

Representatives L. Thomas and Clements spoke in favor of the adoption of the amendment. The amendment was adopted.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (673)

Beginning on page 11 of the striking amendment, line 25, strike all of section 202.

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Sheldon, Smith and Sheldon spoke in favor of the adoption of the amendment.

Representatives Appelwick and Van Luven spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 45-YEAS; 52-NAYS. The amendment was not adopted.

With the consent of the House, amendment 641 was withdrawn.

Representative Lambert moved the adoption of the following amendment by Representative Lambert: (745)

On page 14, beginning on line 10 of the striking amendment, strike all of section 203, renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Lambert spoke in favor of the adoption of the amendment.

Representative Appelwick spoke against the amendment. The amendment was not adopted.

With the consent of the House, amendment 699 was withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (686)

On page 15, line 11 of the striking amendment, after "67.70.240(5)" insert "Each year, the commission shall determine the impact of the new games upon deposits into the state's general fund under RCW 67.70.240(3). If the commission determines that the new games reduce deposits into the state's general fund in any year compared to deposits that would have occurred in the absence of the new games, the team affiliate, as defined in section 101 of this act, shall deposit in the state's general fund an amount determined by the commission to be equal to the reduction in state general fund deposits for that year prior to the distributions under RCW 67.70.240(5) taking effect."

Representatives Sheldon, Pennington, Dunshee, Smith, Dickerson, Pennington, Sheldon, DeBolt and H. Sommers spoke in favor of the adoption of the amendment.

Representatives Sehlin, Van Luven, Appelwick, O'Brien, Zellinsky and L. Thomas spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 44-YEAS; 54-NAYS.

Representative Dunn moved the adoption of the following amendment by Representative Dunn: (666)

On page 15, after line 11 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 206.** A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall conduct games with themes related to professional minor league sports in the state. These games are in addition to any games conducted under RCW 67.70.042 and are intended to generate additional moneys sufficient to cover the distributions under RCW 67.70.240(6). No game may be conducted under this section before January 1, 1998. No game is required to be conducted under this section after December 31, 2018.

For purposes of this section, "professional minor league sports" means a team that is not a member of the national football league, major league baseball, the national basketball association, the national hockey league, the major soccer league, or the major indoor soccer league and plays its home games within the boundaries of the state of Washington."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title of the bill.

On page 16, after line 6 of the striking amendment, insert the following:

"(6) For distribution to the professional minor league stadium account created in section 218 of this act. Distributions to the account created in section 218 of this act shall be limited to the actual amount generated from lottery sales authorized under section 210 of this act, minus amounts authorized under subsections (1), (2), (7) and (8) of this section. Distributions under this subsection shall cease after December 31, 2018;"

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title of the bill.

On page 21, after line 13 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 214.** (1) The professional minor league stadium account is created in the custody of the state treasurer. Distributions under RCW 67.70.240(6) shall be deposited into the account. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditure from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the professional minor league stadium account may be used only for purposes of grants to cities and counties for professional minor league sports stadiums. The minor league stadium grants may be used to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a stadium to be used for professional minor league sports as defined in section 210 of this act.

(3) Cities and counties must submit proposals for grants from the account. To the extent funds are available, cities and counties must meet eligibility criteria as established by the director of the department of community, trade, and economic development. The grants shall be awarded on a competitive basis and can be awarded on a multi-year basis not to exceed a ten-year period."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title of the bill.

Representatives Dunn and Dunn spoke in favor of the adoption of the amendment.

Representatives Van Luven, Pennington and Radcliff spoke against the adoption of the amendment. The amendment was not adopted.

Representative Pennington moved the adoption of the following amendment by Representative Pennington: (697)

On page 17, after line 5 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 209.** The legislature finds that user of a facility through user fees should assist in the financing of the facility. The legislature further finds that licensing of professional football teams and players is an appropriate method to generate revenue for the construction of the stadium and exhibition center as defined in section 101 of this act.

**NEW SECTION. Sec. 210.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of the department of licensing or the director's designee.
- (3) "Professional football team" has the same meaning as in section 101 of this act.
- (4) "Stadium and exhibition center" has the same meaning as in section 101 of this act.
- (5) "Team affiliate" has the same meaning as in section 101 of this act.

**NEW SECTION. Sec. 211.** (1) Every professional football team that uses the stadium and exhibition center shall register on an annual basis with the department.

(2) The department shall charge a team registration fee as follows:

- (a) Before July 1, 2004, the fee is fifty thousand dollars per year;
- (b) July 1, 2004 to July 1, 2007, the fee is sixty-two thousand five hundred dollars per year;
- (c) July 1, 2008 to July 1, 2011, the fee is seventy-five thousand dollars per year;
- (d) July 1, 2012 to July 1, 2015, the fee is eighty-seven thousand five hundred dollars per year;
- (e) July 1, 2016 to July 1, 2019, the fee is one hundred thousand dollars per year; and
- (f) After July 1, 2020, the fee is one hundred twenty-five thousand dollars per year.

(3) The fees collected under this section, minus administrative costs of the department, shall be deposited into the stadium and exhibition center account created under section 213 of this act.

(4) The department shall develop administrative procedures for the proper implementation of this chapter in accordance with chapter 34.05 RCW.

**NEW SECTION. Sec. 212.** (1) Every professional football player that is employed by a professional football team shall register on an annual basis with the department.

(2) The department shall charge a player registration fee as follows:

- (a) Before July 1, 2004, the fee is one thousand dollars per year;
- (b) July 1, 2004 to July 1, 2007, the fee is one thousand two hundred fifty dollars per year;
- (c) July 1, 2008 to July 1, 2011, the fee is one thousand five hundred dollars per year;
- (d) July 1, 2012 to July 2015, the fee is one thousand seven hundred fifty dollars per year;
- (e) July 1, 2016 to July 1, 2019, the fee is two thousand dollars per year; and
- (f) After July 1, 2020, the fee is two thousand two hundred fifty dollars per year.

(3) The fees collected under this section, minus administrative costs of the department, shall be deposited into the stadium and exhibition center account created under section 213 of this act.

(4) The department shall development administrative procedures for the proper implementation of this chapter in accordance with chapter 34.05 RCW."

Renumber the remaining sections consecutively, correct internal references, and correct the title of the bill.

On page 21, line 9 of the striking amendment, after "section 204 of this act" insert ", registration fees collected under sections 211 and 212 of this act,"

On page 41, after line 2 of the striking amendment, insert the following:

"(3) Sections 209 through 212 of this act shall constitute a new chapter in Title 18 RCW."

Renumber the remaining subsection consecutively, correct internal references accordingly, and correct the title of the bill.

Representatives Pennington, Pennington, Dunshee and Dickerson spoke in favor of the adoption of the amendment.

Representatives Van Luven, Schoesler and Dunn spoke against adoption of the amendment. The amendment was not adopted.

Representative Alexander moved the adoption of the following amendment by Representative Alexander: (716)

On page 17, after line 28 of the striking amendment, insert the following:

"(b) The majority owner of the team affiliate has signed a personal guarantee to cover payments of principal and interest on bonds issued under section 210 of this act, if revenues in the stadium and exhibition center account created in section 214 of this act are insufficient to cover required payments; and"

Renumber the remaining subparagraphs consecutively and correct internal references accordingly.

Representatives Alexander, B. Thomas, Smith, Benson, H. Sommers, DeBolt, Sheldon and B. Thomas spoke in favor of the amendment.

Representatives Van Luven, Appelwick, Sehlin and Van Luven spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 47-YEAS; 50-NAYS. The amendment was not adopted.

With the consent of the House, amendments 733, 676, 637, 638, 675 and 711 were withdrawn.

Representative Appelwick moved the adoption of the following amendment by Representative Appelwick: (752)

On page 18, beginning on line 13 of the striking amendment, after "shall" strike all material down through "deposited" on line 14 and insert "deposit at least ten million dollars"

Representatives Appelwick, Van Luven and McDonald spoke in favor of the adoption of the amendment. The amendment was adopted.

Representative Carrell moved the adoption of the following amendment by Representative Carrell: (769)

On page 18, line 13 of the striking amendment, after "least" strike "six" and insert "ten"

On page 18, line 14 of the striking amendment, after "into the" strike all material through "act" on line 15, and insert "stadium and exhibition center account"

On page 22, line 14 of the striking amendment, after "deposited in the" strike all materials through "year" on line 32, and insert "permanent common school fund under RCW 28A.515.300"

Representatives Carrell and Carrell spoke in favor of the adoption of the amendment.

Representative Appelwick spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 24-YEAS; 73-NAYS. The amendment was not adopted.

With the consent of the House, amendments 722 and 765 were withdrawn.

Representative Bush moved the adoption of the following amendment by Representative Bush:  
(715)

On page 18, line 14 of the striking amendment, after "the" strike all material down through "act" on line 15 and insert, "permanent common school fund pursuant to RCW 28A.515.300"

On page 22, line 1 of the striking amendment, after "to the" strike all material down through "section" on line 2 and insert, "permanent common school fund pursuant to RCW 28A.515.300"

On page 22, line 8 of the striking amendment, after "the" strike "youth athletic facility grant account" and insert "permanent common school fund"

On page 22, beginning on line 12 of the striking amendment, strike subsection (4)

Representatives Bush, Radcliff, Carrell, Radcliff, Smith, Bush and Smith spoke in favor of the adoption of the amendment.

Representatives Van Luven, Zellinsky, Appelwick and Van Luven spoke against adoption of the amendment. The amendment was not adopted.

Representative Carrell moved the adoption of the following amendment by Representative Carrell: (739)

On page 18, after line 17 of the striking amendment, insert:  
"(iv) The team affiliate shall pay annually to the state lottery account an amount equal to the difference between the revenue actually generated during the previous year by additional lottery games conducted under section 205 of this act and the distributions under 67.70.240(5)."

Renumber subsections consecutively and correct any internal references accordingly.

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment 696 was withdrawn.

The Speaker called upon Representative Pennington to preside.

Representative Blalock moved the adoption of the following amendment by Representative Blalock: (665)

On page 18, line 17 of the striking amendment, after "least" strike "ten" and insert "twenty-five"

Representatives Blalock, Dunshee and Benson spoke in favor of the adoption of the amendment.

Representatives Van Luven and D. Schmidt spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Pennington presiding) divided the House. The results of the division was 33-YEAS; 63-NAYS. The amendment was not adopted.



The Speaker assumed the chair.

Representative Carroll moved the adoption of the following amendment by Representative Carroll: (701)

On page 18, after line 25 of the striking amendment, insert the following:

"(vi) The team affiliate secures an agreement from the national football league to televise all exhibition, regular, and playoff games in the stadium and exhibition center to all areas of the state;"

Renumber the remaining subparagraphs consecutively and correct internal references accordingly.

Representatives Carroll and Carlson spoke in favor of the adoption of the amendment.

Representative Zellinsky spoke against adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendments 735 and 717 were withdrawn.

Representative Smith moved the adoption of the following amendment by Representative Smith: (747)

On page 18, line 35 of the striking amendment, after "be" strike everything through "center" on line 36 and insert "deposited in the permanent common school fund"

Representatives Smith and Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

With the consent of the House, amendments 746, 688, 689 and 726 were withdrawn.

Representative Van Luven moved the adoption of the following amendment by Representative Van Luven: (767)

On page 22, line 16 of the striking amendment, after "treasury." strike "Moneys in the account may be spent only after appropriation."

On page 22, line 19 of the striking amendment, after "facilities." insert "Only the director of the interagency committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

Representative Van Luven spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 55-YEAS; 40-NAYS. The amendment was adopted.

Representative Appelwick moved the adoption of the following amendment by Representative Appelwick: (750)

On page 22, line 20 of the striking amendment, after "youth" insert "or community"

Representative Appelwick spoke in favor of the adoption of the amendment. The amendment was adopted.

Representative Van Luven moved the adoption of the following amendment by Representative Van Luven: (760)

On page 22, line 32 of the striking amendment, after "year." insert " The director of the interagency committee for outdoor recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes."

Representative Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

With the consent of the House, amendment 765 was withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (731)

On page 22 of the striking amendment, beginning on line 36, strike all of subsection (1).

Renumber remaining sections consecutively and correct internal references accordingly.

Representative Sheldon spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment. The amendment was not adopted.

Representative B. Thomas moved the adoption of the following amendment by Representative B. Thomas: (729)

Beginning on page 22, line 23 of the striking amendment, strike all of sections 218 and 219.

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives B. Thomas and Dunshee spoke in favor of the adoption of the amendment.

Representative Sehlin spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 36-YEAS; 61-NAYS. The amendment was not adopted.

With the consent of the House, amendments 702 and 721 were withdrawn.

Representative Carlson moved the adoption of the following amendment by Representative Carlson: (762)

On page 26, after line 34 of the striking amendment, insert:

**"NEW SECTION. Sec. 223.** A new section is added to chapter 67.24 RCW to read as follows:

(1) The definitions in this subsection apply to this section.

(a) "Professional athlete" means a person who participates in sporting events, and receives more than one hundred thousand dollars in total annual compensation for such participation. "Professional athlete" does not include a student athlete.

(b) "Sporting event" means any game, contest, exhibition, or program of baseball, football, hockey, polo, tennis, horse race, basketball, golf, or similar activity.

(c) "Student athlete" means a person who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event. The term also includes an individual who has applied for enrollment to an institution of higher education. A person ceases to be a "student athlete" as soon as his or her collegiate eligibility in the sport has expired.

(2) An annual fee is imposed on each professional athlete for the privilege of engaging in any sporting event in this state. The fee is five hundred dollars, and shall be paid to the director of licensing

not later than the day of the first sporting event in which the athlete participates during the year. Fees collected under this section shall be deposited in the permanent common school fund.

(3) It is a gross misdemeanor punishable under chapter 9A.20 RCW for a professional athlete to participate in a sporting event in this state without having paid the fee required under this section for the year in which the sporting event occurs."

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representative Carlson spoke in favor of the adoption of the amendment.

Representative Appelwick spoke against adoption of the amendment. The amendment was not adopted.

Representative Pennington moved the adoption of the following amendment by Representative Pennington: (695)

On page 28 of the striking amendment beginning on line 30, after "events" strike everything through "admission." on line 31 and insert "includes charges for season tickets, subscriptions, suite licenses, permanent seat licenses, and other similar accommodations."

Representative Pennington spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment. The amendment was not adopted.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (690)

On page 35, beginning on line 7, strike sections 501 and 502

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Sheldon and B. Thomas spoke in favor of the adoption of the amendment.

Representatives Van Luven and Butler spoke against adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment 703 was withdrawn.

Representative Reams moved the adoption of the following amendment by Representative Reams: (706)

On page 39, line 17 of the striking amendment, after "referendum" insert "The voters' pamphlet description of the referendum measure shall include information to inform the public that ownership of the KingDome will be transferred to the public stadium authority and that the KingDome will be demolished in order to accommodate the new football stadium."

Representatives Reams and Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (712)

On page 40, line 17 of the striking amendment, after "unless" strike "the" and insert ": (1) The"

On page 40, line 21 of the striking amendment, after "1997" insert "; and (2) the team affiliate as defined in section 101 of this act files an agreement with the public disclosure commission to limit its expenditures to five hundred thousand dollars in the election campaign on the referendum required by section 606 of this act. The agreement shall provide that if filings with the public disclosure commission indicate that expenditures in opposition to the referendum have exceeded five hundred thousand dollars, then the team affiliate's expenditures may exceed five hundred thousand dollars by a like amount"

Representatives Sheldon and Benson spoke in favor of the adoption of the amendment.

Representatives Zellinsky and D. Schmidt spoke against the adoption of the amendment. The amendment was not adopted.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (684)

On page 41, line 6 of the striking amendment, after "at the" strike "special election on June 20, 1997" and insert "next general election"

Beginning on page 41, line 22 of the striking amendment, strike sections 607 and 608 and insert the following:

**"NEW SECTION. Sec. 607.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Sheldon, McDonald, B. Thomas, Pennington and B. Thomas spoke in favor of the adoption of the amendment.

Representatives Van Luven, Smith and D. Schmidt spoke against adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendments 713, 672, 677, 694, 725, 632, and 736 were withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (743)

On page 41, line 29 of the amendment, after "(2)" insert "Notwithstanding the provisions of RCW 29.79.040 and 29.79.055, the referendum ballot title shall be "Shall the state issue up to three hundred million dollars in general obligations bonds to partially finance construction of a four hundred twenty-five million dollar professional football stadium and exhibition center replacing the KingDome, and raise forty million dollars for construction of youth athletic facilities, by implementing a 0.016 percent state sales tax credit in King county, new lottery games, a ten percent tax on admission tickets and parking at the stadium and exhibition center, and a redistribution of the two percent King county hotel-motel tax from the years 2013 to 2020?"

(3)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representative Sheldon spoke in favor of the adoption of the amendment.

Representative D. Schmidt spoke against the adoption of the amendment. The amendment was not adopted.

With the consent of the House, amendment 723 was withdrawn.

Representative Van Luven moved the adoption of the following amendment by Representative Van Luven: (753)

On page 42, line 5 of the striking amendment, after "measure" strike "may" and insert "shall"

On page 42, line 6 of the striking amendment, after "KingDome" strike "will" and insert "may"

Representative Van Luven spoke in favor of the adoption of the amendment. The amendment was adopted.

With the consent of the House, amendment 763 was withdrawn.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon: (678)

On page 42, after line 25 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 608.**

(1) Sections 101 through 604 of this act take effect December 4, 1997, only if House Joint Resolution No. \_\_\_\_\_ (H-3197.1/97) (amending Article I, section 12, Article VIII, sections 5 and 7, and Article XI, section 6 of the state Constitution to exempt legislation that authorizes a public stadium authority to establish a stadium and exhibition center) is validly submitted to and is approved and ratified by the voters at the next general election. If House Joint Resolution No. \_\_\_\_\_ (H-3197.1/97) is not so approved and ratified, sections 101 through 606 of this act are void in their entirety.

(2) This section takes effect only if the referendum required by section 607 of this act is adopted and ratified by the voters at the June 20, 1997 special election."

Renumber remaining sections consecutively and correct internal references.

Representative Sheldon spoke in favor of the adoption of the amendment.

Representative D. Schmidt spoke against adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 20-YEAS; 75-NAYS. The amendment was not adopted.

With the consent of the House, amendments 642, 685 and 631 were withdrawn.

Representative Carrell moved the adoption of the following amendment by Representative Carrell: (771)

On page 18, line 24 of the striking amendment, after "purchasers of" strike "nonexecutive suites and club seat tickets" and insert "tickets that are not located in executive suites or club seat areas"

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against adoption of the amendment. The amendment was not adopted.

Representative Van Luven moved the adoption of the following amendment by Representative Van Luven: (772)

On page 18, line 24 of the striking amendment, after "purchasers of" strike "nonexecutive suites and club seat tickets" and insert "tickets that are not located in executive suites or club seat areas"

Representatives Van Luven and Benson spoke in favor of the adoption of the amendment. The amendment was adopted.

The Speaker stated the question before the House was the adoption of amendment 741 by Representative Van Luven as amended by the House. The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

#### QUESTION OF CONSIDERATION

Representative B. Thomas: Mr. Speaker, I raise the question of consideration.

The Speaker explained that a question of consideration was non-debatable. A yes vote indicated a member wanted to proceed with the business at hand, i.e., vote on the bill, and with a no vote, the main question of final passage of Engrossed Substitute House Bill No. 2192 would be as if it had not been brought up.

Division was demanded. The Speaker divided the House. The results of the division was 68-YEAS; 29-NAYS.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2192.

Representatives Van Luven, Zellinsky, Ogden, Talcott, Smith, Appelwick, Bush and D. Schmidt spoke in favor of the passage of the bill.

Representatives Sheldon, Pennington, Benson, Veloria, B. Thomas, McDonald, Dunshee, D. Sommers and Carlson spoke against the passage of the bill.

Representative Dyer demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2192.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2192 and the bill passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Backlund, Ballasiotes, Blalock, Bush, Butler, Cairnes, Carrell, Chopp, Clements, Cody, Cole, Constantine, Cooke, Cooper, Costa, Delvin, Doumit, Dyer, Gardner, Grant, Hankins, Hatfield, Hickel, Huff, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Poulsen, Radcliff, Reams, Schmidt, D., Scott, Sehlin, Skinner, Smith, Talcott, Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Zellinsky and Mr. Speaker - 56.

Voting nay: Representatives Alexander, Benson, Boldt, Buck, Carlson, Chandler, Conway, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Fisher, Gombosky, Honeyford, Johnson, Koster, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mulliken, Pennington, Regala, Robertson, Romero, Schmidt, K., Schoesler, Sheahan, Sheldon, Sherstad, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Thomas, B. and Wood - 41.

Excused: Representative Quall - 1.

Engrossed Substitute House Bill No. 2192, having received the constitutional majority, was declared passed.

#### STANDING COMMITTEES ASSIGNMENT CHANGES

The following changes were made to committee assignments:

Representative Mulliken was appointed to the Committee on Law & Justice as relief for Representative Skinner, and transferred from the Committee on Energy & Utilities.

Representative Delvin was appointed to the Committee on Energy & Utilities, and transferred from the Committee on Law & Justice.

Representative Radcliff was appointed to the Committee on Criminal Justice & Corrections, and transferred from the Committee on Law & Justice.

Representative Robertson was appointed to the Committee on Law & Justice, and transferred from the Committee on Criminal Justice & Corrections.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion by Representative Lisk, the House adjourned until 9:00 a.m., Saturday, April 26, 1997.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

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JOURNAL OF THE HOUSE

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

## ONE HUNDRED-FOURTH DAY

### MORNING SESSION

House Chamber, Olympia, Saturday, April 26, 1997

The House was called to order at 9:30 a.m. by the Speaker (Representative McDonald presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sonja Loges and Brooke Belanger. Prayer was offered by Speaker Clyde Ballard.

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

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:  
HOUSE BILL NO. 1924,

There being no objection, the House advanced to the seventh order of business.

#### THIRD READING

#### MESSAGE FROM THE SENATE

April 25, 1997

Mr. Speaker:

The Senate adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2097, and passed the bill as recommended by the Conference Committee,

#### CONFERENCE COMMITTEE REPORT

SHB 2097 April 24, 1997

Includes "NEW ITEM": YES

Mr. President:  
Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 2097, Insurance company investments, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached 2097-S AMC CONF H3318.1) be adopted, and

and that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.13 RCW to read as follows:

(1) An insurer may, directly or indirectly through an investment subsidiary, engage in derivative transactions under this section under the following conditions:

(a) An insurer may use derivative instruments under this section to engage in hedging transactions and certain income generation transactions, as these terms may be further defined by rule by the insurance commissioner;

(b) Derivative instruments shall not be used for speculative purposes, but only as stated in (a) of this subsection;

(c) An insurer shall be able to demonstrate to the insurance commissioner the intended hedging characteristics and the ongoing effectiveness of the derivative transaction or combination of transactions through cash flow testing or other appropriate analysis;

(d) An insurer may enter into hedging transactions under this section if, as a result of and after giving effect to the transaction:

(i) The aggregate statement value of options, caps, floors, and warrants not attached to another financial instrument purchased and used in hedging transactions does not exceed seven and one-half percent of its admitted assets;

(ii) The aggregate statement value of options, caps, and floors written in hedging transactions does not exceed three percent of its admitted assets; and

(iii) The aggregate potential exposure of collars, swaps, forwards, and futures used in hedging transactions does not exceed six and one-half percent of its admitted assets;

(e) An insurer may only enter into the following types of income generation transactions if, as a result of and after giving effect to the transactions, the aggregate statement value of the fixed income assets that are subject to call or that generate the cash flows for payments under the caps or floors, plus the face value of fixed income securities underlying a derivative instrument subject to call, plus the amount of the purchase obligations under the puts, does not exceed ten percent of its admitted assets:

(i) Sales of covered call options on noncallable fixed income securities, callable fixed income securities if the option expires by its terms prior to the end of the noncallable period, or derivative instruments based on fixed income securities;

(ii) Sales of covered call options on equity securities, if the insurer holds in its portfolio, or can immediately acquire through the exercise of options, warrants, or conversion rights already owned, the equity securities subject to call during the complete term of the call option sold;

(iii) Sales of covered puts on investments that the insurer is permitted to acquire under this chapter, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the amount of its purchase obligations under the put during the complete term of the put option sold; or

(iv) Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the caps or floors during the complete term that the cap or floor is outstanding;

(f) An insurer shall include all counterparty exposure amounts in determining compliance with general diversification requirements and medium and low grade investment limitations under this chapter; and

(g) Pursuant to rules adopted by the insurance commissioner under subsection (3) of this section, the commissioner may approve additional transactions involving the use of derivative instruments in excess of the limitations in (d) of this subsection or for other risk management purposes under rules adopted by the commissioner, but replication transactions shall not be permitted for other than risk management purposes.

(2) For purposes of this section:

(a) "Cap" means an agreement obligating the seller to make payments to the buyer, with each payment based on the amount by which a reference price or level or the performance or value of one or more underlying interests exceeds a predetermined number, sometimes called the strike rate or strike price;

(b) "Collar" means an agreement to receive payments as the buyer of an option, cap, or floor and to make payments as the seller of a different option, cap, or floor;

(c) "Counterparty exposure amount" means the net amount of credit risk attributable to a derivative instrument entered into with a business entity other than through a qualified exchange, qualified foreign exchange, or cleared through a qualified clearinghouse. The amount of the credit risk equals the market value of the over-the-counter derivative instrument if the liquidation of the derivative

instrument would result in a final cash payment to the insurer, or zero if the liquidation of the derivative instrument would not result in a final cash payment to the insurer.

If over-the-counter derivative instruments are entered into under a written master agreement which provides for netting of payments owed by the respective parties, and the domiciliary jurisdiction of the counterparty is either within the United States or, if not within the United States, within a foreign jurisdiction listed in the purposes and procedures of the securities valuation office as eligible for netting, the net amount of credit risk shall be the greater of zero or the sum of:

(i) The market value of the over-the-counter derivative instruments entered into under the agreement, the liquidation of which would result in a final cash payment to the insurer; and

(ii) The market value of the over-the-counter derivative instruments entered into under the agreement, the liquidation of which would result in a final cash payment by the insurer to the business entity.

For open transactions, market value shall be determined at the end of the most recent quarter of the insurer's fiscal year and shall be reduced by the market value of acceptable collateral held by the insurer or placed in escrow by one or both parties;

(d) "Covered" means that an insurer owns or can immediately acquire, through the exercise of options, warrants or conversion rights already owned, the underlying interest in order to fulfill or secure its obligations under a call option, cap or floor it has written, or has set aside under a custodial or escrow agreement cash or cash equivalents with a market value equal to the amount required to fulfill its obligations under a put option it has written, in an income generation transaction;

(e) "Derivative instrument" means an agreement, option, instrument, or a series or combination thereof:

(i) To make or take delivery of, or assume or relinquish, a specified amount of one or more underlying interests, or to make a cash settlement in lieu thereof; or

(ii) That has a price, performance, value, or cash flow based primarily upon the actual or expected price, level, performance, value, or cash flow of one or more underlying interests.

Derivative instruments include options, warrants used in a hedging transaction and not attached to another financial instrument, caps, floors, collars, swaps, forwards, futures, and any other agreements, options, or instruments substantially similar thereto or any series or combination thereof and any agreements, options, or instruments permitted under rules adopted by the commissioner under subsection (3) of this section;

(f) "Derivative transaction" means a transaction involving the use of one or more derivative instruments;

(g) "Floor" means an agreement obligating the seller to make payments to the buyer in which each payment is based on the amount by which a predetermined number, sometimes called the floor rate or price, exceeds a reference price, level, performance, or value of one or more underlying interests;

(h) "Future" means an agreement, traded on a qualified exchange or qualified foreign exchange, to make or take delivery of, or effect a cash settlement based on the actual or expected price, level, performance, or value of, one or more underlying interests;

(i) "Hedging transaction" means a derivative transaction which is entered into and maintained to reduce:

(i) The risk of a change in the value, yield, price, cash flow, or quantity of assets or liabilities which the insurer has acquired or incurred or anticipates acquiring or incurring; or

(ii) The currency exchange rate risk or the degree of exposure as to assets or liabilities which an insurer has acquired or incurred or anticipates acquiring or incurring;

(j) "Option" means an agreement giving the buyer the right to buy or receive (a "call option"), sell or deliver (a "put option"), enter into, extend, or terminate or effect a cash settlement based on the actual or expected price, level, performance, or value of one or more underlying interests;

(k) "Swap" means an agreement to exchange or to net payments at one or more times based on the actual or expected price, level, performance, or value of one or more underlying interests;

(l) "Underlying interest" means the assets, liabilities, other interests, or a combination thereof underlying a derivative instrument, such as any one or more securities, currencies, rates, indices, commodities, or derivative instruments; and

(m) "Warrant" means an instrument that gives the holder the right to purchase an underlying financial instrument at a given price and time or at a series of prices and times outlined in the warrant agreement. Warrants may be issued alone or in connection with the sale of other securities, for

example, as part of a merger or recapitalization agreement, or to facilitate divestiture of the securities of another business entity.

(3) The insurance commissioner may adopt rules implementing the provisions of this section."

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "and adding a new section to chapter 48.13 RCW."

and the same is herewith transmitted.

Mike O'Connell, Secretary

There being no objection, the House adopted the Conference Committee recommendation on Substitute House Bill No. 2097, and advanced the bill to final passage.

#### FINAL PASSAGE AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2097 as recommended by the Conference Committee.

Representatives L. Thomas and Keiser spoke in favor of passage of the bill.

#### MOTION

On motion by Representative Kessler, Representatives Appelwick, Chopp, H. Sommers, Quall, and Ogden were excused. On motion by Representative Cairnes, Representatives McMorris, Mulliken, Thompson and Van Luven were excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2097 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 79, Nays - 9, Absent - 1, Excused - 9.

Voting yea: Representatives Alexander, Anderson, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Clements, Cody, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Dyer, Fisher, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, Mielke, Mitchell, Morris, Murray, O'Brien, Parlette, Pennington, Poulsen, Radcliff, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Voloria, Wensman, Zellinsky and Mr. Speaker - 79.

Voting nay: Representatives Cole, Constantine, Conway, Dickerson, Gardner, Romero, Sullivan, Wolfe and Wood - 9.

Absent: Representative Reams - 1.

Excused: Representatives Appelwick, Chopp, Mason, McMorris, Mulliken, Ogden, Quall, Sommers, H. and Van Luven - 9.

Substitute House Bill No. 2097, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

ESSB 5574 Date: April 23, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5574, instituting property tax reform, have had the same under consideration and we recommend that

the amendment by the House (5574-S.E AMH SCHOESLER LONG 238 (See Journal, 96<sup>th</sup> Day, April 18, 1997)) be adopted, with the following change:

On page 1, line 11 of the amendment, after "treasurer" insert "or tax year 2003, whichever is earlier."; and

that the bill do pass as amended by the Conference Committee.

There being no objection, the House adopted the Conference Committee recommendation on Engrossed Substitute Senate Bill No. 5574, and advanced the bill to final passage.

#### FINAL PASSAGE AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5574 as recommended by the Conference Committee.

Representatives B. Thomas and Dunshee spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5574, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 1, Excused - 8.

Voting yea: Representatives Alexander, Anderson, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Murray, O'Brien, Parlette, Pennington, Poulsen, Radcliff, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Voloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Absent: Representative Reams - 1.

Excused: Representatives Appelwick, Chopp, Mason, Mulliken, Ogden, Quall, Sommers, H. and Van Luven - 8.

Engrossed Substitute Senate Bill No. 5574, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

E2SSB 5927 Date: April 24, 1997

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927, changing higher education financing, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached S-3325.2/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.067 and 1996 c 212 s 1 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Academic year tuition for full-time students at the state's institutions of higher education for the ~~((1995-96))~~ 1997-98 academic year, other than the summer term, shall be as provided in this subsection.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate ~~((study)), law, or first professional programs ((or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine)),~~ two thousand ~~((seven hundred sixty-four))~~ nine hundred eighty-eight dollars;

(ii)(A) For nonresident undergraduate students and other nonresident students at the University of Washington not in graduate ~~((study)), law, or first professional programs ((or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eight thousand two hundred sixty-eight)),~~ ten thousand two hundred seventy-eight dollars;

(B) For nonresident undergraduate students and other nonresident students at Washington State University not in graduate or first professional programs, nine thousand eight hundred seventy dollars;

(iii) For resident graduate ~~((and law))~~ students ~~((not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine)),~~ four thousand ~~((four hundred ninety))~~ eight hundred fifty-four dollars;

(iv) For nonresident graduate ~~((and law))~~ students ~~((not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, eleven thousand six hundred thirty-four)),~~ twelve thousand five hundred eighty-eight dollars;

(v) For resident law students, five thousand ten dollars;

(vi) For nonresident law students, twelve thousand nine hundred fifteen dollars;

(vii) For resident first professional students ~~((enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand four hundred ninety-seven)),~~ eight thousand one hundred twelve dollars; and

~~((vi))~~ (viii) For nonresident first professional students ~~((enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, nineteen thousand four hundred thirty-one)),~~ twenty-one thousand twenty-four dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate ~~((study))~~ programs, two thousand ~~((forty-five))~~ two hundred eleven dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate ~~((study))~~ programs, ~~((seven thousand nine hundred ninety-two))~~ eight thousand six hundred forty-six dollars;

(iii) For resident graduate students, three thousand ~~((four hundred forty-three))~~ seven hundred twenty-six dollars; and

(iv) For nonresident graduate students, eleven thousand ~~((seventy-one))~~ nine hundred seventy-six dollars.

(c) At the community colleges:

(i) For resident students, one thousand ~~((two hundred twelve))~~ three hundred eleven dollars; and

(ii) For nonresident students, five thousand ~~((one hundred sixty-two))~~ five hundred eighty-six dollars ~~((and fifty cents)).~~

(3) Academic year tuition for full-time students at the state's institutions of higher education beginning with the ~~((1996-97))~~ 1998-99 academic year, other than the summer term, shall be as provided in this subsection unless different rates are adopted in the omnibus appropriations act.

(a) At the University of Washington and Washington State University:

(i) For resident undergraduate students and other resident students not in graduate ~~((study)), law, or first professional programs ((or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, two thousand eight hundred seventy-five)),~~ three thousand one hundred eight dollars;

(ii)(A) For nonresident undergraduate students and other nonresident students at the University of Washington not in graduate ~~((study)), law, or first professional programs ((or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, nine thousand four hundred ninety-one)),~~ eleven thousand one hundred thirty dollars;



(B) For nonresident undergraduate students and other nonresident students at Washington State University not in graduate or first professional programs, ten thousand two hundred sixty-six dollars;

(iii) For resident graduate (~~(and law)~~) students (~~(not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, four thousand six hundred sixty-nine)~~), five thousand forty-six dollars;

(iv) For nonresident graduate (~~(and law)~~) students (~~(not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twelve thousand one hundred)~~), thirteen thousand ninety-two dollars;

(v) For resident law students, five thousand three hundred seventy-six dollars;

(vi) For nonresident law students, thirteen thousand seven hundred eighty-two dollars;

(vii) For resident first professional students (~~(enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, seven thousand seven hundred ninety-seven)~~), eight thousand four hundred thirty-six dollars; and

~~((vi))~~ (viii) For nonresident first professional students (~~(enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, twenty thousand two hundred nine)~~), twenty-one thousand eight hundred sixty-four dollars.

(b) At the regional universities and The Evergreen State College:

(i) For resident undergraduate and all other resident students not in graduate (~~(study)~~) programs, two thousand (~~(one hundred twenty-seven)~~) two hundred ninety-eight dollars;

(ii) For nonresident undergraduate and all other nonresident students not in graduate (~~(study)~~) programs, eight thousand (~~(three hundred twelve)~~) nine hundred ninety-one dollars;

(iii) For resident graduate students, three thousand (~~(five hundred eighty-one)~~) eight hundred seventy-six dollars; and

(iv) For nonresident graduate students, (~~(eleven thousand five hundred fourteen)~~) twelve thousand four hundred fifty-six dollars.

(c) At the community colleges:

(i) For resident students, one thousand (~~(two hundred sixty-one)~~) three hundred sixty-two dollars; and

(ii) For nonresident students, five thousand (~~(three hundred sixty-nine)~~) eight hundred eight dollars (~~(and fifty cents)~~).

(4) For the 1997-98 and 1998-99 academic years, the University of Washington shall use at least ten percent of the revenue received from the difference between a four percent increase in tuition fees and the actual increase charged to law students to assist needy low and middle-income resident law students. For the 1997-98 and 1998-99 academic years, the University of Washington shall use at least ten percent of the revenue received from the difference between a four percent increase in tuition fees and the actual increase charged to nonresident undergraduate students and all other nonresident students not in graduate, law, or first professional programs to assist needy low and middle-income resident undergraduate students and all other resident students not enrolled in graduate, law, or first professional programs. This requirement is in addition to the deposit requirements of the institutional aid fund under RCW 28B.15.820.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in (~~(community colleges)~~) participating institutions of higher education under RCW 28A.600.300 through 28A.600.395.

**Sec. 2.** RCW 28B.15.069 and 1995 1st sp.s. c 9 s 5 are each amended to read as follows:

(1) As used in this section, each of the following subsections is a separate tuition category:

(a) Resident undergraduate students and all other resident students not in first professional, graduate, or law programs;

(b) Nonresident undergraduate students and all other nonresident students not in first professional graduate or law programs;

(c) Resident graduate (~~(and law)~~) students;

(d) Resident law students;

(e) Nonresident graduate (~~(and law)~~) students;

~~((e))~~ (f) Nonresident law students;

(g) Resident first professional students; and

~~((f))~~ (h) Nonresident first professional students (~~(in first professional programs)~~).

(2) Unless the context clearly requires otherwise, as used in this section "first professional programs" means programs leading to one of the following degrees: Doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine.

(3) ~~((For the 1995-96 and 1996-97 academic years,))~~ The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent.

(4) The governing boards of each institution of higher education, except for the technical colleges, shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for the applicable tuition category: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(5) Tuition and services and activities fees consistent with subsection (4) of this section shall be set by the state board for community and technical colleges for community college summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

(6) Subject to the limitations of RCW 28B.15.910, each governing board of a community college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges."

On page 1, line 1 of the title, after "education" strike the remainder of the title and insert "and amending RCW 28B.15.067 and 28B.15.069."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House adopted the Conference Committee recommendation on Engrossed Second Substitute Senate Bill No. 5927 and advanced the bill to final passage.

#### FINAL PASSAGE AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5927 as recommended by the Conference Committee.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5927 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 78, Nays - 12, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Anderson, Backlund, Ballasiotes, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Clements, Cody, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Koster, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Murray, O'Brien, Parlette, Pennington, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Voloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 78.

Voting nay: Representatives Benson, Constantine, Conway, Doumit, Dunn, Hatfield, Kessler, Lambert, Morris, Poulsen, Sheldon and Sullivan - 12.

Excused: Representatives Appelwick, Chopp, Mason, Mulliken, Ogden, Quall, Sommers, H. and Van Luven - 8.

Engrossed Second Substitute Senate Bill No. 5927 as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1997

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5253 and again asks the House to recede therefrom,

and the same is herewith transmitted.

Mike O'Connell, Secretary

There being no objection, the rules were suspended, and Senate Bill No. 5253 was returned to second reading for the purpose of an amendment. There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5253, by Senators Strannigan, Oke, Hargrove, Roach, Morton, Swecker, Horn, and Winsley

Allowing nonresidents under the age of fifteen to obtain a free fishing license.

Representative Clements moved the adoption of the following amendment by Representative Clements: (714)

On page 1, line 17, after "older." insert the following:

"The license fee for a nonresident juvenile under fifteen years of age is twenty dollars unless the juvenile is fishing with an adult who holds a current game fish license, in which case there is no license fee."

On page 2, beginning on line 11, strike all of Section 2.

Correct the title.

Representatives Clements and Regala spoke in favor of the adoption of the amendment. The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5253 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5253 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin,

McDonald, McMorris, Mielke, Mitchell, Morris, Murray, O'Brien, Parlette, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representative Chandler - 1.

Excused: Representatives Mulliken, Ogden, Quall and Van Luven - 4.

Senate Bill No. 5253, as amended by the House, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

SSB 5327 Date: April 24, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE SENATE BILL NO. 5327, creating a habitat incentive program through the department of fish and wildlife, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached S-3289.4/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In an effort to increase the amount of habitat available for fish and wildlife, the legislature finds that it is desirable for the department of fish and wildlife, the department of natural resources, and other interested parties to work closely with private landowners to achieve habitat enhancements. In some instances, private landowners avoid enhancing habitat because of a concern that the presence of fish or wildlife may make future land management more difficult. It is the intent of this act to provide a mechanism that facilitates habitat development while avoiding an adverse impact on the landowner at a later date. The habitat incentives program is not intended to supercede any federal laws.

**NEW SECTION. Sec. 2.** (1) The department of fish and wildlife and the department of natural resources shall jointly initiate a habitat incentives program in two phases. In creating this program, the departments shall make use of and complement other study efforts underway relating to habitat protection and enhancement, including the department of fish and wildlife's review of the hydraulic project approval process and the forestry module under development for the forest practices board dealing with practices within riparian areas.

(2) In phase one, the department of fish and wildlife and the department of natural resources shall work with affected federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties to identify appropriate criteria and other factors necessary for implementation of the habitat incentives program. The departments in concert with the interested parties shall identify at least the following elements for implementation of the program:

(a) The factors and the approach that the departments should use in evaluating and weighing the benefits and concurrent risks of entering into a habitat incentives agreement with a landowner;

(b) The approach to be used in assigning responsibilities for implementation of the agreement to the landowner and to the departments;

(c) Assignment of responsibility for documentation of the conditions on a landowner's property prior to the departments entering into a habitat incentives agreement;

(d) The process to be used when a landowner who has entered into a habitat incentives agreement applies for hydraulic project approval or a forest practices permit during the term of the agreement;

(e) The process to be used to monitor and evaluate whether actions taken as a part of the agreement actually enhance habitat for the target species and to amend the agreement if the existing agreement is not enhancing habitat;

(f) The conditions under which the departments and the landowner may terminate the agreement and the remedies if either party breaches the terms of the agreement;

(g) The means for ensuring that the departments are notified if the property covered by the agreement is sold or otherwise transferred into other ownership;

(h) The process to be used for reaching concurrence between the landowner, the departments, the timber, fish, and wildlife cooperators, and affected federally recognized Indian tribes; and

(i) The process to be used in prioritizing proposed agreements if the requests for agreements exceed the funding available for entering into and implementing such agreements.

The departments and the interested parties may identify and propose solutions to other issues necessary in order to implement the habitat incentives program. The departments and the interested parties shall report to the legislature on their findings as well as on any other recommendations for implementation and funding for the habitat incentives program by December 1, 1997.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.12 RCW to read as follows:

(1) Beginning in January 1998, the department of fish and wildlife and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for hydraulic project approval or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department of fish and wildlife may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 75.20.100 or 75.20.103 on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of fish and wildlife and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

**NEW SECTION. Sec. 4.** A new section is added to chapter 75.20 RCW to read as follows:

When a private landowner is applying for hydraulic project approval under this chapter and that landowner has entered into a habitat incentives agreement with the department and the department of natural resources as provided in section 3 of this act, the department shall comply with the terms of that agreement when evaluating the request for hydraulic project approval.

**NEW SECTION. Sec. 5.** A new section is added to chapter 76.09 RCW to read as follows:

When a private landowner is applying for a forest practices permit under this chapter and that landowner has entered into a habitat incentives agreement with the department and the department of fish and wildlife as provided in section 3 of this act, the department shall comply with the terms of that agreement when evaluating the permit application.

**NEW SECTION. Sec. 6.** (1) The sum of twelve thousand one hundred twenty-five dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 1998, from the general fund to the department of fish and wildlife for the purposes of this act.

(2) The sum of twelve thousand one hundred twenty-five dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 1999, from the general fund to the department of fish and wildlife for the purposes of this act.

(3) The sum of twelve thousand one hundred twenty-five dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 1998, from the general fund to the department of natural resources for the purposes of this act.

(4) The sum of twelve thousand one hundred twenty-five dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 1999, from the general fund to the department of natural resources for the purposes of this act."

On page 1, line 1 of the title, after "enhancement;" strike the remainder of the title and insert "adding a new section to chapter 77.12 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 76.09 RCW; creating new sections; and making appropriations."

There being no objection, the House adopted the Conference Committee recommendation on Substitute Senate Bill No. 5327 and the bill was advanced to final passage.

#### FINAL PASSAGE AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5327 as recommended by the Conference Committee.

Representatives Buck and Butler spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5327 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Murray, O'Brien, Parlette, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan,

Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Mulliken, Ogden, Quall and Van Luven - 4.

Substitute Senate Bill No. 5327 as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 26, 1997

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5354,  
SENATE BILL NO. 5484,  
SUBSTITUTE SENATE BILL NO. 5781,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 26, 1997

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057,  
SUBSTITUTE HOUSE BILL NO. 1433,  
SUBSTITUTE HOUSE BILL NO. 1935,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 23, 1997

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5460 and ask the House to recede therefrom,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House receded from its position on Senate Bill No. 5460, and advanced the bill to final passage.

#### FINAL PASSAGE

The Speaker stated the question before the House to be final passage of Senate Bill No. 5460.

Representatives D. Schmidt, Schoesler and Smith spoke in favor of passage of the bill.

Representatives Dunshee, Conway, Doumit and Dunshee spoke against the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5460, and the bill passed the House by the following vote: Yeas - 51, Nays - 45, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Clements, Crouse, DeBolt, Delvin, Dyer, Hankins, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin,

Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Talcott, Thomas, B., Thomas, L., Thompson, Zellinsky and Mr. Speaker - 51.

Voting nay: Representatives Anderson, Appelwick, Blalock, Butler, Chandler, Chopp, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Dickerson, Doumit, Dunn, Dunshee, Fisher, Gardner, Gombosky, Grant, Hatfield, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Mason, Morris, Murray, O'Brien, Ogden, Poulsen, Regala, Romero, Scott, Sommers, H., Sullivan, Sump, Tokuda, Veloria, Wensman, Wolfe and Wood - 45.

Excused: Representatives Quall and Van Luven - 2.

Senate Bill No. 5460, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 5460.

BOB SUMP, 7<sup>th</sup> District

#### MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900, and has passed the bill as recommended by the Conference Committee,

#### CONFERENCE COMMITTEE REPORT

E3SHB 3900 April 25, 1997

Includes "NEW ITEM": YES

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900, Juvenile code revisions J.S., have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached s-3326.2/97) be adopted, and

and that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 5.60.060 and 1996 c 156 s 1 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.



(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

**Sec. 2.** RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for

monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)~~((a))~~ "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction ~~((a))~~ (a) whether the defendant has been placed on probation and the length and terms thereof; and ~~((b))~~ (b) whether the defendant has been incarcerated and the length of incarceration.

~~((b)) "Criminal history" shall always include juvenile convictions for sex offenses and serious violent offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(9); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty three years of age at the time the offense for which he or she is being sentenced was committed.)~~

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22)~~((a))~~ "First-time offender" means any person who is convicted of a felony ~~((a))~~ (a) not classified as a violent offense or a sex offense under this chapter, or ~~((b))~~ (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, ~~((and except as provided in (b) of this subsection.))~~ who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

~~((b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses and serious violent offenses.))~~

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

- (d) Child molestation in the second degree;
  - (e) Controlled substance homicide;
  - (f) Extortion in the first degree;
  - (g) Incest when committed against a child under age fourteen;
  - (h) Indecent liberties;
  - (i) Kidnapping in the second degree;
  - (j) Leading organized crime;
  - (k) Manslaughter in the first degree;
  - (l) Manslaughter in the second degree;
  - (m) Promoting prostitution in the first degree;
  - (n) Rape in the third degree;
  - (o) Robbery in the second degree;
  - (p) Sexual exploitation;
  - (q) Vehicular assault;
  - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
  - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
  - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.
- (24) "Nonviolent offense" means an offense which is not a violent offense.
- (25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.
- (27) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
  - (b)(i) Has been convicted of (A) rape in the first degree, rape in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and
  - (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection.
- (28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.
- (29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.
- (30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management

skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 3.** RCW 9.94A.040 and 1996 c 232 s 1 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards (~~in accordance with RCW 9.94A.045~~). The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 4.** RCW 9.94A.120 and 1996 c 275 s 2, 1996 c 215 s 5, 1996 c 199 s 1, and 1996 c 93 s 1 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iii) Report as directed to a community corrections officer;

(iv) Pay all court-ordered legal financial obligations;

(v) Perform community service work;

(vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the



court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment

activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a) (viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances;

(v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the

department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For sex offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The

conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during a sex offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 5.** RCW 9.94A.360 and 1995 c 316 s 1 and 1995 c 101 s 1 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) (~~Except as provided in subsection (4) of this section,~~) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from

confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

~~(4) ((Always include juvenile convictions for sex offenses and serious violent offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.~~

~~(5))~~ Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

~~((6))~~ (5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior ~~((adult))~~ offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior ~~((adult))~~ offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) ~~((Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and~~

~~((iii))~~ In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection ~~((6))~~ (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

~~((7))~~ (6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

~~((8))~~ (7) If the present conviction is for a nonviolent offense and not covered by subsection ~~((12))~~ (11) or ~~((13))~~ (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

~~((9))~~ (8) If the present conviction is for a violent offense and not covered in subsection ~~((10), (11), (12), or (13))~~ (9), (10), (11), or (12) of this section, count two points for each prior adult and

juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

~~((40))~~ (9) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

~~((41))~~ (10) If the present conviction is for Burglary 1, count prior convictions as in subsection ~~((9))~~ (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

~~((42))~~ (11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and ½ point for each juvenile prior conviction.

~~((43))~~ (12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection ~~((9))~~ (8) of this section if the current drug offense is violent, or as in subsection ~~((8))~~ (7) of this section if the current drug offense is nonviolent.

~~((44))~~ (13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

~~((45))~~ (14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

~~((46))~~ (15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection ~~((8))~~ (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

~~((47))~~ (16) If the present conviction is for a sex offense, count priors as in subsections ~~((8))~~ (7) through ~~((46))~~ (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

~~((48))~~ (17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

**Sec. 6.** RCW 13.04.011 and 1992 c 205 s 119 are each amended to read as follows:

For purposes of this title:

(1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, and the terms must be construed identically and used interchangeably;

(2) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, ~~((as now or hereafter amended,))~~ "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

~~((2))~~ (3) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020;

~~((3))~~ (4) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

~~((4))~~ (5) "Parent" or "parents," except as used in chapter 13.34 RCW, ~~((as now or hereafter amended,))~~ means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

~~((5))~~ (6) "Custodian" means that person who has the legal right to custody of the child.

**Sec. 7.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are each reenacted and amended to read as follows:

(1) Except as provided in ~~((subsection (2) of))~~ this section, the juvenile courts in ~~((the several counties of))~~ this state~~((,))~~ shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030 (~~committed on or after June 13, 1994; or~~);

(B) A violent offense as defined in RCW 9.94A.030 (~~committed on or after June 13, 1994;~~) and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after the effective date of this section;

(D) Burglary in the first degree committed on or after the effective date of this section, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after the effective date of this section, and the juvenile is alleged to have been armed with a firearm.

In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(iv) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (iv) of this section, who is detained pending trial, may be detained in a (~~county~~) detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 8.** RCW 13.40.010 and 1992 c 205 s 101 are each amended to read as follows:



(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that ~~((both))~~ communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (h) Provide for restitution to victims of crime;
- (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; ~~((and))~~
- (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; and
- (k) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

**Sec. 9.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

- (a) A class A felony, or an attempt to commit a class A felony;
- (b) Manslaughter in the first degree; or
- (c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred ~~((adjudication pursuant to RCW 13.40.125))~~ disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
  - (b) Community-based rehabilitation;
  - (c) Monitoring and reporting requirements;
  - (d) Posting of a probation bond ~~((imposed pursuant to RCW 13.40.0357));~~
- (4) Community-based sanctions may include one or more of the following:
- (a) A fine, not to exceed one hundred dollars;
  - (b) Community service not to exceed one hundred fifty hours of service;

(5) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(8) "Court,"(7) when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before the effective date of this section or a deferred disposition shall not be considered part of the respondent's criminal history;

(10) "Department" means the department of social and health services;

(11) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

~~((15))~~ (16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

~~((16))~~ (17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((17))~~ (18) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

~~((18))~~ (19) "Minor or first offender" means a person whose current offense(s) and criminal history fall entirely within one of the following categories:

- (a) Four misdemeanors;
- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors; and
- (d) Three gross misdemeanors.

For purposes of this definition, current violations shall be counted as misdemeanors;

~~((19))~~ (20) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((20))~~ (21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((21))~~ (22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((22))~~ (23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

~~((23))~~ (24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((24))~~ (25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((25))~~ (26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((26))~~ (27) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((27))~~ (28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

~~((28))~~ (29) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

~~((29))~~ (30) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

~~((30))~~ (31) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case.

This section expires July 1, 1998.

**Sec. 10.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) (~~"Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:~~

- ~~(a) A class A felony, or an attempt to commit a class A felony;~~

~~(b) Manslaughter in the first degree; or~~

~~(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon;~~

~~(2))~~ "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

~~((3))~~ (2) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred ~~((adjudication pursuant to RCW 13.40.125))~~ disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond ~~((imposed pursuant to RCW 13.40.0357));~~

~~((4))~~ (3) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed ~~((one))~~ five hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

~~((5))~~ (4) "Community-based rehabilitation" means one or more of the following:

Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

~~((6))~~ (5) "Monitoring and reporting requirements" means one or more of the following:

Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

~~((7))~~ (6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

~~((8))~~ (7) "Court," ~~((;))~~ when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((9))~~ (8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before the effective date of this section or a deferred disposition shall not be considered part of the respondent's criminal history;

~~((10))~~ (9) "Department" means the department of social and health services;

~~((14))~~ (10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

~~((12))~~ (11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

~~((13))~~ (12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

~~((14))~~ (13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

~~((16))~~ (17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((17)) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;~~

~~((18)) "Minor or first offender" means a person whose current offense(s) and criminal history fall entirely within one of the following categories:~~

~~(a) Four misdemeanors;~~

~~(b) Two gross misdemeanors and one gross misdemeanor;~~

~~(c) One misdemeanor and two gross misdemeanors; and~~

~~(d) Three gross misdemeanors.~~

~~For purposes of this definition, current violations shall be counted as misdemeanors;~~

~~((19))~~ (18) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((20))~~ (19) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((21))~~ (20) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((22))~~ (21) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

~~((23))~~ (22) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((24))~~ (23) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((25))~~ (24) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((26))~~ (25) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((27))~~ (26) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

~~((28))~~ (27) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

~~((29))~~ (28) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

~~((30))~~ (29) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case.

**Sec. 11.** RCW 13.40.0357 and 1996 c 205 s 6 are each amended to read as follows:

**SCHEDULE A  
DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	<b>Arson and Malicious Mischief</b>	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus	E

	(9.40.100)	
A	Possession of Incendiary Device (9.40.120)	B+
	<b>Assault and Other Crimes Involving Physical Harm</b>	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
<u>B+</u>	<u>Drive-By Shooting (9A.36.045)</u>	<u>C+</u>
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	<b>Burglary and Trespass</b>	
B+	Burglary 1 (9A.52.020)	C+
<u>B</u>	<u>Residential Burglary (9A.52.025)</u>	<u>C</u>
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
<u>C</u>	<u>Vehicle Prowling 1 (9A.52.095)</u>	<u>D</u>
D	Vehicle Prowling <u>2</u> (9A.52.100)	E
	<b>Drugs</b>	

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Sale (69.50.401(a)(1)(i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Counterfeit Substances (69.50.401(b)(1)(i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv),(v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	<b>Firearms and Weapons</b>	



<u>B</u>	Theft of Firearm (9A.56.300)	<u>C</u>
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1) (b)( <del>(iv)</del> ) (iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	<b>Homicide</b>	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	<b>Kidnapping</b>	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
	<b>Obstructing Governmental Operation</b>	
<del>(E)</del> <u>D</u>	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E

B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
	<b>Public Disturbance</b>	
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	<b>Sex Crimes</b>	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+

E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
<del>(B+)</del>		<del>((C+))</del>
<u>A-</u>	Child Molestation 1 (9A.44.083)	<u>B+</u>
<del>((C+))</del>		
<u>B</u>	Child Molestation 2 (9A.44.086)	<u>C+</u>
	<b>Theft, Robbery, Extortion, and Forgery</b>	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D

	<b>Motor Vehicle Related Crimes</b>	
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
<del>(D)</del> E	<del>Vehicle Prowling (9A.52.100)Taking Motor Vehicle Without Owner's Permission (9A.56.070)</del>	<del>E</del> D))
	<b>Other</b>	
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D

D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### SCHEDULE B PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

#### TIME SPAN

OFFENSE CATEGORY	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1

D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C  
CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

OFFENSE CATEGORY	<b>AGE</b>					
	12 & Under	13	14	15	16	17
A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	16	18	22	24	26
D	14	14	16	18	22	24
E	4	4	4	6	8	10

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-1**

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

**MINOR/FIRST OFFENDER**

**OPTION A  
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25
40-49	3-6 months	and/or 16-32	and/or 0-\$25
50-59	3-6 months	and/or 24-40	and/or 0-\$25
60-69	6-9 months	and/or 32-48	and/or 0-\$50
70-79	6-9 months	and/or 40-56	and/or 0-\$50
80-89	9-12 months	and/or 48-64	and/or 10-\$100
90-109	9-12 months	and/or 56-72	and/or 10-\$100

**OR  
OPTION B  
STATUTORY OPTION**

0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

**OR**

**OPTION C  
MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-2**

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

**MIDDLE OFFENDER**

**OPTION A  
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16



150-199

21-28

200-249

30-40

250-299

52-65

300-374

80-100

375+

103-129

Middle offenders with 110 points or more do not have to be committed. They may be assigned community supervision under option B.  
All A+ offenses 180-224 weeks.

**OR  
OPTION B  
STATUTORY OPTION**

0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond

If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.

If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150.

**OR  
OPTION C  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-3**

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

**SERIOUS OFFENDER  
OPTION A  
STANDARD RANGE**

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

**OR  
OPTION B  
MANIFEST INJUSTICE**

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range.

This section expires July 1, 1998.

**Sec. 12.** RCW 13.40.0357 and 1996 c 205 s 6 are each amended to read as follows:

**((SCHEDULE A))  
DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
<u>B+</u>	<u>Drive-By Shooting (9A.36.045)</u>	<u>C+</u>
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

### **Burglary and Trespass**

B+	Burglary 1 (9A.52.020)	C+
<u>B</u>	<u>Residential Burglary (9A.52.025)</u>	<u>C</u>
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
<u>C</u>	<u>Vehicle Prowling 1 (9A.52.095)</u>	<u>D</u>
D	Vehicle Prowling <u>2</u> (9A.52.100)	E

### **Drugs**

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Sale (69.50.401(a)(1)(i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic or Methamphetamine Counterfeit Substances	B

(69.50.401(b)(1)(i) or (ii))

C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv),(v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

### **Firearms and Weapons**

<u>B</u>	<u>Theft of Firearm (9A.56.300)</u>	<u>C</u>
<u>B</u>	<u>Possession of Stolen Firearm (9A.56.310)</u>	<u>C</u>
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1) (b)( <del>(iv)</del> ) (iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

### **Homicide**

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

### **Kidnapping**

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+

C+ Unlawful Imprisonment (9A.40.040) D+

**Obstructing Governmental Operation**

~~(E)~~D Obstructing a Law Enforcement Officer (9A.76.020) E

E Resisting Arrest (9A.76.040) E

B Introducing Contraband 1 (9A.76.140) C

C Introducing Contraband 2 (9A.76.150) D

E Introducing Contraband 3 (9A.76.160) E

B+ Intimidating a Public Servant (9A.76.180) C+

B+ Intimidating a Witness (9A.72.110) C+

**Public Disturbance**

C+ Riot with Weapon (9A.84.010) D+

D+ Riot Without Weapon (9A.84.010) E

E Failure to Disperse (9A.84.020) E

E Disorderly Conduct (9A.84.030) E

**Sex Crimes**

A Rape 1 (9A.44.040) B+

A- Rape 2 (9A.44.050) B+

C+ Rape 3 (9A.44.060) D+

A- Rape of a Child 1 (9A.44.073) B+

B+ Rape of a Child 2 (9A.44.076) C+

B Incest 1 (9A.64.020(1)) C

C Incest 2 (9A.64.020(2)) D

D+ Indecent Exposure (Victim < 14) (9A.88.010) E

E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
<del>(B+)</del> A-	Child Molestation 1 (9A.44.083)	<del>(C+)</del> B+
<del>(C+)</del> B	Child Molestation 2 (9A.44.086)	C±

### **Theft, Robbery, Extortion, and Forgery**

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D

### **Motor Vehicle Related Crimes**

E	Driving Without a License (46.20.021)	E
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C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
<del>(D)</del>	<del>Vehicle Prowling (9A.52.100)</del>	<del>E</del>
<del>C</del>	<del>Taking Motor Vehicle Without Owner's Permission (9A.56.070)</del>	<del>D</del>

**Other**

B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V



<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

~~((SCHEDULE B  
PRIOR OFFENSE INCREASE FACTOR~~

~~For use with all CURRENT OFFENSES occurring on or after July 1, 1989.~~

~~TIME SPAN~~

<del>OFFENSE CATEGORY</del>	<del>0-12 Months</del>	<del>13-24 Months</del>	<del>25 Months or More</del>
<del>A+</del>	<del>.9</del>	<del>.9</del>	<del>.9</del>
<del>A</del>	<del>.9</del>	<del>.8</del>	<del>.6</del>
<del>A-</del>	<del>.9</del>	<del>.8</del>	<del>.5</del>
<del>B+</del>	<del>.9</del>	<del>.7</del>	<del>.4</del>
<del>B</del>	<del>.9</del>	<del>.6</del>	<del>.3</del>
<del>C+</del>	<del>.6</del>	<del>.3</del>	<del>.2</del>
<del>C</del>	<del>.5</del>	<del>.2</del>	<del>.2</del>
<del>D+</del>	<del>.3</del>	<del>.2</del>	<del>.1</del>
<del>D</del>	<del>.2</del>	<del>.1</del>	<del>.1</del>
<del>E</del>	<del>.1</del>	<del>.1</del>	<del>.1</del>

~~Prior history—Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).~~

~~**SCHEDULE C  
CURRENT OFFENSE POINTS**~~

~~For use with all CURRENT OFFENSES occurring on or after July 1, 1989.~~

~~**AGE**~~

<del>OFFENSE CATEGORY</del>	<del>12 &amp; Under</del>	<del>13</del>	<del>14</del>	<del>15</del>	<del>16</del>	<del>17</del>
<del>A+</del>	<del>STANDARD RANGE 180-224 WEEKS</del>					
<del>A</del>	<del>250</del>	<del>300</del>	<del>350</del>	<del>375</del>	<del>375</del>	<del>375</del>
<del>B+</del>	<del>150</del>	<del>150</del>	<del>150</del>	<del>200</del>	<del>200</del>	<del>200</del>
<del>B</del>	<del>45</del>	<del>45</del>	<del>50</del>	<del>50</del>	<del>57</del>	<del>57</del>
<del>C+</del>	<del>44</del>	<del>44</del>	<del>49</del>	<del>49</del>	<del>55</del>	<del>55</del>
<del>C</del>	<del>40</del>	<del>40</del>	<del>45</del>	<del>45</del>	<del>50</del>	<del>50</del>
<del>D+</del>	<del>16</del>	<del>18</del>	<del>20</del>	<del>22</del>	<del>24</del>	<del>26</del>
<del>D</del>	<del>14</del>	<del>16</del>	<del>18</del>	<del>20</del>	<del>22</del>	<del>24</del>
<del>E</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>6</del>	<del>8</del>	<del>10))</del>

~~**JUVENILE SENTENCING STANDARDS  
(SCHEDULE D-1)**~~

~~This schedule ((may only)) must be used for ((minor/first)) juvenile offenders. ((After the determination is made that a youth is a minor/first offender,)) The court ((has the discretion to)) may select sentencing option A, B, or C.~~

~~**(MINOR/FIRST OFFENDER)**~~

**OPTION A  
STANDARD RANGE**

	Community Supervision	Community Service	
Points	Supervision	Hours	Fine
1-9	0-3 months	and/or 0-8	and/or 0-\$10
10-19	0-3 months	and/or 0-8	and/or 0-\$10
20-29	0-3 months	and/or 0-16	and/or 0-\$10
30-39	0-3 months	and/or 8-24	and/or 0-\$25
40-49	3-6 months	and/or 16-32	and/or 0-\$25
50-59	3-6 months	and/or 24-40	and/or 0-\$25
60-69	6-9 months	and/or 32-48	and/or 0-\$50
70-79	6-9 months	and/or 40-56	and/or 0-\$50
80-89	9-12 months	and/or 48-64	and/or 10-\$100
90-109	9-12 months	and/or 56-72	and/or 10-\$100

**OR  
OPTION B  
STATUTORY OPTION**

~~0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond~~

~~A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.~~

**OR  
OPTION C  
MANIFEST INJUSTICE**

~~When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall~~

~~sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall be used to determine the range.~~

**JUVENILE SENTENCING STANDARDS  
SCHEDULE D-2**

~~This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.~~

**MIDDLE OFFENDER**

**OPTION A  
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30
110-129				8-12
130-149				13-16

150-199

~~21-28~~

200-249

~~30-40~~

250-299

~~52-65~~

300-374

~~80-100~~

375+

~~103-129~~

~~Middle offenders with 110 points or more do not have to be committed. They may be assigned community supervision under option B. All A+ offenses 180-224 weeks.))~~

**OPTION A**  
**JUVENILE OFFENDER SENTENCING GRID**  
**STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129

WEEKS | WEEKS | WEEKS | WEEKS

EXCEPT | | |

30-40 | | |

WEEKS FOR | | |

15-17 | | |

YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129

Offense WEEKS | WEEKS | WEEKS | WEEKS

Category

B LOCAL SANCTIONS (LS) | | | 52-65

| 15-36 WEEKS | WEEKS

C+ LS | |

| 15-36 WEEKS

C LS | 15-36 WEEKS

Local Sanctions:  
0 to 30 Days  
D+ LS 0 to 12 Months Community Supervision  
0 to 150 Hours Community Service  
D LS \$0 to \$500 Fine  
E LS  
0 1 2 3 4 or more

### PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

### **OPTION B**

**((STATUTORY OPTION))**

### **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

~~((0-12 Months Community Supervision  
0-150 Hours Community Service  
0-100 Fine  
Posting of a Probation Bond~~

~~If the offender has less than 110 points, the court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150.))~~

~~If the ((middle)) juvenile offender ((has 110 points or more)) is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under ((option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender fails to comply with the terms of community supervision, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order execution of the disposition. If the court imposes confinement for offenders with 110 points or more, the court shall state either aggravating or mitigating factors set forth in RCW 13.40.150)) RCW 13.40.160(5) and section 26 of this act.~~

**OR**

### **OPTION C**

### **MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall ~~((sentence the juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall~~

~~be used to determine the range)) impose a disposition outside the standard range under RCW 13.40.160(2).~~

~~((**JUVENILE SENTENCING STANDARDS**  
**SCHEDULE D-3**~~

~~This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.~~

~~**SERIOUS OFFENDER**  
**OPTION A**  
**STANDARD RANGE**~~

<del>Points</del>	<del>Institution Time</del>
<del>0-129</del>	<del>8-12 weeks</del>
<del>130-149</del>	<del>13-16 weeks</del>
<del>150-199</del>	<del>21-28 weeks</del>
<del>200-249</del>	<del>30-40 weeks</del>
<del>250-299</del>	<del>52-65 weeks</del>
<del>300-374</del>	<del>80-100 weeks</del>
<del>375+</del>	<del>103-129 weeks</del>
<del>All A+ Offenses</del>	<del>180-224 weeks</del>

~~**OR**~~

~~**OPTION B**  
**MANIFEST INJUSTICE**~~

~~A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision including posting a probation bond or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range.))~~

**Sec. 13.** RCW 13.40.040 and 1995 c 395 s 4 are each amended to read as follows:

(1) A juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

- (c) Pursuant to a court order that the juvenile be held as a material witness; or
  - (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.
- (2) A juvenile may not be held in detention unless there is probable cause to believe that:
- (a) The juvenile has committed an offense or has violated the terms of a disposition order; and
  - (i) The juvenile will likely fail to appear for further proceedings; or
  - (ii) Detention is required to protect the juvenile from himself or herself; or
  - (iii) The juvenile is a threat to community safety; or
  - (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or
  - (v) The juvenile has committed a crime while another case was pending; or
  - (b) The juvenile is a fugitive from justice; or
  - (c) The juvenile's parole has been suspended or modified; or
  - (d) The juvenile is a material witness.
- (3) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

(4) A juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

**Sec. 14.** RCW 13.40.045 and 1994 sp.s. c 7 s 518 are each amended to read as follows:

The secretary, assistant secretary, or the secretary's designee shall issue arrest warrants for juveniles who escape from department residential custody. The secretary, assistant secretary, or the secretary's designee may issue arrest warrants for juveniles who abscond from parole supervision or fail to meet conditions of parole. These arrest warrants shall authorize any law enforcement, probation and parole, or peace officer of this state, or any other state where the juvenile is located, to arrest the juvenile and to place the juvenile in physical custody pending the juvenile's return to confinement in a state juvenile rehabilitation facility.

**Sec. 15.** RCW 13.40.050 and 1995 c 395 s 5 are each amended to read as follows:

- (1) When a juvenile taken into custody is held in detention:
  - (a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and
  - (b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.
- (2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, ~~((and))~~ stating the right to counsel, and requiring attendance shall be given to the parent, guardian, or



custodian if such person can be found and shall also be given to the juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 ~~((as now or hereafter amended))~~.

(6) If detention is not necessary under RCW 13.40.040, ~~((as now or hereafter amended,))~~ the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;  
(b) Place restrictions on the travel of the juvenile during the period of release;  
(c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required;

(e) Require that the juvenile return to detention during specified hours; or

(f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in RCW 13.40.040(4).

(7) A juvenile may be released only to a responsible adult or the department.

(8) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.

(9) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

**Sec. 16.** RCW 13.40.060 and 1989 c 71 s 1 are each amended to read as follows:

(1) All actions under this chapter shall be commenced and tried in the county where any element of the offense was committed except as otherwise specially provided by statute. In cases in which diversion is provided by statute, venue is in the county in which the juvenile resides or in the county in which any element of the offense was committed.

~~(2) ((The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county where the juvenile resides for a disposition hearing. All costs and arrangements for care and transportation of the juvenile in custody shall be the responsibility of the receiving county as of the date of the transfer of the juvenile to such county, unless the counties otherwise agree.~~

~~(3))~~ (3) The case and copies of all legal and social documents pertaining thereto may in the discretion of the court be transferred to the county in which the juvenile resides for supervision and enforcement of the disposition order. The court of the receiving county has jurisdiction to modify and enforce the disposition order.

~~((4))~~ (3) The court upon motion of any party or upon its own motion may, at any time, transfer a proceeding to another juvenile court when there is reason to believe that an impartial proceeding cannot be held in the county in which the proceeding was begun.

**Sec. 17.** RCW 13.40.070 and 1994 sp.s. c 7 s 543 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and  
(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.440(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or ~~((9.41.040(1)(e), or any other offense listed in RCW 13.40.020(1) (b) or (e)))~~ 9.41.040(1)(b)(iii); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has two or more diversion contracts on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a ~~((diversionary))~~ diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a ~~((diversionary))~~ diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

**Sec. 18.** RCW 13.40.077 and 1996 c 9 s 1 are each amended to read as follows:

**RECOMMENDED PROSECUTING STANDARDS  
FOR CHARGING AND PLEA DISPOSITIONS**

**INTRODUCTION:** These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state.

Evidentiary sufficiency.

(1) Decision not to prosecute.

**STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law. The decision not to prosecute or divert shall not be influenced by the race, gender, religion, or creed of the suspect.

**GUIDELINES/COMMENTARY:**

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years;
- (ii) Most members of society act as if it were no longer in existence;
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) **De Minimis Violation** - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) **Confinement on Other Charges** - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) **Pending Conviction on Another Charge** - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) **High Disproportionate Cost of Prosecution** - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. The reason should be limited to minor cases and should not be relied upon in serious cases.

(g) **Improper Motives of Complainant** - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question, or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

#### Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

#### STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be proved under RCW 13.40.160(~~(5))~~ (4).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

The categorization of crimes for these charging standards shall be the same as found in RCW 9.94A.440(2).

The decision to prosecute or use diversion shall not be influenced by the race, gender, religion, or creed of the respondent.

(3) Selection of Charges/Degree of Charge

(a) The prosecutor should file charges which adequately describe the nature of the respondent's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (i) Will significantly enhance the strength of the state's case at trial; or
- (ii) Will result in restitution to all victims.

(b) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (i) Charging a higher degree;
- (ii) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a respondent's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(4) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(a) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(b) The completion of necessary laboratory tests; and

(c) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(5) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (a) Probable cause exists to believe the suspect is guilty; and
- (b) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (c) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception (~~that to~~) to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(6) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (a) Polygraph testing;
- (b) Hypnosis;
- (c) Electronic surveillance;
- (d) Use of informants.

(7) Prefiling Discussions with Defendant

Discussions with the defendant or his or her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(8) Plea dispositions:

STANDARD

(a) Except as provided in subsection (2) of this section, a respondent will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(b) In certain circumstances, a plea agreement with a respondent in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

- (i) Evidentiary problems which make conviction of the original charges doubtful;
- (ii) The respondent's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (iii) A request by the victim when it is not the result of pressure from the respondent;
- (iv) The discovery of facts which mitigate the seriousness of the respondent's conduct;
- (v) The correction of errors in the initial charging decision;
- (vi) The respondent's history with respect to criminal activity;
- (vii) The nature and seriousness of the offense or offenses charged;
- (viii) The probable effect of witnesses.

(c) No plea agreement shall be influenced by the race, gender, religion, or creed of the respondent. This includes but is not limited to the prosecutor's decision to utilize such disposition alternatives as (~~"Option B,"~~) the Special Sex Offender Disposition Alternative, the Chemical Dependency Disposition Alternative, and manifest injustice.

(9) Disposition recommendations:

STANDARD

The prosecutor may reach an agreement regarding disposition recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement.

**Sec. 19.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to read as follows:

(1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

(2) If notice is by summons, the clerk of the court shall issue a summons directed to the juvenile, if the juvenile is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(3) A copy of the information shall be attached to each summons.

(4) The summons shall advise the parties of the right to counsel.

(5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the juvenile to bring the juvenile to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the juvenile needs to be taken into custody pursuant to RCW 13.34.050(~~(, as now or hereafter amended)~~), the judge may endorse upon the summons an order that an officer serving the summons shall at once take the juvenile into custody and take the juvenile to the place of detention or shelter designated by the court.

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

**Sec. 20.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read as follows:

(1) The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction. Unless waived by the court, the parties, and their counsel, a decline hearing shall be held (~~(where)~~) when:

(a) The respondent is fifteen, sixteen, or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; (~~(or)~~)

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

(2) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(3) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

NEW SECTION. **Sec. 21.** A new section is added to chapter 13.40 RCW to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

(a) Is charged with a sex or violent offense;

(b) Has a criminal history which includes any felony;

(c) Has a prior deferred disposition or deferred adjudication; or

(d) Has two or more diversions.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

- (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and
- (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses. The adjudicatory hearing shall be limited to a reading of the court's record.
- (4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.
- (5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.
- (6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.
- (7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.
- (8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.
- (9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice.

**Sec. 22.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to read as follows:

- (1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.
- (2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set. The court shall notify the parent, guardian, or custodian who has custody of a juvenile described in the charging document of the dispositional or adjudicatory hearing and shall require attendance.
- (3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.
- (4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.
- (5) If the respondent is found not guilty he or she shall be released from detention.
- (6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party and the parent, guardian, or custodian who has custody of the juvenile shall be notified by mail of the time and place of the continued hearing.
- (7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.
- (8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.
- (9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.
- (10) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.

**Sec. 23.** RCW 13.40.135 and 1990 c 3 s 604 are each amended to read as follows:

(1) The prosecuting attorney shall file a special allegation of sexual motivation in every juvenile offense other than sex offenses as defined in RCW 9.94A.030(~~((29))~~) (33) (a) or (c) when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably consistent defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact-finder.

(2) In a juvenile case wherein there has been a special allegation the state shall prove beyond a reasonable doubt that the juvenile committed the offense with a sexual motivation. The court shall make a finding of fact of whether or not the sexual motivation was present at the time of the commission of the offense. This finding shall not be applied to sex offenses as defined in RCW 9.94A.030(~~((29))~~) (33) (a) or (c).

(3) The prosecuting attorney shall not withdraw the special allegation of "sexual motivation" without approval of the court through an order of dismissal. The court shall not dismiss the special allegation unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems which make proving the special allegation doubtful.

**Sec. 24.** RCW 13.40.150 and 1995 c 268 s 5 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any, or set a hearing for a later date to determine the amount;

(g) Determine (~~(whether the respondent is a serious offender, a middle offender, or a minor or first offender)~~) the respondent's offender score;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:



- (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;
  - (ii) The offense was committed in an especially heinous, cruel, or depraved manner;
  - (iii) The victim or victims were particularly vulnerable;
  - (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;
  - (v) The current offense included a finding of sexual motivation pursuant to RCW 13.40.135;
  - (vi) The respondent was the leader of a criminal enterprise involving several persons; ~~((and))~~
  - (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history; and
  - (viii) The standard range disposition is clearly too lenient considering the seriousness of the juvenile's prior adjudications.
- (4) The following factors may not be considered in determining the punishment to be imposed:
- (a) The sex of the respondent;
  - (b) The race or color of the respondent or the respondent's family;
  - (c) The creed or religion of the respondent or the respondent's family;
  - (d) The economic or social class of the respondent or the respondent's family; and
  - (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.
- (5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

**Sec. 25.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read as follows:

(1) ~~((When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense, as indicated in option A of schedule D 3, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section.))~~  
The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ~~((B))~~ C of ~~((schedule D 3,))~~ RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

~~((2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision as indicated in option A or option B of schedule D 1, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition under option C of schedule D 1, RCW 13.40.0357. Except as provided in subsection (5) of this section, a disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes~~

~~a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~Except for disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section, disposition may be appealed as provided in RCW 13.40.230 by the state or the respondent. A disposition of community supervision or a disposition imposed pursuant to subsection (5) of this section may not be appealed under RCW 13.40.230.)~~

~~(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).~~

~~(4) ((If a respondent is found to be a middle offender:~~

~~(a) The court shall impose a determinate disposition within the standard range(s) for such offense, as indicated in option A of schedule D 2, RCW 13.40.0357 except as provided in subsections (5) and (6) of this section. If the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or~~

~~(b) If the middle offender has less than 110 points, the court shall impose a determinate disposition of community supervision and/or up to thirty days confinement, as indicated in option B of schedule D 2, RCW 13.40.0357 in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150. If the middle offender has 110 points or more, the court may impose a disposition under option A and may suspend the disposition on the condition that the offender serve up to thirty days of confinement and follow all conditions of community supervision. If the offender violates any condition of the disposition including conditions of a probation bond, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.~~

~~(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230 by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230.~~

~~(5)) When a ((serious, middle, or minor first)) juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.~~

~~The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.~~

~~The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:~~

- ~~(a)(i) Frequency and type of contact between the offender and therapist;~~
- ~~(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;~~
- ~~(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;~~
- ~~(iv) Anticipated length of treatment; and~~
- ~~(v) Recommended crime-related prohibitions.~~

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for ~~((up to))~~ at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community service, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or
- (viii) Comply with the conditions of any court-ordered probation bond.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection ~~((5))~~ (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection ~~((5))~~ (4) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give

credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

~~((6))~~ A disposition entered under this subsection (4) is not appealable under RCW 13.40.230.

(5) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under section 26 of this act.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)~~((e))~~ (b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided ~~((for in))~~ under subsection (4)~~((b))~~ or (5) of this section or ~~((RCW 13.40.125))~~ section 21 of this act, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**NEW SECTION. Sec. 26.** A new section is added to chapter 13.40 RCW to read as follows:

(1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment;
- (e) Recommended crime-related prohibitions; and
- (f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community service, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

**NEW SECTION. Sec. 27.** The University of Washington shall develop standards for measuring effectiveness of treatment programs established under section 26 of this act. The standards shall be developed and presented to the governor and legislature not later than January 1, 1998. The standards shall include methods for measuring success factors following treatment. Success factors shall include, but need not be limited to, continued use of alcohol or controlled substances, arrests, violations of terms of community supervision, and convictions for subsequent offenses.

**NEW SECTION. Sec. 28.** A new section is added to chapter 70.96A RCW to read as follows:

The department shall prioritize expenditures for treatment provided under section 26 of this act. The department shall provide funds for inpatient and outpatient treatment providers that are the most successful, using the standards developed by the University of Washington under section 27, chapter . . . , Laws of 1997 (section 27 of this act). The department may consider variations between the nature of the programs provided and clients served but must provide funds first for those programs that demonstrate the greatest success in treatment within categories of treatment and the nature of the persons receiving treatment.

The department shall, not later than January 1st of each year, provide a report to the governor and the legislature on the success rates of programs funded under this section.

**Sec. 29.** RCW 13.40.190 and 1996 c 124 s 2 are each amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not

prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. ~~((The court may not require the respondent to pay full or partial restitution if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay such restitution over a ten-year period.))~~

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

**Sec. 30.** RCW 13.40.193 and 1994 sp.s. c 7 s 525 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(1)~~((e))~~ (b)(iii), the court shall impose a ~~((determinate))~~ minimum disposition of ten days of confinement ~~((and up to twelve months of community supervision))~~. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. ~~((Ninety days of confinement shall be added to the entire standard range disposition of confinement))~~ If the offender or an accomplice was armed with a firearm when the offender committed ~~((:-(a) Any violent offense; or (b) escape in the first degree; burglary in the second degree; theft of livestock in the first or second degree; or any felony drug offense. If the offender or an accomplice was armed with a firearm and the offender is being adjudicated for an anticipatory felony offense under chapter 9A.28 RCW to commit one of the offenses listed in this subsection, ninety days shall be added to the entire standard range disposition of confinement))~~ any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The ~~((ninety days))~~ additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357. ~~((The department shall not release the offender until the offender has served a minimum of ninety days in confinement, unless the juvenile is committed to and successfully completes the juvenile offender basic training camp disposition option.))~~

(3) ~~((Option B of schedule D-2, RCW 13.40.0357, shall not be available for middle offenders who receive a disposition under this section.))~~ When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a

judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(4) Any term of confinement ordered pursuant to this section (~~(may)~~) shall run (~~(concurrently)~~) consecutively to any term of confinement imposed in the same disposition for other offenses.

**Sec. 31.** RCW 13.40.200 and 1995 c 395 s 8 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3)~~((a))~~ If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

~~((b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty five dollars or eight hours owed.))~~

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

**Sec. 32.** RCW 13.40.210 and 1994 sp.s. c 77 s 527 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: ~~((a))~~ (i) Undergo available medical ~~((or))~~, psychiatric ~~((treatment))~~, drug and alcohol, sex offender, mental health, and other offense-related treatment services; ~~((b))~~ (ii) report as directed to a parole officer and/or designee; ~~((c))~~ (iii) pursue a course of study ~~((or))~~, vocational training, or employment; ~~((and (d))~~ (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries ~~((and notify the department of any change in his or her address))~~; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community service. Community service for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community service may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.



(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement ~~((in an institution))~~ for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**NEW SECTION. Sec. 33.** The legislature finds the present system of transitioning youths from residential status to parole status to discharge is insufficient to provide adequate rehabilitation and public safety in many instances, particularly in cases of offenders at highest risk of reoffending. The legislature further finds that an intensive supervision program based on the following principles holds much promise for positively impacting recidivism rates for juvenile offenders: (1) Progressive increase in responsibility and freedom in the community; (2) facilitation of youths' interaction and involvement with their communities; (3) involvement of both the youth and targeted community support systems such as family, peers, schools, and employers, on the qualities needed for constructive interaction and successful adjustment with the community; (4) development of new resources, supports, and opportunities where necessary; and (5) ongoing monitoring and testing of youth on their ability to abide by community rules and standards.

The legislature intends for the department to create an intensive supervision program based on the principles stated in this section that will be available to the highest risk juvenile offenders placed on parole.

**NEW SECTION. Sec. 34.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall, no later than January 1, 1999, implement an intensive supervision program as a part of its parole services that includes, at a minimum, the following program elements:

(a) A process of case management involving coordinated and comprehensive planning, information exchange, continuity and consistency, service provision and referral, and monitoring. The components of the case management system shall include assessment, classification, and selection criteria; individual case planning that incorporates a family and community perspective; a mixture of intensive surveillance and services; a balance of incentives and graduated consequences coupled with the imposition of realistic, enforceable conditions; and service brokerage with community resources and linkage with social networks;

(b) Administration of transition services that transcend traditional agency boundaries and professional interests and include courts, institutions, aftercare, education, social and mental health services, substance abuse treatment, and employment and vocational training; and

(c) A plan for information management and program evaluation that maintains close oversight over implementation and quality control, and determines the effectiveness of both the processes and outcomes of the program.

(2) The department shall report annually to the legislature, beginning December 1, 1999, on the department's progress in meeting the intensive supervision program evaluation goals required under subsection (1)(c) of this section.

**Sec. 35.** RCW 13.40.230 and 1981 c 299 s 16 are each amended to read as follows:

(1) Dispositions reviewed pursuant to RCW 13.40.160(~~(, as now or hereafter amended,)~~) shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, (~~(or which imposes confinement for a minor or first offender,)~~) the court of appeals must find (a) that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range(~~(, or nonconfinement for a minor or first offender,)~~) would constitute a manifest injustice, and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range (~~(or for community supervision without confinement as would otherwise be appropriate pursuant to this chapter)~~).

(4) If the court finds subsection (2)(a) but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) (~~(Pending appeal, a respondent may not be committed or detained for a period of time in excess of the standard range for the offense(s) committed or sixty days, whichever is longer.)~~) The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040(4) and 13.40.050(6). (~~(Upon the expiration of the period of commitment or detention specified in this subsection, the court may also impose such conditions on the respondent's release pending disposition of the appeal.)~~)

(6) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

**Sec. 36.** RCW 13.40.250 and 1980 c 128 s 16 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 37.** RCW 13.40.265 and 1994 sp.s. c 7 s 435 are each amended to read as follows:

(1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(1)((e))

(b)(iii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

**Sec. 38.** RCW 13.40.320 and 1995 c 40 s 1 are each amended to read as follows:

(1) The department of social and health services shall establish and operate a medium security juvenile offender basic training camp program. The department shall site a juvenile offender basic training camp facility in the most cost-effective facility possible and shall review the possibility of using an existing abandoned and/or available state, federally, or military-owned site or facility.

(2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp, notwithstanding the provisions of RCW 41.06.380. Requests for proposals from possible contractors shall not call for payment on a per diem basis.

(3) The juvenile offender basic training camp shall accommodate at least seventy offenders. The beds shall count as additions to, and not be used as replacements for, existing bed capacity at existing department of social and health services juvenile facilities.

(4) The juvenile offender basic training camp shall be a structured and regimented model lasting one hundred twenty days emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, prevocational training, work-based learning, live work, work ethic skills, conflict resolution counseling, substance abuse intervention, anger management counseling, and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these or other rehabilitation and training components for no less than sixteen hours per day, six days a week.

The department shall adopt rules for the safe and effective operation of the juvenile offender basic training camp program, standards for an offender's successful program completion, and rules for the continued after-care supervision of offenders who have successfully completed the program.

(5) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than ~~((seventy-eight))~~ sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program.

(6) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or

her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program.

(7) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to rules adopted by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, or if the offender cannot complete the juvenile offender basic training camp program due to medical problems, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition, less the amount of time already served in the juvenile offender basic training camp program.

(8) All offenders who successfully graduate from the one hundred twenty day juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a division of juvenile rehabilitation intensive aftercare program in the local community. The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services.

(9) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program. ~~((The department shall produce an outcome evaluation report on the progress of the juvenile offender basic training camp program to the appropriate committees of the legislature no later than December 12, 1996.))~~

**Sec. 39.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW (~~13.40.025 and~~) 9.94A.040 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

**Sec. 40.** RCW 13.50.050 and 1992 c 188 s 7 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the

court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((24))~~ (22) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) ~~((Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense))~~ For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; ~~((and))~~

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((24))~~ (22) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((24))~~ (22) of this section.

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any ~~((conviction for any))~~ charging of an adult felony subsequent to the

sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW (~~for any juvenile adjudication of guilt for a class A offense or a sex offense as defined in RCW 9.94A.030~~).

~~(16) (In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (24) of this section, order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.~~

~~(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:~~

~~(a) The person making the motion is at least twenty three years of age;~~

~~(b) The person has not subsequently been convicted of a felony;~~

~~(c) No proceeding is pending against that person seeking the conviction of a criminal offense;~~

and

~~(d) The person has never been found guilty of a serious offense.~~

~~(18)) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ((24)) (22) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.~~

~~((19)) (17) If the court grants the motion to destroy records made pursuant to subsection (16) ((or 18)) of this section, it shall, subject to subsection ((24)) (22) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.~~

~~((20)) (18) The person making the motion pursuant to subsection (16) ((or 18)) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.~~

~~((21)) (19) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.~~

~~((22)) (20) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.~~

~~((23)) (21) Any juvenile justice or care agency may, subject to the limitations in subsection ((24)) (22) of this section and ((subparagraphs)) (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.~~

~~(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.~~

~~(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.~~

~~((24)) (22) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.~~

~~((25)) (23) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement,~~

prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

**Sec. 41.** RCW 72.01.410 and 1994 c 220 s 1 are each amended to read as follows:

(1) Whenever any child under the age of eighteen is convicted in the courts of this state of a crime amounting to a felony, and is committed for a term of confinement in a correctional institution wherein adults are confined, the secretary of corrections, after making an independent assessment and evaluation of the child and determining that the needs and correctional goals for the child could better be met by the programs and housing environment provided by the juvenile correctional institution, with the consent of the secretary of social and health services, may transfer such child to a juvenile correctional institution, or to such other institution as is now, or may hereafter be authorized by law to receive such child, until such time as the child arrives at the age of twenty-one years, whereupon the child shall be returned to the institution of original commitment. Retention within a juvenile detention facility or return to an adult correctional facility shall regularly be reviewed by the secretary of corrections and the secretary of social and health services with a determination made based on the level of maturity and sophistication of the individual, the behavior and progress while within the juvenile detention facility, security needs, and the program/treatment alternatives which would best prepare the individual for a successful return to the community. Notice of such transfers shall be given to the clerk of the committing court and the parents, guardian, or next of kin of such child, if known.

(2)(a) Except as provided in (b) of this subsection, an offender under the age of eighteen who is convicted in adult criminal court and who is committed to a term of confinement at the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from offenders eighteen years of age or older, until the offender reaches the age of eighteen.

(b) An offender under the age of eighteen may be housed in an intensive management unit or administrative segregation unit containing offenders eighteen years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender shall be kept physically separate from other offenders at all times.

**NEW SECTION. Sec. 42.** A new section is added to chapter 72.01 RCW to read as follows:

An offender under the age of eighteen who is convicted in adult criminal court of a crime and who is committed for a term of confinement in a jail as defined in RCW 70.48.020, must be housed in a jail cell that does not contain adult offenders, until the offender reaches the age of eighteen.

**Sec. 43.** RCW 72.09.460 and 1995 1st sp.s. c 19 s 5 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection ~~((3))~~ (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall provide a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements. The program of education established by the department for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma.

(3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;



(b) Additional work and education programs based on assessments and placements under subsection ~~((4))~~ (5) of this section; and

(c) Other work and education programs as appropriate.

~~((3))~~ (4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

~~((4))~~ (5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level, except an inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

~~((5))~~ (6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

~~((6))~~ (7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

~~((7))~~ (8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

~~((8))~~ (9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

**Sec. 44.** RCW 9A.36.045 and 1995 c 129 s 8 are each amended to read as follows:

(1) A person is guilty of ~~((reckless endangerment in the first degree))~~ drive-by shooting when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) ~~((Reckless endangerment in the first degree))~~ Drive-by shooting is a class B felony.

**Sec. 45.** RCW 9A.36.050 and 1989 c 271 s 110 are each amended to read as follows:

(1) A person is guilty of reckless endangerment ~~((in the second degree))~~ when he or she recklessly engages in conduct not amounting to ~~((reckless endangerment in the first degree but which))~~ drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment ~~((in the second degree))~~ is a gross misdemeanor.

**Sec. 46.** RCW 9.41.010 and 1996 c 295 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) (~~Reckless endangerment in the first degree~~) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.125; or

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

(16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

**Sec. 47.** RCW 9.41.040 and 1996 c 295 s 2 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter.

(b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under (a) of this subsection, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment (~~in the second degree~~), criminal trespass in the first degree, or violation of the provisions of a protection order or no-

contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(2)(a) Unlawful possession of a firearm in the first degree is a class B felony, punishable under chapter 9A.20 RCW.

(b) Unlawful possession of a firearm in the second degree is a class C felony, punishable under chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) Notwithstanding subsection (1) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) of this section and has not previously been convicted of a sex offense prohibiting firearm ownership under subsection (1) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(a) Under RCW 9.41.047; and/or

(b)(i) If the conviction was for a felony offense, after five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360; or

(ii) If the conviction was for a nonfelony offense, after three or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360 and the individual has completed all conditions of the sentence.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree.

Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 48.** RCW 9.94A.103 and 1995 c 129 s 5 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

(1) Any violent offense as defined in this chapter;

(2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.125;

(4) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or

(5) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

**Sec. 49.** RCW 9.94A.105 and 1995 c 129 s 6 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.103 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.103. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

(a) Any violent offense as defined in this chapter;

(b) Any most serious offense as defined in this chapter;

(c) Any felony with any deadly weapon special verdict under RCW 9.94A.125;

(d) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or

(e) The felony crimes of possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.320, offender score as defined in RCW 9.94A.360, and any applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission.

**Sec. 50.** RCW 9.94A.310 and 1996 c 205 s 5 are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE OFFENDER SCORE

9 or

0 1 2 3 4 5 6 7 8 more

XV Life Sentence without Parole/Death Penalty

XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y  
240- 250- 261- 271- 281- 291- 312- 338- 370- 411-  
320 333 347 361 374 388 416 450 493 548

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y  
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m  
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-  
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m  
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-  
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m  
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-  
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m  
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-  
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m  
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m  
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-  
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m  
12+ - 15- 21- 26- 31- 36- 46- 57- 67- 77-

14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y  
6- 12+ - 13- 15- 22- 33- 41- 51- 62- 72-  
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y  
1- 3- 4- 9- 12+ - 17- 22- 33- 43- 51-  
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m  
0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43-  
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m  
0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22-  
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.



(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, (~~reckless endangerment in the first degree~~) drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

**Sec. 51.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996 c 36 s 2 are each reenacted and amended to read as follows:

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**Sec. 52.** RCW 9A.46.060 and 1994 c 271 s 802 and 1994 c 121 s 2 are each reenacted and amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (~~(in the second degree)~~) (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);

- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) Residential burglary (RCW 9A.52.025); and
- (35) Violation of a temporary or permanent protective order issued pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW.

**Sec. 53.** RCW 10.99.020 and 1996 c 248 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) (~~Reckless endangerment in the first degree~~) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (~~(in the second degree)~~) (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);
- (r) Violation of the provisions of a restraining order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.09.300, 26.10.220, or 26.26.138);
- (s) Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);
- (t) Rape in the first degree (RCW 9A.44.040);
- (u) Rape in the second degree (RCW 9A.44.050);
- (v) Residential burglary (RCW 9A.52.025);

- (w) Stalking (RCW 9A.46.110); and
- (x) Interference with the reporting of domestic violence (RCW 9A.36.150).
- (4) "Victim" means a family or household member who has been subjected to domestic violence.

**Sec. 54.** RCW 10.99.040 and 1996 c 248 s 7 are each amended to read as follows:

- (1) Because of the serious nature of domestic violence, the court in domestic violence actions:
  - (a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
  - (b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
  - (c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and
  - (d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.
- (2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9.41.800. The no-contact order shall also be issued in writing as soon as possible.
- (3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.
- (4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.
- (b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.
- (c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated.
- (d) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 10.99

RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**Sec. 55.** RCW 10.99.050 and 1996 c 248 s 8 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is a gross misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated.

The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

**NEW SECTION. Sec. 56.** A new section is added to chapter 43.121 RCW to read as follows:

The legislature of the state of Washington finds that community deterioration and family disintegration are increasing problems in our state. One clear indicator of this damage is juvenile crime and violence. The legislature further finds that prevention is one of the best methods of fighting juvenile crime. Building more facilities to house juvenile offenders can be at best only one part of any solution. Any increased spending on confining juvenile offenders must be closely linked to existing efforts to prevent juvenile crime.

**NEW SECTION. Sec. 57.** The sentencing guidelines commission shall review conviction data for the past ten years. The commission shall submit a proposed bill to the legislature for introduction in

the 1998 legislative session that appropriately ranks all unranked felony offenses for which there have been convictions for the period studied.

**NEW SECTION. Sec. 58.** The legislature finds that it is necessary to improve the analysis, evaluation, and forecasting of sentencing and treatment alternatives for adult and juvenile offenders.

In order to establish a universally accepted measuring tool for use in making informed corrections and public safety policy decisions in the adult and juvenile corrections systems, the Washington state institute for public policy shall develop a proposed definition of recidivism. The institute's definition shall provide the legislature and the governor with an objective, outcome-based standard for measuring the success of programs in increasing public safety and reducing subsequent offenses by convicted persons.

The definition shall be reported to the governor and the legislature by December 31, 1997.

**NEW SECTION. Sec. 59.** The legislature finds it critical to evaluate the effectiveness of the revisions made in this act to juvenile sentencing for purposes of measuring improvements in public safety and reduction of recidivism.

To accomplish this evaluation, the Washington state institute for public policy shall conduct a study of the sentencing revisions. The study shall: (1) Be conducted starting January 1, 2001; (2) examine whether the revisions have affected the rate of initial offense commission and recidivism; (3) determine the impacts of the revisions by age, race, and gender impacts of the revisions; (4) compare the utilization and effectiveness of sentencing alternatives and manifest injustice determinations before and after the revisions; and (5) examine the impact and effectiveness of changes made in the exclusive original jurisdiction of juvenile court over juvenile offenders.

The institute shall report the results of the study to the governor and legislature not later than July 1, 2002.

**NEW SECTION. Sec. 60.** The legislature finds that meaningful community involvement is vital to the juvenile justice system's ability to respond to the serious problem of juvenile crime. Citizens and crime victims need to be active partners in responding to crime, in the management of resources, and in the disposition decisions regarding juvenile offenders in their community. Involvement of citizens and crime victims increase offender accountability and build healthier communities, which will reduce recidivism and crime rates in Washington state.

The legislature also finds that local governments are in the best position to develop, coordinate, and manage local community prevention, intervention, and corrections programs for juvenile offenders, and to determine local resource priorities. Local community management will build upon local values and increase local control of resources, encourage the use of a comprehensive range of community-based intervention strategies.

The primary purpose of sections 60 through 64 of this act, the community juvenile accountability act, is to provide a continuum of community-based programs that emphasize the juvenile offender's accountability for his or her actions while assisting him or her in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety.

**NEW SECTION. Sec. 61.** (1) In order to receive funds under sections 60 through 64 of this act, local governments may, through their respective agencies that administer funding for consolidated juvenile services, submit proposals that establish community juvenile accountability programs within their communities. These proposals must be submitted to the juvenile rehabilitation administration of the department of social and health services for certification.

(2) The proposals must:

(a) Demonstrate that the proposals were developed with the input of the community public health and safety networks established under RCW 70.190.060, and the local law and justice councils established under RCW 72.09.300;

(b) Describe how local community groups or members are involved in the implementation of the programs funded under sections 60 through 64 of this act;

(c) Include a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in their community. Data approaches are not required to be replicated if the networks have information that addresses risks in the community for juvenile offenders.

(3) A local government receiving a grant under this section shall agree that any funds received must be used efficiently to encourage the use of community-based programs that reduce the reliance on secure confinement as the sole means of holding juvenile offenders accountable for their crimes. The local government shall also agree to account for the expenditure of all funds received under the grant and to submit to audits for compliance with the grant criteria developed under section 62 of this act.

(4) The juvenile rehabilitation administration, in consultation with the Washington association of juvenile court administrators, the state law and justice advisory council, and the family policy council, shall establish guidelines for programs that may be funded under sections 60 through 64 of this act. The guidelines must:

- (a) Target diverted and adjudicated juvenile offenders;
  - (b) Include assessment methods to determine services, programs, and intervention strategies most likely to change behaviors and norms of juvenile offenders;
  - (c) Provide maximum structured supervision in the community. Programs should use natural surveillance and community guardians such as employers, relatives, teachers, clergy, and community mentors to the greatest extent possible;
  - (d) Promote good work ethic values and educational skills and competencies necessary for the juvenile offender to function effectively and positively in the community;
  - (e) Maximize the efficient delivery of treatment services aimed at reducing risk factors associated with the commission of juvenile offenses;
  - (f) Maximize the reintegration of the juvenile offender into the community upon release from confinement;
  - (g) Maximize the juvenile offender's opportunities to make full restitution to the victims and amends to the community;
  - (h) Support and encourage increased court discretion in imposing community-based intervention strategies;
  - (i) Be compatible with research that shows which prevention and early intervention strategies work with juvenile offenders;
  - (j) Be outcome-based in that it describes what outcomes will be achieved or what outcomes have already been achieved;
  - (k) Include an evaluation component; and
  - (l) Recognize the diversity of local needs.
- (5) The state law and justice advisory council, with the assistance of the family policy council and the governor's juvenile justice advisory committee, may provide support and technical assistance to local governments for training and education regarding community-based prevention and intervention strategies.

**NEW SECTION. Sec. 62.** (1) The state may make grants to local governments for the provision of community-based programs for juvenile offenders. The grants must be made under a grant formula developed by the juvenile rehabilitation administration, in consultation with the Washington association of juvenile court administrators.

(2) Upon certification by the juvenile rehabilitation administration that a proposal satisfies the application and selection criteria, grant funds will be distributed to the local government agency that administers funding for consolidated juvenile services.

**NEW SECTION. Sec. 63.** The legislature recognizes the importance of evaluation and outcome measurements of programs serving juvenile offenders in order to ensure cost-effective use of public funds.

The Washington state institute for public policy shall develop standards for measuring the effectiveness of juvenile accountability programs established and approved under section 61 of this act. The standards must be developed and presented to the governor and legislature not later than January 1,



1998. The standards must include methods for measuring success factors following intervention. Success factors include, but are not limited to, continued use of alcohol or controlled substances, arrests, violations of terms of community supervision, convictions for subsequent offenses, and restitution to victims.

**NEW SECTION. Sec. 64.** (1) Each community juvenile accountability program approved and funded under sections 60 through 64 of this act shall comply with the information collection requirements in subsection (2) of this section and the reporting requirements in subsection (3) of this section.

(2) The information collected by each community juvenile accountability program must include, at a minimum for each juvenile participant: (a) The name, date of birth, gender, social security number, and, when available, the juvenile information system (JUVIS) control number; (b) an initial intake assessment of each juvenile participating in the program; (c) a list of all juveniles who completed the program; and (d) an assessment upon completion or termination of each juvenile, including outcomes and, where applicable, reasons for termination.

(3) The juvenile rehabilitation administration shall annually compile the data and report to the legislature on: (a) The programs funded under sections 60 through 64 of this act; (b) the total cost for each funded program and cost per juvenile; and (c) the essential elements of the program.

**NEW SECTION. Sec. 65.** The Washington state institute for public policy shall evaluate the costs and benefits of the programs funded in sections 60 through 64 of this act. The evaluation must measure whether the programs cost-effectively reduce recidivism and crime rates in Washington state. The institute shall submit reports to the governor and the legislature by December 1, 1998, and December 1, 2000.

**NEW SECTION. Sec. 66.** Sections 60 through 64 of this act may be known as the community juvenile accountability act.

**NEW SECTION. Sec. 67.** Sections 60 through 64 and 66 of this act are added to chapter 13.40 RCW.

**Sec. 68.** RCW 82.44.110 and 1997 c 149 s 911 (SSB 6062) are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1995, and 57.6440 percent into the general fund beginning July 1, 1995.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1995.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320.

(k) 1.937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330.

(l) 2.95 percent into the county public health account created in RCW 70.05.125.

Notwithstanding (i) through (k) of this subsection, no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. Not more than five percent of the funds deposited to these accounts shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Motor vehicle excise tax funds appropriated for such enhancements shall not supplant existing funds from the state general fund. For the fiscal year ending June 30, 1998, and for each fiscal year thereafter, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the violence reduction and drug enforcement account ~~((during the 1997-99 fiscal biennium))~~.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

**Sec. 69.** RCW 69.50.520 and 1997 c 149 s 912 (SSB 6062) are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter . . . , Laws of 1997 (this act). During the 1997-1999 biennium, funds from the account may also be used ~~((to implement Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions), including local government costs, and))~~ for costs associated with conducting a feasibility study of the department of corrections' offender-based tracking system. After July 1, 1999, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 70.** RCW 13.40.080 and 1997 c 121 s 8 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertree.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertree may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertree;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertree has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertree was diverted:

(i) In juvenile court if the divertree is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertree is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(9). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the

concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

NEW SECTION. Sec. 71. The code reviser shall alphabetize the definitions in RCW 13.40.020 and correct any references.

NEW SECTION. Sec. 72. The following acts or parts of acts are each repealed:

(1) RCW 9.94A.045 and 1996 c 232 s 2;

(2) RCW 13.40.025 and 1996 c 232 s 4, 1995 c 269 s 302, 1986 c 288 s 8,

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(3) RCW 13.40.075 and 1994 sp.s. c 7 s 546; and

(4) RCW 13.40.125 and 1995 c 395 s 6 & 1994 sp.s. c 7 s 545.

NEW SECTION. Sec. 73. RCW 13.40.0354 and 1994 sp.s. c 7 s 521 & 1989 c 407 s 6 are each repealed effective July 1, 1998.

NEW SECTION. Sec. 74. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 75. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997, except sections 10, 12, 18, 24 through 26, 30, 38, and 59 of this act which take effect July 1, 1998."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 5.60.060, 9.94A.040, 13.04.011, 13.40.010, 13.40.0357, 13.40.0357, 13.40.040, 13.40.045, 13.40.050, 13.40.060, 13.40.070, 13.40.077, 13.40.100, 13.40.110, 13.40.130, 13.40.135, 13.40.150, 13.40.160, 13.40.190, 13.40.193, 13.40.200, 13.40.210, 13.40.230, 13.40.250, 13.40.265, 13.40.320, 13.50.010, 13.50.050, 72.01.410, 72.09.460, 9A.36.045, 9A.36.050, 9.41.010, 9.41.040, 9.94A.103, 9.94A.105, 9.94A.310, 10.99.020, 10.99.040, 10.99.050, 82.44.110, 69.50.520, and 13.40.080; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.360, 13.04.030, 13.40.020, 13.40.020, 9.94A.320, and 9A.46.060; adding new sections to chapter 13.40 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 72.01 RCW; adding a new section to chapter 43.121 RCW; creating new sections; repealing RCW 9.94A.045, 13.40.025, 13.40.075, 13.40.125, and 13.40.0354; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Mike O'Connell, Secretary

There being no objection, the House adopted the Conference Committee recommendation on Engrossed Third Substitute House Bill No. 3900, and advanced the bill to final passage.

#### FINAL PASSAGE AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Third Substitute House Bill No. 3900 as recommended by the Conference Committee.

Representatives Sheahan, Dickerson, Ballasiotes, Costa, Appelwick, Johnson, Conway, Carrell, Mason, Benson and Ballasiotes spoke in favor of the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Third Substitute House Bill No. 3900 as recommended by the Conference Committee.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 3900, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason,

Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Third Substitute House Bill No. 3900, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Sheahan: I wish to take this opportunity to thank the committee staff on Law and Justice, who have worked so hard on this legislation and on this process. Without their long hours and dedication, we would not be in this position. Thank you.

#### CONFERENCE COMMITTEE REPORT

E2SSB 5710 Date: April 24, 1997

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5710, changing provisions relating to juvenile care and treatment by the department of social and health services, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached S-3313.3/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.06.076 and 1993 c 281 s 22 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors; one confidential secretary for each of the above-named officers; not to exceed six bureau chiefs; all social worker V positions; and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the Washington personnel resources board.

This section expires June 30, 2005.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.06 RCW to read as follows:

The salary and fringe benefits of all social worker V positions created under RCW 41.06.076 shall be determined by the Washington personnel resources board. In establishing the salary and fringe benefits the board shall consider: (1) The consequences of extended travel and out of home living; (2) the importance to the department of caseload reduction and increased efficiencies; (3) the requirements of and qualifications involved in caseworker training; (4) the complexity of the work requirements; and (5) the desirability of avoiding employee turnover in these positions.

The salary and fringe benefits shall exceed that of the highest position in the social worker classification on the effective date of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.20A RCW to read as follows:

There is created in the department the classification of social worker V. Employees who are appointed to fill the position shall have: (1) An employment history that demonstrates significant and successful experience in the efficient investigation and resolution of high-risk or complex cases involving child abuse and neglect, including child sex abuse cases; (2) advanced education and training; (3) supervisory experience; (4) a demonstrated commitment to professional improvement and advancement; and (5) capacity to successfully provide support and mentoring to coworkers. Social worker V positions shall not be included in the Washington management service. This classification shall not have more than twenty-one positions. The department shall perform the duties assigned under sections 3 through 5 of this act and RCW 41.06.076 within existing personnel resources.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall establish the most cost-effective and efficient administrative structure for use of the social worker V positions, consistent with the requirements of this section. The social worker V employees shall be assigned by the secretary to regions where the average child protective services' caseloads exceed the state-wide average, with consideration also given to the number of high-risk or complex cases in a region, for the purpose of assisting in the reduction of the caseload, training and mentoring other caseworkers, and providing hands-on training and assistance in high-risk, complex, or large cases. The social worker V employees shall be assigned high-risk and complex cases consistent with their qualifications and the goal of caseload reduction. They shall carry no more than one-third the average number of cases for social workers in the region to which they are assigned.

The social worker V employees shall be assigned to region as a task force consisting of no less than seven employees. The assignment shall be time-limited and in no event shall exceed two years in duration in any one region. Upon completion of the work in the region the task force members shall continue to remain in contact with the coworkers from the previous assignment for a period of twelve months to perform additional follow-up and mentoring. The department shall perform the duties assigned under sections 3 through 5 of this act and RCW 41.06.076 within existing personnel resources.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall develop a plan for implementation for the social worker V employees. The implementation plan shall be submitted to the governor and the legislature by December 1, 1997. The department shall begin implementation of the plan beginning April 1, 1998. The department shall perform the duties assigned under sections 3 through 5 of this act and RCW 41.06.076 within existing personnel resources.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.20A RCW to read as follows:  
Sections 2 through 5 of this act expire June 30, 2005.

**Sec. 7.** RCW 13.34.030 and 1995 c 311 s 23 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.  
(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:



(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development(~~(; or~~

~~(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist)).~~

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

**Sec. 8.** RCW 13.34.130 and 1995 c 313 s 2, 1995 c 311 s 19, and 1995 c 53 s 1 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to

reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(4)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

- (iii) Whether there is a continuing need for placement and whether the placement is appropriate;
  - (iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;
  - (v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;
  - (vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;
  - (vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and
  - (viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.
- (c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**NEW SECTION. Sec. 9.** As used in this chapter, "alternative response system" means voluntary family-centered services that are: (1) Provided by an entity with which the department contracts; and (2) intended to increase the strengths and cohesiveness of families that the department determines present a low risk of child abuse or neglect.

**NEW SECTION. Sec. 10.** (1) The department shall contract for delivery of services for at least two but not more than three models of alternative response systems. The services shall be reasonably available throughout the state but need not be sited in every county in the state, subject to such conditions and limitations as may be specified in the omnibus appropriations act.

(2) The systems shall provide delivery of services in the least intrusive manner reasonably likely to achieve improved family cohesiveness, prevention of rereferrals of the family for alleged abuse or neglect, and improvement in the health and safety of children.

(3) The department shall identify and prioritize risk and protective factors associated with the type of abuse or neglect referrals that are appropriate for services delivered by alternative response systems. Contractors who provide services through an alternative response system shall use the factors in determining which services to deliver, consistent with the provisions of subsection (2) of this section.

(4) Consistent with the provisions of chapter 26.44 RCW, the providers of services under the alternative response system shall recognize the due process rights of families that receive such services and recognize that these services are not intended to be investigative for purposes of chapter 13.34 RCW.

**NEW SECTION. Sec. 11.** The department shall identify appropriate data to determine and evaluate outcomes of the services delivered by the alternative response systems. All contracts for delivery of alternative response system services shall include provisions and funding for data collection.

**NEW SECTION. Sec. 12.** (1) The court may, upon the entry of an order under this chapter, order the delivery of services through any appropriate public or private provider.

(2) This section may not be construed as allowing the court to require the department to pay for the cost of any services provided under this section.

**NEW SECTION. Sec. 13.** This chapter expires July 1, 2005.

**NEW SECTION. Sec. 14.** The legislature intends to consolidate all services provided to children with developmental disabilities through the department of social and health services in the division of developmental disabilities. The legislature also intends to provide a discrete, separate process for children with developmental disabilities who require home-based or out-of-home care that complies with the federal requirements for receipt of federal funds for services under Title IV-B and Title IV-E of the social security act. The legislature intends by this act to minimize the embarrassment

and inconvenience of children with developmental disabilities and their families caused by complying with these federal requirements.

**NEW SECTION. Sec. 15.** A new section is added to chapter 74.13 RCW to read as follows:

As used in this chapter, "developmentally disabled dependent child" is a child who has a developmental disability as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian and with the department mutually agree that services appropriate to the child's needs can not be provided in the home.

**NEW SECTION. Sec. 16.** A new section is added to chapter 74.13 RCW to read as follows:

It is the intent of the legislature that parents are responsible for the care and support of children with developmental disabilities. The legislature recognizes that, because of the intense support required to care for a child with developmental disabilities, the help of an out-of-home placement may be needed. It is the intent of the legislature that, when the sole reason for the out-of-home placement is the child's developmental disability, such services be offered by the department to these children and their families through a voluntary placement agreement. In these cases, the parents shall retain legal custody of the child.

As used in this section, "voluntary placement agreement" means a written agreement between the department and a child's parent or legal guardian authorizing the department to place the child in a licensed facility. Under the terms of this agreement, the parent or legal guardian shall retain legal custody and the department shall be responsible for the child's placement and care. The agreement shall at a minimum specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement. The agreement must be signed by the child's parent or legal guardian and the department to be in effect, except that an agreement regarding an Indian child shall not be valid unless executed in writing before the court and filed with the court as provided in RCW 13.34.245. Any party to a voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.

As used in this section, "out-of-home placement" and "out-of-home care" mean the placement of a child in a foster family home or group care facility licensed under chapter 74.15 RCW.

Whenever the department places a child in out-of-home care under a voluntary placement pursuant to this section, the department shall have the responsibility for the child's placement and care. The department shall develop a permanency plan of care for the child no later than sixty days from the date that the department assumes responsibility for the child's placement and care. Within the first one hundred eighty days of the placement, the department shall obtain a judicial determination pursuant to RCW 13.04.030(1)(j) and section 19 of this act that the placement is in the best interests of the child. The permanency planning hearings shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

The department shall provide for periodic administrative reviews as required by federal law. A review may be called at any time by either the department, the parent, or the legal guardian.

Nothing in this section shall prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030.

The department shall adopt rules providing for the implementation of this act and the transfer of responsibility for out-of-home placements from the dependency process under chapter 13.34 RCW to the process under this chapter.

**Sec. 17.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state((7)) shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; (~~and~~)

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e) (i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 18.** RCW 13.34.245 and 1987 c 170 s 2 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department or other child-placing agency which is to assume (~~custody of the child~~) responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department or other child-placing agency which had assumed (~~custody of the child~~) responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

NEW SECTION. **Sec. 19.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Whenever the department of social and health services places a developmentally disabled child in out-of-home care pursuant to section 16 of this act, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued placement is in the best interests of the child.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability, as defined in RCW 71A.10.020, and that the child has been placed in out-of-home care pursuant to section 16 of this act. The petition shall request that the court review the child's placement, make a determination that continued placement is in the best interests of the child, and take other necessary action as provided in

this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, telephone, and telegraph.

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this subsection. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care, until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) This section does not prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

**NEW SECTION. Sec. 20.** A new section is added to chapter 71A.10 RCW to read as follows:



The department shall consolidate all services provided through the department to children with developmental disabilities in the division of developmental disabilities. The department shall provide for an orderly transfer of staff, equipment, and related responsibilities from the division of children and family services to the division of developmental disabilities. The division of developmental disabilities shall assume responsibilities for children with developmental disabilities under this section no later than April 1, 1998. Any disputes between the division of children and family services and the division of developmental disabilities regarding the transfer of responsibilities under this section shall be resolved by the secretary of the department of social and health services.

**Sec. 21.** RCW 13.50.010 and 1996 c 232 s 6 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of family and children's ombudsman, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of

county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.040 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW 13.40.025 and 9.94A.040 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(10) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombudsman.

**Sec. 22.** RCW 13.50.100 and 1995 c 311 s 16 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported ((suspected)) alleged child abuse or neglect.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section. A party denied access to records

may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

**Sec. 23.** RCW 26.44.015 and 1993 c 412 s 11 are each amended to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(4) A person reporting alleged injury, abuse, or neglect to an adult dependent person shall not suffer negative consequences if the person reporting believes in good faith that the adult dependent person has been found legally incompetent or disabled.

**Sec. 24.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined herein.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

**Sec. 25.** RCW 26.44.030 and 1996 c 278 s 2 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, ~~((or))~~ juvenile probation officer, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**Sec. 26.** RCW 26.44.035 and 1985 c 259 s 3 are each amended to read as follows:

If the department or a law enforcement agency responds to a complaint of alleged child abuse or neglect and discovers that another agency has also responded to the complaint, the agency shall notify the other agency of their presence, and the agencies shall coordinate the investigation and keep each other apprised of progress.

The department, each law enforcement agency, each county prosecuting attorney, each city attorney, and each court shall make as soon as practicable a written record and shall maintain records of all incidents of suspected child abuse reported to that person or agency. Records kept under this section shall be identifiable by means of an agency code for child abuse.

**Sec. 27.** RCW 26.44.040 and 1993 c 412 s 14 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child or adult dependent or developmentally disabled person;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult dependent or developmentally disabled person;
- (3) The nature and extent of the alleged injury or injuries;
- (4) The nature and extent of the alleged neglect;
- (5) The nature and extent of the alleged sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's or adult dependent or developmentally disabled person's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

**Sec. 28.** RCW 26.44.053 and 1996 c 249 s 16 are each amended to read as follows:

(1) In any judicial proceeding under this chapter or chapter 13.34 RCW in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child as provided in chapter 13.34 RCW. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the alleged abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be abused or neglected shall be a party to any proceeding that may impair or impede such person's interest in and custody or control of the child.

**Sec. 29.** RCW 26.44.060 and 1988 c 142 s 3 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(b) A person convicted of a violation of subsection (4) of this section shall not be immune from liability under (a) of this subsection.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

(4) A person who, intentionally and in bad faith or maliciously, knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

**Sec. 30.** RCW 70.124.040 and 1981 c 174 s 4 are each amended to read as follows:

(1) Where a report is deemed warranted under RCW 70.124.030, an immediate oral report shall be made by telephone or otherwise to either a law enforcement agency or to the department and, upon request, shall be followed by a report in writing. The reports shall contain the following information, if known:

- (a) The name and address of the person making the report;
- (b) The name and address of the nursing home or state hospital patient;
- (c) The name and address of the patient's relatives having responsibility for the patient;
- (d) The nature and extent of the alleged injury or injuries;
- (e) The nature and extent of the alleged neglect;
- (f) The nature and extent of the alleged sexual abuse;
- (g) Any evidence of previous injuries, including their nature and extent; and
- (h) Any other information which may be helpful in establishing the cause of the patient's death, injury, or injuries, and the identity of the perpetrator or perpetrators.

(2) Each law enforcement agency receiving such a report shall, in addition to taking the action required by RCW 70.124.050, immediately relay the report to the department and to other law enforcement agencies, as appropriate. For any report it receives, the department shall likewise take the required action and in addition relay the report to the appropriate law enforcement agency or agencies. The appropriate law enforcement agency or agencies shall receive immediate notification when the department, upon receipt of such report, has reasonable cause to believe that a criminal act has been committed.

**Sec. 31.** RCW 70.129.030 and 1994 c 214 s 4 are each amended to read as follows:

(1) The facility must inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. The notification must be made prior to or upon admission. Receipt of the information must be acknowledged in writing.

(2) The resident or his or her legal representative has the right:

(a) Upon an oral or written request, to access all records pertaining to himself or herself including clinical records within twenty-four hours; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed the community standard photocopies of the records or portions of them upon request and two working days' advance notice to the facility.

(3) The facility must inform each resident in writing before, or at the time of admission, and at least once every twenty-four months thereafter of: (a) Services available in the facility; (b) charges for those services including charges for services not covered by the facility's per diem rate or applicable public benefit programs; and (c) the rules of operations required under RCW 70.129.140(2).

(4) The facility must furnish a written description of residents rights that includes:

(a) A description of the manner of protecting personal funds, under RCW 70.129.040;

(b) A posting of names, addresses, and telephone numbers of the state survey and certification agency, the state licensure office, the state ombudsmen program, and the protection and advocacy systems; and

(c) A statement that the resident may file a complaint with the appropriate state licensing agency concerning alleged resident abuse, neglect, and misappropriation of resident property in the facility.

(5) Notification of changes.

(a) A facility must immediately consult with the resident's physician, and if known, make reasonable efforts to notify the resident's legal representative or an interested family member when there is:

(i) An accident involving the resident which requires or has the potential for requiring physician intervention;

(ii) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychosocial status in either life-threatening conditions or clinical complications).



(b) The facility must promptly notify the resident or the resident's representative shall make reasonable efforts to notify an interested family member, if known, when there is:

(i) A change in room or roommate assignment; or

(ii) A decision to transfer or discharge the resident from the facility.

(c) The facility must record and update the address and phone number of the resident's representative or interested family member, upon receipt of notice from them.

**Sec. 32.** RCW 74.13.031 and 1995 c 191 s 1 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the house and senate committees on social and health services. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of alleged neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the house and senate committees on social and health services.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the

purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

**Sec. 33.** RCW 74.15.030 and 1995 c 302 s 4 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and

developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

**Sec. 34.** RCW 74.34.050 and 1986 c 187 s 3 are each amended to read as follows:

(1) A person participating in good faith in making a report under this chapter or testifying about ~~((the))~~ alleged abuse, neglect, abandonment, or exploitation of a vulnerable adult in a judicial proceeding under this chapter is immune from liability resulting from the report or testimony. The making of permissive reports as allowed in RCW 74.34.030 does not create any duty to report and no civil liability shall attach for any failure to make a permissive report under RCW 74.34.030.

(2) Conduct conforming with the reporting and testifying provisions of this chapter shall not be deemed a violation of any confidential communication privilege. Nothing in this chapter shall be construed as superseding or abridging remedies provided in chapter 4.92 RCW.

**Sec. 35.** RCW 74.34.070 and 1995 1st sp.s. c 18 s 87 are each amended to read as follows:

In responding to reports of alleged abuse, exploitation, neglect, or abandonment under this chapter, the department shall provide information to the frail elder or vulnerable adult on protective services available to the person and inform the person of the right to refuse such services. The department shall develop cooperative agreements with community-based agencies servicing the abused elderly and vulnerable adults. The agreements shall cover such subjects as the appropriate roles and responsibilities of the department and community-based agencies in identifying and responding to reports of alleged abuse, the provision of case-management services, standardized data collection procedures, and related coordination activities.

**Sec. 36.** RCW 13.34.090 and 1990 c 246 s 4 are each amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030~~((2))~~ (6), the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency as defined in chapter 10.101 RCW.

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, within twenty days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel.

**Sec. 37.** RCW 13.34.120 and 1996 c 249 s 14 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(~~(4)~~) (6) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

**Sec. 38.** RCW 13.34.180 and 1993 c 412 s 2 and 1993 c 358 s 3 are each reenacted and amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege:

- (1) That the child has been found to be a dependent child under RCW 13.34.030(~~((2))~~) (6); and
- (2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and
- (3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(~~((2))~~) (6); and
- (4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and
- (5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:
  - (a) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or
  - (b) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and
- (6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or
- (7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been offered or provided.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

#### "NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.
2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .
3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

**Sec. 39.** RCW 43.43.700 and 1989 c 334 s 6 are each amended to read as follows:

There is hereby established within the Washington state patrol a section on identification, child abuse, vulnerable adult abuse, and criminal history hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

The section shall also contain like information concerning persons, over the age of eighteen years, who have been found, pursuant to a dependency proceeding under RCW 13.34.030(~~(2)~~) (6)(b) to have physically abused or sexually abused or exploited a child or, pursuant to a protection proceeding under chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult.

**Sec. 40.** RCW 43.43.840 and 1989 c 334 s 5 and 1989 c 90 s 5 are each reenacted and amended to read as follows:

(1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW (~~13.34.030(2)(b))~~ 13.34.040, domestic relations action under Title 26 RCW, or protection action under chapter 74.34 RCW, in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult.

(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult.

(3) When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment.

**Sec. 41.** RCW 43.20A.050 and 1979 c 141 s 63 are each amended to read as follows:

It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary (~~(in order that he may)~~) to institute (~~(therein)~~) the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever (~~(his)~~) the secretary's authority is not specifically limited by law, he or she shall have complete charge and supervisory powers over the department. (~~(He)~~) The secretary is authorized to create such administrative structures as (~~(he may deem)~~) deemed appropriate, except as otherwise specified by law. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department(~~(: PROVIDED, That,)~~). Except as elsewhere specified, such employment (~~(is)~~) shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

**NEW SECTION. Sec. 42.** It is the intent of the legislature, in enacting the chapter . . . , Laws of 1997 changes to RCW 41.64.100 (section 43 of this act), to provide a prompt and efficient method of expediting employee appeals regarding alleged misconduct that may have placed children at serious risk of harm. The legislature recognizes that children are at risk of harm in cases of abuse or neglect and intends to provide a method of reducing such risk as well as mitigating the potential liability to the

state associated with employee misconduct involving children. The legislature does not intend to impair any existing rights of appeals held by employees, nor does it intend to restrict consideration of any appropriate evidence or facts by the personnel appeals board.

**Sec. 43.** RCW 41.64.100 and 1981 c 311 s 11 are each amended to read as follows:

(1) In all appeals over which the board has jurisdiction involving reduction, dismissal, suspension, or demotion, the board shall set the case for hearing, and the final decision, including an appeal to the board from the hearing examiner, if any, shall be rendered within ninety days from the date the appeal was first received(~~(: PROVIDED, That)~~). An extension may be permitted if agreed to by the employee and the employing agency. The board shall furnish the agency with a copy of the appeal in advance of the hearing.

(2) Notwithstanding subsection (1) of this section, in a case involving misconduct that has placed a child at serious risk of harm as a result of actions taken or not taken under chapter 13.32A, 13.34, 13.40, 26.44, 74.13, 74.14A, 74.14B, 74.14C, or 74.15 RCW, the board shall hear the case before all unscheduled cases. The board shall issue its order within forty-five days of hearing the case unless there are extraordinary circumstances, in which case, an additional thirty days may elapse until the case is decided.

(3) In all appeals made pursuant to RCW 41.06.170(~~(3)~~) (4), as now or hereafter amended, the decision of the board is final and not appealable to court.

NEW SECTION. **Sec. 44.** Section 43 of this act shall not be construed to alter an existing collective bargaining unit or the provisions of any existing bargaining agreement in place on the effective date of this section before the expiration of such agreement.

**Sec. 45.** RCW 26.44.020 and 1996 c 178 s 10 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed. An abused child is a child who has been subjected to child abuse or neglect as defined herein.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard ~~((the general welfare of))~~ such children ~~((and shall include))~~ from future abuse and neglect, and conduct investigations of child abuse and neglect reports~~((, including reports regarding child care centers and family child care homes, and the development, management, and provision of or)).~~ Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

NEW SECTION. Sec. 46. A new section is added to chapter 43.20A RCW to read as follows:

(1) Notwithstanding the provisions of RCW 26.44.020 and chapter 74.13 RCW, the secretary may exercise his or her discretion to permit employees of the department to provide child protective services and child welfare services under the following circumstances:

(a) The number of employees in an office or the location of an office makes it administratively impractical to require a strict segregation between the delivery of both types of services; or

(b) There are exceptional circumstances, including such things as a disproportionately large number of vacant positions in an office; or

(2) The changes required to implement RCW 26.44.020 and this section shall not be made until the expiration of any collective bargaining agreement in effect on the effective date of this section, unless the parties to the agreement determine such changes can be made before that time.

NEW SECTION. Sec. 47. A new section is added to chapter 43.20A RCW to read as follows:

The department shall prepare an annual quality assurance report that shall include but is not limited to: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence



to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake. The report shall be provided to the governor and legislature not later than July 1.

**NEW SECTION. Sec. 48.** A new section is added to chapter 26.44 RCW to read as follows:

(1) When, as a result of a report of alleged child abuse or neglect, an investigation is made that includes an in-person contact with the person who is alleged to have committed the abuse or neglect, there shall be a determination of whether it is probable that the use of alcohol or controlled substances is a contributing factor to the alleged abuse or neglect.

(2) The department shall provide appropriate training for persons who conduct the investigations under subsection (1) of this section. The training shall include methods of identifying indicators of abuse of alcohol or controlled substances.

(3) If a determination is made under subsection (1) of this section that there is probable cause to believe abuse of alcohol or controlled substances has contributed to the child abuse or neglect, the department shall, within available funds, cause a comprehensive chemical dependency evaluation to be made of the person or persons so identified. The evaluation shall be conducted by a physician or persons certified under rules adopted by the department to make such evaluation. The department shall perform the duties assigned under this section within existing personnel resources.

**NEW SECTION. Sec. 49.** The legislature finds that the placement of children and youth in state-operated or state-funded residential facilities must be done in such a manner as to protect children who are vulnerable to sexual victimization from youth who are sexually aggressive. To achieve this purpose, the legislature intends the department of social and health services to develop a policy for assessing sexual aggressiveness and vulnerability to sexual victimization of children and youth who are placed in state-operated or state-funded residential facilities.

**NEW SECTION. Sec. 50.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall implement a policy for protecting youth committed to state-operated or state-funded residential facilities under this chapter who are vulnerable to sexual victimization by other youth committed to those facilities who are sexually aggressive. The policy shall include, at a minimum, the following elements:

(a) Development and use of an assessment process for identifying youth, within thirty days of commitment to the department, who present a moderate or high risk of sexually aggressive behavior for the purposes of this section. The assessment process need not require that every youth who is adjudicated or convicted of a sex offense as defined in RCW 9.94A.030 be determined to be sexually aggressive, nor shall a sex offense adjudication or conviction be required in order to determine a youth is sexually aggressive. Instead, the assessment process shall consider the individual circumstances of the youth, including his or her age, physical size, sexual abuse history, mental and emotional condition, and other factors relevant to sexual aggressiveness. The definition of "sexually aggressive youth" in RCW 74.13.075 does not apply to this section to the extent that it conflicts with this section;

(b) Development and use of an assessment process for identifying youth, within thirty days of commitment to the department, who may be vulnerable to victimization by youth identified under (a) of this subsection as presenting a moderate or high risk of sexually aggressive behavior. The assessment process shall consider the individual circumstances of the youth, including his or her age, physical size, sexual abuse history, mental and emotional condition, and other factors relevant to vulnerability;

(c) Development and use of placement criteria to avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization, except that they may be assigned to the same multiple-person sleeping quarters if those sleeping quarters are regularly monitored by visual surveillance equipment or staff checks;

(d) Development and use of procedures for minimizing, within available funds, unsupervised contact in state-operated or state-funded residential facilities between youth presenting moderate to high risk of sexually aggressive behavior and youth assessed as vulnerable to sexual victimization. The procedures shall include taking reasonable steps to prohibit any youth committed under this chapter

who present a moderate to high risk of sexually aggressive behavior from entering any sleeping quarters other than the one to which they are assigned, unless accompanied by an authorized adult.

(2) For the purposes of this section, the following terms have the following meanings:

(a) "Sleeping quarters" means the bedrooms or other rooms within a residential facility where youth are assigned to sleep.

(b) "Unsupervised contact" means contact occurring outside the sight or hearing of a responsible adult for more than a reasonable period of time under the circumstances.

**NEW SECTION. Sec. 51.** The department of social and health services shall report to the legislature by December 1, 1997, on the following: (1) Development of the assessment process for identifying youth who present a moderate to high risk of sexually aggressive behavior for the purposes of sections 49 through 55 of this act; (2) development of the assessment process for determining when a youth may be vulnerable to victimization by youth who present a moderate to high risk of sexually aggressive behavior for the purposes of sections 49 through 55 of this act; and (3) development of the placement criteria and procedures required under section 50(1) (c) and (d) of this act.

**NEW SECTION. Sec. 52.** The policy developed under section 50 of this act shall be implemented within the juvenile rehabilitation administration by January 1, 1998.

**NEW SECTION. Sec. 53.** The department of social and health services shall provide an evaluation of the implementation of sections 49 through 55 of this act to the legislature by December 1, 1998. The evaluation shall identify: (1) The number of youth assessed as presenting a moderate to high risk of sexually aggressive behavior; (2) the number of youth assessed as being vulnerable to victimization; (3) the effectiveness of avoiding assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as being vulnerable to sexual victimization by utilizing the assessment and placement process set forth in section 50 of this act; (4) the effectiveness of minimizing, within available funds, unsupervised contact between youth who present a moderate or high risk of sexually aggressive behavior and youth assessed as being vulnerable to sexual victimization utilizing the procedures set forth in section 50 of this act; and (5) the number of youth identified as moderate to high risk of sexually aggressive behavior who were placed in department of social and health services community residential settings during their period of parole with a youth who is not a juvenile offender and is found to be dependent under chapter 13.34 RCW or an at-risk youth or child in need of services under chapter 13.32A RCW. The department shall identify the resources necessary to provide separate placements for youth identified in this subsection and shall identify alternative administrative processes for managing the placement of these youth.

**Sec. 54.** RCW 13.40.460 and 1994 sp.s. c 7 s 516 are each amended to read as follows:

The secretary, assistant secretary, or the secretary's designee shall manage and administer the department's juvenile rehabilitation responsibilities, including but not limited to the operation of all state institutions or facilities used for juvenile rehabilitation.

The secretary or assistant secretary shall:

(1) Prepare a biennial budget request sufficient to meet the confinement and rehabilitative needs of the juvenile rehabilitation program, as forecast by the office of financial management;

(2) Create by rule a formal system for inmate classification. This classification system shall consider:

(a) Public safety;

(b) Internal security and staff safety; ~~((and))~~

(c) Rehabilitative resources both within and outside the department;

(d) An assessment of each offender's risk of sexually aggressive behavior as provided in section 50 of this act; and

(e) An assessment of each offender's vulnerability to sexually aggressive behavior as provided in section 50 of this act;

(3) Develop agreements with local jurisdictions to develop regional facilities with a variety of custody levels;

(4) Adopt rules establishing effective disciplinary policies to maintain order within institutions;  
(5) Develop a comprehensive diagnostic evaluation process to be used at intake, including but not limited to evaluation for substance addiction or abuse, literacy, learning disabilities, fetal alcohol syndrome or effect, attention deficit disorder, and mental health;

(6) Develop placement criteria:

(a) To avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization under section 50(1)(c) of this act; and

(b) To avoid placing a juvenile offender on parole status who has been assessed as a moderate to high risk for sexually aggressive behavior in a department community residential program with another child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk youth or child in need of services under chapter 13.32A RCW; and (ii) not also a juvenile offender on parole status;

(7) Develop a plan to implement, by July 1, 1995:

(a) Substance abuse treatment programs for all state juvenile rehabilitation facilities and institutions;

(b) Vocational education and instruction programs at all state juvenile rehabilitation facilities and institutions; and

(c) An educational program to establish self-worth and responsibility in juvenile offenders. This educational program shall emphasize instruction in character-building principles such as: Respect for self, others, and authority; victim awareness; accountability; work ethics; good citizenship; and life skills; and

~~((7))~~ (8) Study, in conjunction with the superintendent of public instruction, educators, and superintendents of state facilities for juvenile offenders, the feasibility and value of consolidating within a single entity the provision of educational services to juvenile offenders committed to state facilities. The assistant secretary shall report his or her findings to the legislature by December 1, 1995.

NEW SECTION. Sec. 55. The policy developed under RCW 13.40.460(6)(b) shall be implemented within the juvenile rehabilitation administration and the division of children and family services by July 1, 1998.

**Sec. 56.** RCW 82.08.02915 and 1995 c 346 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to health or social welfare organizations, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, ~~((1997))~~ 1999.

**Sec. 57.** RCW 82.12.02915 and 1995 c 346 s 2 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any item acquired by a health or social welfare organization, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, ~~((1997))~~ 1999.

NEW SECTION. Sec. 58. It is the intent of section 59 of this act to protect runaway children from predatory individuals, such as drug dealers, sexual marauders, and panderers. Since it is in the interests of these individuals to keep children who have left home on the street and unlocated, this act punishes predatory individuals who provide shelter to at-risk youth as a means of preying upon them. The legislature also recognizes that preventing at-risk youth from coming into contact with these individuals is equally important to their protection. Since prevention and reconciliation can only begin once a child is located, section 59 of this act increases the incentives for individuals to report the children's whereabouts.

**Sec. 59.** RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended to read as follows:

(1)(a) A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the

minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

- (i) Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or
- (ii) Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or
- (iii) Obstructs a law enforcement officer from taking the minor into custody; or
- (iv) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer; or

(v) Engages the child in a crime; or

(vi) Engages in a clear course of conduct that demonstrates an intent to contribute to the delinquency of a minor or the involvement of a minor in a sex offense as defined in RCW 9.94A.030.

(b) It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

(2) Harboring a minor is punishable as a gross misdemeanor.

(3) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(4) An adult responsible for involving a child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

**NEW SECTION. Sec. 60.** The legislature recognizes that Indian tribes are sovereign nations and the relationship between the state and the tribe is sovereign-to-sovereign.

The federal government acknowledged the importance of including Indian tribes in child support systems established by the federal government and the states. The personal responsibility and work opportunity reconciliation act of 1996, P.L. 104-193, provides Indian tribes the option of developing their own tribal plan and tribal child support enforcement program to receive funds directly from the federal government for their own Title IV-D program similar to that of other states. The act also expressly authorizes the states and Indian tribe or tribal organization to enter into cooperative agreements to provide for the delivery of child support enforcement services.

It is the purpose of this chapter to encourage the department of social and health services, division of child support, and the Indian tribes within the state's borders to enter into cooperative agreements that will assist the state and tribal governments in carrying out their respective responsibilities. The legislature recognizes that the state and the tribes each possess resources that are sometimes distinct to that government. The legislature intends that the state and the tribes work together to make the most efficient and productive use of all resources and authorities.

Cooperative agreements will enable the state and the tribes to better provide child support services to Indian children and to establish and enforce child support obligations, orders, and judgments. Under cooperative agreements, the state and the tribes can work as partners to provide culturally relevant child support services, consistent with state and federal laws, that are based on tribal laws and customs. The legislature recognizes that the preferred method for handling cases where all or some of the parties are enrolled tribal members living on the tribal reservation is to develop an agreement so that appropriate cases are referred to the tribe to be processed in the tribal court. The legislature recognizes that cooperative agreements serve the best interests of the children.

**NEW SECTION. Sec. 61.** (1) The department of social and health services may enter into an agreement with an Indian tribe or tribal organization, which is within the state's borders and recognized by the federal government, for joint or cooperative action on child support services and child support enforcement.

(2) In determining the scope and terms of the agreement, the department and the tribe should consider, among other factors, whether the tribe has an established tribal court system with the

authority to establish, modify, or enforce support orders, establish paternity, or enter support orders in accordance with child support guidelines established by the tribe.

NEW SECTION. Sec. 62. An agreement established under this section may, but is not required to, address the following:

- (1) Recognizing the state's and tribe's authority to address child support matters with the development of a process designed to determine how tribal member cases may be handled;
- (2) The authority, procedures, and guidelines for all aspects of establishing, entering, modifying, and enforcing child support orders in the tribal court and the state court;
- (3) The authority, procedures, and guidelines the department and tribe will follow for the establishment of paternity;
- (4) The establishment and agreement of culturally relevant factors that may be considered in child support enforcement;
- (5) The authority, procedures, and guidelines for the garnishing of wages of tribal members or employees of a tribe, tribally owned enterprise, or an Indian-owned business located on the reservation;
- (6) The department's and tribe's responsibilities to each other;
- (7) The ability for the department and the tribe to address the fiscal responsibilities between each other;
- (8) Requirements for alternative dispute resolution procedures;
- (9) The necessary procedures for notice and the continual sharing of information; and
- (10) The duration of the agreement, under what circumstances the parties may terminate the agreement, and the consequences of breaching the provisions in the agreement.

NEW SECTION. Sec. 63. The department of social and health services may adopt rules to implement this chapter.

NEW SECTION. Sec. 64. RCW 43.06A.040 and 1996 c 131 s 5 are each repealed.

NEW SECTION. Sec. 65. Sections 9 through 13 of this act constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 66. Sections 60 through 63 of this act constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 67. Sections 8 through 14 and 17 through 34 of this act apply only to incidents occurring on or after January 1, 1998.

NEW SECTION. Sec. 68. Sections 8 through 13 and 21 through 34 of this act take effect January 1, 1998.

NEW SECTION. Sec. 69. Sections 14 through 19 of this act take effect April 1, 1998.

NEW SECTION. Sec. 70. Sections 7 and 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997.

NEW SECTION. Sec. 71. Sections 56 and 57 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 41.06.076, 13.34.030, 13.34.245, 13.50.010, 13.50.100, 26.44.015, 26.44.020, 26.44.030, 26.44.035, 26.44.040, 26.44.053, 26.44.060, 70.124.040, 70.129.030, 74.13.031, 74.15.030, 74.34.050, 74.34.070, 13.34.090, 13.34.120, 43.43.700, 43.20A.050, 41.64.100,

26.44.020, 13.40.460, 82.08.02915, 82.12.02915, and 13.32A.080; reenacting and amending RCW 13.34.130, 13.04.030, 13.34.180, and 43.43.840; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.20A RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.34 RCW; adding a new section to chapter 71A.10 RCW; adding a new section to chapter 26.44 RCW; adding a new section to chapter 13.40 RCW; adding a new chapter to Title 74 RCW; adding a new chapter to Title 26 RCW; creating new sections; repealing RCW 43.06A.040; providing effective dates; providing expiration dates; and declaring an emergency."

#### FINAL PASSAGE AS RECOMMENDED BY THE CONFERENCE COMMITTEE

There being no objection, the House adopted the report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5710, and advanced the bill to final passage.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5710 as recommended by the Conference Committee.

Representatives Cooke, Kastama, Delvin and Radcliff spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5710 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Second Substitute Senate Bill No. 5710, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 24, 1997

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5842, and asks the House to recede therefrom,

and the same is herewith transmitted.

Mike O'Connell, Secretary

There being no objection, the rules were suspended, and Second Substitute Senate Bill No. 5842 was returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5842, By Senators Swecker, Winsley and Fraser

Pertaining to litter control and recycling.

Representative Chandler moved the adoption of the following amendment by Representative Chandler: (770)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.93.010 and 1992 c 175 s 1 are each amended to read as follows:

(1) The legislature finds:

(a) Washington state is experiencing rapid population growth and its citizens are increasingly mobile;

(b) There is a fundamental need for a healthful, clean, and beautiful environment;

(c) The proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard;

(d) There is a need to conserve energy and natural resources, and the effective litter control and recovery and recycling of litter materials will serve to accomplish such conservation; and

(e) In addition to effective litter control, there must be effective programs to accomplish waste reduction, the state's highest waste management priority(~~(; and~~

~~(f) There must also be effective systems to accomplish all components of recycling, including collection, processing, and the marketing of recyclable materials and recycled content products)).~~

(2) Recognizing the multifaceted nature of the state's solid waste management problems, the legislation enacted in 1971 and entitled the "Model Litter Control and Recycling Act" is hereby renamed the "waste reduction, recycling, and model litter control act."

**Sec. 2.** RCW 70.93.020 and 1992 c 175 s 2 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control, increase waste reduction, and stimulate all components of recycling throughout this state by delegating to the department of ecology the authority to:

(1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible;

(2) Recover and recycle waste materials related to litter and littering;

(3) Foster public and private recycling of recyclable materials; and

(4) Increase public awareness of the need for waste reduction, recycling, and litter control.

~~((It is further the intent and purpose of this chapter to promote markets for recyclable materials through programs of the clean Washington center and other means.))~~

It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

**Sec. 3.** RCW 70.93.180 and 1992 c 175 s 8 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. After June 30, 1997, expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) ~~((From July 1, 1992, to June 30, 1993, funds shall be used for programs to: Control litter; encourage recycling; develop markets for recyclable materials; and enforce compliance with the litter tax imposed in RCW 82.19.010.~~

~~(b) After June 30, 1993, funds shall be used as follows:~~

~~(i) Not less than forty percent nor more than~~) Fifty percent for a litter patrol program to employ youth from the state to remove litter from places and areas that are most visible to the public~~((and to enforce compliance with the litter tax imposed in RCW 82.19.010)).~~ The department may enter into an interagency agreement with the department of corrections to provide for litter removal in areas that are not accessible to the youth crew;

(b) Twenty percent for grants to local governments for litter cleanup under RCW 70.93.250;  
~~((and~~

~~(ii) Not more than sixty))~~ (c) Thirty percent for the following purposes:

(i) Public education and awareness programs to reduce waste, increase recycling, and to control litter; ~~((programs to promote public education and awareness of the model litter control and recycling act; programs to foster private local recycling efforts, encourage recycling, and develop markets for recyclable materials; and))~~

(ii) Programs to foster local waste reduction and recycling efforts; and

(iii) To increase compliance with the litter tax imposed in RCW 82.19.010.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section~~((, and except as required to be otherwise distributed under RCW 70.93.070)).~~"

Representatives Chandler and Linville spoke in favor of the adoption of the amendment. The amendment was adopted.

There being no objection, the rules were suspended, and Second Substitute Senate Bill No. 5842 was advanced to final passage.

Representatives Chandler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5842 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5842 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5842, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 24, 1997

Mr. Speaker:



The Senate refuses to grant the request of the House for a conference on HOUSE BILL NO. 1388. The Senate receded from the Senate Committee on Human Services and Corrections striking amendment(s) adopted on April 10, 1997. Under suspension of rules, the bill was returned to second reading for purpose of amendment, and the Senate passed the bill with following attached amendment(s) (1388 AAS 4/24/97 S3291.1),

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.65.220 and 1994 c 271 s 1001 are each amended to read as follows:

(1) The department or a private or public entity under contract with the department may establish or relocate for the operation of a work release or other community-based facility only after public notifications and local public meetings have been completed consistent with this section.

~~(2) The department and other state agencies ((that have responsibility)) responsible for siting ((the department's)) department-owned, operated, or contracted facilities shall establish a process for early and continuous public participation in establishing or relocating work release or other community-based facilities. This process shall include public meetings in the local communities affected, opportunities for written and oral comments, and wide dissemination of proposals and alternatives((-~~

~~(2) The department may establish or relocate a work release or other community-based facility only after holding local public meetings and providing public notification to local communities consistent with this chapter.~~

~~(3)), including at least the following:~~

(a) When the department or a private or public entity under contract with the department has selected three or fewer sites for final consideration ((for site selection)) of a department-owned, operated, or contracted work release or other community-based facility, the department or contracting organization shall make public notification ((shall be given)) and conduct public hearings ((shall be held)) in the ((final three or fewer)) local communities ((where the siting is proposed)) of the final three or fewer proposed sites. ((Additional notification and a)) An additional public hearing after public notification shall also be conducted in the local community selected as the final proposed site((- prior to completion of the siting process. All hearings and notifications shall be consistent with this chapter)).

~~((4) Throughout this process the department shall provide notification to)) (b) Notifications required under this section shall be provided to the following:~~

(i) All newspapers of general circulation in the local area and all local radio stations, television stations, and cable networks((-);

~~((5) Notice shall also be provided to)) (ii) Appropriate school districts, private schools, kindergartens, city and county libraries, and all other local government offices within a one-half mile radius of the proposed ((facility-) site or sites;~~

~~((6) In addition, the department shall also provide notice to)) (iii) The local chamber of commerce, local economic development agencies, and any other local organizations that request such notification from the department((-); and~~

~~((7) Notification in writing shall be provided to)) (iv) In writing to all residents and/or property owners within a one-half mile radius of the proposed site or sites.~~

(3) When the department contracts for the operation of a work release or other community-based facility that is not owned or operated by the department, the department shall require as part of its contract that the contracting entity comply with all the public notification and public hearing requirements as provided in this section for each located and relocated work release or other community-based facility."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 72.65.220."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1388, and advanced the bill to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be final passage of House Bill No. 1388 as amended by the Senate.

Representatives Conway and Ballasiotes spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1388 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1388, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 24, 1997

Mr. Speaker:

The Senate receded from its amendment(s) (1605-S AAS 4/18/97 - #493 ) to SUBSTITUTE HOUSE BILL NO. 1605. Under suspension of rules, the bill was returned to second reading for purpose of amendment(s). The Senate adopted amendment(s) #514 (1605-S AAS 4/24/97), and passed the bill as amended,

On page 7, beginning on line 16, after "(4)" strike all material through "rule." on line 38, and insert "A law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections' staff person, jail staff person, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. If the state or local public health officer refuses to order counseling and testing under this subsection, the person who made the request may petition the superior court for a hearing to determine whether an order shall be issued. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review to determine whether the public health officer shall be required to issue the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order.

The person who is subject to the state or local public health officer's order to receive counseling and testing shall be given written notice of the order promptly, personally, and

confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order refuses to comply, the state or local public health officer may petition the superior court for a hearing. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order.

The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial and presents a possible risk as defined by the board of health by rule or if he or she is ordered to do so by a court.

The counseling and testing required under this subsection shall be completed as soon as possible after the substantial exposure or after an order is issued by a court, but shall begin not later than seventy-two hours after the substantial exposure or an order is issued by the court."

On page 8, line 5, after "prevention" strike "protocols" and insert "guidelines"

On page 8, line 8, after "The" strike "protocols" and insert "guidelines"

On page 8, line 20, after "prevention" strike "protocols" and insert "guidelines"

On page 8, line 23, after "The" strike "protocols" and insert "guidelines"

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House concurred in the Senate amendments to Substitute House Bill No. 1605, and advanced the bill to final passage.

#### FINAL PASSAGE OF HOUSE BILL AMENDED BY SENATE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1605 as amended by the Senate.

Representatives Radcliff and Ballasiotes spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1605 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Gardner, Murray and Wolfe - 3.

Substitute House Bill No. 1605, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1997

Mr. Speaker:

The Senate receded from its striking amendment(s) #411 adopted April 16, 1997, to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1111. Under suspension of rules, the bill was returned to second reading for purpose of amendment to amendment #411. The Senate adopted amendments #516 and #517 to the original striking amendment #411, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) If a person placed surface or ground water to beneficial use before January 1, 1993, for irrigation, stock watering, or domestic use supplied by a public water supply system with one hundred fifty or fewer service connections for which a permit or certificate was not issued by the department or its predecessors, the person or the public water supply system, or their respective successors may continue to use water in the amount that has been beneficially used as provided in subsection (3) of this section if:

(a) The person or the public water supply system files with the department a statement of claim during the period beginning September 1, 1997, and ending midnight June 30, 1998, using the standard form prescribed by RCW 90.14.051; and

(b) The person or public water supply system has applied the water to beneficial use to the full extent stated in the statement of claim during at least one of the five years preceding the date the statement is filed and the person attests to having done so on the statement.

(2) The person or public water supply system must file with the statement of claim evidence that the quantity of water described in the claim was used beneficially before January 1, 1993, and during one of the five years preceding the date the statement was filed in the form of any two of the following:

(a) A statement signed by two persons other than the person filing the statement of claim verifying that the claimant beneficially used the water before January 1, 1993, and during one of the five years preceding the date the statement was filed as described in the statement of claim;

(b) A copy of a dated photograph clearly demonstrating the presence of grass or a crop requiring irrigation in the amounts asserted in the statement of claim or of livestock requiring water in such amounts; or records of receipts of the sale of crops by the person or the person's successor indicating that irrigation in the amount claimed was required to produce the crops;

(c) Receipts or records of irrigation or stockwatering equipment purchases or repairs associated with the water use specified in the statement of claim;

(d) Water well construction records identifying the date the well specified in the statement of claim as the point of withdrawal was constructed;

(e) Records of electricity bills directly associated with the withdrawal of water as specified in the statement of claim;

(f) Personal records such as photographs, journals, or correspondence indicating the use of water as asserted in the statement of claim.

(3) Public water supply systems must, in addition to the requirements of subsection (2) of this section, provide evidence of service connections existing and using water as of January 1, 1993, including documentation that the homes were built and occupied.

**NEW SECTION. Sec. 2.** If the claimant has not already filed an application for a water right under RCW 90.30.250 or 90.44.060 for the water use stated in the statement of claim, the claimant shall file such an application with the claimant's statement of claim. A claimant who has filed both a statement of claim and an application for a water right has standing to assert a claim of a water right in a general adjudication under RCW 90.03.110 for the water use stated in the statement of claim. The statement of claim shall be reviewed by the court as provided in section 4 of this act.

**NEW SECTION. Sec. 3.** A person may continue to use water described in the statement of claim until one of the following occurs:

(1) The department makes its final decision granting or denying the water right application filed by the applicant as provided in section 2 of this act, following the completion and adoption of a locally developed water resource watershed plan for the WRIA; or

(2) If the department has not made a final decision on the water right application, a court of competent jurisdiction issues a decree pursuant to a general adjudication under RCW 90.03.200 that defines or denies the claimant's right to appropriate water as provided in section 4 of this act.

**NEW SECTION. Sec. 4.** The department or the court may authorize the continued use of water under section 3 of this act only if the claimant meets the requirements of RCW 90.03.247 through 90.03.330, chapter 90.44 RCW, and RCW 90.54.020. If the department finds that the applicable requirements are met, it shall grant the water right application and issue a certificate under RCW 90.03.330 authorizing the person to use that quantity of water that had been put to beneficial use, not to exceed that quantity requested in the application or documented in the statement of claim under section 1 of this act, whichever is less. If in a general adjudication the court finds that the requirements are met, it shall confirm such use of water in a decree issued under RCW 90.03.200 and the department shall issue a certificate under RCW 90.03.240. The court may not confirm a right in excess of the quantity of water that was applied to beneficial use as documented in the statement of claim under section 1 of this act or the quantity requested in the application for a water right, whichever is less. The priority date of any right issued by the department or confirmed by a court shall be the date a water right application authorizing the use of water was filed with the department.

**NEW SECTION. Sec. 5.** If the department or the court denies the claimant's use of water under section 4 of this act, the claimant must cease the use of the water. A decision by the department or a court limiting or denying a claimant's right to continue using water does not constitute a compensable taking under state or federal law because such claimants have no continuing legal right to use water.

**NEW SECTION. Sec. 6.** Sections 1 through 8 of this act do not apply to or authorize any use of water that was the subject of a water right application filed with the department, where the department denied such application.

**NEW SECTION. Sec. 7.** A continuing use of water authorized under sections 1 through 8 of this act shall not affect or impair in any respect whatsoever a water right existing before September 1, 1997. Sections 1 through 8 of this act do not limit the ability of a senior water right holder to take legal action against any other water user to prevent impairment of his or her water right. A right granted under sections 1 through 8 of this act may be junior in every respect to a right with a more senior date of priority. Any right granted under sections 1 through 8 of this act may only be exercised in a manner that does not impair or interfere with a water right that is senior to it. The filing of a statement of claim under this section does not constitute an adjudication of any claim to the right to the use of waters as between the claimant and the state, or as between one or more water use claimants. A statement of claim filed under this section shall be admissible in a general adjudication of water rights as prima facie evidence of the times of use and the quantity of water the claimant was withdrawing or diverting to the same extent as is provided by RCW 90.14.081 for a statement of claim in the water rights claims registry on the effective date of this section.

**NEW SECTION. Sec. 8.** This section does not apply to ground water in an area that is, during the period established by section 1(2) of this act, the subject of a general adjudication proceeding for water rights in superior court under RCW 90.03.110 through 90.03.245 and the proceeding applies to ground water rights. This section does not apply to surface water in an area that is, during the period established by section 1(2) of this act, the subject of a general adjudication proceeding for water rights in superior court under RCW 90.03.110 through 90.03.245 and the proceeding applies to surface water rights.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act do not apply to rights embodied in a water right permit or certificate issued by the department of ecology or its predecessors, a water right represented by a claim in the water rights claims registry, created under RCW 90.14.111, before September 1, 1997, or a water right exempted from permit and application requirements by RCW 90.44.050.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act do not apply to claims for the use of water in a ground water area or subarea for which a management program adopted by the department by rule and in effect on the effective date of this section establishes acreage expansion limitations for the use of ground water.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act are each added to chapter 90.03 RCW."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 90.03 RCW."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1111, and advanced the bill to final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1111 as amended by the Senate.

Representatives Chandler, Linville, Chandler, Linville and Mastin spoke in favor of passage of the bill.

Representative Dunshee and Dunshee spoke against the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1111 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Constantine, Cooke, Cooper, Crouse, DeBolt, Delvin, Doumit, Dunn, Dyer, Gardner, Grant, Hankins, Hickel, Honeyford, Huff, Johnson, Kastama, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Wood, Zellinsky and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Blalock, Butler, Chopp, Cody, Cole, Conway, Costa, Dickerson, Dunshee, Fisher, Gombosky, Hatfield, Keiser, Kenney, Lantz, Mason, Morris, Murray, Poulsen, Quall, Regala, Romero, Scott, Smith, Sommers, H., Tokuda, Veloria and Wolfe - 29.

Engrossed Substitute House Bill No. 1111, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5354,  
SENATE BILL NO. 5484,  
SUBSTITUTE SENATE BILL NO. 5781,

The Speaker called upon Representative Pennington to preside.

MESSAGES FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5650, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5336, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5886, and has passed the bill as recommended by the Conference Committee.

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5574, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927, and has passed the bill as recommended by the Conference Committee.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5327, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5491, and has passed the bill as recommended by the Conference Committee.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5082, and has passed the bill as recommended by the Conference Committee,

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5867, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate insists on its position regarding the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303, and asks the House to concur therein,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House concurred in the Senate amendments(s) to Engrossed Second Substitute House Bill No. 1303 and advanced the bill to final passage.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE



The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 1303 as amended by the Senate.

Representatives Hickel, Quall, Hickel and Johnson spoke in favor of passage of the bill.

Representatives Cole, Veloria and Keiser spoke against passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 1303 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Delvin, Doumit, Dunn, Dyer, Grant, Hankins, Hickel, Honeyford, Huff, Johnson, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Appelwick, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Dunshee, Fisher, Gardner, Gombosky, Hatfield, Keiser, Kenney, Mason, Murray, Ogden, Parlette, Poulsen, Regala, Romero, Scott, Sommers, H., Tokuda, Veloria, Wensman, Wolfe and Wood - 32.

Engrossed Second Substitute Senate Bill No. 1303, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 23, 1997

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5538 and asks the House to recede therefrom,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House receded from its amendment(s) and advanced the bill to final passage.

#### FINAL PASSAGE

The Speaker stated the question before the House to be final passage of Senate Bill No. 5538 as amended by the Senate.

Representatives Ballasiotes and Costa spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5538 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody,

Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5538, as amended by the Senate, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

SSB 5157 Date: April 25, 1997

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE SENATE BILL NO. 5157, providing tax exemptions for items obtained to replace weather-damaged items, have had the same under consideration and we recommend that

the House Finance Committee amendment not be adopted, the attached amendment (S3329.2) be adopted, and the bill do pass as amended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of the following:

(a) Labor and services rendered in respect to repairing buildings damaged by a disaster or constructing new buildings to replace buildings destroyed by a disaster, if the buildings are located in a county or Indian nation declared as a federal disaster area eligible for individual assistance during the period November 1, 1995, through June 30, 1997;

(b) Tangible personal property that becomes an ingredient or component of such buildings during the course of repair or construction;

(c) Private automobiles, when replacing a private automobile that was damaged by a disaster occurring during the period November 1, 1995, through June 30, 1997, and the damaged automobile was registered and licensed under the laws of this state at the time of the disaster.

(2) A person is eligible for exemption under this section if he or she has received a disaster assistance approval letter from the:

(a) Federal emergency management agency for a housing assistance grant to repair a damaged home;

(b) Small business administration for a loan to repair damages to a residential or commercial building; or

(c) Farm service agency for a loan to repair damages to farm property.

(3) A person who receives an individual or family assistance grant from the federal emergency management agency may not claim the exemption granted under this section.

(4) A person who is denied an individual or family assistance grant may claim exemption under this section by obtaining a special disaster assistance certificate. To obtain a special disaster assistance certificate, the person shall present the denial letter to the department by mail or in person. The department shall issue a special disaster assistance certificate to the person if the denial letter indicates that:

(a) Damage to real property or a private automobile occurred;

(b) Damage was due to a disaster;

(c) Loss is not covered by insurance or otherwise compensated by the receipt, or expected receipt, of other forms of disaster assistance from the American red cross, federal emergency management disaster housing program, small business administration, or farm service agency; and

(d) Denial is not due to:

(i) Failure to prove ownership of the real property;

(ii) Finding that a private automobile was unusable, unregistered, or uninsured as required by state law at the time it was damaged; or

(iii) Determination that the person, or another member of his or her household, has previously applied for an individual or family assistance grant for the same damage or loss.

(5) At the time of sale, a person claiming this exemption shall:

(a) Provide the seller with proof of eligibility by presenting either a disaster assistance approval letter or a special disaster assistance certificate;

(b) Display to the seller a valid Washington state driver's license or other valid identification card that has a photograph of the holder; and

(c) Complete an exemption certificate in a form and manner prescribed by the department. The exemption certificate must contain the buyer's name, address, telephone number, and Washington state driver's license number or identification number. The certificate should also list the items purchased, price of the items, and the date of the purchase.

(6) The seller shall retain the exemption certificate and a copy of either the disaster assistance approval letter or the special disaster assistance certificate for a period of five years.

(7) This section expires July 1, 1998.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use, by a person meeting the eligibility criteria of subsection (2) of this section, of the following:

(a) Tangible personal property that becomes an ingredient or component of buildings during the course of repairing buildings to replace buildings destroyed by a disaster, if the buildings are located in a county or Indian nation declared as a federal disaster area eligible for individual assistance during the period November 1, 1995, through June 30, 1997;

(b) A private automobile, if the automobile replaces a private automobile that was damaged by a disaster occurring during the period November 1, 1995, through June 30, 1997, and the automobile was registered and licensed under the laws of this state at the time of the disaster.

(2) A person is eligible to claim an exemption under this section if:

(a) He or she has been approved to receive one or more of the following forms of disaster assistance:

(i) A housing assistance grant from the federal emergency management agency to repair a damaged home;

(ii) A loan from the small business administration to repair damages to a residential or commercial building; or

(iii) A loan from the farm service agency to repair damages to farm property; or

(b) The person has obtained a special disaster assistance certificate from the department under the provisions of section 1(4) of this act.

(3) This section expires July 1, 1998.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997.

There being no objection, the Conference Committee recommendation was adopted and Substitute Senate Bill No. 5157 was advanced to final passage.

FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Substitute Senate Bill No. 5157 as recommended by the Conference Committee.

Representatives Boldt and Dunshee spoke in favor of the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5157, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5157, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Senate Bill No. 5565.

There being no objection, the rules were suspended, and Engrossed Senate Bill No. 5565 was advanced to second reading and read the second time in full.

There being no objection, the rules were suspended, the second reading considered the third and the bill was advanced to final passage.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5565.

Representative D. Schmidt spoke in favor of passage of the bill.

Representative Scott spoke against passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5565 and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Costa, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Dyer, Gombosky, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kessler, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Zellinsky and Mr. Speaker - 61.

Voting nay: Representatives Anderson, Appelwick, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooke, Cooper, Dickerson, Fisher, Gardner, Grant, Kastama, Keiser, Kenney,

Lantz, Linville, Mason, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Sommers, H., Sullivan, Tokuda, Veloria, Wolfe and Wood - 37.

Engrossed Senate Bill No. 5565, having received the constitutional majority, was declared passed.

There being no objection, Engrossed Senate Bill No. 5565 was immediately transmitted to the Senate.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Second Substitute Senate Bill No. 5074.

There being no objection, the rules were suspended, and Engrossed Second Substitute Senate Bill No. 5074 was advanced to second reading and read the second time in full.

There being no objection, the rules were suspended, the second reading considered the third and the bill was advanced to final passage.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5074.

Representatives Schoesler, Hatfield, Robertson, Chandler, Thompson, Gardner, Linville, Delvin, Clements and Alexander spoke in favor of passage of the bill.

Representative Dunshee spoke against passage of the bill.

Representative Zellinsky demanded the previous question, and the demand was sustained.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5074 and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Constantine, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Doumit, Dunn, Dyer, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, L., Thompson, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 84.

Voting nay: Representatives Butler, Cody, Cole, Conway, Dickerson, Dunshee, Fisher, Kastama, Mason, Sommers, H., Thomas, B., Tokuda, Van Luven and Veloria - 14.

Engrossed Second Substitute Senate Bill No. 5074, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 25, 1997

Mr. Speaker:

The Senate refused to grant the request of the house for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 2054. The Senate receded from its striking amendment(s) (2054-S2

AAS 4/18/97 - #509) adopted as amended April 18, 1997. Under suspension of rules, the bill was returned to second reading for purpose of amendment(s). The Senate adopted striking amendment(s) #520 as amended by #521, and passed the bill with the following amendments (see attached 2054-S2 AAS 4/25/97),

Strike everything after the enacting clause and insert the following:

"PART I  
BASIN PLANS

**NEW SECTION. Sec. 101.** The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development.

It is necessary for the legislature to establish processes and policies that will result in providing state agencies with more specific guidance to manage the water resources of the state consistent with current law and direction provided by local entities and citizens through the process established in accordance with this chapter.

**NEW SECTION. Sec. 102.** The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources. The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting instream flows for fish, and by providing for the economic well-being of the state's citizenry and communities. Therefore, the legislature believes it necessary for units of local government throughout the state to engage in the orderly development of these watershed plans.

**NEW SECTION. Sec. 103.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of ecology.
- (2) "Implementing rules" for a WRIA plan are the rules needed to give force and effect to the parts of the plan that create rights or obligations for any party including a state agency or that establish water management policy.
- (3) "Minimum instream flow" means a minimum flow under chapter 90.03 or 90.22 RCW or a base flow under chapter 90.54 RCW.
- (4) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.
- (5) "Water supply utility" means a water, combined water-sewer, irrigation, reclamation, or public utility district that provides water to persons or other water users within the district or a division or unit responsible for administering a publicly governed water supply system on behalf of a county.
- (6) "WRIA plan" or "plan" means the product of the planning unit including any rules adopted in conjunction with the product of the planning unit.

**NEW SECTION. Sec. 104.** In order to have the best possible program for appropriating and administering water use in the state, the legislature establishes the following principles and criteria to carry out the purpose and intent of chapter . . . , Laws of 1997 (this act).

- (1) All WRIA planning units established under this chapter shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process.

(2) If a planning unit requests technical assistance from a state agency as part of its planning activities under this chapter and the assistance is with regard to a subject matter over which the agency has jurisdiction, the state agency shall provide the technical assistance to the planning unit.

(3) Plans developed under chapter . . . , Laws of 1997 (this act) shall be consistent with and not duplicative of efforts already under way in a WRIA, including but not limited to watershed analysis conducted under state forest practices statutes and rules.

**NEW SECTION. Sec. 105.** (1) Once a WRIA planning unit has been organized and designated a lead agency, it shall notify the department and may apply to the department for funding assistance for conducting the planning. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose.

(2) Each planning unit that has complied with subsection (1) of this section is eligible to receive fifty thousand dollars for each WRIA to initiate the planning process. The department shall allocate additional funds to WRIA planning units based on need demonstrated by a detailed proposed budget submitted by the planning unit for carrying out the duties of the planning unit. Each WRIA planning unit may receive up to two hundred fifty thousand dollars for each WRIA during the first two-year period of planning, with a maximum allocation of five hundred thousand dollars for each WRIA. Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose.

(3) Preference shall be given to planning units requesting funding for conducting multi-WRIA planning under section 108 of this act.

(4) The department may retain up to one percent of funds allocated under this section to defray administrative costs.

**NEW SECTION. Sec. 106.** (1) This chapter shall not be construed as creating a new cause of action against the state or any county, city, town, water supply utility, conservation district, or planning unit.

(2) Notwithstanding RCW 4.92.090, 4.96.010, and 64.40.020, no claim for damages may be filed against the state or any county, city, town, water supply utility, tribal governments, conservation district, or planning unit that or member of a planning unit who participates in a WRIA planning unit for performing responsibilities under this chapter.

**NEW SECTION. Sec. 107.** (1)(a) Except as provided in section 108 of this act for multi-WRIA planning, the county with the largest area within the boundaries of a WRIA, the city obtaining the largest amount of water from the WRIA, and the largest water supply utility in the WRIA may jointly and unanimously choose to initiate water resource planning for the WRIA under this chapter. If the initiating group so chooses, it shall make application to the department of ecology to declare its intent to conduct watershed planning. Upon making application to the department, the initiating group shall notify the counties, cities, water supply utilities, tribal governments, and conservation districts with territory within the WRIA that these groups are to meet to appoint their members of the WRIA planning unit. The initiating group may consult with the department regarding the initiation of watershed planning. For the purposes of this section and sections 108 and 112 of this act, a county is considered to have territory within a WRIA only if the territory of the county located in the WRIA constitutes at least fifteen percent of the area of the WRIA. For conducting planning under this chapter, the county with the largest area within the boundaries of the WRIA is the lead agency for the WRIA planning, except as provided in (b) and (c) of this subsection and section 108 of this act for multi-WRIA planning.

(b) When the counties of a WRIA have convened jointly to make appointments to the planning unit, they may, by a majority vote, choose as the lead agency for WRIA planning any governmental entity in the WRIA. Such a governmental entity shall act as the lead agency for this purpose if it agrees in writing to accept the designation.

(c) For a WRIA located within Pierce, King, Snohomish, or Spokane county, the lead agency shall be the water purveyor that is using the largest amount of water from the WRIA unless the water

supply utility notifies in writing the county with the largest area in the WRIA that it chooses not to be the lead agency. Such notice shall be provided within ten working days.

(2) In a WRIA where water resource planning efforts have commenced before the effective date of this section, such as but not limited to the Kettle river WRIA, the county legislative authorities with territory within the WRIA in accordance with subsection (1) of this section may, by majority vote, choose to adopt the existing planning unit membership for purposes of planning under chapter . . . , Laws of 1997 (this act).

Nothing in chapter . . . , Laws of 1997 (this act) shall affect ongoing efforts to develop new resources and the sharing of existing resources. No moratorium may be imposed on water resource decision making by the department solely because of ongoing planning efforts or the absence of a plan or planning effort. Any new planning units formed under this act shall recognize efforts already in progress.

(3)(a) One WRIA planning unit shall be appointed for the WRIA as provided by this section or for a multi-WRIA area as provided by section 108 of this act for multi-WRIA planning. The planning unit shall be composed of:

(i) One member representing each county with territory in the WRIA appointed by the county;

(ii) One member representing cities for each county with territory in the WRIA appointed by the cities within that county;

(iii) One member representing water supply utilities for each county with territory within the WRIA, appointed jointly by the three largest water supply utilities in the county;

(iv) One member representing all conservation districts with territory within the WRIA appointed jointly by those districts;

(v) Three members representing various special interest groups appointed jointly by the cities with territory within the WRIA; and six members representing various special interest groups appointed jointly by the counties with territory within the WRIA;

(vi) One member representing the general citizenry appointed jointly by the cities with territory within the WRIA;

(vii) Three members representing the general citizenry appointed jointly by the counties with territory in the WRIA, of which at least one shall be a holder of a water right certificate and at least one shall be a holder of a water right for which a statement of claim was in the state's water rights claims registry before January 1, 1997;

(viii) If one or more federal Indian reservations are located in whole or in part within the boundaries of the WRIA, the planning unit shall extend an invitation to the tribal government of each reservation to appoint one member representing that tribal government; and

(ix) Three members representing state agencies including the secretary of the department of transportation or the secretary's designee, the director of the department of fish and wildlife or the director's designee, and the director of the department of ecology or the director's designee. The three members representing state government shall have a single vote representing state agency interests.

(b) In addition, for a WRIA located within Pierce, King, Snohomish, or Spokane county, one representative of the water purveyor using the largest amount of water from the WRIA shall be a voting member of the planning unit whether the principal offices of the purveyor are or are not located within the WRIA.

(4) Except for a person appointed under subsection (3)(a)(ix) or (b) of this section, each person appointed to a WRIA planning unit shall have been a resident and a property owner of the WRIA for at least three years. No state employees or state officials other than members appointed under subsection (3)(a)(ix) of this section may be appointed to the planning unit. In appointing persons to the WRIA planning unit representing special interest groups, the counties and cities shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the WRIA.

(5)(a) In voting to appoint the members of a WRIA planning unit, to select a lead agency for water resource planning under section 107 or 108 of this act, to approve a WRIA plan under section 112 of this act, or to request or concur with a request for multi-WRIA planning under section 108 of this act, each county with territory within the WRIA shall have three votes, divided equally among the



members of the county's legislative authority and these actions shall be made by majority vote based on the votes allocated under this section. In voting to appoint members of a WRIA planning unit: Each city with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such cities; each water supply utility other than those of a city or town with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts; and each conservation district with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts. All appointments shall be made within sixty days of the date the appointing authorities other than the counties are notified to convene to make appointments or the appointments shall be made by the counties with territory in the WRIA in the same manner the counties make other appointments.

(b) The members appointed to the WRIA planning unit under subsection (3)(a)(i), (ii), and (iii) of this section may, within thirty days, by unanimous vote, increase the number of members of the planning unit appointed under subsection (3)(a)(v), (vi), and (vii) of this section by up to five members. Appointment of additional members to the planning unit shall be made within thirty days from the date of application to the department under subsection (1)(a) of this section.

(c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership.

**NEW SECTION. Sec. 108.** (1) The counties with territory in a WRIA, the city obtaining the largest quantity of water from the WRIA, and the largest water supply utility in the WRIA may jointly and unanimously elect to initiate multi-WRIA planning. If this initiating group so chooses, the initiating group shall notify the counties, cities, water supply utilities, tribal governments, and conservation districts with territory within the multi-WRIA area that these groups are to meet to appoint their members of the multi-WRIA area planning unit.

(a) The planning unit shall be composed of:

(i) One member representing each county with territory in the multi-WRIA area appointed by that county;

(ii) One member representing cities for each county with territory in the multi-WRIA area appointed by the cities within that county;

(iii) One member representing water supply utilities for each county with territory within the multi-WRIA area appointed jointly by the three water supply utilities in each county;

(iv) Up to two members, as that number is determined by the districts, representing all conservation districts with territory within the multi-WRIA area and appointed jointly by those districts;

(v) Three members representing various special interest groups appointed jointly by the cities with territory within the multi-WRIA area; and six members representing various special interest groups appointed jointly by the counties with territory within the multi-WRIA area;

(vi) One member representing the general citizenry appointed jointly by the cities with territory within the multi-WRIA area;

(vii) Three members representing the general citizenry appointed jointly by the counties with territory in the multi-WRIA area, of which at least one shall be a holder of a water right certificate and at least one shall be a holder of a water right for which a statement of claim was in the state's water rights claims registry before January 1, 1997;

(viii) If one or more federal Indian reservations are located in whole or in part within the boundaries of the multi-WRIA area, the planning unit shall extend an invitation to the tribal government of each reservation to appoint one member representing that tribal government; and

(ix) Three members representing state agencies including the secretary of the department of transportation or the secretary's designee, the director of the department of fish and wildlife or the director's designee, and the director of the department of ecology or the director's designee. The three members representing state government shall have a single vote representing state agency interests.

(b) In addition, for a multi-WRIA planning unit located within Pierce, King, Snohomish, or Spokane county, one representative of the water purveyor using the largest amount of water from the multi-WRIA area shall be a voting member of the planning unit whether the principal offices of the purveyor are or are not located within the multi-WRIA area.

(c) Except for a person appointed under (a)(ix) or (b) of this subsection, each person appointed to a multi-WRIA planning unit shall have been a resident and property owner within the multi-WRIA area for at least three years. No state employees or state officials other than members appointed under (a)(ix) of this subsection may be appointed to the planning unit. In appointing persons to the multi-WRIA planning unit representing special interest groups the counties and cities shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the multi-WRIA area.

(2) In a multi-WRIA area where water resource planning efforts have commenced before the effective date of this section, such as but not limited to the Kettle river WRIA, the county legislative authorities with territory within the WRIA in accordance with subsection (1) of this section may, by majority vote, choose to adopt the existing planning unit membership for purposes of planning under chapter . . . , Laws of 1997 (this act).

Nothing in this act shall affect ongoing efforts to develop new resources and the sharing of existing resources. No moratorium may be imposed on water resource decision making by the department solely because of ongoing planning efforts or the absence of a plan or planning effort. Any new planning units formed under this act shall recognize efforts already in progress.

(3)(a) The counties in the multi-WRIA area shall select, by a majority vote, a governmental entity in the multi-WRIA area to act as lead agency for water resource planning in the multi-WRIA area under this chapter. Such an entity shall serve as the lead agency if it agrees in writing to do so. All appointments shall be made within sixty days of the date the lead agency in the multi-WRIA area notifies the other appointing authorities to convene to make appointments or the appointments shall be made by the counties with territory in the multi-WRIA area in the same manner the counties make other appointments.

(b) The members appointed to the WRIA planning unit under subsection (1)(a)(i), (ii), and (iii) of this section may, within thirty days, by unanimous vote, increase the number of members of the planning unit appointed under subsection (1)(a)(v), (vi), and (vii) of this section by up to five members. Appointment of additional members to the planning unit shall be made within thirty days from the date of application to the department to initiate planning.

(c) A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant. The planning unit shall convene and begin work as soon as two-thirds of the number of persons eligible to be members of the planning unit have been appointed. All positions must be filled within thirty days of the convening of the planning unit. The unit shall not interrupt its work to await additional original appointments or appointments to fill any vacancies that may occur in its membership.

(4) A planning unit for a multi-WRIA area shall perform all of the functions assigned by this chapter to a WRIA planning unit and is subject to all of the provisions of this chapter that apply to a WRIA planning unit.

**NEW SECTION. Sec. 109.** The lead agency shall provide staff support from resources provided for planning under chapter . . . , Laws of 1997 (this act) and from other sources, including but not limited to sources provided under section 113 of this act, for the work of the WRIA planning unit. Each WRIA planning unit may establish its own methods of operation that are consistent with this chapter and may establish methods for reviewing the operations of its lead agency. No planning unit appointed or selected under this chapter may possess or exercise the power of eminent domain. No planning unit appointed or selected under this chapter may take any action that affects in any manner a general adjudication proceeding for water rights, completed or ongoing. Each WRIA planning unit is encouraged to: Consider information and plans that may have been previously developed by other entities in establishing water resource management plans for the WRIA; consider existing data regarding water resources in the WRIA; and, for a WRIA that borders another state, cooperate with

local government counterparts in the adjacent state regarding water resource planning. Water resource plans developed under this chapter for a WRIA may not interfere in any manner with a general adjudication of water rights, completed or ongoing. Such a WRIA plan may not in any manner impair or diminish with a water right that exists before the adoption of the plan by the department under section 112 of this act.

All meetings of a WRIA planning unit shall be conducted as public meetings as required for such meetings by the open public meetings act, chapter 42.30 RCW. Some time shall be set aside at the end of each meeting of a WRIA planning unit for public comments. Each planning unit shall establish procedures to be followed by the unit in making decisions. The objective to be sought by the planning unit in making decisions is to reach agreement among its members on the decisions. Decisions by a two-thirds majority vote may be used if the unit has found that attempts at achieving full agreement have not been successful.

No person who is a member of a WRIA planning unit may designate another to act on behalf of the person as a member or to attend as a member a meeting of the unit on behalf of the person. If a member of a WRIA planning unit is absent from more than five meetings of the WRIA planning unit that constitute twenty percent or more of the meetings that have been conducted by the planning unit while the person is a member of the unit and these absences have not been excused as provided by this section, the member's position on the WRIA planning unit is to be considered vacant. A person's absence from a meeting may be excused: By the chair of the planning unit if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the planning unit at the meeting during which the member is absent.

**NEW SECTION. Sec. 110.** (1) Each WRIA planning unit shall develop a water resource plan. The plan must address the elements listed in subsection (2) of this section and may include other elements added by the planning unit. Once organized, the first task of the planning unit is to prioritize these elements regarding their importance in the WRIA and in developing a water resource plan for the WRIA. A plan shall not be developed such that its provisions (a) are in conflict with state statute or federal law; (b) impair or diminish in any manner a water right existing before its adoption; (c) are inconsistent with the construction, operation, or maintenance of a federal reclamation project; or (d) are inconsistent with an instream flow or condition established for hydroelectric power project licensed under the federal power act. No aspect of the plan may establish standards for water quality or regulate water quality in any manner whatsoever.

(2) The plan must include the following:

(a) An assessment of water supply and use in the WRIA, including:

(i) A quantitative estimation of the amount of surface and ground water present in the planning unit, using United States geological survey information and other existing sources of information;

(ii) A quantitative estimation using existing sources of information, of the amount of precipitation and surface and ground water available, using available technologies, collectively for both current and future water uses, including for instream purposes and for withdrawal or diversion;

(iii) A quantitative estimation using existing sources of information, of the amount of surface and ground water actually being used, and the months of peak and minimum use, both in-stream and by withdrawal, for agricultural, industrial, fisheries, recreational, environmental, municipal, and residential purposes, and including amounts claimed, permitted, or certificated for future municipal needs; and

(iv) A quantitative estimation of the amount of water, approximately, that is represented by amounts in claims in the water rights claims registry, in water use permits, in certificated rights, and in rules establishing instream flows;

(b) A quantitative description of future water-based instream and out-of-stream needs in the planning unit, based on projected population and agricultural and other economic growth. That is, an identification of the water needed collectively for use for agricultural, fisheries, recreational, environmental, industrial, municipal, and residential purposes. If a federal reclamation project is providing water for reclamation purposes within the WRIA or multi-WRIA area, federal reclamation water use requirements shall be those for project lands within the WRIA or multi-WRIA area;

(c) Instream flows.

(i) Except for the main stem of the Columbia river or the main stem of the Snake river, a planning unit may propose minimum instream flows or lake levels as part of its plan for other rivers and streams in its WRIA or multi-WRIA area.

(ii) The planning unit, by unanimous recorded vote of all voting members, may set specific minimum instream flows or lake levels, and such flows or levels shall be adopted by rule of the department.

(iii) If the planning unit is unable to approve specific minimum instream flows or levels unanimously, such flows or levels may be submitted as a recommended minimum instream flow or level in the WRIA plan for consideration by the department. Such recommendations must be approved by a two-thirds majority vote of the voting members of the planning unit.

(iv) Minimum instream flows or lake levels proposed under this subsection may not conflict with flow requirements or conditions in effect under a license issued under the federal power act.

(v) The planning unit may propose adjustments to minimum instream flows or lake levels that have been set by rule before the adoption of the planning unit's plan and will propose minimum instream flows or lake levels as part of the plan for the other rivers, streams, and lakes for which it determines the establishment of flows or levels to be appropriate in the WRIA, or in the multi-WRIA area for multi-WRIA planning under section 108 of this act.

(vi) The planning unit, by unanimous recorded vote of all voting members, may adjust established minimum instream flows or lake levels, and such flows or levels shall be adopted by rule of the department.

(vii) If the planning unit is unable to approve such adjustments unanimously, such flows or levels may be submitted as a recommended adjustment to established minimum instream flows or lake levels in the WRIA plan for consideration by the department. Such recommendations must be approved by a two-thirds majority vote of the voting members of the planning unit.

(viii) A minimum instream flow or lake level set for a body of water in a WRIA plan adopted by the department under section 112 of this act supersedes any minimum flow or level or base flow or any other such flow or level previously established for the body of water by the department;

(d) A quantitative description of the ground water and of the surface water available for further appropriation including water that may be obtained through reuse. As used in this subsection (2)(d), "available" means available on the date the plan takes effect as a rule under section 112 of this act;

(e) An identification of known areas that provide for the recharge of aquifers from the surface and areas where aquifers recharge surface bodies of water;

(f) Strategies for increasing water supplies in the WRIA, including:

(i) Water conservation and reuse measures; and

(ii) Storage enhancements, including modifications to existing reservoirs, new reservoirs, and underground storage. Any quantity of water made available under these strategies is a quantity that is in addition to the water declared available for appropriation under (d) of this subsection; and

(g) An identification of areas where voluntary water-related habitat improvement projects or voluntary transactions providing for the purchase of water-related habitat or water-related habitat easements would provide the greatest benefit to habitat in the WRIA, and a prioritization of the areas based on their potential for providing such benefits. The purpose of this element of the plan is to provide a means of coordinating nonregulatory, voluntary efforts for improving water-related habitat in the WRIA.

(3) Upon request the department shall assist the planning unit in drafting proposed implementing rules for the elements of the plan over which the department has authority. The draft rules shall accompany the plan as it is reviewed under the provisions of this chapter.

(4) A plan shall not be developed under this chapter to require directly or indirectly the implementation of laws, rules, or programs that are designed primarily to control water pollution or discharges of pollutants to water, to regulate effluent discharges or wastewater treatment systems or facilities, or to establish or require the achievement of water quality standards, including but not limited to chapter 90.48 RCW and rules adopted under chapter 90.48 RCW, the national pollutant discharge elimination system permit program, and the state waste discharge permit program.

**NEW SECTION. Sec. 111.** (1) Water resource management plans developed pursuant to the process in this chapter and subsequently adopted by the department under section 112 of this act are presumed valid. This presumption shall apply in any petition or action filed against a plan.

(2) Any action taken by a state agency regarding water resources within a WRIA for which a plan has been adopted under section 112 of this act and any planning conducted by a state agency regarding water resources within a WRIA for which a plan has been adopted under section 112 of this act shall be taken or conducted in a manner that is consistent with the plan. All actions and decisions of the department regarding water resources in the WRIA shall be consistent with and based upon such an adopted plan for the WRIA. Any other authority of the department exercised within the WRIA regarding water resources shall be exercised in a manner that is consistent with such an adopted plan.

**NEW SECTION. Sec. 112.** (1) Upon completing a proposed water resource plan for the WRIA, the WRIA planning unit shall publish notice of and conduct at least one public hearing in the WRIA on the proposed plan. The planning unit shall take care to provide notice of the hearing throughout the WRIA or multi-WRIA area. As a minimum, it shall publish a notice of the hearing in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After considering the public comments presented at the hearing or hearings, the planning unit shall submit a copy of its proposed plan to the department and to the tribal council of each reservation with territory within the WRIA.

(2)(a) The department shall provide advice as to any specific subsections or sections of the plan that the department believes to be in conflict with state statute or federal law and may provide other recommendations regarding the plan. The department shall transmit its advice and recommendations regarding the plan to the WRIA planning unit within sixty days of receiving it for review.

(b) The tribal council may review and provide comments and recommendations to the planning unit within sixty days of the receipt of the plan.

(3) The WRIA planning unit shall consider each recommendation provided under subsection (2) of this section. The planning unit may adopt such a recommendation or provide changes to respond to the advice of the department and the tribal council by a two-thirds majority vote of the members of the planning unit.

The WRIA planning unit shall approve a water resource plan for the WRIA by a two-thirds majority vote of the members of the planning unit. An approved plan shall be submitted to the counties with territory within the WRIA for adoption. If a WRIA planning unit receives funding for WRIA or multi-WRIA planning under section 105 of this act and does not approve a plan for submission to the counties within four years of the date the planning unit receives the first of that funding from the department for the planning, the department shall develop and adopt a water resource plan for the WRIA or multi-WRIA area.

(4) The legislative authority of each of the counties with territory within the WRIA shall provide public notice for and conduct at least one public hearing on the WRIA plan submitted to the county under this section. The counties shall take care to provide notice of the hearings throughout the WRIA or multi-WRIA area. As a minimum, they shall publish a notice of the hearings in one or more newspapers of general circulation in the WRIA or multi-WRIA area. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the plan. The counties may approve or reject the plan, but may not amend the plan. Approval of a plan, or of recommendations for a plan that is not approved, shall be made by a majority vote of the members of the various legislative authorities of the counties with territory in the WRIA based on the votes allocated under section 107 of this act.

If the plan is not approved, it shall be returned to the WRIA planning unit with recommendations for revisions. Any revised plan and implementing rules prepared by the planning unit shall be submitted to the department and to the counties as provided by this section for WRIA water resource plans generally.

(5) If the plan and implementing rules are approved by the members of the legislative authorities, the plan shall be transmitted to the department for adoption. The department shall adopt such an approved WRIA water resource plan through the adopting of implementing rules. The department has no discretion to amend or reject the plan or implementing rules except those

recommendations provided in section 110(2)(c) (iii) or (vii) of this act. A copy of the implementing rules and notice of its adoption as rules shall be published in the state register under chapter 34.05 RCW. The public hearing required by chapter 34.05 RCW shall be deemed to have been satisfied by public hearings held by county legislative authorities.

(6) If the department finds that an element of a WRIA plan is in conflict with state statute or federal law and the planning unit does not remove the conflict created by the element from its plan, the department and the planning unit shall submit the conflict to mediation. If mediation does not resolve the conflict within sixty days, the department shall file a petition for declaratory judgment in the superior court to determine whether the element is or is not in conflict with state statute or federal law. The petition shall be filed in the superior court in the county with the largest area in the WRIA or multi-WRIA area governed by the plan. The counties that approved the plan shall be named as parties to the proceeding. The superior court shall review the potential conflict under the error of law standard. If the superior court finds that an element of the plan is in conflict with state statute or federal law, that element of the plan shall be invalid. Decisions on such petitions are reviewable as in other civil cases. This subsection shall not be construed as establishing such state liability for any other element of the plan adopted as rules.

**NEW SECTION. Sec. 113.** The WRIA planning units may accept grants, funds, and other financing, as well as enter into cooperative agreements with private and public entities for planning assistance and funding.

**NEW SECTION. Sec. 114.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall rule in a timely manner upon complete applications to appropriate public surface and ground water. For complete applications that seek to appropriate water from within a WRIA for which a WRIA plan has been adopted, the department shall grant or deny the application within one hundred eighty days of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. For applications filed after July 1, 1999, that seek to appropriate water from within a WRIA for which no WRIA plan has been adopted, the department shall grant or deny the application within one year of the date the properly completed application is filed with the department, except as provided in subsection (2) of this section. The times allowed in this section to rule upon an application shall not include the time it takes the applicant to respond to an explicit request for additional information reasonably required to make a determination on the application. The department shall be allowed only one such request for additional information. The cost of obtaining such information shall be reasonable in relation to the quantity and value of the water right applied for. Once the applicant responds to an information request, the stay of the time allowed for the permit decision shall end.

(2) If a detailed statement, generally referred to as an environmental impact statement, must be prepared under chapter 43.21C RCW for or in regard to an application to appropriate water, the department shall grant or deny the application within ninety days of the date the final environmental impact statement is available from the official responsible for it under chapter 43.21C RCW.

(3) The department shall report by January 1, 1999, to the legislature on the status of processing applications under this section.

**NEW SECTION. Sec. 115.** A new section is added to chapter 34.05 RCW to read as follows:

(1) Once a plan has been adopted by the counties in the WRIA under section 112 of this act and the plan has been submitted to the department of ecology, the department shall file implementing rules for the plan with the code reviser along with an order adopting the implementing rules. The code reviser shall cause the order and the implementing rules to be published in the Washington state register in the manner provided for the adoption of final rules and shall incorporate the implementing rules into the Washington Administrative Code. No other aspect of this chapter that establishes procedures for the adoption of rules applies to the adoption of the plan by the department.

(2) For the purposes of this section, "WRIA" has the meaning established in section 103 of this act.

**Sec. 116.** RCW 90.54.040 and 1997 c ... s 2 (Senate Bill 5029) are each amended to read as follows:

(1) Consistent with chapter . . . , Laws of 1997 (this act) the department, through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people, to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use. The department may develop the program in segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use.

(2) In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section.

(3) The department is directed to review all statutes relating to water resources which it is responsible for implementing. When any of the same appear to the department to be ambiguous, unclear, unworkable, unnecessary, or otherwise deficient, it shall make recommendations to the legislature including appropriate proposals for statutory modifications or additions. Whenever it appears that the policies of any such statutes are in conflict with the policies of this chapter, and the department is unable to fully perform as provided in subsection (2) of this section, the department is directed to submit statutory modifications to the legislature which, if enacted, would allow the department to carry out such statutes in harmony with this chapter.

## PART II STORAGE

**Sec. 201.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 107 or 108 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

~~((5))~~ (6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

~~((6))~~ (7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state.

~~((7))~~ (8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

~~((8))~~ (9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

~~((9))~~ (10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

~~((10))~~ (11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

**Sec. 202.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, including waste water recycling, and ~~((impoundment))~~ storage of waters.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1).

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; and areas where projected water needs, including those for instream flows, exceed available supplies.



(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public education on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

### PART III GENERAL ADJUDICATIONS

NEW SECTION. Sec. 301. A new section is added to chapter 90.03 RCW to read as follows:

The legislature finds that the lack of certainty regarding water rights within a water resource basin may impede management and planning for water resources. The legislature further finds that planning units conducting water resource planning under chapter 90.-- RCW (sections 101 through 113 of this act) may find that the certainty provided by a general adjudication of water rights under this chapter is required for water planning or water management in a water resource inventory area or in a portion of the area. Therefore, such planning units may petition the department to conduct such a general adjudication and the department shall give high priority to such a request in initiating any such general adjudications under this chapter.

### PART IV WATER PURVEYORS

**Sec. 401.** RCW 90.03.383 and 1991 c 350 s 1 are each amended to read as follows:

(1) The legislature recognizes the value of interties for improving the reliability of public water systems, enhancing their management, and more efficiently utilizing the increasingly limited resource. Given the continued growth in the most populous areas of the state, the increased complexity of public water supply management, and the trend toward regional planning and regional solutions to resource issues, interconnections of public water systems through interties provide a valuable tool to ensure reliable public water supplies for the citizens of the state. Public water systems have been encouraged in the past to utilize interties to achieve public health and resource management objectives. The legislature finds that it is in the public interest to recognize interties existing and in use as of January 1, 1991, and to have associated water rights modified by the department of ecology to reflect current use of water through those interties, pursuant to subsection (3) of this section. The legislature further finds it in the public interest to develop a coordinated process to review proposals for interties commencing use after January 1, 1991.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Interties" are interconnections between public water systems permitting exchange, acquisition, or delivery of wholesale and/or retail water between those systems for other than emergency supply purposes, where such exchange, acquisition, or delivery is within established instantaneous and annual withdrawal rates specified in the systems' existing water right permits or certificates, or contained in claims filed pursuant to chapter 90.14 RCW, and which results in better management of public water supply consistent with existing rights and obligations. Interties include interconnections between public water systems permitting exchange, acquisition, or delivery of water to serve as primary or secondary sources of supply ~~((, but do not include development of new sources of supply to meet future demand))~~ and the development of new sources of supply to meet future demands if the water system or systems receiving water through such an intertie make efficient use of existing sources of water supply and the provision of water through such an intertie is consistent with local land use plans. For this purpose, a system's full compliance with the state department of health's conservation guidelines for such systems is deemed efficient use.

(b) "Service area" is the area designated as the wholesale and/or retail area in a water system plan or a coordinated water system plan pursuant to chapter 43.20 or 70.116 RCW respectively. When a public water system does not have a designated service area subject to the approval process of those chapters, the service area shall be the designated place of use contained in the water right permit or certificate, or contained in the claim filed pursuant to chapter 90.14 RCW.

(3)(a) Public water systems with interties existing and in use as of January 1, 1991, or that have received written approval from the department of health prior to that date, shall file written notice of those interties with the department of health and the department of ecology. The notice may be incorporated into the public water system's five-year update of its water system plan, but shall be filed no later than June 30, 1996. The notice shall identify the location of the intertie; the dates of its first use; the purpose, capacity, and current use; the intertie agreement of the parties and the service areas assigned; and other information reasonably necessary to modify the public water system's water right (~~permit~~). Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, for public water systems with interties existing and in use or with written approval as of January 1, 1991, the department of ecology, upon receipt of notice meeting the requirements of this subsection, shall, as soon as practicable, modify the place of use descriptions in the water right permits, certificates, or claims to reflect the actual use through such interties, provided that the place of use is within service area designations established in a water system plan approved pursuant to chapter 43.20 RCW, or a coordinated water system plan approved pursuant to chapter 70.116 RCW, and further provided that the water used is within the instantaneous and annual withdrawal rates specified in the water rights (~~permit~~) and that no outstanding complaints of impairment to existing water rights have been filed with the department of ecology prior to September 1, 1991. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties or through available administrative remedies.

(b) An intertie meeting the requirements of this subsection (3) for modifying the place of use description in a water right permit, certificate, or claim may be used to its full design or built capacity within the most recently approved retail or wholesale or retail and wholesale service area, without further approval under this section and without regard to the capacity actually used before January 1, 1991.

(4) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, exchange, acquisition, or delivery of water through interties approved by the department of health commencing use after January 1, 1991, shall be permitted when the intertie improves overall system reliability, enhances the manageability of the systems, provides opportunities for conjunctive use, or delays or avoids the need to develop new water sources, and otherwise meets the requirements of this section, provided that each public water system's water use shall not exceed the instantaneous or annual withdrawal rate specified in its water right authorization, shall not adversely affect existing water rights, and shall not be inconsistent with state-approved plans such as water system plans or other plans which include specific proposals for construction of interties. Interties approved and commencing use after January 1, 1991, shall not be inconsistent with regional water resource plans developed pursuant to chapter 90.54 RCW or chapter 90.-- RCW (sections 101 through 113 of this act).

(5) For public water systems subject to the approval process of chapter 43.20 RCW or chapter 70.116 RCW, proposals for interties commencing use after January 1, 1991, shall be incorporated into water system plans pursuant to chapter 43.20 RCW or coordinated water system plans pursuant to chapter 70.116 RCW and submitted to the department of health and the department of ecology for review and approval as provided for in subsections (5) through (9) of this section. The plan shall state how the proposed intertie will improve overall system reliability, enhance the manageability of the systems, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources.

(6) The department of health shall be responsible for review and approval of proposals for new interties. In its review the department of health shall determine whether the intertie satisfies the criteria of subsection (4) of this section, with the exception of water rights considerations, which are the responsibility of the department of ecology, and shall determine whether the intertie is necessary to address emergent public health or safety concerns associated with public water supply.

(7) If the intertie is determined by the department of health to be necessary to address emergent public health or safety concerns associated with public water supply, the public water system shall amend its water system plan as required and shall file an application with the department of ecology to change its existing water right to reflect the proposed use of the water as described in the approved water system plan. The department of ecology shall process the application for change pursuant to RCW 90.03.380 or 90.44.100 as appropriate, except that, notwithstanding the requirements of those

sections regarding notice and protest periods, applicants shall be required to publish notice one time, and the comment period shall be fifteen days from the date of publication of the notice. Within sixty days of receiving the application, the department of ecology shall issue findings and advise the department of health if existing water rights are determined to be adversely affected. If no determination is provided by the department of ecology within the sixty-day period, the department of health shall proceed as if existing rights are not adversely affected by the proposed intertie. The department of ecology may obtain an extension of the sixty-day period by submitting written notice to the department of health and to the applicant indicating a definite date by which its determination will be made. No additional extensions shall be granted, and in no event shall the total review period for the department of ecology exceed one hundred eighty days.

(8) If the department of health determines the proposed intertie appears to meet the requirements of subsection (4) of this section but is not necessary to address emergent public health or safety concerns associated with public water supply, the department of health shall instruct the applicant to submit to the department of ecology an application for change to the underlying water right or claim as necessary to reflect the new place of use. The department of ecology shall consider the applications pursuant to the provisions of RCW 90.03.380 and 90.44.100 as appropriate. The department of ecology shall not deny or limit a change of place of use for an intertie on the grounds that the holder of a permit has not yet put all of the water authorized in the permit to beneficial use. If in its review of proposed interties and associated water rights the department of ecology determines that additional information is required to act on the application, the department may request applicants to provide information necessary for its decision, consistent with agency rules and written guidelines. Parties disagreeing with the decision of the department of ecology (~~to~~) to approve or deny the application for change in place of use may appeal the decision to the pollution control hearings board.

(9) The department of health may approve plans containing intertie proposals prior to the department of ecology's decision on the water right application for change in place of use. However, notwithstanding such approval, construction work on the intertie shall not begin until the department of ecology issues the appropriate water right document to the applicant consistent with the approved plan.

(10) The 1997 amendments to this section in this act are null and void if any one of sections 101 through 115 of this act is vetoed by June 30, 1997.

**Sec. 402.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read as follows:

(1) Upon a showing satisfactory to the department that any appropriation has been perfected in accordance with the provisions of this chapter, it shall be the duty of the department to issue to the applicant a certificate stating such facts in a form to be prescribed by him, and such certificate shall thereupon be recorded with the department. Any original water right certificate issued, as provided by this chapter, shall be recorded with the department and thereafter, at the expense of the party receiving the same, be by the department transmitted to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof.

(2) If a public water system is providing water for municipal supply purposes under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected.

(3) If a federal reclamation project is providing water for reclamation purposes under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected.

(4) If an irrigation district is providing water for the purposes authorized by chapter 87.03 RCW under a certificated water right, the instantaneous and annual withdrawal rates specified in the certificate are deemed valid and perfected.

(5) The 1997 amendments to this section in this act are null and void if any one of sections 101 through 115 of this act is vetoed by June 30, 1997.

## PART V RELINQUISHMENT

**Sec. 501.** RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;
- (e) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas;

(f) An elapse of time occurring while a request or application is processed for transferring or changing a water right to use by a public water supplier for municipal purposes;

(g) The implementation of practices or technologies or the installation or repair of facilities, including but not limited to water conveyance practices, technologies, or facilities, that are more efficient or more water use efficient than practices, technologies, or facilities previously used under the water right.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

(c) If such right is claimed for a determined future development to take place (~~either~~) at any time within fifteen years of either July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

(e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

## PART VI GENERAL PERMITS

NEW SECTION. Sec. 601. The legislature finds that the present delay in the processing of water right applications is not beneficial to the citizens of the state nor is it in keeping with the goal of managing the resource to the highest possible standard and maximum net benefit.

The legislature further finds that water conservation efforts would be greatly enhanced by a permit system that encourages water right applicants to use only the amount of water actually necessary to meet their needs.

NEW SECTION. Sec. 602. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall develop a general permit system for appropriating water for nonconsumptive, nonbypass uses. This system must be designed and used to accurately identify and register any water right application that qualifies for the streamlined process of appropriation of water by meeting the requirements in this section and registering the use. The general permit system must be applicable state-wide, and all waters of the state shall be eligible for coverage under the system. The evaluation and report required for an application under RCW 90.03.290 are not required for applications processed under the general permit system. For the purposes of this section:

(a) "Nonconsumptive, nonbypass use" means a use of water in which water is diverted from a stream or drawn from an aquifer and following its use is discharged Backlund into or near the point of diversion or withdrawal without diminishment in quality and less than five thousand gallons of net consumption per day; and

(b) "Without diminishment of quality" means that, before being discharged Backlund to its source, the water being discharged meets state water quality standards adopted under chapter 90.48 RCW.

(2) The department shall, by January 1, 1998, establish the general permit system by adopting rules in accordance with chapter 34.05 RCW. Before the adoption of rules for a system, the department shall consult with representatives of the following interest groups: Agriculture; aquaculture; home construction and development; county government; city government; surface mining; and the environmental community. At least four public hearings must be held at various locations around the state, not less than two of which shall be east of the crest of the Cascade mountains. The rules must identify criteria for proposed uses of water for which applications might be processed under the system and must establish procedures for filing and processing applications and issuing water rights certificates under the general permit system.

NEW SECTION. Sec. 603. A new section is added to chapter 90.03 RCW to read as follows:

An application for registration as a nonconsumptive, nonbypass water user under the general permit system established under section 602 of this act must be made on a form adopted and provided by the department. Within sixty days of receipt of a properly completed application, the department shall determine whether the proposed use is eligible to be processed under the general permit system. If the department determines that the proposed use is eligible to be processed under the system, the application must be processed under the system within the next sixty days. The priority date of the water right established pursuant to this section shall be the date that the properly completed application is submitted. If the department determines that the proposed use is not eligible for the processing, the department shall explain to the applicant in writing the reasons for its determination. For a proposed use determined ineligible for the processing, if the department finds that the information contained on the application form substantially satisfies the information requirements for an application for a use that would normally be filed for processing the application outside of the general permit system, the department shall notify the applicant of its finding and shall process the application as if it were filed for processing outside of the system. If the department finds that the information does not substantially satisfy the requirements, the application must be considered to be incomplete for the processing and the applicant must be notified of this consideration.

NEW SECTION. Sec. 604. A new section is added to chapter 90.03 RCW to read as follows:

Nothing in sections 602 and 603 of this act authorizes the impairment or operates to impair any existing water rights. A water right holder under sections 602 and 603 of this act shall not make withdrawals that impair a senior water right. A holder of a senior water right who believes his or her water right is impaired may file a complaint with the department of ecology. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties. Nothing in section 602 or 603 of this act may be construed as waiving any requirement established under chapter 90.48 RCW or federal law that a permittee secure a discharge permit regarding water quality.

NEW SECTION. Sec. 605. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, this act is null and void.

## PART VII APPEALS

NEW SECTION. Sec. 701. The legislature recognizes that in many cases the value of real property directly depends upon the amount of water that is available for use on that property. The legislature also recognizes that water rights are a type of property right in which many different parties may assert an interest. Current statutes require many property rights actions in which different parties assert interests, such as actions for partition or eminent domain, to be filed in superior court. The legislature further finds that informal procedures such as mediation and fact finding have been

employed successfully in other areas of the law, and may produce positive results in certain types of water disputes. The legislature therefore finds that property owners should have a choice to select informal or formal hearings before the pollution control hearings board, and that relinquishment proceedings should be appealed to the local superior courts.

**Sec. 702.** RCW 34.05.514 and 1995 c 347 s 113 and 1995 c 292 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

(3) For proceedings involving the relinquishment of a water right and appeals of formal and informal hearings of the pollution control hearings board involving a water quantity decision as defined in section 713 of this act, the petition shall be filed in the superior court for the county in which is located the land upon which the water was used.

**Sec. 703.** RCW 43.21B.110 and 1993 c 387 s 22 are each amended to read as follows:

(1) The pollution control hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, the administrator of the office of marine safety, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, ~~((90.14.130,))~~ and 90.48.120.

(c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Any other decision by the department, the administrator of the office of marine safety, or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The jurisdiction of the pollution control hearings board is further limited as follows:

(a) The hearings board has no jurisdiction to review orders pertaining to the relinquishment of a water right under RCW 90.14.130, or to review proceedings regarding general adjudications of water rights conducted pursuant to chapter 90.03 or 90.44 RCW.

(b) The following hearings shall not be conducted by the hearings board:

~~((a))~~ (i) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

~~((b))~~ (ii) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

~~((c) Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW.~~

~~((d))~~ (iii) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) ~~((Review of))~~ Rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

**Sec. 704.** RCW 43.21B.130 and 1990 c 65 s 3 are each amended to read as follows:

The administrative procedure act, chapter 34.05 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions were transferred by section 6, chapter 62, Laws of 1970 ex. sess. to the department. ~~((All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this chapter.))~~

**Sec. 705.** RCW 43.21B.240 and 1989 c 175 s 105 are each amended to read as follows:

The department and air authorities shall not have authority to hold adjudicative proceedings pursuant to the Administrative Procedure Act, chapter 34.05 RCW. Such hearings, except for appeals of orders pertaining to the relinquishment of a water right issued pursuant to RCW 90.14.130, shall be held by the pollution control hearings board.

**Sec. 706.** RCW 43.21B.305 and 1994 c 253 s 5 are each amended to read as follows:

In an appeal that involves a penalty of five thousand dollars or less, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. An informal hearing appeal relating to a water quantity decision as defined in section 713 of this act may be heard by one member of the board. The board shall define by rule alternative procedures to expedite small appeals. These alternatives may include: Mediation, upon agreement of all parties unless initiated as provided in section 713 of this act; submission of testimony by affidavit; conducting hearing by telephone; or other forms that may lead to less formal and faster resolution of appeals.

**Sec. 707.** RCW 43.21B.310 and 1992 c 73 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any order issued by the department ~~((; the administrator of the office of marine safety,))~~ or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW, ~~((this is))~~ these are the exclusive means of appeal of such an order.

~~((2))~~ (a) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

~~((3))~~ (b) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

~~((4))~~ (c) Any appeal before the hearings board must contain the following in accordance with the rules of the hearings board:

~~((a))~~ (i) The appellant's name and address;

~~((b))~~ (ii) The date and docket number of the order, permit, or license appealed;

~~((c))~~ (iii) A description of the substance of the order, permit, or license that is the subject of the appeal;

~~((d))~~ (iv) A clear, separate, and concise statement of every error alleged to have been committed;

~~((e))~~ (v) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

~~((f))~~ (vi) A statement setting forth the relief sought.

~~((5))~~ (d) Upon failure to comply with any final order of the department or the administrator, the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

~~((6))~~ (e) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

(2) Water quantity decisions of the department, as defined in section 713 of this act, may be appealed to the pollution control hearings board as provided in section 713 of this act. Appeals of orders pertaining to the relinquishment of a water right are filed in superior court as provided by RCW 90.14.130.

**Sec. 708.** RCW 43.27A.190 and 1987 c 109 s 11 are each amended to read as follows:

Notwithstanding and in addition to any other powers granted to the department of ecology, whenever it appears to the department that a person is violating or is about to violate any of the provisions of the following:

- (1) Chapter 90.03 RCW; or
- (2) Chapter 90.44 RCW; or
- (3) Chapter 86.16 RCW; or
- (4) Chapter 43.37 RCW; or
- (5) Chapter 43.27A RCW; or

(6) Any other law relating to water resources administered by the department; or

(7) A rule or regulation adopted, or a directive or order issued by the department relating to subsections (1) through (6) of this section; the department may cause a written regulatory order to be served upon ~~((said))~~ the person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him or her. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the department shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein. Any person aggrieved by such order may appeal the order pursuant to RCW 43.21B.310, except that appeals of orders pertaining to the relinquishment of a water right shall be filed in superior court pursuant to RCW 90.14.130.

**Sec. 709.** RCW 90.14.130 and 1987 c 109 s 13 are each amended to read as follows:

When it appears to the department of ecology that a person entitled to the use of water has not beneficially used his or her water right or some portion thereof, and it appears that ~~((said))~~ the person's right has or may have reverted to the state because of such nonuse, as provided by RCW 90.14.160, 90.14.170, or 90.14.180, the department of ecology shall notify such person by order: PROVIDED, That where a company, association, district, or the United States has filed a blanket claim under the provisions of RCW 90.14.060 for the total benefits of those served by it, the notice shall be served on such company, association, district or the United States and not upon any of its individual water users who may not have used the water or some portion thereof which they were entitled to use. The order shall contain: (1) A description of the water right, including the approximate location of the point of diversion, the general description of the lands or places where such waters were used, the water source, the amount involved, the purpose of use, and the apparent authority upon which the right is based; (2) a statement that unless sufficient cause be shown on appeal the water right will be declared relinquished; and (3) a statement that such order may be appealed to the ~~((pollution control hearings board))~~ superior court. Any person aggrieved by such an order may appeal it to the ~~((pollution control hearings board pursuant to RCW 43.21B.310))~~ superior court for the county in which is located the land upon which the water was used. Any such appeal to superior court shall be heard de novo. The order shall be served by registered or certified mail to the last known address of the person and be



posted at the point of division or withdrawal. The order by itself shall not alter the recipient's right to use water, if any.

**Sec. 710.** RCW 90.14.190 and 1987 c 109 s 14 are each amended to read as follows:

Any person feeling aggrieved by any decision of the department of ecology may have the same reviewed pursuant to RCW 43.21B.310. However, any order pertaining to the relinquishment of a water right shall be filed in superior court pursuant to RCW 90.14.130. In any such review, the findings of fact as set forth in the report of the department of ecology shall be prima facie evidence of the fact of any waiver or relinquishment of a water right or portion thereof. If the hearings board affirms the decision of the department, a party seeks review in superior court of that hearings board decision pursuant to chapter 34.05 RCW, and the court determines that the party was injured by an arbitrary, capricious, or erroneous order of the department, the court may award reasonable attorneys' fees.

**Sec. 711.** RCW 90.14.200 and 1989 c 175 s 180 are each amended to read as follows:

(1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.05 RCW, the Administrative Procedure Act, except where the provisions of this chapter expressly conflict with chapter 34.05 RCW. Proceedings held pursuant to RCW 90.14.130 are ~~((adjudicative proceedings within the meaning of chapter 34.05 RCW. Final decisions of the department of ecology in these proceedings))~~ appealable to superior court as provided in that section. Other final decisions of the department of ecology under this chapter are subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: PROVIDED, That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights.

**Sec. 712.** RCW 90.66.080 and 1979 c 3 s 8 are each amended to read as follows:

The department is hereby empowered to promulgate such rules as may be necessary to carry out the provisions of this chapter. Decisions of the department, other than rule making, shall be subject to review by the pollution control hearings board or a superior court in accordance with chapter 43.21B RCW.

NEW SECTION. **Sec. 713.** A new section is added to chapter 43.21B RCW to read as follows:

(1) A water right claimant, or permit or certificate holder or applicant who is aggrieved or adversely affected by a water quantity decision may appeal the decision to the pollution control hearings board pursuant to RCW 43.21B.310. A formal hearing before the board may only be granted if all parties to the appeal of the water quantity decision agree to a formal hearing.

(2) At the request of any party, the board shall conduct an informal hearing, consisting of mediation and, if a settlement cannot be agreed upon, fact finding with recommendations. The hearings board shall adopt rules governing the election, practice, and procedures of informal hearings consistent with this section and section 714 of this act.

(3) For purposes of this chapter, a "water quantity decision" includes the following:

(a) A decision to grant or deny a permit or certificate for a right to the beneficial use of water or to amend, change, or transfer such a right; and

(b) A decision to enforce the conditions of a permit for, or right to, the beneficial use of water or to require any person to discontinue the use of water.

NEW SECTION. **Sec. 714.** A new section is added to chapter 43.21B RCW to read as follows:

(1) When one of the parties elects an informal hearing pursuant to section 713 of this act, a board member or an administrative law judge from the environmental hearings office shall be assigned as the mediator for the appeal.

(2) The parties involved in the informal hearing must provide the mediator and the other parties in advance with a clear, concise statement of the disputed issues and the parties' position in relation to the issues and supporting documentation. The mediator shall meet with the parties either jointly or separately, in the general area of the project under review or by telephone, at the discretion of the mediator, and shall take such steps as the mediator deems appropriate to resolve their differences and reach a settlement agreement. If a settlement agreement is reached, the mediator shall prepare and submit to the hearings board a written order of dismissal to which the settlement agreement is attached. The hearings board shall enter the order and dismiss the case unless the hearings board finds that the settlement agreement is contrary to law.

If the hearings board finds that the settlement agreement is contrary to law, it shall notify the parties and refer the dispute Backlund to mediation.

(3) If the parties are unable to achieve a settlement agreement within ninety days after being appointed, the mediator shall issue a statement that a settlement agreement has not been reached. After issuance of the statement, the party filing the appeal may request the hearings board to submit the dispute to fact finding with recommendations. Notice of the request for fact finding must be sent to the other parties.

(4) Within five days of the receipt of the request for fact finding, the hearings board shall assign a board member or an administrative appeals judge from the environmental hearings office to serve as fact finder. The person who served as the mediator to the dispute may serve as the fact finder with the consent of both parties.

(5) Within five days of being appointed, the fact finder shall establish a date, time, and place for the fact-finding hearing. The date of the hearing must be within thirty days of the appointment of the fact finder. The hearing shall be conducted in the general area where the project under review is located. At least seven days before the date of the hearing, each party must submit to the fact finder and to the other parties written proposals on all of the issues it intends to submit to fact finding. The fact finder has the power to issue subpoenas requiring the attendance and production of witnesses and the production of evidence. The order of presentation at the hearing shall be as agreed by the parties or as determined by the fact finder. Each documentary exhibit shall be filed with the fact finder and copies shall be provided to the other parties. The fact finder shall declare the hearing closed after the parties have completed presenting their testimony within agreed time limits.

(6) The fact finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how the dispute should be resolved. The fact finder may not apply any presumption as part of the findings of fact or recommendations. A copy of the findings and recommendations shall be filed with the hearings board. The findings of fact and recommendations of the fact finder are advisory only, and are not subject to review by the hearings board.

(7) The time limits established in this section may be extended by mutual agreement of all the parties.

**NEW SECTION. Sec. 715.** A new section is added to chapter 43.21B RCW to read as follows:

(1) Within thirty days after the fact finder has filed the findings of fact and recommendations pursuant to section 714 of this act, a party may request a formal hearing by the hearings board or appeal the water quantity decision directly to superior court. All parties must agree to a formal hearing by the hearings board before a formal hearing is granted.

(2) If a party elects to file an action in superior court following an informal hearing, it must be filed in the county in which is located the land upon which the water is or would be used.

**NEW SECTION. Sec. 716.** A new section is added to chapter 43.21B RCW to read as follows:

An appeal to superior court of a water quantity decision, as defined in section 713 of this act, following an informal hearing by the board shall be heard de novo. If an informal hearing on the decision or order had been completed by the pollution control hearings board, no issue may be raised in

superior court that was not raised and discussed as part of the fact-finding hearing. No bond may be required on appeals to the superior court or on review by the supreme court unless specifically required by the judge of the superior court.

## PART VIII MISCELLANEOUS

**Sec. 801.** RCW 90.03.380 and 1996 c 320 s 19 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That ~~((said))~~ the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and ~~((said))~~ the application shall not be granted until notice of ~~((said))~~ the application ~~((shall be))~~ is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

**Sec. 802.** RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows:

After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water ~~((: PROVIDED, HOWEVER, That such))~~. An amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (1) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the

substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. An amendment to a permit or certificate to change the place of use, point of withdrawal, and/or purpose of use of a ground water right to enable irrigation of additional acreage or the addition of new uses may be issued if such change results in no increase in the annual consumptive quantity of water used under a certificate or authorized for use under a permit. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water withdrawn pursuant to a certificate or the amount authorized for use pursuant to a permit, reduced by the estimated annual amount of return flows. For permits or certificates under which actual amounts of water have been withdrawn, withdrawals and return flows shall be averaged over the most recent five-year period of continuous beneficial use of the ground water right or, if the period of actual continuous beneficial use is less than five years, such lesser period. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

NEW SECTION. Sec. 803. As used in this act, part headings constitute no part of the law.

NEW SECTION. Sec. 804. Sections 101 through 113 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 805. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.54.040, 90.54.020, 90.54.180, 90.03.383, 90.03.330, 90.14.140, 43.21B.110, 43.21B.130, 43.21B.240, 43.21B.305, 43.21B.310, 43.27A.190, 90.14.130, 90.14.190, 90.14.200, 90.66.080, 90.03.380, and 90.44.100; reenacting and amending RCW 34.05.514; adding new sections to chapter 90.03 RCW; adding a new section to chapter 34.05 RCW; adding new sections to chapter 43.21B RCW; adding a new chapter to Title 90 RCW; and creating new sections."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House adopted the report of the Conference Committee on Second Substitute House Bill No. 2054, and advanced the bill to final passage.

#### FINAL PASSAGE AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2954 as recommended by the Conference Committee.

Representatives Chandler and Mastin spoke in favor of the passage of the bill.

Representatives Regala and Anderson spoke against passage of the bill.

#### COLLOQUY

Representative Linville: Would the gentleman from the 16<sup>th</sup> District yield to a question? Subsection (1) of Section 110 of the bill states that a WRIA plan is not to be developed such that its provisions "...impair or diminish in any manner a water right existing before its adoption. . ."

My question is: Is this a requirement that the Department of Ecology can seek to enforce as it reviews and adopts these local watershed plans?

Representative Mastin: In order to answer your question, we must first look at Section 112 of the bill. It is clear that subsection (6) of Section 112 provides a mechanism for removing an element of a local WRIA plan that is in conflict with state statute or federal law. If the Department of Ecology believes that an element is in conflict, the Department and the local unit must try to resolve the conflict through mediation. But, if mediation is unsuccessful in resolving the conflict, the Department must petition the Superior Court to resolve it. If the Court finds that the element is in conflict with state statute or federal law, that element is invalid.

Sections 101 through 113 of the bill will be codified as a new chapter in Title 90 RCW. The provision you have referred to in Section 110 (and other provisions expressly protecting existing water rights such as those in Section 109) will become part of this state's statutes when the bill is signed and will have full effect 90 days after the adjournment of the session. They will clearly be among the state statutes with which a local WRIA plan is prohibited from being in conflict. If the Department believes that an element of the plan would ". . . impair or diminish in any manner a water right existing before its adoption . . ." the provisions of subsection (6) of Section 112 of the bill regarding conflicts with state statute would expressly apply.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2054, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Delvin, Dunn, Dyer, Grant, Hankins, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Zellinsky and Mr. Speaker - 60.

Voting nay: Representatives Anderson, Appelwick, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunshee, Fisher, Gardner, Gombosky, Hatfield, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Mason, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Regala, Romero, Sommers, H., Tokuda, Voloria, Wolfe and Wood - 38.

Second Substitute House Bill No. 2054, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1054,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1111,  
HOUSE BILL NO. 1388,  
ENGROSSED HOUSE BILL NO. 1581,  
SUBSTITUTE HOUSE BILL NO. 1605,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900,

### MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1022,

SUBSTITUTE HOUSE BILL NO. 1478,  
SUBSTITUTE HOUSE BILL NO. 1485,  
ENGROSSED HOUSE BILL NO. 1647,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1687,  
HOUSE BILL NO. 1708,  
SUBSTITUTE HOUSE BILL NO. 1729,  
HOUSE BILL NO. 1924,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2193,

and the same are therewith transmitted.

Michael O'Connell, Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5270, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5710, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5157, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

CONFERENCE COMMITTEE REPORT

ESSB 6061 Date: April 25, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6061, funding transportation, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached S-3327.4/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

## "TRANSPORTATION APPROPRIATIONS

**NEW SECTION. Sec. 1.** To ensure accountability for the expenditure of transportation revenue by agencies responsible for delivering transportation services and programs to the traveling and taxpaying public, an objective and systematic assessment of the services and programs administered by the departments of transportation and licensing and the Washington state patrol is essential. An audit of the agencies' performance and an examination of the efficiency and effectiveness of service and program delivery by the agencies, shall take place prior to the appropriation for full funding of certain programs, projects, and services in the 1997-99 biennium.

**NEW SECTION. Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1999.

(2) Legislation with fiscal impacts enacted in the 1997 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

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

(a) "Fiscal year 1998" or "FY 1998" means the fiscal year ending June 30, 1998.

(b) "Fiscal year 1999" or "FY 1999" means the fiscal year ending June 30, 1999.

(c) "FTE" means full-time equivalent.

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

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes/results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Mission" means a statement of an organization's purpose that is concise, understandable, and consistent with the agency's statutory mandate.

(h) "Vision" means a statement of the organization's preferred future that is idealistic, motivating, directive, and logically connected to the mission.

(i) "Major strategies" means the broad themes for how an agency plans to accomplish its mission.

(j) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(k) "Objectives" means the steps taken to reach a goal that are specific and measurable within a specified time period. Objectives shall be assignable, prioritized, time-phased, and have resource estimates.

(l) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

## PART I GENERAL GOVERNMENT AGENCIES--OPERATING

### **NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Fund--State Appropriation \$ 304,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 15, 1998, and January 15, 1999, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

**NEW SECTION. Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 111,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1997.

**NEW SECTION. Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation \$ 420,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1997.

**NEW SECTION. Sec. 104. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Fund--State Appropriation \$ 1,000,000  
Marine Operating Account--State Appropriation \$ 1,000,000  
TOTAL APPROPRIATION \$ 2,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfers from the motor vehicle fund and the marine operating fund are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

**NEW SECTION. Sec. 105. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Fund--State Appropriation \$ 222,000

**NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Transportation Fund--State Appropriation \$ 1,500,000

(1) The joint legislative audit and review committee shall conduct performance audits of the department of transportation, focusing on its responsibilities for the highway and ferry systems; the department of licensing, focusing on the processes for motor vehicle and driver licensing functions; and the Washington state patrol, focusing on law enforcement operations, communications systems, and technology requirements. The performance audits shall be conducted in accordance with government accounting standards prescribed by the comptroller general of the United States and the provisions of chapter 44.28 RCW, and shall be an objective and systematic assessment of the programs administered by the audited agencies, including each program's effectiveness, efficiency, and accountability. The



joint legislative audit and review committee shall act as project manager of the audits and, under the provisions of chapter 39.29 RCW, shall contract with a consultant or consultants to conduct the audits.

(2) The committee shall consult frontline employees, program managers, customers of the programs and agency services, taxpayers, legislators, legislative staff, state auditor, office of financial management staff, and other external public and private sector experts in conducting the performance audit.

(3) The performance audit shall identify those activities and programs that should be strengthened, those that should be abandoned, and those that need to be redirected or other alternatives explored. In conducting the audit, the following objectives shall be addressed as appropriate:

(a) Identify each of the discrete functions or activities, along with associated costs and full-time equivalent staff;

(b) Determine the extent to which the particular activity or function is specifically authorized in statute or is consistent with statutory direction and intent;

(c) Establish the relative priority of the program among the agency's functions;

(d) Consider whether or not the purpose for which the program was created is still valid based on the circumstances under which the program was created versus those that exist at the time of the audit;

(e) Recommend organizations or programs in the public or private sector to be used as benchmarks against which to measure the performance of the program or function;

(f) Determine whether or not the program or function is achieving the results for which it was established;

(g) Identify alternatives for delivering the program or service, either in the public or private sector;

(h) Identify any duplication of services with other government programs or private enterprises or gaps in services;

(i) Identify the costs or implications of not performing the function;

(j) Determine the frequency with which other states perform similar functions, as well as their relative funding levels and performance;

(k) In the event of inadequate performance by the program, identify the potential for a workable, affordable plan to improve performance;

(l) Identify, to the extent possible, the causes of any program's failure to achieve the desired results and identify alternatives for reducing costs or improving service delivery, including transferring functions to other public or private sector organizations; and

(m) Develop recommendations relating to statutes that inhibit or do not contribute to the agency's ability to perform its functions effectively and efficiently and whether specific statutes, activities, or programs should be continued, abandoned, or restructured.

(4) In conducting the performance audit of the Washington state ferries' capital program, the committee shall evaluate and make recommendations on the following elements:

(a) Washington state ferries' compliance with the recommendations of the 1991 Booz. Allen and Hamilton vessel construction and refurbishment study;

(b) Vessel procurement procedures that maximize cost effective preservation, maintenance, and new construction of Washington state ferries;

(c) The appropriate level of Washington state ferries' in-house design and construction, design or construction functions that could be performed by private engineering firms and shipyards, and procedures to appropriately share the risk of project performance between the state and private shipyards in the implementation of contractual work;

(d) Washington state ferries' long-range plan recommendations for terminal and vessel investments, with particular focus on the appropriate investments to meet forecasted vehicle and passenger travel demands, emergent vessel capacity and existing fleet preservation needs, needed route structures, and related terminal capacity; and

(e) Other elements or issues as directed by the advisory committee.

(5) In conducting the performance audit of the Washington state ferries' operating program, the committee shall evaluate and make recommendations on the following elements:

- (a) The administration and organizational structure of the Washington state ferries, with specific focus on the appropriate level of management staffing, and clerical and support functions necessary for terminal and vessel activities;
  - (b) The efficiency of current staging, loading, and traffic management procedures;
  - (c) The appropriate service level and related vessel deployment for existing and planned routes;
  - (d) Appropriate procedures for vessel operational support; including, but not limited to, fueling, water, sewage, and hazardous materials management procedures;
  - (e) Internal controls of revenue collections and inventory;
  - (f) Review of emergency management procedures;
  - (g) The feasibility of converting international route service to local government and/or private sector operation;
  - (h) Radio and electronic vessel communications and electronic tracking systems;
  - (i) Contractual agreements for agent services;
  - (j) Terminal utility cost increases;
  - (k) Internal control procedures to ensure the accuracy of payroll;
  - (l) Strategies for maintenance support of vessels and terminals, including an assessment of Eagle Harbor operations;
  - (m) Fleet and terminal equipment processes to enhance operational support and cost effective purchases;
  - (n) Essential training and human resources requirements, including training needed to comply with regulatory agency mandates;
  - (o) Appropriate levels of support necessary for the consistent operation of supporting data processing systems;
  - (p) System-wide charges for software licensing and policy for purchasing, or upgrading computer workstations; and
  - (q) Other elements or issues as directed by the committee.
- (6) The performance audit of the department of transportation's ferry capital and operating programs shall have first priority, and as many components as are feasible shall be completed prior to January 1, 1998. The performance audit of other department programs, if feasible, shall also be considered for completion in this time period.
- (7) Unless the joint legislative audit and review committee determines otherwise, the preliminary and final audit reports for the Washington state ferries shall be completed by October 1, 1997, and January 1, 1998, respectively. Unless the committee determines otherwise, the preliminary and final audit reports for other programs administered by the department of transportation, the department of licensing and the Washington state patrol shall be completed by August 1, 1998, and November 1, 1998, respectively.
- (8)(a) There is hereby created a temporary performance audit advisory committee. The advisory committee shall provide input to the joint legislative audit and review committee on the following matters:
- (i) Identification of stakeholders;
  - (ii) The performance audit scope and objectives;
  - (iii) Progress reports provided by the joint legislative audit and review committee;
  - (iv) Preliminary and final audit reports; and
  - (v) Facilitating communication of audit findings to other members of the legislature.
- (b) The advisory committee shall be comprised of the members of the executive committees of the joint legislative audit and review committee and the legislative transportation committee. The state auditor and the director of the office of financial management shall serve as ex officio members.
- (c) The advisory committee shall be chaired by the director of financial management.

**NEW SECTION. Sec. 107. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Fund--State Appropriation \$ 116,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire amount is provided as funding to the office of financial management for a policy and budget analyst for the transportation agencies.

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Motor Vehicle Fund--State Appropriation \$ 252,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is for the contracted staff at the Gateway Visitor Information Centers, and may not be used for any other purpose.

**NEW SECTION. Sec. 109. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Fund--State Appropriation \$ 931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature in December 1997 and December 1998.

(2) If any of the parks that have historically received these funds are closed during the 1997-99 biennium, the funds for the closed parks may not be used for other purposes and must be returned to the motor vehicle fund.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 110. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Fund--State Appropriation \$ 3,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The entire appropriation is for the repaving of roadways in the following state parks in the 1997-99 biennium:

- (a) Moran state park, \$1,800,000;
- (b) Cama Beach state park, \$300,000;
- (c) Riverside state park, \$640,000;
- (d) Steamboat Rock state park, \$225,000;
- (e) Damon Point state park, \$485,000; and
- (f) Deception Pass state park, \$50,000.

(2) This is a one time appropriation with the repaving efforts to be completed in the parks by June 30, 1999. The repaving contracts will be awarded by competitive bid using department of transportation standards. Progress reports will be prepared and presented to the legislative transportation committees in January 1999.

(3) If any of the parks listed in subsection (1) of this section are closed during the 1997-99 biennium, the amount provided for the park under subsection (1)(a) through (f) of this section shall lapse and return to the motor vehicle fund.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Fund--State Appropriation \$ 491,000  
Highway Safety Fund--Federal Appropriation \$ 5,216,000  
Transportation Fund--State Appropriation \$ 950,000  
TOTAL APPROPRIATION \$ 6,657,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation fund--state appropriation includes \$900,000 to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed twenty-five percent of total expenditures in support of that task force.

(2) \$50,000 of the transportation fund--state appropriation is provided to support local law enforcement implementing the drug recognition expert (DRE) and drugged driving programs. Any funds not required for the DRE program may be used for programs related to heavy trucks that improve safety and enforcement of Washington state laws.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$ 275,000

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Motor Vehicle Fund--Rural Arterial Trust  
Account--State Appropriation \$ 57,397,000  
Motor Vehicle Fund--State Appropriation \$ 1,548,000  
Motor Vehicle Fund--Private/Local  
Appropriation \$ 383,000  
Motor Vehicle Fund--County Arterial Preservation  
Account--State Appropriation \$ 27,940,000  
TOTAL APPROPRIATION \$ 87,268,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$124,000 of the county arterial preservation account--state appropriation is provided for a computer programmer to rewrite and expand the county road information system for compatibility with Windows computer software. It is the intent of the legislature that this position be a project position and is funded for the 1997-99 biennium only.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Motor Vehicle Fund--Urban Arterial Trust  
Account--State Appropriation \$ 57,159,000  
Motor Vehicle Fund--Transportation Improvement  
Account--State Appropriation \$ 122,014,000  
Motor Vehicle Fund--City Hardship Assistance  
Account--State Appropriation \$ 2,649,000  
Motor Vehicle Fund--Small City Account--  
State Appropriation \$ 7,921,000  
Central Puget Sound Public Transportation  
Account--State Appropriation \$ 27,360,000  
Public Transportation Systems Account--  
State Appropriation \$ 3,928,000  
TOTAL APPROPRIATION \$ 221,031,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 2,822,000  
Transportation Fund--State Appropriation \$ 200,000  
TOTAL APPROPRIATION \$ 3,022,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) In order to meet the growing demand for services the legislative transportation committee shall seek accountability and efficiencies within transportation agency programs through in-depth program evaluations. These program evaluations shall consider:

(a) Whether or not strategic planning and performance-based budgeting is a preferable planning and budgeting tool to the current incremental budgeting process for agency administrative programs and capital program budgeting;

(b) How the programs are performing currently and how service would be affected at different funding levels using performance measures; and

(c) What decision-making tools aid with the budgeting and oversight of these programs, such as tools developed during the maintenance accountability program (MAP) conducted by the legislative transportation committee during the 1995-97 biennium.

(2) In consultation with other legislative committees, the legislative transportation committee shall study ways to enhance budget development tools and presentation documents that will better illustrate agencies' full appropriation authority and the intended outcomes of the appropriation.

(3) The legislative transportation committee shall conduct an evaluation of services provided by the county road administration board, the transportation improvement board and the TransAid division within the department of transportation. The evaluation shall assess whether consolidation of any of these activities will result in efficiencies and improved service delivery. The evaluation shall also assess the funding structure of these organizations to determine whether there are any benefits gained from a more simplified structure. The evaluation shall also assess other funding authorities to see if there is potential for further expansion of these revenues. The committee shall report its findings and recommendations to the 1998 legislature and, if needed, prepare legislation to implement those recommendations. \$150,000 of the motor vehicle fund--state appropriation is provided for this evaluation.

(4) The legislative transportation committee, in cooperation with the house appropriations committee, the senate ways and means committee, and the office of financial management, shall study and report to the legislature its findings regarding the process and procedures for calculation, determination, and collection of the amounts of motor vehicle excise tax (MVET) collected on the sale or lease of motor vehicles in this state. The report shall include findings as to the base amount for calculation of MVET, the amortization schedule for calculation of MVET, and adequacy and efficiency of current systems to provide accurate and timely information to those responsible for determining and collecting the MVET due, including recommendations for determining the MVET due for current and future multiple MVET tax structures. The report must also include a status report as to the progress and feasibility of using third party information providers or using private vendors to collect the MVET. \$200,000 of the transportation fund--state appropriation is provided for this evaluation including the use of a consultant. This \$200,000 amount is null and void if an appropriation for this activity is enacted in any other appropriations bill by June 30, 1997.

**NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION**

Motor Vehicle Fund--Puget Sound Ferry Operations  
Account--State Appropriation \$ 354,000

**NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION**

Transportation Fund--State Appropriation \$ 804,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation commission shall report to the legislative transportation committee following adoption of the highway, rail, capital facilities, and ferry capital construction programs, and provide status reports to the committee throughout the biennium.

(2) The commission is directed to continue efforts to identify cost savings and efficiencies for the department of transportation. These efficiencies may include contracting out or privatizing of appropriate services.

**NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 159,108,000  
Motor Vehicle Fund--State Patrol Highway  
Account--Federal Appropriation \$ 4,374,000  
Motor Vehicle Fund--State Patrol Highway  
Account--Local Appropriation \$ 170,000  
Transportation Fund--State Appropriation \$ 8,961,000  
TOTAL APPROPRIATION \$ 172,613,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$8,200,000 of the transportation fund--state appropriation is provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$761,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--  
INVESTIGATIVE SERVICES BUREAU**

Transportation Fund--State Appropriation \$ 6,317,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation in this section is for the following traditional general fund purposes: Crime laboratories, used primarily for local law enforcement purposes; ACCESS, the computer system linking all law enforcement and criminal justice agencies in the state to one another; and, the identification section, which is responsible for performing criminal background checks. This appropriation is not a permanent funding source for these purposes.

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT  
SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 55,961,000  
Motor Vehicle Fund--State Patrol Highway  
Account--Federal Appropriation \$ 104,000  
Transportation Fund--State Appropriation \$ 4,965,000  
TOTAL APPROPRIATION \$ 61,030,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information

services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$4,965,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--  
MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education  
Account--State Appropriation \$ 77,000  
State Wildlife Account--State Appropriation \$ 57,000  
Highway Safety Fund--State Appropriation \$ 5,538,000  
Motor Vehicle Fund--State Appropriation \$ 4,501,000  
Transportation Fund--State Appropriation \$ 900,000  
TOTAL APPROPRIATION \$ 11,073,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The agency is directed to develop a proposal for implementing alternative approaches to delivering agency services to the public. The alternative approaches may include the use of credit card payment for telephone or use of the internet for renewals of vehicle registrations. The proposal shall also include collocated services for greater convenience to the public. The agency shall submit a copy of the proposal to the legislative transportation committee and to the office of financial management no later than December 1, 1997.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--  
INFORMATION SYSTEMS**

Highway Safety Fund--Motorcycle Safety Education  
Account--State Appropriation \$ 2,000  
General Fund--Wildlife Account--State  
Appropriation \$ 123,000  
Highway Safety Fund--State Appropriation \$ 4,396,000  
Motor Vehicle Fund--State Appropriation \$ 5,858,000  
Transportation Fund--State Appropriation \$ 1,190,000  
TOTAL APPROPRIATION \$ 11,569,000



The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

General Fund--Marine Fuel Tax Refund Account--  
State Appropriation \$ 26,000  
General Fund--Wildlife Account--State  
Appropriation \$ 549,000  
Motor Vehicle Fund--State Appropriation \$ 50,003,000  
Department of Licensing Services Account--  
State Appropriation \$ 2,944,000  
TOTAL APPROPRIATION \$ 53,522,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education  
Account--State Appropriation \$ 1,160,000  
Highway Safety Fund--State Appropriation \$ 61,087,000  
Transportation Fund--State Appropriation \$ 4,985,000  
TOTAL APPROPRIATION \$ 67,232,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: If Substitute House Bill No. 1501, Substitute Senate Bill No. 5718, or driver's license security provisions that are substantially similar to the security provisions in either bill are not enacted by June 30, 1997, \$2,503,000 of the highway safety fund--state appropriation shall lapse.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 24,703,000

Motor Vehicle Fund--Federal Appropriation \$ 400,000  
Motor Vehicle Fund--Transportation Capital  
Facilities Account--State Appropriation \$ 24,338,000  
TOTAL APPROPRIATION \$ 49,441,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

Transportation Fund--Aeronautics Account--State  
Appropriation \$ 3,301,000  
Transportation Fund--Aeronautics Account--Federal  
Appropriation \$ 1,000  
Aircraft Search and Rescue, Safety, and Education  
Account--State Appropriation \$ 170,000  
Transportation Account--State Appropriation \$ 250,000  
TOTAL APPROPRIATION \$ 3,722,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--  
IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--  
State Appropriation \$ 2,434,000  
Motor Vehicle Fund--State Appropriation \$ 113,341,000  
Motor Vehicle Fund--Federal Appropriation \$ 130,485,000  
Motor Vehicle Fund--Private/Local  
Appropriation \$ 40,000,000  
Special Category C Account--State Appropriation \$ 78,600,000  
Transportation Fund--State Appropriation \$ 278,546,000  
Puyallup Tribal Settlement Account--State  
Appropriation \$ 5,000,000  
Puyallup Tribal Settlement Account--Private/Local  
Appropriation \$ 200,000  
High Capacity Transportation Account--State  
Appropriation \$ 1,288,000  
TOTAL APPROPRIATION \$ 649,894,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) \$75,000,000 of the transportation fund--state appropriation and \$25,000,000 of the motor vehicle fund--state appropriation are provided for projects to be selected by the transportation commission. The commission shall select improvement projects giving priority consideration to those projects supporting freight mobility, economic development, and partnerships, such as the SR 543 Blaine Border Crossing, SR 405 NE 44th St. I/c corridor analysis, and SR 520 Translake study. State-wide geographic distribution should also be considered.

(b) State funds conditioned in (a) of this subsection may also be used as match for federally funded projects of similar nature.

(2) The special category C account--state appropriation of \$78,600,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 and includes \$19,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. If House Bill No. 1012 is not enacted by June 30, 1997, \$19,000,000 of the special category C account--state appropriation shall lapse.

(3) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(5) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(6) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(7) No moneys are provided for the Washington coastal corridor study.

(8) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation \$ 1,280,000  
Motor Vehicle Fund--State Appropriation \$ 16,235,000  
TOTAL APPROPRIATION \$ 17,515,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ 238,200,000  
Motor Vehicle Fund--Federal Appropriation \$ 465,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 3,335,000  
TOTAL APPROPRIATION \$ 242,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ 289,777,000  
Motor Vehicle Fund--Federal Appropriation \$ 274,259,000  
Motor Vehicle Fund--Private/Local Appropriation \$ 2,400,000  
TOTAL APPROPRIATION \$ 566,436,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 29,140,000

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity: The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital  
Construction Account--State Appropriation \$ 777,000  
Motor Vehicle Fund--State Appropriation \$ 57,462,000  
Motor Vehicle Fund--Puget Sound Ferry Operations  
Account--State Appropriation \$ 1,093,000  
Transportation Fund--State Appropriation \$ 1,158,000  
TOTAL APPROPRIATION \$ 60,490,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$2,650,000 solely for programming activities to bring the department's information systems into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report Backlund to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Fund--State Appropriation \$ 16,098,000  
Motor Vehicle Fund--Federal Appropriation \$ 10,466,000  
Transportation Fund--State Appropriation \$ 1,384,000  
TOTAL APPROPRIATION \$ 27,948,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--  
CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT  
Motor Vehicle Fund--State Appropriation \$ 2,515,000  
(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR  
Motor Vehicle Fund--State Appropriation \$ 840,000  
(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION  
FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Fund--State Appropriation \$ 3,391,000  
 (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Fund--State Appropriation \$ 2,240,000  
 (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND  
 ADMINISTRATION

Motor Vehicle Fund--State Appropriation \$ 12,120,000  
 (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND  
 ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations  
 Account--State Appropriation \$ 2,928,000  
 (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S  
 BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 536,000  
 (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL  
 ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 90,000  
 (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION  
 CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 735,000  
 (10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 295,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--  
 WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital  
 Construction Account--State Appropriation \$ 243,229,000

Motor Vehicle Fund--Puget Sound Capital  
 Construction Account--Federal  
 Appropriation \$ 30,165,000

Motor Vehicle Fund--Puget Sound Capital  
 Construction Account--Private/Local  
 Appropriation \$ 765,000

Transportation Fund--Passenger Ferry Account--  
 State Appropriation \$ 579,000

TOTAL APPROPRIATION \$ 274,738,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriations in this section are provided to carry out only the projects (version 3) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.
- (2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

(10)(a) The Puget Sound capital construction account--state appropriation includes \$57,461,000 for the 1997-99 biennium portion of the design and construction of a fourth Jumbo Mark II ferry and for payments related to the lease-purchase of the vessel's engines and propulsion system.

(b) If House Bill No. 2108 authorizing the department to procure the vessel utilizing existing construction and equipment acquisition contracts is not enacted during the 1997 legislative session, (a) of this subsection is null and void; \$50,000,000 of the motor vehicle fund--Puget Sound capital construction account--state appropriation shall not be allotted; and \$7,461,000 may be allotted for preservation or renovation of Super class ferries.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$ 267,358,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,151,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed \$177,347,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial

management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) Upon completion of the construction of the three Mark II Jumbo Class ferry vessels, two vessels shall be deployed for service on the Seattle-Bainbridge ferry route and one shall be deployed for service on the Edmonds-Kingston ferry route. Of the existing Jumbo Class ferry vessels, one shall be deployed for use on the Edmonds-Kingston route and the remaining vessel shall be used as a Backlund-up boat for both the Seattle-Bainbridge and Edmonds-Kingston routes.

(9) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--  
PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State  
Appropriation \$ 256,000  
High Capacity Transportation Account--State  
Appropriation \$ 6,225,000  
Air Pollution Control Account--State  
Appropriation \$ 6,290,000  
Transportation Fund--State Appropriation \$ 48,529,000  
Transportation Fund--Federal Appropriation \$ 3,947,000  
Transportation Fund--Private/Local  
Appropriation \$ 105,000  
Central Puget Sound Public Transportation  
Account--State Appropriation \$ 250,000  
TOTAL APPROPRIATION \$ 65,602,000



The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$40,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$2,500,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

(10) Up to \$2,500,000 of the high capacity transportation account--state appropriation may be used by the department for activities related to improvement of the King Street station. The department shall provide monthly reports to the legislative transportation committee on activities related to the station, including discussions of funding commitments from others for future improvements to the station.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

Motor Vehicle Fund--State Appropriation \$ 8,452,000  
Motor Vehicle Fund--Federal Appropriation \$ 33,726,000  
High Capacity Transportation Account--State Appropriation \$ 500,000  
TOTAL APPROPRIATION \$ 42,678,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

### PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES

**NEW SECTION. Sec. 301.** (1) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(2) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for \$3,709,900;
- (b) A new customer service center in Thurston county for \$4,641,200; and
- (c) A new customer service center in Union Gap for \$3,642,000.

(3) The Washington state patrol, department of licensing, and department of transportation shall provide monthly progress reports to the legislative transportation committee within the transportation executive information system on the capital facilities receiving an appropriation in this act.

### **NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS**

Motor Vehicle Fund--State Patrol Highway  
Account--State Appropriation \$ 7,075,000  
Transportation Fund--State Appropriation \$ 4,000,000  
TOTAL APPROPRIATION \$ 11,075,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in the transportation fund and the motor vehicle fund--state patrol highway account are provided for the microwave migration, Yakima district 3 headquarters office, weigh station facilities identified in the budget notes, training academy HVAC system, and regular facilities maintenance.

(2) The Washington state patrol, based on an independent real estate appraisal, is authorized to purchase the Port Angeles detachment office for a maximum of \$600,000 provided the appraisal is \$600,000 or above in value. If the appraisal is less than \$600,000, the Washington state patrol is authorized to purchase the building for the appraised value. Certificates of participation will be used for financing the cost of the building and related financing fees.

(3) A report will be prepared and presented to the legislature and office of financial management in January 1998 on the microwave migration project.

(4) The funding for the microwave migration project is limited to \$4,400,000, the amount of revenue from frequency sales.

(5) The intent of the legislature is to have vehicle identification number (VIN) lanes and encourage colocation of other transportation and state services wherever feasible in transportation facilities.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 21,696,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$ 195,062,000

Ferry Bond Retirement Account Appropriation \$ 49,606,000

TOTAL APPROPRIATION \$ 244,668,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital

Construction Account Appropriation \$ 500,000

Motor Vehicle Fund Appropriation \$ 130,000  
Transportation Improvement Account  
Appropriation \$ 200,000  
Special Category C Account Appropriation \$ 350,000  
Transportation Capital Facilities Account  
Appropriation \$ 1,000  
Urban Arterial Account Appropriation \$ 5,000  
TOTAL APPROPRIATION \$ 1,186,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

City Hardship Account Appropriation \$ 200,000  
Motor Vehicle Fund Appropriation for motor  
vehicle fuel tax and overload penalties  
distribution \$ 471,937,000  
Transportation Fund Appropriation \$ 3,744,000  
TOTAL APPROPRIATION \$ 475,881,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:  
For transfer to the department of retirement  
systems expense fund \$ 117,000

**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

(1) R V Account--State Appropriation:  
For transfer to the Motor Vehicle Fund--  
State \$ 1,176,000  
(2) Motor Vehicle Fund--State Appropriation:  
For transfer to the Transportation Capital  
Facilities Account--State \$ 47,569,000  
(3) Small City Account--State Appropriation:  
For transfer to the Urban Arterial Trust  
Account--State \$ 3,359,000  
(4) Small City Account--State Appropriation:  
For transfer to the Transportation Improvement  
Account--State \$ 7,500,000

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSFERS**

Motor Vehicle Fund--State Appropriation

For transfer to the Transportation Equipment Fund--State Appropriation \$ 500,000

The appropriation transfer in this section is provided for the purchase of equipment for the highway maintenance program from the transportation equipment fund - operations.

**NEW SECTION. Sec. 409.** The state treasurer shall transfer the sum of fifty million dollars from the general fund to the transportation fund during the fiscal year ending June 30, 1999.

**NEW SECTION. Sec. 410.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 411.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 412. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1997-99 biennium.

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSFERS**

Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation:

For transfer to the Motor Vehicle Fund--Puget Sound Capital Construction Account \$ 50,000,000

This transfer is intended to be an interfund loan between the two accounts with the obligation of repayment in future biennia. This appropriation is subject to the following conditions and limitations: If funds are not appropriated for a fourth Jumbo Mark II ferry or House Bill No. 2108, authorizing the department to procure the vessel utilizing existing construction and equipment acquisition contracts, is not enacted during the 1997 legislative session, this section is null and void.

PART V  
MISCELLANEOUS  
A. INFORMATION TECHNOLOGY

**NEW SECTION. Sec. 501.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for

management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

**NEW SECTION. Sec. 502.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to

actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

**NEW SECTION. Sec. 503.** Any new automation projects must be reviewed and approved by the department of information services and then by the office of financial management prior to transportation funding being approved. If changes in an automation project are made or recommended by the office of financial management, including appropriation amounts, then the department of information services must review and report recommendations on the changes prior to transportation funding being approved.

**NEW SECTION. Sec. 504.** Appropriations for the year 2000 conversions for transportation agencies will be used solely for modifications of information systems that have been approved and recommended by the department of information services. A progress report will be presented to the legislative transportation committee by the department of information services in January 1998, with completion of the year 2000 conversion by January 31, 1999. Any savings realized from the conversion process will revert on June 30, 1999, Backlund to the respective funds from which funding was appropriated.

#### B. EMERGENCY RELIEF

**NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF TRANSPORTATION--  
EMERGENCY RELIEF**

Motor Vehicle Fund--Federal Appropriation \$ 3,000,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is to be placed in reserve status for emergency relief in the event of a disaster where federal emergency relief funds have become available. The transportation commission in consultation with the legislative transportation committee may request the office of financial management to transfer the appropriation authority from reserve to active status.

**NEW SECTION. Sec. 506.** The appropriations contained in sections 203 and 204 of this act include funding to assist cities and counties in providing match for federal emergency funding for winter storm and flood damage as determined by the county road administration board and the transportation improvement board. The county road administration board and the transportation improvement board will report to the legislative transportation committee and the office of financial management by September 30 of each year on the projects selected to receive match funding.

#### C. BUDGET SUBMITTAL AND OVERSIGHT PROVISIONS

**NEW SECTION. Sec. 507.** Any agency requesting transportation funding must submit to the legislative transportation committees the same request and supporting documents presented to the office of financial management at agency budget submittal time.

**NEW SECTION. Sec. 508.** In addition to information required under section 507 of this act, agencies shall include their strategic plans and an explanation of how the budget submittals and the investment choices and recommended associated service levels are linked to the strategic plan.

**NEW SECTION. Sec. 509.** Transportation agencies are required to provide fund balances and financial, workload, and performance measurement data in the transportation executive information system on a schedule agreed to by the legislative transportation committee.

NEW SECTION. **Sec. 510.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1997 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, 1993, and 1995 legislatures to conform state funds and accounts with generally accepted accounting principles.

#### D. BILLS NECESSARY TO IMPLEMENT THIS ACT

NEW SECTION. **Sec. 511.** The following bills are necessary to implement portions of this act: Engrossed Substitute House Bill No. 1011, Substitute House Bill No. 2108, or Substitute Senate Bill No. 5718.

#### E. MISCELLANEOUS

NEW SECTION. **Sec. 512.** (1) If Substitute House Bill No. 2237 is not enacted, or is enacted without a provision allowing the department of transportation to obtain fair and reasonable compensation, by June 30, 1997, the appropriations to the department in this act may only be used by the department to grant rights of occupancy to a telecommunications carrier only to the extent authorized by existing law, including but not limited to chapters 47.12, 47.44, and 47.52 RCW. However, the authority of the department to install telecommunications facilities solely for public transportation purposes is not limited.

(2) The telecommunications/right-of-way advisory panel is created to evaluate the department's process for developing proposals for use of its limited-access rights-of-way by telecommunications carriers.

The membership of the telecommunications/right-of-way advisory panel is as follows:

(a) Two members of the house transportation policy and budget committee, one from each political party, as appointed by the speaker of the house of representatives. The speaker shall also designate two alternate members to serve if the appointed member is unavailable;

(b) Two members of the senate transportation committee, one from each political party, as appointed by the president of the senate. The president shall also designate two alternate members to serve if the appointed member is unavailable;

(c) One member of the house appropriations committee, as appointed by the speaker of the house of representatives. The speaker shall also designate an alternate member to serve if the appointed member is unavailable;

(d) One member of the senate ways and means committee, as appointed by the president of the senate. The president shall also designate an alternate member to serve if the appointed member is unavailable;

(e) Two representatives of the governor or their designees;

(f) The secretary of the department of transportation or a designee; and

(g) The director of the department of information services or a designee.

**Sec. 513.** RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account.

Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight, activities associated with freight mobility, and commute trip reduction activities.

NEW SECTION. **Sec. 514.** Section 513 of this act expires June 30, 1999.

#### NEW SECTION. **Sec. 515. FOR THE DEPARTMENT OF TRANSPORTATION--RESERVE STATUS**

Motor Vehicle Fund--State Appropriation \$ 5,000,000

Transportation Fund--State Appropriation \$ 5,000,000

TOTAL APPROPRIATION \$ 10,000,000



The appropriations in this section are subject to the following conditions and limitations and the entire amount is provided solely for placement in reserve status: The entire amount is to be placed in reserve status for potential funding of the highway construction program should the federal transportation authorization act, the successor to the intermodal surface transportation efficiency act (ISTEA) not be enacted by October 1, 1997.

NEW SECTION. Sec. 516. During the 1997 interim, the fiscal committees of the house of representatives and senate will review funding alternatives for Washington state parks (roadway maintenance and preservation), department of trade and economic development (gateway visitor information centers), and the office of financial management (transportation budget/policy analysts). The committees will make funding recommendations for a permanent funding source for each of the above agencies and the related activities during the 1998 legislative session.

NEW SECTION. Sec. 517. It is the intent of the legislature that the department of transportation may implement a voluntary retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

PART VI  
1995-97 SUPPLEMENTAL

**Sec. 601.** 1996 c 165 s 207 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education	
Account--State Appropriation \$ 68,000	
State Wildlife Account--State Appropriation \$ 53,000	
Highway Safety Fund--State Appropriation \$ <del>((5,460,000))</del>	5,429,000
Motor Vehicle Fund--State Appropriation \$ 4,045,000	
Transportation Fund--State Appropriation \$ 808,000	
TOTAL APPROPRIATION \$ <del>((10,434,000))</del>	10,403,000

**Sec. 602.** 1996 c 165 s 210 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education	
Account--State Appropriation \$ 1,150,000	
Highway Safety Fund--State Appropriation \$ <del>((56,145,000))</del>	56,395,000
Transportation Fund--State Appropriation \$ 4,914,000	
TOTAL APPROPRIATION \$ <del>((62,209,000))</del>	62,459,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If the following bills are not enacted by June 30, 1996, the amounts specified from the highway safety fund--state appropriation shall lapse:

- ~~((1))~~ (a) Engrossed Substitute House Bill No. 2150: \$298,000;
- ~~((2))~~ (b) Substitute Senate Bill No. 6487: \$61,000;
- ~~((3))~~ (c) Engrossed Third Substitute Senate Bill No. 6062: \$133,000.

(2) \$250,000 of the highway safety fund--state appropriation is provided for manual processing of accident reports due to a delay in implementing the collision reporting and statistical reporting system.

**Sec. 603.** 1996 c 165 s 211 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation	\$ 24,394,000	
Motor Vehicle Fund--Federal Appropriation	\$ 400,000	
Motor Vehicle Fund--Transportation Capital		
Facilities Account--State Appropriation	\$ <del>((21,974,000))</del>	<u>22,011,000</u>
<b>TOTAL APPROPRIATION</b>	\$ <del>((46,768,000))</del>	<u>46,805,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation capital facilities account--state appropriation includes \$37,000 as match to a federal emergency management grant for reimbursement to repair damage to agency owned buildings as result of the December 1996 floods.

**Sec. 604.** 1996 c 165 s 215 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Fund--State Appropriation	\$ <del>((222,274,000))</del>	<u>226,274,000</u>
Motor Vehicle Fund--Federal Appropriation	\$ 461,000	
Motor Vehicle Fund--Private/Local Appropriation	\$ 3,305,000	
<b>TOTAL APPROPRIATION</b>	\$ <del>((226,040,000))</del>	<u>230,040,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, if projected snow and ice expenditures exceed the plan of \$40,000,000, the department will, after prior consultation with the legislative transportation committee, adopt one or both of the following courses of action:

(a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control and detail these expenditures; or

(b) Continue service delivery as planned within the other major maintenance groups and access up to ~~((2,000,000 in the snow and ice reserve))~~ \$4,000,000 provided in subsection (6) of this section to cover increased snow and ice expenditures ~~((provided for in section 505 of this act))~~.

(3) The department shall provide recommendations to the legislative transportation committee by June 30, 1996, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program, under Engrossed Substitute House Bill No. 1512.

(5) The motor vehicle fund--state appropriation in this section includes \$1,812,000 for payment of local stormwater assessment fees.

(6) The motor vehicle fund--state appropriation includes \$4,000,000 solely for snow and ice expenditures that exceed the \$40,000,000 snow and ice expenditure plan.

**Sec. 605.** 1996 c 165 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation	\$ ((490,000))	
		<u>740,000</u>
Motor Vehicle Fund--Federal Appropriation	\$ 400,000	
Motor Vehicle Fund--Private/Local Appropriation	\$ 7,232,000	
TOTAL APPROPRIATION	\$ ((8,122,000))	<u>8,372,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The office of financial management, in cooperation with the department of transportation, is directed to establish an efficient and effective process to increase the expenditure and work force authority for this program to allow the department the ability to provide services on nonappropriated, outside requests.

(2) The motor vehicle fund--state appropriation includes \$250,000 for expenditure in fiscal year 1997 to pay for operating and maintenance costs for the Wahkiakum County ferry.

**Sec. 606.** 1996 c 165 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

Motor Vehicle Fund--State Appropriation	\$ 14,395,000	
Motor Vehicle Fund--Federal Appropriation	\$ ((15,647,000))	
		<u>16,327,000</u>
Transportation Fund--State Appropriation	\$ 1,345,000	
TOTAL APPROPRIATION	\$ ((31,387,000))	<u>32,067,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

(2) The motor vehicle fund--federal appropriation includes \$680,000 of federal pass-through funds for metropolitan planning organizations (MPOs).

**Sec. 607.** 1996 c 165 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT  
Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR  
Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Fund--State Appropriation \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--State Appropriation \$ 7,749,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ ((2,000,000))

2,500,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 508,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 95,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 361,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 280,000

**Sec. 608.** 1996 c 165 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State Appropriation \$ 1,088,000

Motor Vehicle Account--State Appropriation \$ 138,000

Motor Vehicle Account--Federal Appropriation \$ 551,000

High Capacity Transportation Account--State Appropriation \$ 4,275,000

Air Pollution Control Account--State Appropriation \$ 3,145,000

Transportation Fund--State Appropriation \$ 34,480,000

Transportation Fund--Federal Appropriation \$ ((11,643,000))

13,243,000

Transportation Fund--Private Local Appropriation \$ 105,000

Public Transportation Systems Account--State Appropriation \$ 1,000,000

TOTAL APPROPRIATION \$ ((56,425,000))

58,025,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$31,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$8,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.

(2) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.

(3) Up to \$700,000 of the high capacity transportation account--state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.

(4) None of the high capacity transportation account--state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.

(5) The department of transportation may not transfer high capacity transportation account--state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.

(6) \$1,800,000 of the high capacity transportation account--state appropriation is provided for the regional transit authority.

(7) The air pollution control account appropriation is provided solely for operation of the commute trip reduction program created under chapter 70.94 RCW and transferred to the department of transportation by Senate Bill No. 6451 or House Bill No. 2009. If Senate Bill No. 6451 or House Bill No. 2009 is not enacted by June 30, 1996, this subsection is null and void.

(8) If Engrossed Substitute House Bill No. 2832 is not enacted by June 30, 1996, \$189,000 of the transportation fund--state appropriation shall lapse.

(9) The transportation account--federal appropriation includes a \$1,100,000 federal grant in 1997 for railroad crossing construction projects and a \$500,000 federal transit administration grant received in fiscal year 1997 for design work on the King Street Station.

**Sec. 609.** 1996 c 165 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

General Fund--State Appropriation	\$ 1,400,000	
Motor Vehicle Fund--State Appropriation	\$ 15,167,000	
Motor Vehicle Fund--Federal Appropriation	\$ ((167,879,000))	182,879,000
Transportation Fund--State Appropriation	\$ 356,000	
Motor Vehicle Fund--Private/Local Appropriation	\$ 5,087,000	
Transfer Relief Account--State Appropriation	\$ 307,000	
TOTAL APPROPRIATION	\$ ((190,196,000))	205,196,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

(3) \$2,600,000 of the motor vehicle fund--state appropriation and \$1,400,000 of the general fund--state appropriation in this section is provided solely for one-time capital infrastructure investment associated with development of a horse racetrack in western Washington. With this appropriation, the state has fulfilled its commitment to this project.

(4) Up to \$1,100,000 of the motor vehicle fund--state appropriation and \$300,000 of the transportation fund--state appropriation contained in this section shall be used for evaluations that mutually benefit the state department of transportation, counties, and cities. The evaluations may include fuel tax evasion; license fraud; and the development of an implementation plan for the financing and construction of state, local, and private transportation improvements in south downtown Seattle. The implementation plan shall address the safety needs of the Spokane street viaduct, but shall not include any projects that would be financed and constructed under the public-private transportation initiatives program established in chapter 47.46 RCW. The evaluations shall include port mobility issues and other issues as determined by the legislative transportation committee.

(5) \$700,000 of the motor vehicle fund--federal appropriation for the surface transportation program enhancements program is provided for storm water control grants as provided for in Second Substitute House Bill No. 2031. If Second Substitute House Bill No. 2031 is not enacted by June 30, 1996, this subsection is null and void.

(6) \$1,000,000 of the motor vehicle fund--federal appropriation for the surface transportation program enhancements program is provided to the state parks and recreation commission to be used for trail development. The amount provided represents partial consideration for cross-state trail development necessitated under Engrossed Substitute House Bill No. 2832.

(7) \$6,000 of the transportation fund--state appropriation is provided as the state match on the Colfax paving project.

(8) \$25,000 of the transportation fund--state appropriation in this section is provided to evaluate and determine which agency or organization should be authorized to manage and operate the aerial search and rescue program.

(9) \$50,000 of the motor vehicle fund--state appropriation and \$25,000 of the transportation fund--state appropriation in this section are provided solely for an evaluation of the impacts of rail transportation through the city of Auburn, to be conducted by the city of Auburn. "Evaluation" for the purpose of this subsection does not include litigation. This evaluation shall be coordinated with the Port of Tacoma, the cities of Tacoma, Federal Way, and Algona, and other affected jurisdictions participating in the Tacoma tideflat truck and rail circulation analysis provided for in subsection (4) of this section. The city of Auburn shall complete its analysis no later than October 31, 1996, and report its findings to the Tacoma tideflat truck and rail circulation study group.

(10) The motor vehicle fund--federal appropriation includes \$15,000,000 federal highway administration reimbursement to Washington for damage from the 1996 December floods to local owned roads on the federal system.

NEW SECTION. Sec. 610. A new section is added to 1996 c 165 (uncodified) to read as follows:

\$10,000,000 from the motor vehicle fund--federal is appropriated to the department of transportation solely for damage resulting from floods and winter storms. This appropriation will be

allotted in programs p-preservation and m-maintenance as determined by the department of transportation.

**Sec. 611.** 1996 c 165 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

<del>((Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ 4,250,000</del>	
<del>Motor Vehicle Fund Appropriation \$ 903,000</del>	
<del>Transportation Improvement Account Appropriation \$ 1,250,000</del>	
<del>Special Category C Account Appropriation \$ 4,000,000))</del>	
Highway Bond Retirement Account Appropriation \$ ((195,814,000))	<u>192,099,000</u>
Ferry Bond Retirement Account Appropriation \$ ((36,788,000))	
	<u>31,237,000</u>
TOTAL APPROPRIATION \$ ((243,005,000))	
	<u>223,336,000</u>

**Sec. 612.** 1996 c 165 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ ((850,000))	
	<u>50,000</u>
<del>((Motor Vehicle Fund Appropriation \$ 181,000</del>	
<del>Motor Vehicle Fund--Urban Arterial Trust Account Appropriation \$ 5,000))</del>	
Motor Vehicle Fund--Transportation Improvement Account Appropriation \$ ((250,000))	
	<u>25,000</u>
Special Category C Account Appropriation \$ ((800,000))	
	<u>175,000</u>
<del>((Transportation Capital Facilities Account Appropriation \$ 1,000))</del>	
TOTAL APPROPRIATION \$ ((2,087,000))	
	<u>250,000</u>

NEW SECTION. **Sec. 613.** A new section is added to 1996 c 165 (uncodified) to read as follows:

The sum of fifty million dollars is appropriated from the general fund to the transportation fund in the fiscal year ending June 30, 1997.

NEW SECTION. **Sec. 614.** 1996 c 165 s 505 (uncodified) is repealed.

PART VII  
LEGISLATIVE DECLARATIONS

NEW SECTION. **Sec. 701.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 702** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.78.010; amending 1996 c 165 ss 207, 210, 211, 215, 218, 220, 221, 224, 225, 401, and 402 (uncodified); adding new sections to chapter 165, Laws of 1996; creating new sections; repealing 1996 c 165 s 505 (uncodified); making appropriations; providing an expiration date; and declaring an emergency."

There being no objection, the Conference Committee recommendation on Engrossed Substitute Senate Bill No. 6061 was adopted.

FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6061 as recommended by the Conference Committee.

Representatives K. Schmidt, Fisher, Mitchell and Pennington spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6061, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Cooper, Crouse, DeBolt, Delvin, Dunn, Dyer, Gardner, Grant, Hankins, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, O'Brien, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Anderson, Appelwick, Butler, Chopp, Cody, Cole, Constantine, Conway, Costa, Dickerson, Doumit, Dunshee, Fisher, Gombosky, Hatfield, Kessler, Lantz, Mason, Morris, Murray, Ogden, Poulsen, Quall, Regala, Romero, Scott, Sommers, H., Sullivan, Tokuda, Veloria, Wolfe and Wood - 32.

Engrossed Substitute Senate Bill No. 6061, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of House Bill No. 2259, and the bill was advanced to second reading.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2259, by Representatives Huff, H. Sommers, Dickerson and Conway; by request of Governor Locke

Relating to fiscal matters.



The bill was read the second time. There being no objection, Substitute House Bill No. 2259 was substituted for House Bill No. 2259 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2259 was read the second time.

Representative H. Sommers moved the adoption of the following amendment by Representative Huff: (780)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1997, and ending June 30, 1999, except as otherwise provided, out of the several funds of the state hereinafter named.

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

(a) "Fiscal year 1998" or "FY 1998" means the fiscal year ending June 30, 1998.

(b) "Fiscal year 1999" or "FY 1999" means the fiscal year ending June 30, 1999.

(c) "FTE" means full time equivalent.

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

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

## PART I GENERAL GOVERNMENT

**Sec. 101.** 1997 c 149 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund Appropriation (FY 1998)	\$ ((1,524,000))	<u>1,421,000</u>
General Fund Appropriation (FY 1999)	\$ ((1,837,000))	
		<u>1,425,000</u>
TOTAL APPROPRIATION	\$ ((3,361,000))	<u>2,846,000</u>

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

~~(((1) \$103,000 of the general fund fiscal year 1998 appropriation and \$412,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5633 (performance audit of the department of transportation). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.~~

~~(2))~~ \$50,000 of the general fund appropriation for fiscal year 1998 is provided solely to implement Substitute Senate Bill No. 5071 (school district territory). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

**Sec. 102.** 1997 c 149 s 118 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund Appropriation (FY 1998)	\$ ((185,000))	<u>230,000</u>
General Fund Appropriation (FY 1999)	\$ ((188,000))	
		<u>233,000</u>

TOTAL APPROPRIATION \$ ((373,000))

463,000

**NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1998) \$ 57,361,000  
General Fund--State Appropriation (FY 1999) \$ 56,351,000  
General Fund--Federal Appropriation \$ 155,278,000  
General Fund--Private/Local Appropriation \$ 6,903,000  
Public Safety and Education Account Appropriation \$ 8,781,000  
Public Works Assistance Account Appropriation \$ 2,223,000  
Building Code Council Account Appropriation \$ 1,318,000  
Administrative Contingency Account Appropriation \$ 1,776,000  
Low-Income Weatherization Assistance Account Appropriation \$ 923,000  
Violence Reduction and Drug Enforcement Account Appropriation \$ 6,042,000  
Manufactured Home Installation Training Account Appropriation \$ 250,000  
Washington Housing Trust Account Appropriation \$ 7,999,000  
Public Facility Construction Loan Revolving Account Appropriation \$ 515,000  
TOTAL APPROPRIATION \$ 305,720,000

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

(1) \$3,282,500 of the general fund--state appropriation for fiscal year 1998 and \$3,282,500 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium.

(2) \$155,000 of the general fund--state appropriation for fiscal year 1998 and \$155,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the Washington manufacturing extension partnership.

(3) \$9,964,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1998 as follows:

(a) \$3,603,250 to local units of governments to continue the multi-jurisdictional narcotics task forces;

(b) \$500,000 to the department to continue the state-wide drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,306,075 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$240,000 to the department for grants to support tribal law enforcement needs;

(e) \$900,000 to drug courts in eastern and western Washington;

(f) \$300,000 to the department for grants to provide sentencing alternatives training programs to defenders;

(g) \$200,000 for grants to support substance-abuse treatment in county jails;

(h) \$517,075 to the department for legal advocacy for victims of domestic violence and for training of local law enforcement officers and prosecutors on domestic violence laws and procedures;

(i) \$903,000 to the department to continue youth violence prevention and intervention projects;

(j) \$91,000 for the governor's council on substance abuse;

(k) \$99,000 for program evaluation and monitoring;

(l) \$100,000 for the department of corrections for a feasibility study of replacing or updating the offender based tracking system.

(m) \$498,200 for development of a state-wide system to track criminal history records; and

(n) No more than \$706,400 to the department for grant administration and reporting.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this section. If moneys in excess of those appropriated in this section become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without a specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding fiscal year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$1,000,000 of the general fund fiscal year 1998 appropriation and \$1,000,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Engrossed Substitute House Bill No. 1576 (buildable lands) or Senate Bill No. 6094 (growth management). If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(5) \$4,800,000 of the public safety and education account appropriation, \$1,000,000 of the fiscal year 1998 general fund--state appropriation, and \$1,000,000 of the fiscal year 1999 general fund--state appropriation are provided solely for indigent civil legal representation services contracts and contracts administration. The amounts provided in this subsection are contingent upon enactment of section 2 of Engrossed Substitute House Bill No. 2276 (civil legal services for indigent persons). If section 2 of the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(6) \$643,000 of the general fund--state fiscal year 1998 appropriation and \$643,000 of the general fund--state fiscal year 1999 appropriation are provided solely to increase payment rates for contracted early childhood education assistance program providers. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$75,000 of the general fund--state fiscal year 1998 appropriation and \$75,000 of the general fund--state fiscal year 1999 appropriation are provided solely as a grant for the community connections program in Walla Walla county.

(8) \$300,000 of the general fund--state fiscal year 1998 appropriation and \$300,000 of the general fund--state fiscal year 1999 appropriation are provided solely to contract with the Washington state association of court-appointed special advocates/guardians ad litem (CASA/GAL) to establish pilot programs in three counties to recruit additional community volunteers to represent the interests of children in dependency proceedings. Of this amount, a maximum of \$30,000 shall be used by the department to contract for an evaluation of the effectiveness of CASA/GAL in improving outcomes for dependent children. The evaluation shall address the cost-effectiveness of CASA/GAL and to the extent possible, identify savings in other programs of the state budget where the savings resulted from the efforts of the CASA/GAL volunteers. The department shall report to the governor and legislature by October 15, 1998.

(9) \$75,000 of the general fund--state appropriation for fiscal year 1999 is provided solely for state sponsorship of the "BIO 99" international biotechnology conference and exhibition in the Seattle area in 1999.

(10) \$698,000 of the general fund--state appropriation for fiscal year 1998, \$697,000 of the general fund--state appropriation for fiscal year 1999, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations.

(11) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to expand the long-term care ombudsman program.

(12) \$60,000 of the general fund--state appropriation for fiscal year 1998 and \$60,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of the Puget Sound work plan action item DCTED-01.

(13) \$20,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a task force on tourism promotion and development. The task force shall report to the legislature on its findings and recommendations by January 31, 1998.

(14) \$61,000 of the general fund--state appropriation for fiscal year 1998 and \$60,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the pacific northwest economic region (PNWER).

(15) \$123,000 of the general fund--state appropriation for fiscal year 1998 and \$124,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the community development finance program.

(16) Within the appropriations provided in this section, the department shall conduct a study of possible financial incentives to assist in revitalization of commercial areas and report its findings and recommendations to the appropriate committees of the legislature by November 15, 1997.

**Sec. 104.** 1997 c 149 s 127 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 1998) \$ ((40,178,000))	<u>10,530,000</u>
General Fund--State Appropriation (FY 1999) \$ ((9,916,000))	<u>10,253,000</u>
General Fund--Federal Appropriation \$ 23,331,000	
TOTAL APPROPRIATION \$ ((43,425,000))	<u>44,114,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations: \$125,000 of the general fund--state appropriation for fiscal year 1998 and \$125,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for staff support for the implementation of the Washington educational network. Funds shall be transferred to the appropriate agency as required by Substitute House Bill No. 1698 or Substitute Senate Bill No. 5002 or substantially similar legislation (K-20 telecommunications).))~~

**Sec. 105.** 1997 c 149 s 149 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1998) \$ 8,151,000	
General Fund--State Appropriation (FY 1999) \$ ((41,735,000))	<u>8,154,000</u>
General Fund--Federal Appropriation \$ 34,314,000	
General Fund--Private/Local Appropriation \$ 238,000	
Flood Control Assistance Account Appropriation \$ 3,000,000	
Enhanced 911 Account Appropriation \$ 26,782,000	
Disaster Response Account--State Appropriation \$ 23,977,000	
Disaster Response Account--Federal Appropriation \$ 95,419,000	
TOTAL APPROPRIATION \$ ((203,616,000))	<u>200,035,000</u>

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

(1) ~~(((\$3,581,000 of the general fund--state appropriation for fiscal year 1999,))~~ \$3,000,000 of the flood control assistance account appropriation((-)) and \$6,197,000 of the general fund--federal appropriation are provided solely for deposit in the disaster response account to cover costs pursuant to subsection (2) of this section.

(2) \$23,977,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster number 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods) and to assist local governmental entities with the matching funds necessary to earn FEMA funds for FEMA disaster 1100 (February 1996 floods).

(3) \$100,000 of the general fund--state fiscal year 1998 appropriation and \$100,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of a conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund--state fiscal year 1998 appropriation and \$35,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the north county emergency medical service.

**Sec. 106.** 1997 c 149 s 151 (uncodified) is amended to read as follows:

**FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund Appropriation (FY 1998)	\$ ((1,247,000))	<u>1,314,000</u>
General Fund Appropriation (FY 1999)	\$ ((1,252,000))	<u>1,320,000</u>
TOTAL APPROPRIATION	\$ ((2,499,000))	<u>2,634,000</u>

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in part II of this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations in sections 202 through 208 of this act shall be expended for the programs and in the amounts listed in those sections.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1998)	\$ 196,437,000
General Fund--State Appropriation (FY 1999)	\$ 208,861,000
General Fund--Federal Appropriation	\$ 252,269,000
General Fund--Private/Local Appropriation	\$ 400,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 4,230,000
TOTAL APPROPRIATION	\$ 662,197,000

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

(1) \$16,510,000 of the general fund--state appropriation for fiscal year 1998 and \$17,508,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for purposes consistent with the maintenance of effort requirements under the federal temporary assistance for needy families program established under P.L. 104-193.

(2) \$837,000 of the violence reduction and drug enforcement account appropriation and \$7,228,000 of the general fund--federal appropriation are provided solely for the operation of the

family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Within the funds provided, the family policy council shall contract for an evaluation of the community networks with the institute for public policy and shall provide for audits of ten networks. Within the funds provided, the family policy council may build and maintain a geographic information system database tied to community network geography.

(3) \$577,000 of the general fund--state fiscal year 1998 appropriation and \$577,000 of the general fund--state fiscal year 1999 appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$481,000 of the general fund--state fiscal year 1998 appropriation and \$481,000 of the general fund--state fiscal year 1999 appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) \$640,000 of the general fund--state appropriation for fiscal year 1998 and \$640,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to fund Second Substitute Senate Bill No. 5710 (juvenile care and treatment), including section 2 of the bill. Amounts provided in this subsection to implement Second Substitute Senate Bill No. 5710 must be used to serve families who are screened from the child protective services risk assessment process. Services shall be provided through contracts with community-based organizations. If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(6) \$594,000 of the general fund--state appropriation for fiscal year 1998, \$556,000 of the general fund--state appropriation for fiscal year 1999, and \$290,000 of the general fund--federal appropriation are provided solely to fund the provisions of Engrossed Second Substitute House Bill No. 2046 (foster parent liaison). The department shall establish a foster parent liaison in each department of social and health services region of the state and contract with a private provider to implement a recruitment and retention program for foster parents and adoptive families. The department shall provide a minimum of two hundred additional adoptive and foster home placements by June 30, 1998. If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse.

(7) \$433,000 of the fiscal year 1998 general fund--state appropriation, \$395,000 of the fiscal year 1999 general fund--state appropriation, and \$894,000 of the general fund--federal appropriation are provided solely to increase the rate paid to private child-placing agencies.

(8) \$580,000 of the general fund--state appropriation for fiscal year 1998 and \$580,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for development and expansion of child care training requirements and optional training programs. The department shall adopt rules to require annual training in early childhood development of all directors, supervisors, and lead staff at child care facilities. Directors, supervisors, and lead staff at child care facilities include persons licensed as family child care providers, and persons employed at child care centers or school age child care centers. The department shall establish a program to fund scholarships and grants to assist persons in meeting these training requirements. The department shall also develop criteria for approving training programs and establish a system for tracking who has received the required level of training. In adopting rules, developing curricula, setting up systems, and administering scholarship programs, the department shall consult with the child care coordinating committee and other community stakeholders.

(9) The department shall provide a report to the legislature by November 1997 on the growth in additional rates paid to foster parents beyond the basic monthly rate. This report shall explain why exceptional, personal, and special rates are being paid for an increasing number of children and why the amount paid for these rates per child has risen in recent years. This report must also recommend methods by which the legislature may improve the current foster parent compensation system, allow for some method of controlling the growth in costs per case, and improve the department's and the legislature's ability to forecast the program's needs in future years.

(10) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for legal costs associated with the defense of vendors operating a secure treatment facility, for actions arising from the good faith performance of treatment services for behavioral difficulties or needs.

(11) \$2,745,000 of the fiscal year 1998 general fund--state appropriation, \$2,745,000 of the fiscal year 1999 general fund--state appropriation, and \$1,944,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(12) \$2,200,000 of the fiscal year 1998 general fund--state appropriation and \$2,200,000 of the fiscal year 1999 general fund--state appropriation are provided solely to continue existing continuum of care and street youth projects.

(13) \$1,456,000 of the general fund--state appropriation for fiscal year 1998, \$1,474,000 of the general fund--state appropriation for fiscal year 1999 and \$1,141,000 of the general fund--federal appropriation are provided solely for the improvement of quality and capacity of the child care system and related consumer education. The activities funded by this appropriation shall include, but not be limited to: Expansion of child care resource and referral network services to serve additional families, to provide technical assistance to child care providers, and to cover currently unserved areas of the state; development of and incentives for child care during nonstandard work hours; and the development of care for infants, toddlers, preschoolers, and school age youth. These amounts are provided in addition to funding for child care training and fire inspections of child care facilities. These activities shall also improve the quality and capacity of the child care system.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

**(1) COMMUNITY SERVICES**

General Fund--State Appropriation (FY 1998)	\$ 32,305,000
General Fund--State Appropriation (FY 1999)	\$ 32,348,000
General Fund--Federal Appropriation	\$ 16,125,000
General Fund--Private/Local Appropriation	\$ 378,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 11,256,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 92,412,000</b>

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

(a) \$527,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account solely for costs to the criminal justice system associated with the implementation of Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. The amount provided in this subsection is intended to provide funding for county adult court costs associated with the implementation of Engrossed Third Substitute House Bill No. 3900 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,917,000 of the violence reduction and drug enforcement account is provided solely for the implementation of Engrossed Third Substitute Senate Bill No. 3900 (revising the juvenile code). The amount provided in this subsection is intended to provide funding for county impacts associated with the implementation of Third Substitute Senate Bill No. 3900 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula. If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(c) \$2,350,000 of the general fund--state fiscal year 1998 appropriation and \$2,350,000 of the general fund--state fiscal year 1999 appropriation are provided solely for an early intervention program to be administered at the county level. Moneys shall be awarded on a competitive basis to counties that have submitted plans for implementation of an early intervention program consistent with proven methodologies currently in place in the state. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(d) \$1,221,000 of the violence reduction and drug enforcement appropriation is provided solely to implement alcohol and substance abuse treatment for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that have submitted a plan for the provision of treatment services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation. If Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions) is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(e) \$100,000 of the general fund--state fiscal year 1998 appropriation and \$100,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the juvenile rehabilitation administration to contract with the institute for public policy for the responsibilities assigned in Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(f) \$400,000 of the violence reduction and drug enforcement account appropriation is provided solely for the development of standards measuring the effectiveness of chemical dependency treatment and for conducting evaluations of chemical dependency programs pursuant to Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. The juvenile rehabilitation administration shall consult with the division of alcohol and substance abuse and contract with the University of Washington to develop the standards and conduct the evaluations.

(g) \$150,000 of the general fund--state fiscal year 1998 appropriation and \$150,000 of the general fund--state fiscal year 1999 appropriation are provided solely for a contract to expand the services of the teamchild project to additional sites. Priority use of these funds shall be to provide teamchild service to early repeat offenders to help ensure they receive appropriate child welfare and educational services.

## (2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1998)	\$ 44,782,000
General Fund--State Appropriation (FY 1999)	\$ 44,662,000
General Fund--Private/Local Appropriation	\$ 727,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 15,281,000
TOTAL APPROPRIATION	\$ 105,452,000

The appropriations in this subsection are subject to the following conditions and limitations: \$3,680,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

## (3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1998)	\$ 1,922,000
General Fund--State Appropriation (FY 1999)	\$ 1,610,000
General Fund--Federal Appropriation	\$ 156,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 421,000
TOTAL APPROPRIATION	\$ 4,109,000

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



(a) \$92,000 of the general fund--state fiscal year 1998 appropriation and \$36,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of Substitute Senate Bill No. 5759 (risk classification). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(b) \$206,000 of the general fund--state fiscal year 1998 appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5710 (juvenile care and treatment). If the bill is not enacted by June 30, 1997, the amount provided shall lapse.

(c) \$97,000 of the general fund--state fiscal year 1998 appropriation and \$36,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(d) Within the amounts provided in this subsection, the juvenile rehabilitation administration (JRA) shall develop by January 1, 1998, a staffing model for noncustody functions at JRA institutions and work camps. The models should, whenever possible, reflect the most efficient practices currently being used within the system.

**Sec. 204.** 1997 c 149 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 543,150,000

General Fund--State Appropriation (FY 1999) \$ 529,985,000

General Fund--Federal Appropriation \$ 952,618,000

TOTAL APPROPRIATION \$ 2,025,753,000

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

(1) General assistance--unemployable recipients who are assessed as needing alcohol or drug treatment shall be assigned a protective payee to prevent the diversion of cash assistance toward purchasing alcohol or other drugs.

(2) The legislature finds that, with the passage of the federal personal responsibility and work opportunity act and Engrossed House Bill No. 3901, the temporary assistance for needy families is no longer an entitlement. The legislature declares that the currently appropriated level for the program is sufficient for the next few budget cycles. To the extent, however, that currently appropriated amounts exceed costs during the 1997-99 biennium, the department is encouraged to set aside excess federal funds for use in future years.

(3) \$485,000 of the general fund--state fiscal year 1998 appropriation, \$3,186,000 of the general fund--state fiscal year 1999 appropriation, and \$3,168,000 of the general fund--federal appropriation are provided solely to continue to implement the previously competitively procured electronic benefits transfer system through the western states EBT alliance for distribution of cash grants and food stamps so as to meet the requirements of P.L. 104-193.

(4) \$50,000 of the fiscal year 1998 general fund--state appropriation is provided solely for a study of child care affordability as directed in section 403 of Engrossed House Bill No. 3901 (implementing welfare reform). The study shall be performed by the Washington institute for public policy. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(5) \$500,000 of the fiscal year 1998 general fund--state appropriation and \$500,000 of the fiscal year 1999 general fund--state appropriation are provided solely for an evaluation of the WorkFirst program as directed in section 705 of Engrossed House Bill No. 3901 (implementing welfare reform). The study shall be performed by the joint legislative audit and review committee. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(6) \$73,129,000 of the general fund--federal appropriation is provided solely for child care assistance for low-income families in the WorkFirst program and for low-income working families as authorized in Engrossed House Bill No. 3901 (implementing welfare reform). All child care assistance provided shall be subject to a monthly copay to be paid by the family receiving the assistance.

(a) The monthly copay required shall be a minimum of ten dollars for families with incomes below seventy-four percent of the federal poverty level adjusted for family size. For families with

incomes at or above seventy-four percent of the federal poverty level adjusted for family size, the monthly copay shall be the greater of twenty dollars or forty-seven percent of the family's income above one hundred percent of the federal poverty level adjusted for family size. Child care assistance shall not be provided to families with incomes above one hundred seventy-five percent of the federal poverty level adjusted for family size.

(b) The copay schedule defined in (a) of this subsection shall be in effect unless the department establishes a waiting list for the child care assistance program authorized in Engrossed House Bill No. 3901 (implementing welfare reform) or unless the quarterly reports required by section 321 of the bill indicate that child care expenditures will exceed appropriations made for that purpose at the end of the fiscal year.

(c) If either of the conditions in (b) of this subsection occurs, the monthly copay required shall be a minimum of ten dollars per month for families with incomes below seventy-four percent of the federal poverty level adjusted for family size. For families with incomes at or above seventy-four percent of the federal poverty level adjusted for family size, the monthly copay shall be the greater of ten dollars or thirty percent of the family's income above seventy-four percent of the federal poverty level adjusted for family size. For families with incomes at or above one hundred percent of the federal poverty level adjusted for family size, the monthly copay shall be the greater of one hundred dollars or twenty-nine percent of the family's income in excess of seventy-four percent of the federal poverty level adjusted for family size. For families with incomes at or above one hundred thirty-one percent of the federal poverty level adjusted for family size, the monthly copay shall be fifty percent of the family's income in excess of one hundred percent of the federal poverty level adjusted for family size. Child care assistance shall not be provided to families with incomes above one hundred seventy-five percent of the federal poverty level adjusted for family size.

(7) \$7,624,000 of the fiscal year 1998 general fund--state appropriation, \$18,489,000 of the fiscal year 1999 general fund--state appropriation, and \$29,781,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform), including sections 404 and 405. If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. The level of benefits in the food program for legal immigrants authorized in the bill shall be equivalent to benefits provided by the federal food stamp program.

(8) \$89,722,000 of the fiscal year 1998 general fund--state appropriation and \$75,466,000 of the fiscal year 1999 general fund--state appropriation are provided solely for cash assistance to recipients in the general assistance--unemployable program. The department shall take any and all actions necessary to maintain expenditures within these amounts.

(9) \$55,995,000 of the fiscal year 1998 general fund--state appropriation, \$55,995,000 of the fiscal year 1999 general fund--state appropriation, and \$184,510,000 of the general fund--federal appropriation are provided solely to administer a low-income child care program as authorized in Engrossed House Bill No. 3901 (implementing welfare reform). The child care program funds shall be allotted as follows:

(a) Each six-month period shall have \$27,997,500 general fund--state and \$46,127,500 general fund--federal funds allotted to be spent during that six-month period for low-income child care assistance.

(b) The department may spend up to the allotted amount for child care assistance during each six-month period. Any funds not spent during the six-month period may be held over and allotted in the next six-month period, subject to the provisions of subsection (6) of this section.

(c) Federal funds allotted for child care but not spent in fiscal year 1998 may be transferred to fiscal year 1999 for allotment but state funds must be spent in the year appropriated.

(d) The department shall operate the low-income child care assistance program within funds appropriated by the legislature for that purpose.

**Sec. 205.** 1997 c 149 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND  
SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1998) \$ ((14,714,000))

General Fund--State Appropriation (FY 1999) \$ ((14,829,000))	<u>14,466,000</u>
	<u>14,334,000</u>
General Fund--Federal Appropriation \$ 80,497,000	
General Fund--Private/Local Appropriation \$ 630,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ 72,900,000	
TOTAL APPROPRIATION \$ ((183,570,000))	<u>182,827,000</u>

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

(1) \$2,062,000 of the general fund--federal appropriation and \$7,482,000 of the violence reduction and drug enforcement account appropriation are provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$1,902,000 of the general fund--state fiscal year 1998 appropriation, \$1,902,000 of the general fund--state fiscal year 1999 appropriation, and \$1,592,000 of the general fund--federal appropriation are provided solely for alcohol and substance abuse assessment, treatment, including treatment for drug affected infants and toddlers, and child care services for clients of the division of children and family services. Assessment shall be provided by approved chemical dependency treatment programs as requested by child protective services personnel in the division of children and family services. Child care shall be provided as deemed necessary by the division of children and family services while parents requiring alcohol and substance abuse treatment are attending treatment programs.

(3) \$760,000 of the fiscal year 1998 general fund--state appropriation and \$760,000 of the fiscal year 1999 general fund--state appropriation are provided solely to fund a program serving mothers of children affected by fetal alcohol syndrome and related conditions, known as the birth-to-three program. The program may be operated in two cities in the state.

~~((4) \$248,000 of the fiscal year 1998 general fund--state appropriation and \$495,000 of the fiscal year 1999 general fund--state appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.))~~

**Sec. 206.** 1997 c 149 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1998) \$ 24,572,000
General Fund--State Appropriation (FY 1999) \$ 23,956,000
General Fund--Federal Appropriation \$ 40,352,000
General Fund--Private/Local Appropriation \$ 270,000
TOTAL APPROPRIATION \$ 89,150,000

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

(1) The department may transfer up to \$1,289,000 of the general fund--state appropriation for fiscal year 1998, \$1,757,000 of the general fund--state appropriation for fiscal year 1999, and \$2,813,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

(2) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1997, and every six months thereafter on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(3) The department shall not expend any funding for staffing or publication of the sexual minority initiative.

(4) \$60,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a welfare fraud pilot program as described by House Bill No. 1822 (welfare fraud investigation).

(5) \$55,000 of the fiscal year 1998 general fund--state appropriation, \$64,000 of the fiscal year 1999 general fund--state appropriation, and \$231,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**Sec. 207.** 1997 c 149 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1998)	\$ 21,122,000
General Fund--State Appropriation (FY 1999)	\$ 20,877,000
General Fund--Federal Appropriation	\$ 145,739,000
General Fund--Private/Local Appropriation	\$ 33,207,000
TOTAL APPROPRIATION	\$ 220,945,000

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

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall be expended only by means of contracts with local prosecutor's offices.

(4) \$305,000 of the general fund--state fiscal year 1998 appropriation, \$494,000 of the general fund--state fiscal year 1999 appropriation, and \$1,408,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**Sec. 208.** 1997 c 149 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1998)	\$ 47,435,000
General Fund--State Appropriation (FY 1999)	\$ 47,514,000
General Fund--Federal Appropriation	\$ 54,366,000
Health Services Account Appropriation	\$ 1,502,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 2,215,000
TOTAL APPROPRIATION	\$ 153,032,000

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

(1) \$22,893,000 of the general fund--state appropriation for fiscal year 1998, \$22,835,000 of the general fund--state appropriation for fiscal year 1999, \$35,431,000 of the general fund--federal appropriation, \$2,215,000 of the violence reduction and drug enforcement account appropriation, and \$1,502,000 of the health services account appropriation are provided solely to increase the rates of contracted service providers. The department need not provide all vendors with the same percentage rate increase. Rather, the department is encouraged to use these funds to help assure an adequate supply of qualified vendors. Vendors providing services in markets where recruitment and retention of qualified providers is a problem may receive larger rate increases than other vendors. It is the

legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery. Any rate increases granted as a result of this section must be implemented so that the carry-forward costs into the 1999-01 biennium do not exceed the amounts provided in this subsection. Within thirty days of granting a vendor rate increase under this section, the department shall report the following information to the fiscal committees of the legislature: (a) The amounts and effective dates of any increases granted; (b) the process and criteria used to determine the increases; and (c) any data used in that process. In accordance with RCW 43.88.110(1), the department and the office of financial management shall allot funds appropriated in this section to the programs and budget units from which the funds will be expended. Such allotments shall be completed no later than September 15, 1997.

(2) \$263,000 of the fiscal year 1998 general fund--state appropriation, \$349,000 of the fiscal year 1999 general fund--state appropriation, and \$1,186,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**Sec. 209.** 1997 c 149 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund Appropriation (FY 1998)	\$ ((1,339,000))	
		<u>1,409,000</u>
General Fund Appropriation (FY 1999)	\$ ((1,334,000))	
		<u>1,404,000</u>
Industrial Insurance Premium Refund Account Appropriation	\$ 80,000	
Charitable, Educational, Penal, and Reformatory Institutions Account		
Appropriation	\$ 4,000	
TOTAL APPROPRIATION	\$ ((2,757,000))	<u>2,897,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1998)	\$ 2,418,000
General Fund--State Appropriation (FY 1999)	\$ 2,420,000
General Fund--Federal Appropriation	\$ 26,000
General Fund--Private/Local Appropriation	\$ 85,000
TOTAL APPROPRIATION	\$ 4,949,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1998)	\$ 6,101,000
General Fund--State Appropriation (FY 1999)	\$ 5,369,000
General Fund--Federal Appropriation	\$ 19,556,000
General Fund--Private/Local Appropriation	\$ 14,583,000
TOTAL APPROPRIATION	\$ 45,609,000

**NEW SECTION. Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1998)	\$ 6,316,000
General Fund--State Appropriation (FY 1999)	\$ 6,317,000
State Health Care Authority Administration Account Appropriation	\$ 14,719,000
Health Services Account Appropriation	\$ 330,628,000
TOTAL APPROPRIATION	\$ 357,980,000

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

(1) The general fund--state appropriations are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of chapter 149, Laws of 1997, the health care authority shall continue to provide an enhanced basic health plan subsidy option

for foster parents licensed under chapter 74.15 RCW and workers in state-funded homecare programs. Under this enhanced subsidy option, foster parents and homecare workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) Effective October 1997, the health care authority shall require organizations and individuals that are paid to deliver basic health plan services to contribute a minimum of thirty dollars per enrollee per month if the organization or individual chooses to sponsor an individual's enrollment in the subsidized basic health plan.

(4) \$150,000 of the health services account appropriation is provided solely to implement health care savings accounts. If legislation requiring a pilot project of such accounts is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(5) The health care authority shall report to the fiscal committees of the legislature by December 1, 1997, on the number of basic health plan enrollees who are illegal aliens but are not resident citizens, legal aliens, legal refugees, or legal asylees.

(6) \$270,000 of the health services account appropriation is provided solely to pay commissions to agents and brokers in accordance with RCW 70.47.015(5) for application assistance provided to persons on the reservation list as of June 30, 1997, who enroll in the subsidized basic health plan on or after July 1, 1997.

**Sec. 211.** 1997 c 149 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1998)	\$ 6,805,000	
General Fund Appropriation (FY 1999)	\$ 6,848,000	
Public Safety and Education Account--State Appropriation	\$ 16,246,000	
Public Safety and Education Account--Federal Appropriation	\$ 6,002,000	
Public Safety and Education Account--Private/Local Appropriation	\$ 2,014,000	
Electrical License Account Appropriation	\$ 22,542,000	
Farm Labor Revolving Account Appropriation	\$ 28,000	
Worker and Community Right-to-Know Account Appropriation	\$ 2,187,000	
Public Works Administration Account Appropriation	\$ 1,975,000	
Accident Account--State Appropriation	\$ ((146,849,000))	
		<u>146,901,000</u>
Accident Account--Federal Appropriation	\$ 9,112,000	
Medical Aid Account--State Appropriation	\$ ((155,220,000))	
		<u>155,276,000</u>
Medical Aid Account--Federal Appropriation	\$ 1,592,000	
Plumbing Certificate Account Appropriation	\$ ((846,000))	
		<u>947,000</u>
Pressure Systems Safety Account Appropriation	\$ 2,106,000	
TOTAL APPROPRIATION	\$ ((380,372,000))	
		<u>380,581,000</u>

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

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims service delivery", "electrical permitting and inspection system", and "credentialing information system" are conditioned upon compliance with section 902 of this act.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$54,000 of the general fund appropriation for fiscal year 1998 and \$54,000 of the general fund appropriation for fiscal year 1999 are provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1997, and every six months thereafter on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) ~~(\$43,000 of the general fund state appropriation for fiscal year 1998, \$35,000 of the general fund state appropriation for fiscal year 1999, \$20,000 of the electrical license account appropriation, and \$58,000 of the plumbing certificate account appropriation are provided solely for the implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amount provided shall lapse.~~

~~(6))~~ The expenditures of the elevator, factory assembled structures, and contractors' registration and compliance programs may not exceed the revenues generated by these programs.

(6) \$101,000 of the plumbing certificate account appropriation is provided solely for the implementation of Substitute House Bill No. 1903 (contractor registration). If the bill is not enacted by June 30, 1997, the amount provided shall lapse.

(7) \$56,000 of the medical aid account appropriation and \$52,000 of the accident account appropriation are provided solely for evaluating agency operational improvements.

(8) \$593,000 of nonappropriated funds from the medical aid account shall be provided solely for allocation to the joint legislative audit and review committee for a performance audit and operations review of the state workers' compensation system pursuant to Substitute Senate Bill No. 6030.

**Sec. 212.** 1997 c 149 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1998) \$ <del>((53,955,000))</del>	<u>62,996,000</u>
General Fund--State Appropriation (FY 1999) \$ <del>((57,462,000))</del>	<u>65,741,000</u>
General Fund--Federal Appropriation \$ 259,139,000	
General Fund--Private/Local Appropriation \$ 24,351,000	
Hospital Commission Account Appropriation \$ 3,089,000	
Health Professions Account Appropriation \$ 36,038,000	
Emergency Medical and Trauma Care Services Account Appropriation \$ 21,042,000	
Safe Drinking Water Account Appropriation \$ 2,494,000	
<u>Death Investigations Account Appropriation \$ 1,000,000</u>	
Drinking Water Assistance Account--Federal Appropriation \$ 5,385,000	
Waterworks Operator Certification Appropriation \$ 588,000	
Water Quality Account Appropriation \$ 3,065,000	
Violence Reduction and Drug <del>((Education))</del> Enforcement Account Appropriation \$ 469,000	
State Toxics Control Account Appropriation \$ 2,854,000	
Medical Test Site Licensure Account Appropriation \$ 1,624,000	
Youth Tobacco Prevention Account Appropriation \$ 1,812,000	
Health Services Account Appropriation \$ <del>((24,224,000))</del>	
	<u>12,474,000</u>
TOTAL APPROPRIATION \$ <del>((497,591,000))</del>	<u>504,161,000</u>

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

(1) \$2,134,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) Funding provided in this section for the drinking water program data management system shall not be expended without appropriate project approval by the department of information systems. Expenditures are conditioned upon compliance with section 902 of this act.

(3) The department is authorized to raise existing fees charged to the nursing professions and midwives, by the pharmacy board, and for boarding home licenses, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business.

(4) \$1,633,000 of the general fund--state fiscal year 1998 appropriation and \$1,634,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, DOH-04, DOH-05, DOH-06, DOH-07, DOH-08, DOH-09, DOH-10, DOH-11, and DOH-12.

(5) \$10,000,000 of the health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(6) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for operation of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(7) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(8) \$259,000 of the health professions account appropriation is provided solely to implement Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(9) \$150,000 of the general fund--state fiscal year 1998 appropriation and \$150,000 of the general fund--state fiscal year 1999 appropriation are provided solely for community-based oral health grants that may fund sealant programs, education, prevention, and other oral health interventions. The grants may be awarded to state or federally funded community and migrant health centers, tribal clinics, or public health jurisdictions. Priority shall be given to communities with established oral health coalitions. Grant applications for oral health education and prevention grants shall include (a) an assessment of the community's oral health education and prevention needs; (b) identification of the population to be served; and (c) a description of the grant program's predicted outcomes.

(10) \$21,042,000 of the emergency medical and trauma care services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5127 (trauma care services). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(11) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for family support and provider training services for children with special health care needs.

(12) \$300,000 of the general fund--federal appropriation is provided solely for an abstinence education program which complies with P.L. 104-193. \$400,000 of the general fund--federal appropriation is provided solely for abstinence education projects at the office of the superintendent of public instruction and shall be transferred to the office of the superintendent of public instruction for the 1998-99 school year. The department shall apply for abstinence education funds made available by



the federal personal responsibility and work opportunity act of 1996 and implement a program that complies with the requirements of that act.

(13) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Second Substitute House Bill No. 1191 (mandated health benefit review). If the bill is not enacted by June 30, 1997, the amounts provided in this section shall lapse.

(14) \$100,000 of the general fund--state appropriation for fiscal year 1998 and \$100,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the volunteer retired provider program. Funds shall be used to increase children's access to dental care services in rural and underserved communities by paying malpractice insurance and professional licensing fees for retired dentists participating in the program.

(15) \$852,000 of the drinking water assistance account--federal appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to administer, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

(16) ~~((Amounts provided in this section are sufficient to operate the AIDS prescription drug program. To operate the program within the appropriated amount, the department shall limit new enrollments, manage access to the most expensive drug regimens, establish waiting lists and priority rankings, assist clients in accessing drug assistance programs sponsored by drug manufacturers, or pursue other means of managing expenditures by the program.))~~ \$3,347,000 of the fiscal year 1998 general fund--state appropriation and \$3,347,000 of the fiscal year 1999 general fund--state appropriation are provided solely for the AIDS prescription drug program and HIV intervention program. The department shall operate the program within total appropriations. The department shall take such actions as are necessary to control expenditures, including administrative efficiencies such as reductions to provider reimbursement rates, modifications to financial eligibility, modifications to the scope of services, and client cost sharing mechanisms. The department shall identify program policy changes required to manage within the amounts provided.

(17) Funding provided in this section is sufficient to implement section 8 of Engrossed Substitute House Bill No. 2264 (eliminating the health care policy board).

(18) ~~(((\$4,150,000 of the health services account))~~ \$2,075,000 of the fiscal year 1998 general fund--state appropriation and \$2,075,000 of the fiscal year 1999 general fund--state appropriation ~~((is))~~ are provided solely for the Washington poison center.

(19) \$1,000,000 of the death investigations account appropriation is provided solely for the implementation of state-wide child mortality reviews. Local health jurisdictions shall coordinate child mortality reviews for children from birth to eighteen years of age, develop local child mortality review protocols, and serve as the appointing authority and lead agency for local child death review teams. The department of health shall develop standard aggregate data elements, collect and analyze local child mortality review data, provide technical assistance to local child mortality review teams, and approve local child death review protocols. If House Bill No. 1269 (death investigations account) is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(20) \$1,125,000 of the fiscal year 1998 general fund--state appropriation and \$1,125,000 of the fiscal year 1999 general fund--state appropriation are provided solely for deposit in the county public health account.

(21) \$60,000 of the general fund--state appropriation for fiscal year 1998 and \$60,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for attorney general services and such other activities not covered by fee revenues as are necessary for implementation of Substitute Senate Bill No. 6092 (health care policy). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(22) \$250,000 of the fiscal year 1998 general fund--state appropriation \$250,000 of the fiscal year 1999 general fund--state appropriation are provided solely for operation of a naturopathic health clinic constructed in 1996.

**Sec. 213.** 1997 c 149 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND PROGRAM SUPPORT**

General Fund Appropriation (FY 1998) \$ 13,926,000  
General Fund Appropriation (FY 1999) \$ 13,910,000  
Violence Reduction and Drug Enforcement Account Appropriation \$ 500,000  
TOTAL APPROPRIATION \$ 28,336,000

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

(a) \$187,000 of the general fund fiscal year 1998 appropriation and \$155,000 of the general fund fiscal year 1999 appropriation are provided solely for implementation of Substitute Senate Bill No. 5759 (risk classification). If the bill is not enacted by July 1, 1997, the amounts provided shall lapse.

(b) \$500,000 of the violence reduction and drug enforcement account appropriation is provided solely for a feasibility study regarding the replacement of the department's offender based tracking system.

**(2) INSTITUTIONAL SERVICES**

General Fund--State Appropriation (FY 1998) \$ 291,745,000  
General Fund--State Appropriation (FY 1999) \$ 304,000,000  
General Fund--Federal Appropriation \$ 18,097,000  
Industrial Insurance Premium Rebate Account Appropriation \$ 673,000  
Violence Reduction and Drug Enforcement Account Appropriation \$ 1,614,000  
TOTAL APPROPRIATION \$ 616,129,000

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

(a) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(b) \$4,839,000 of the general fund--state fiscal year 1998 appropriation and \$6,481,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the criminal justice costs associated with the implementation of Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, the amounts provided shall lapse.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) It is the intent of the legislature that the department reduce health care expenditures in the 1997-99 biennium using the scenario identified in the health services delivery system study which limited health care costs to \$43,000,000 in fiscal year 1998 and \$40,700,000 in fiscal year 1999. The department shall consult with direct health care service providers and health care staff in implementing this scenario.

(e) \$296,000 of the general fund--state appropriation for fiscal year 1998 and \$297,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education providers. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

**(3) COMMUNITY CORRECTIONS**

General Fund Appropriation (FY 1998) \$ ~~((89,364,000))~~ 89,377,000  
General Fund Appropriation (FY 1999) \$ ~~((90,416,000))~~

TOTAL APPROPRIATION \$ ((179,780,000))

90,495,000

179,872,000

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

(a) \$((14,000)) 27,000 of the general fund fiscal year 1998 appropriation and \$((106,000)) 185,000 of the general fund fiscal year 1999 appropriation are provided solely for the criminal justice costs associated with the implementation of ((RCW 13.04.030 as amended by)) Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If ((RCW 13.04.030 is not amended by)) Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, the amounts provided shall lapse.

(b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(c) \$467,000 of the general fund appropriation for fiscal year 1998 and \$505,000 of the general fund appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

#### (4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1998) \$ 4,055,000

General Fund Appropriation (FY 1999) \$ 4,167,000

TOTAL APPROPRIATION \$ 8,222,000

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

(a) \$100,000 of the general fund fiscal year 1998 appropriation and \$100,000 of the general fund fiscal year 1999 appropriation are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund appropriation for fiscal year 1998 and \$50,000 of the general fund appropriation for fiscal year 1999 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

#### (5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1998) \$ 6,945,000

General Fund Appropriation (FY 1999) \$ 6,444,000

TOTAL APPROPRIATION \$ 13,389,000

**Sec. 214.** 1997 c 149 s 225 (uncodified) is amended to read as follows:

#### **FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1998) \$ 1,260,000

General Fund--State Appropriation (FY 1999) \$ 1,261,000

General Fund--Federal Appropriation \$ 173,595,000

General Fund--Private/Local Appropriation \$ 24,842,000

Unemployment Compensation Administration Account--Federal Appropriation \$ 181,985,000

Administrative Contingency Account Appropriation \$ 12,579,000

Employment Service Administrative Account Appropriation \$ 13,176,000

Employment & Training Trust Account Appropriation \$ 600,000

TOTAL APPROPRIATION \$ ((406,777,000))

409,298,000

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

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims and adjudication call centers", "data/wage quality initiative", and "one stop information connectivity" are conditioned upon compliance with section 902 of this act.

(2) \$600,000 of the employment and training trust account appropriation is provided solely for the account's share of unemployment insurance tax collection costs.

(3) \$1,126,000 of the general fund--federal appropriation is provided solely for the continuation of job placement centers colocated on community and technical college campuses.

(4) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project, except that the department may exceed this amount by up to \$2,600,000 to offset the cost associated with any vendor-caused delay. The additional spending authority is contingent upon the department fully recovering these moneys from any project vendors failing to perform in full. Authority to spend the amount provided by this subsection is conditioned on compliance with section 902 of this act.

(5) ~~(\$114,000 of the administrative contingency account appropriation is provided solely for the King county reemployment support center.)~~ \$60,000 of the general fund--state fiscal year 1998 appropriation and \$61,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the King county reemployment support center.

(6) \$1,200,000 of the general fund--state fiscal year 1998 appropriation and \$1,200,000 of the general fund--state fiscal year 1999 appropriation are provided solely for labor market information and employer outreach activities.

### PART III NATURAL RESOURCES

#### NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 1998) \$ 213,000  
General Fund--State Appropriation (FY 1999) \$ 222,000  
General Fund--Private/Local Appropriation \$ 435,000  
TOTAL APPROPRIATION \$ 870,000

The appropriations in this section are subject to the following condition and limitation: \$120,000 of the general fund--state appropriation for fiscal year 1998, \$120,000 of the general fund--state appropriation for fiscal year 1999, and \$240,000 of the general fund--local appropriation are provided solely for each Columbia river gorge county to receive an \$80,000 grant for the purposes of implementing the scenic area management plan. If a Columbia river gorge county has not adopted an ordinance to implement the scenic area management plan in accordance with the national scenic area act (P.L. 99-663), then the grant funds for that county may be used by the commission to implement the plan for that county.

**Sec. 302.** 1997 c 149 s 302 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 1998) \$ ((27,749,000))	<u>27,748,000</u>
General Fund--State Appropriation (FY 1999) \$ ((27,794,000))	<u>27,795,000</u>
General Fund--Federal Appropriation \$ 45,315,000	
General Fund--Private/Local Appropriation \$ 643,000	
Special Grass Seed Burning Research Account Appropriation \$ 42,000	
Reclamation Revolving Account Appropriation \$ 2,441,000	
Flood Control Assistance Account Appropriation \$ 4,850,000	
State Emergency Water Projects Revolving Account Appropriation \$ 319,000	

Waste Reduction/Recycling/Litter Control Appropriation \$ 10,316,000  
 State and Local Improvements Revolving Account (Waste Facilities) Appropriation \$ 601,000  
 State and Local Improvements Revolving Account  
     (Water Supply Facilities) Appropriation \$ 1,366,000  
 Basic Data Account Appropriation \$ 182,000  
 Vehicle Tire Recycling Account Appropriation \$ 1,194,000  
 Water Quality Account Appropriation \$ 2,892,000  
 Wood Stove Education and Enforcement Account Appropriation \$ 1,055,000  
 Worker and Community Right-to-Know Account Appropriation \$ 469,000  
 State Toxics Control Account Appropriation \$ ((~~53,160,000~~))

53,715,000

Local Toxics Control Account Appropriation \$ 4,342,000  
 Water Quality Permit Account Appropriation \$ 20,378,000  
 Underground Storage Tank Account Appropriation \$ 2,443,000  
 Solid Waste Management Account Appropriation \$ 1,021,000  
 Hazardous Waste Assistance Account Appropriation \$ 3,615,000  
 Air Pollution Control Account Appropriation \$ 16,224,000  
 Oil Spill Administration Account Appropriation \$ 6,958,000  
 Air Operating Permit Account Appropriation \$ 4,033,000  
 Freshwater Aquatic Weeds Account Appropriation \$ 1,829,000  
 Oil Spill Response Account Appropriation \$ 7,078,000  
 Metals Mining Account Appropriation \$ 42,000  
 Water Pollution Control Revolving Account--State Appropriation \$ 349,000  
 Water Pollution Control Revolving Account--Federal Appropriation \$ 1,726,000  
 Biosolids Permit Account Appropriation \$ 567,000  
 Environmental Excellence Account Appropriation \$ 247,000  
 TOTAL APPROPRIATION \$ ((~~251,240,000~~))

251,795,000

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

(1) \$3,211,000 of the general fund--state appropriation for fiscal year 1998, \$3,211,000 of the general fund--state appropriation for fiscal year 1999, \$394,000 of the general fund--federal appropriation, \$2,017,000 of the oil spill administration account, \$819,000 of the state toxics control account appropriation, and \$3,591,000 of the water quality permit fee account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons, for which potentially liable persons cannot be found, or for which potentially liable persons are unable to pay for remedial actions; and

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to conduct remedial actions required by the department; and

(d) To contract for services as necessary to support remedial actions.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 1998 and \$1,900,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the processing of water right permit applications, continued implementation of water resources data management systems, and providing technical and data support to local watershed planning efforts in accordance with sections 101 through 116 of Second Substitute House Bill No. 2054 (water resource management). If any of sections 101 through 116 and 701 through 716 of Second Substitute House Bill No. 2054 is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(4) \$2,500,000 of the general fund--state appropriation for fiscal year 1998 and \$2,500,000 of the general fund--state appropriation for fiscal year 1999 are appropriated for grants to local WRIA planning units established in accordance with sections 101 through 116 of Second Substitute House Bill No. 2054 (water resource management). If any of sections 101 through 116 and 701 through 716 of Second Substitute House Bill No. 2054 is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(5) \$200,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the implementation of Engrossed Substitute House Bill No. 1111 (water rights). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for the implementation of Engrossed Substitute House Bill No. 1118 (reopening a water rights claim filing period). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(7) \$3,600,000 of the general fund--state appropriation for fiscal year 1998 and \$3,600,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the auto emissions inspection and maintenance program. Expenditures of the amounts provided in this subsection are contingent upon a like amount being deposited in the general fund from the auto emission inspection fees in accordance with RCW 70.120.170(4).

(8) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's Sea Grant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(9) The merger of the office of marine safety into the department of ecology shall be accomplished in a manner that will maintain a priority focus on oil spill prevention, as well as maintain a strong oil spill response capability. The merged program shall be established to provide a high level of visibility and ensure that there shall not be a diminution of the existing level of effort from the merged programs.

(10) The entire environmental excellence account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1866 (environmental excellence). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. In implementing the bill, the department shall organize the needed expertise to process environmental excellence applications after an application has been received.

(11) \$200,000 of the freshwater aquatic weeds account appropriation is provided solely to address saltcedar weed problems.

(12) ~~(\$4,498,000 of the waste reduction/recycling/litter control account appropriation is provided for fiscal year 1998 to be expended in accordance with Second Substitute Senate Bill No. 5842 (litter control and recycling).)~~ \$4,498,000 of the waste reduction, recycling, and litter control account appropriation is provided for fiscal year 1998 and \$5,818,000 is provided for fiscal year 1999 to be expended in the following ratios: Fifty percent for a litter patrol program to employ youth and correctional work crews to remove litter from places that are most visible to the public; twenty percent for grants to local governments for litter cleanup under RCW 70.93.250; and thirty percent for public education and awareness programs and programs to foster local waste reduction and recycling efforts. From the amounts provided ~~((for fiscal year 1998))~~ in this subsection, the department shall provide \$352,000 through an interagency agreement to the department of corrections to hire correctional crews to remove litter in areas that are not accessible to youth crews. ~~(\$5,818,000 of the waste reduction/recycling/litter control account appropriation is provided for fiscal year 1999. The amount provided for fiscal year 1999 is to remain in unallotted status until the recommendations of the task force established in Second Substitute Senate Bill No. 5842 are acted upon by the legislature during the 1998 legislative session. If Substitute Senate Bill No. 5842 is not enacted by June 30, 1997, the amount provided for fiscal year 1999 shall lapse.)~~

(13) The entire biosolids permit account appropriation is provided solely for implementation of Engrossed Senate Bill No. 5590 (biosolids management). If the bill is not enacted by June 30, 1997, the entire appropriation is null and void.

(14) \$29,000 of the general fund--state appropriation for fiscal year 1998 and \$99,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of

Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(15) \$60,000 of the freshwater aquatic weeds account appropriation is provided solely for a grant to the department of fish and wildlife to control and eradicate purple loosestrife using the most cost-effective methods available, including chemical control where appropriate.

(16) \$250,000 of the flood control assistance account appropriation is provided solely as a reappropriation to complete the Skokomish valley flood reduction plan. The amount provided in this subsection shall be reduced by the amount expended from this account for the Skokomish valley flood reduction plan during the biennium ending June 30, 1997.

(17) The number of special purpose vehicles in the department's fleet on July 1, 1997, shall be reduced by fifty percent as of June 30, 1999. Special purpose vehicles may be replaced by fuel efficient economy vehicles or not replaced at all depending on the vehicle requirements of the agency. An exception to this reduction in the number of special purpose vehicles is provided for those special purpose vehicles used by the department's youth corps program. Special purpose vehicle is defined as a four-wheel drive off-road motor vehicle.

(18) \$600,000 of the flood control assistance account appropriation is provided solely to complete flood control projects that were awarded funds during the 1995-97 biennium. These funds shall be spent only to complete projects that could not be completed during the 1995-97 biennium due to delays caused by weather or delays in the permitting process.

(19) \$113,000 of the general fund--state appropriation for fiscal year 1998 and \$112,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5505 (assistance to water applicants). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(20) \$70,000 of the general fund--state appropriation for fiscal year 1998 and \$70,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5785 (consolidation of groundwater rights). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(21) \$20,000 of the general fund--state appropriation for fiscal year 1998 and \$20,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5276 (water right applications). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(22) \$35,000 of the general fund--state appropriation for fiscal year 1998 and \$35,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5030 (lakewater irrigation). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(23) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the continuation of the southwest Washington coastal erosion study.

**Sec. 303.** 1997 c 149 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1998) \$ (( <del>21,026,000</del> ))	<u>20,526,000</u>
General Fund--State Appropriation (FY 1999) \$ (( <del>20,835,000</del> ))	<u>20,335,000</u>
General Fund--Federal Appropriation \$ 2,428,000	
General Fund--Private/Local Appropriation \$ 59,000	
Winter Recreation Program Account Appropriation \$ 759,000	
Off Road Vehicle Account Appropriation \$ 251,000	
Snowmobile Account Appropriation \$ 2,290,000	
Aquatic Lands Enhancement Account Appropriation \$ 321,000	
Public Safety and Education Account Appropriation \$ 48,000	
Industrial Insurance Premium Refund Appropriation \$ 10,000	
Waste Reduction/Recycling/Litter Control Appropriation \$ 34,000	

Water Trail Program Account Appropriation \$ 14,000  
Parks Renewal and Stewardship Account Appropriation \$ 25,344,000  
TOTAL APPROPRIATION \$ ((73,419,000))

72,419,000

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

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.
- (2) \$264,000 of the general fund--federal appropriation is provided for boater programs state-wide and for implementation of the Puget Sound work plan.
- (3) \$45,000 of the general fund--state appropriation for fiscal year 1998 is provided solely for a feasibility study of a public/private effort to establish a reserve for recreation and environmental studies in southwest Kitsap county.
- (4) Within the funds provided in this section, the state parks and recreation commission shall provide to the legislature a status report on implementation of the recommendations contained in the 1994 study on the restructuring of Washington state parks. This status report shall include an evaluation of the campsite reservation system including the identification of any incremental changes in revenues associated with implementation of the system and a progress report on other enterprise activities being undertaken by the commission. The report may also include recommendations on other revenue generating options. In preparing the report, the commission is encouraged to work with interested parties to develop a long-term strategy to support the park system. The commission shall provide this report by December 1, 1997.
- (5) \$85,000 of the general fund--state appropriation for fiscal year 1998 and \$165,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for development of underwater park programs and facilities. The department shall work with the underwater parks program task force to develop specific plans for the use of these funds.

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1998) \$ 36,049,000  
General Fund--State Appropriation (FY 1999) \$ 36,571,000  
General Fund--Federal Appropriation \$ 73,015,000  
General Fund--Private/Local Appropriation \$ 26,758,000  
Off Road Vehicle Account Appropriation \$ 488,000  
Aquatic Lands Enhancement Account Appropriation \$ 5,593,000  
Public Safety and Education Account Appropriation \$ 590,000  
Industrial Insurance Premium Refund Appropriation \$ 120,000  
Recreational Fisheries Enhancement Appropriation \$ 2,387,000  
Warm Water Game Fish Account Appropriation \$ 2,419,000  
Wildlife Account Appropriation \$ 52,372,000  
Game Special Wildlife Account--State Appropriation \$ 1,911,000  
Game Special Wildlife Account--Federal Appropriation \$ 10,844,000  
Game Special Wildlife Account--Private/Local Appropriation \$ 350,000  
Oil Spill Administration Account Appropriation \$ 843,000  
Environmental Excellence Account Appropriation \$ 20,000  
Eastern Washington Pheasant Enhancement Account Appropriation \$ 547,000  
TOTAL APPROPRIATION \$ 250,877,000

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

- (1) \$1,181,000 of the general fund--state appropriation for fiscal year 1998 and \$1,181,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-03, DFW-04, and DFW-8 through DFW-15.
- (2) \$188,000 of the general fund--state appropriation for fiscal year 1998 and \$155,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a maintenance and



inspection program for department-owned dams. The department shall submit a report to the governor and the appropriate legislative committees by October 1, 1998, on the status of department-owned dams. This report shall provide a recommendation, including a cost estimate, on whether each facility should continue to be maintained or should be decommissioned.

(3) \$832,000 of the general fund--state appropriation for fiscal year 1998 and \$825,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement salmon recovery activities and other actions required to respond to federal listings of salmon species under the endangered species act.

(4) \$350,000 of the wildlife account appropriation, \$72,000 of the general fund--state appropriation for fiscal year 1998, and \$73,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for control and eradication of class B designate weeds on department owned and managed lands. The amounts from the general fund--state appropriations are provided solely for control of spartina.

(5) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(6) In controlling weeds on state-owned lands, the department shall use the most cost-effective methods available, including chemical control where appropriate, and the department shall report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs, and acres treated during the previous year.

(7) A maximum of \$1,000,000 is provided from the wildlife fund for fiscal year 1998. The amount provided in this subsection is for the emergency feeding of deer and elk that may be starving and that are posing a risk to private property due to severe winter conditions during the winter of 1997-98. The amount expended under this subsection must not exceed the amount raised pursuant to section 3 of Substitute House Bill No. 1478. Of the amount expended under this subsection, not more than fifty percent may be from fee revenue generated pursuant to section 3 of Substitute House Bill No. 1478. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(8) \$193,000 of the general fund--state appropriation for fiscal year 1998, \$194,000 of the general fund--state appropriation for fiscal year 1999, and \$300,000 of the wildlife account appropriation are provided solely for the design and development of an automated license system.

(9) The department is directed to offer for sale its Cessna 421 aircraft by June 30, 1998. Proceeds from the sale shall be deposited in the wildlife account.

(10) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to continue the department's habitat partnerships program during the 1997-99 biennium.

(11) \$350,000 of the general fund--state appropriation for fiscal year 1998 and \$350,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for purchase of monitoring equipment necessary to fully implement mass marking of coho salmon.

(12) \$238,000 of the general fund--state appropriation for fiscal year 1998 and \$219,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(13) \$150,000 of the general fund--state appropriation for fiscal year 1998 and \$150,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a contract with the United States department of agriculture to carry out animal damage control projects throughout the state related to cougars, bears, and coyotes.

(14) \$97,000 of the general fund--state appropriation for fiscal year 1998 and \$98,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement animal damage control programs for Canada geese in the lower Columbia river basin.

(15) \$170,000 of the general fund--state appropriation for fiscal year 1998, \$170,000 of the general fund--state appropriation for fiscal year 1999, and \$360,000 of the wildlife account appropriation are provided solely to hire additional enforcement officers to address problem wildlife throughout the state.

(16) \$197,000 of the general fund--state appropriation for fiscal year 1998 and \$196,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Substitute

Senate Bill No. 5120 (remote site incubators). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(17) \$133,000 of the general fund--state appropriation for fiscal year 1998 and \$133,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5442 (flood control permitting). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(18) \$100,000 of the aquatic lands enhancement account appropriation is provided solely for grants to the regional fisheries enhancement groups.

(19) \$547,000 of the eastern Washington pheasant enhancement account appropriation is provided solely for implementation of Substitute Senate Bill No. 5104 (pheasant enhancement program). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(20) \$150,000 of the general fund--state appropriation for fiscal year 1998 and \$150,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to hire Washington conservation corps crews to maintain department-owned and managed lands.

(21) The entire environmental excellence account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1866 (environmental excellence). If the bill is not enacted by June 30, 1997, the entire appropriation is null and void.

(22) \$156,000 of the recreational fisheries enhancement appropriation is provided solely for Substitute Senate Bill No. 5102 (fishing license surcharge). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(23) \$25,000 of the general fund--state appropriation for fiscal year 1998 and \$25,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for staffing and operation of the Tennant Lake interpretive center.

**Sec. 305.** 1997 c 149 s 308 (uncodified) is each amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1998) \$ (( <del>25,117,000</del> ))	<u>23,767,000</u>
General Fund--State Appropriation (FY 1999) \$ (( <del>25,518,000</del> ))	<u>24,168,000</u>
General Fund--Federal Appropriation \$ 1,156,000	
General Fund--Private/Local Appropriation \$ 422,000	
Forest Development Account Appropriation \$ 49,923,000	
Off Road Vehicle Account Appropriation \$ 3,628,000	
Surveys and Maps Account Appropriation \$ 2,088,000	
Aquatic Lands Enhancement Account Appropriation \$ 4,869,000	
Resources Management Cost Account Appropriation \$ 89,613,000	
Waste Reduction/Recycling/Litter Control Appropriation \$ 450,000	
Surface Mining Reclamation Account Appropriation \$ 1,420,000	
Aquatic Land Dredged Material Disposal Site Account Appropriation \$ 751,000	
Natural Resources Conservation Areas Stewardship Account Appropriation \$ 77,000	
Air Pollution Control Account Appropriation \$ 890,000	
Metals Mining Account Appropriation \$ 62,000	
TOTAL APPROPRIATION \$ (( <del>205,984,000</del> ))	<u>203,284,000</u>

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

(1) \$7,017,000 of the general fund--state appropriation for fiscal year 1998 and \$6,900,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for emergency fire suppression.

(2) \$18,000 of the general fund--state appropriation for fiscal year 1998, \$18,000 of the general fund--state appropriation for fiscal year 1999, and \$957,000 of the aquatic lands enhancement

account appropriation are provided solely for the implementation of the Puget Sound work plan agency action items DNR-01, DNR-02, and DNR-04.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs, and acres treated during the previous year.

(4) ~~\$(2,682,000)~~ 1,332,000 of the general fund--state appropriation for fiscal year 1998 and ~~\$(3,063,000)~~ 1,713,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for fire protection activities.

(5) \$541,000 of the general fund--state appropriation for fiscal year 1998 and \$549,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the stewardship of natural area preserves, natural resource conservation areas, and the operation of the natural heritage program.

(6) \$2,300,000 of the aquatic lands enhancement account appropriation is provided for the department's portion of the Eagle Harbor settlement.

(7) \$195,000 of the general fund--state appropriation for fiscal year 1998 and \$220,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(8) \$600,000 of the general fund--state appropriation for fiscal year 1998 and \$600,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(9) \$6,568,000 of the forest development account appropriation is provided solely for silviculture activities on forest board lands. To the extent that forest board counties apply for reconveyance of lands pursuant to Substitute Senate Bill No. 5325 (county land transfers), the amount provided in this subsection shall be reduced by an amount equal to the estimated silvicultural expenditures planned in each county that applies for reconveyance.

## PART V EDUCATION

### **NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-** **-FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 1998) \$ 20,758,000

General Fund--State Appropriation (FY 1999) \$ 40,775,000

General Fund--Federal Appropriation \$ 49,439,000

Public Safety and Education Account Appropriation \$ 2,598,000

Violence Reduction and Drug Enforcement Account Appropriation \$ 3,672,000

Education Savings Account Appropriation \$ 39,312,000

TOTAL APPROPRIATION \$ 156,554,000

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

#### (1) AGENCY OPERATIONS

(a) \$394,000 of the general fund--state appropriation for fiscal year 1998 and \$394,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b)(i) \$250,000 of the general fund--state appropriation for fiscal year 1998 and \$250,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for enhancing computer systems and support in the office of superintendent of public instruction. These amounts shall be used to: Make a database of school information available electronically to schools, state government, and the general public; reduce agency and school district administrative costs through more effective use of technology; and replace paper reporting and publication to the extent feasible with electronic media.

The superintendent, in cooperation with the commission on student learning, shall develop a state student record system including elements reflecting student achievement. The system shall be made available to the office of financial management and the legislature with suitable safeguards of student confidentiality. The superintendent shall report to the office of financial management and the legislative fiscal committees by December 1 of each year of the biennium on the progress and plans for the expenditure of these amounts.

(ii) The superintendent, in cooperation with the commission on student learning, shall develop a feasibility plan for a state student record system, including elements reflecting student academic achievement on goals 1 and 2 under RCW 28A.150.210. The feasibility plan shall be made available to the office of financial management and the fiscal and education committees of the legislature for approval before a student records database is established, and shall identify data elements to be collected and suitable safeguards of student confidentiality and proper use of database records, with particular attention to eliminating unnecessary and intrusive data about nonacademic related information.

(c) \$348,000 of the public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(d) \$50,000 of the general fund--state appropriation for fiscal year 1998 and \$50,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5394 (school audit resolutions).

(e) The superintendent of public instruction shall not accept, allocate, or expend any federal funds to implement the federal goals 2000 program.

## (2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out.

(e) \$2,500,000 of the general fund--state fiscal year 1998 appropriation and \$2,500,000 of the general fund--state fiscal year 1999 appropriation are provided solely for implementation of reading initiatives to improve reading in early grades as enacted by the 1997 legislature. Of this amount:

(i) \$700,000 is provided solely to implement Second Substitute Senate Bill No. 5508 to fund the standardized norm-referenced third grade reading test; and

(ii) \$4,300,000 is provided solely to implement Engrossed Substitute House Bill No. 2042. Funds shall be used solely for the selection of the second grade reading tests in accordance with section 2 of the bill, and grants to school districts in accordance with sections 4 and 7 of the bill.

(f) \$3,672,000 of the violence reduction and drug enforcement account appropriation and \$2,250,000 of the public safety education account appropriation are provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) \$200,000 of the general fund--state appropriation for fiscal year 1998, \$200,000 of the general fund--state appropriation for fiscal year 1999, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising broadcasting, and graphics or video production or other related fields.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 1998 and \$1,500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(i) \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(j)(i) \$19,656,000 of the education savings account appropriation for fiscal year 1998 and \$19,656,000 of the education savings account appropriation for fiscal year 1999 are provided solely for matching grants and related state activities to provide school district consortia with programs utilizing technology to improve learning. A maximum of \$100,000 each fiscal year of this amount is provided for administrative support and oversight of the K-20 network by the superintendent of public instruction. The superintendent of public instruction shall convene a technology grants committee representing private sector technology, school districts, and educational service districts to recommend to the superintendent grant proposals that have the best plans for improving student learning through innovative curriculum using technology as a learning tool and evaluating the effectiveness of the curriculum innovations. After considering the technology grants committee recommendations, the superintendent shall make matching grant awards, including granting at least fifteen percent of funds on the basis of criteria in (ii)(A) through (C) of this subsection (2)(j).

(ii) Priority for award of funds will be to (A) school districts most in need of assistance due to financial limits, (B) school districts least prepared to take advantage of technology as a means of improving student learning, and (C) school districts in economically distressed areas. The superintendent of public instruction, in consultation with the technology grants committee, shall propose options to the committee for identifying and prioritizing districts according to criteria in (i) and (ii) of this subsection (2)(j).

(iii) Options for review criteria to be considered by the superintendent of public instruction include, but are not limited to, free and reduced lunches, levy revenues, ending fund balances, equipment inventories, and surveys of technology preparedness. An "economically distressed area" is (A) a county with an unemployment rate that is at least twenty percent above the state-wide average for the previous three years; (B) a county that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base resulting in decline of its dominant industries; or (C) a district within a county which (I) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (II) has an unemployment rate which is at least forty percent higher than the county's unemployment rate.

(k) \$50,000 of the general fund--state appropriations is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices. The superintendent of public instruction shall establish criteria, make awards, and provide a report to the fiscal committees of the legislature by December 15, 1997, on the progress and details of analysis funded under this subsection (2)(k).

(l) \$19,977,000 of the general fund--state appropriation for fiscal year 1999 is provided solely for the purchase of classroom instructional materials and supplies. The superintendent shall allocate the funds at a maximum rate of \$20.82 per full-time equivalent student, beginning September 1, 1998, and ending June 30, 1999. The expenditure of the funds shall be determined at each school site by the

school building staff, parents, and the community. School districts shall distribute all funds received to school buildings without deduction.

(m) \$15,000 of the general fund--state appropriation is provided solely to assist local districts vocational education programs in applying for low frequency FM radio licenses with the federal communications commission.

(n) \$35,000 of the general fund--state appropriation is provided solely to the state board of education to design a program to encourage high school students and other adults to pursue careers as vocational education teachers in the subject matter of agriculture.

(o) \$25,000 of the general fund--state appropriation for fiscal year 1998 and \$25,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(p) \$1,000,000 of the general fund--state appropriation is provided for state administrative costs and start-up grants for alternative programs and services that improve instruction and learning for at-risk and expelled students consistent with the objectives of Engrossed House Bill No. 1581 (disruptive students/offenders). Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and/or services after the grant period, shall address the needs of students who cannot be accommodated within the framework of existing school programs or services and shall address how the applicant will serve any student within the proposed program's target age range regardless of the reason for truancy, suspension, expulsion, or other disciplinary action. Up to \$50,000 per year may be used by the superintendent of public instruction for grant administration. The superintendent shall submit an evaluation of the alternative program start-up grants provided under this section, and section 501(2)(q), chapter 283, Laws of 1996, to the fiscal and education committees of the legislature by November 15, 1998. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

- (i) Students who have been suspended, expelled, or are subject to other disciplinary actions;
- (ii) Students with unexcused absences who need intervention from community truancy boards or family support programs;
- (iii) Students who have left school; and
- (iv) Students involved with the court system.

The office of the superintendent of public instruction shall prepare a report describing student recruitment, program offerings, staffing practices, and available indicators of program effectiveness of alternative education programs funded with state and, to the extent information is available, local funds. The report shall contain a plan for conducting an evaluation of the educational effectiveness of alternative education programs.

(q) \$1,600,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(r) \$4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

**NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-**  
**-BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502, chapter 149, Laws of 1997:

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

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

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12D" means the computerized tabulation of 1997-98 and 1998-99 school year salary allocations for certificated administrative staff and classified staff and derived base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 21, 1997 at 16:37 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 19.58 percent for certificated staff and 15.15 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

#### STATE-WIDE SALARY ALLOCATION SCHEDULE FOR THE 1997-98 AND 1998-99 SCHOOL YEARS

Years of

Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	22,950	23,570	24,212	24,855	26,920
1	23,702	24,342	25,005	25,690	27,816
2	24,469	25,129	25,812	26,563	28,725
3	25,275	25,955	26,657	27,450	29,650
4	26,095	26,818	27,540	28,375	30,632
5	26,953	27,695	28,437	29,336	31,629
6	27,847	28,586	29,370	30,333	32,661
7	28,756	29,513	30,316	31,341	33,727
8	29,678	30,477	31,299	32,408	34,827
9	31,475	32,337	33,487	35,962	
10	33,388	34,621	37,129		
11	35,788	38,351			
12	36,918	39,605			
13	40,890				
14	42,182				
15 or more	43,279				

Years of MA+ 90

Service BA+ 135 MA MA+ 45 or PHD

0	28,251	27,516	29,581	30,912
1	29,165	28,351	30,477	31,825
2	30,115	29,224	31,386	32,774
3	31,100	30,111	32,311	33,761
4	32,123	31,036	33,293	34,783
5	33,180	31,996	34,290	35,840
6	34,250	32,994	35,322	36,911
7	35,377	34,002	36,388	38,038
8	36,537	35,069	37,488	39,198
9	37,730	36,147	38,623	40,391

10 38,956 37,282 39,790 41,617  
 11 40,214 38,449 41,012 42,875  
 12 41,525 39,662 42,266 44,186  
 13 42,867 40,917 43,551 45,528  
 14 44,260 42,210 44,927 46,921  
 15 or more 45,411 43,307 46,095 48,141

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and chapter 90, Laws of 1997.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

**NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT O F PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1998) \$ 79,966,000

General Fund Appropriation (FY 1999) \$ 116,310,000

TOTAL APPROPRIATION \$ 196,276,000

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

(1) \$176,525,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1997, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 19.58 percent for certificated staff and 15.15 percent for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide salary increase and incremental fringe benefit allocations based on formula adjustments as follows:



- (i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1997-98 school year and maintained for the 1998-99 school year;
- (ii) For education of highly capable students, an increase of \$6.81 per formula student for the 1997-98 school year and maintained for the 1998-99 school year; and
- (iii) For transitional bilingual education, an increase of \$17.69 per eligible bilingual student for the 1997-98 school year and maintained for the 1998-99 school year; and
- (iv) For learning assistance, an increase of \$8.74 per entitlement unit for the 1997-98 school year and maintained for the 1998-99 school year.

(c) The appropriations in this section include \$912,000 for salary increase adjustments for substitute teachers at a rate of \$10.64 per unit in the 1997-98 school year and maintained in the 1998-99 school year.

(2) \$19,751,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$314.51 per month for the 1997-98 and 1998-99 school years. The appropriations in this section provide increases of \$2.83 per month for the 1997-98 school year and \$18.41 per month for the 1998-99 school year at the following rates:

- (a) For pupil transportation, an increase of \$0.03 per weighted pupil-mile for the 1997-98 school year and \$0.19 for the 1998-99 school year;
- (b) For education of highly capable students, an increase of \$0.20 per formula student for the 1997-98 school year and \$1.35 for the 1998-99 school year;
- (c) For transitional bilingual education, an increase of \$.46 per eligible bilingual student for the 1997-98 school year and \$3.44 for the 1998-99 school year; and
- (d) For learning assistance, an increase of \$.36 per funded unit for the 1997-98 school year and \$2.70 for the 1998-99 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

(4)(a) For the 1997-98 school year, the superintendent shall prepare a report showing the allowable derived base salary for certificated instructional staff in accordance with RCW 28A.400.200 and LEAP Document 12D, and the actual derived base salary paid by each school district as shown on the S-275 report and shall make the report available to the fiscal committees of the legislature no later than February 15, 1998.

(b) For the 1998-99 school year, the superintendent shall reduce the percent of salary increase funds provided in this section for certificated instructional staff in the basic education and special education programs by the percentage by which a district exceeds the allowable derived base salary for certificated instructional staff as shown on LEAP Document 12D.

(5) Cost-of-living funds provided to school districts under this section for classified staff shall be distributed to each and every formula funded employee at 3.0 percent, effective September 1, 1997.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation (FY 1998)	\$ 84,347,000
General Fund Appropriation (FY 1999)	\$ 89,605,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 173,952,000</b>

**Sec. 505.** 1997 c 149 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1998)	\$ <del>((18,327,000))</del>	<u>18,026,000</u>
General Fund--State Appropriation (FY 1999)	\$ <del>((19,131,000))</del>	<u>18,983,000</u>
General Fund--Federal Appropriation	\$ 8,548,000	
<b>TOTAL APPROPRIATION</b>	<b>\$ <del>((46,006,000))</del></b>	<u><b>45,557,000</b></u>

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

(1) The general fund--state appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year.

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

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) ~~\$(758,000)~~ 341,000 of the general fund--state fiscal year 1998 appropriation and ~~\$(704,000)~~ 407,000 of the general fund--state fiscal year 1999 appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--**  
**EDUCATION REFORM PROGRAMS**

General Fund Appropriation (FY 1998) \$ 18,905,000

General Fund Appropriation (FY 1999) \$ 21,868,000

TOTAL APPROPRIATION \$ 40,773,000

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

(1) \$18,103,000 is provided for the operation of the commission on student learning and the development and implementation of student assessments. The commission shall cooperate with the superintendent of public instruction in defining measures of student achievement to be included in the student record system developed by the superintendent pursuant to section 501(1)(b) of this act.

(2) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(3) \$2,970,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(4) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(5) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(6) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(7) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(8) The superintendent of public instruction shall not accept, allocate, or expend any federal funds to implement the federal goals 2000 program.

**Sec. 507.** 1997 c 149 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL**  
**BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1998) \$ 31,146,000

General Fund Appropriation (FY 1999) \$ 33,414,000

TOTAL APPROPRIATION \$ 64,560,000

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

(1) The appropriation for fiscal year 1998 provides such funds as are necessary for the remaining months of the 1996-97 school year.

(2) The superintendent of public instruction shall study the formula components proposed for the 1998-99 school year and prepare a report to the legislature no later than January 15, 1998.

(3) The superintendent shall distribute a maximum of \$643.78 per eligible bilingual student in the 1997-98 school year, exclusive of salary and benefit adjustments provided in section ((504)) 503 of this act.

(4) A student shall be eligible for funding under this section if the student is enrolled in grades K-12 pursuant to WAC 392-121-106 and is receiving specialized instruction pursuant to chapter 28A.180 RCW.

(5) The superintendent shall distribute a maximum of \$643.78 per eligible weighted bilingual student in the 1998-99 school year exclusive of salary and benefit adjustments provided in section 503 of this act.

(6) The following factors shall be used to calculate weightings for the 1998-99 school year.

(a) Grades Level

(i) K-5 .35

(ii) 6-8 .50

(iii) 9-12 .72

(b) Time in Program

(i) Up to 1 year .82

(ii) 1 to 2 years .62

(iii) 2 to 3 years .41

(iv) more than 3 years .21

(c) The grade level weight and time in program weight shall be summed for each eligible student and the result shall be multiplied by the rate per weighted student specified in subsection (4) of this section.

(d) Time in program under (b) of this subsection shall be calculated in accordance with WAC 392-160-035.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-  
-LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1998) \$ 49,815,000

General Fund Appropriation (FY 1999) \$ 56,962,000

TOTAL APPROPRIATION \$ 106,777,000

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

(1) A maximum of \$50,841,000 is provided for learning improvement allocations to school districts to enhance the ability of instructional staff to teach and assess the essential academic learning requirements for reading, writing, communication, and math in accordance with the timelines and requirements established under RCW 28A.630.885. However, special emphasis shall be given to the successful teaching of reading. Allocations under this section shall be subject to the following conditions and limitations:

(a) In accordance with the timetable for the implementation of the assessment system by the commission on student learning, the allocations for the 1997-98 and 1998-99 school years shall be at a maximum annual rate per full-time equivalent student of \$36.69 for students enrolled in grades K-4, \$30.00 for students enrolled in grades 5-7, and \$22.95 for students enrolled in grades 8-12. Allocations shall be made on the monthly apportionment schedule provided in RCW 28A.510.250.

(b) A district receiving learning improvement allocations shall:

(i) Develop and keep on file at each building a student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the

assessment system as it is developed. The plan shall delineate how the learning improvement allocations will be used to accomplish the foregoing. The plan shall be made available to the public upon request;

(ii) Maintain a policy regarding the involvement of school staff, parents, and community members in instructional decisions;

(iii) File a report by October 1, 1998, and October 1, 1999, with the office of the superintendent of public instruction, in a format developed by the superintendent that: Enumerates the activities funded by these allocations; the amount expended for each activity; describes how the activity improved understanding, teaching, and assessment of the essential academic learning requirements by instructional staff; and identifies any amounts expended from this allocation for supplemental contracts; and

(iv) Provide parents and the local community with specific information on the use of this allocation by including in the annual performance report required in RCW 28A.320.205, information on how funds allocated under this subsection were spent and the results achieved.

(c) The superintendent of public instruction shall compile and analyze the school district reports and present the results to the office of financial management and the appropriate committees of the legislature no later than November 15, 1998, and November 15, 1999.

(2) \$55,937,000 is provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs. This amount includes such amounts as are necessary for the remainder of the 1996-97 school year. Allocations for the 1997-98 and 1998-99 school year shall be at a maximum annual rate of \$29.86 per full-time equivalent student as determined pursuant to subsection (3) of this section. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250.

(3) Allocations provided under this section shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that:

(a) The district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); and

(b) The district is filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

**NEW SECTION. Sec. 509. FOR THE STATE BOARD OF EDUCATION**  
Education Savings Account Appropriation to the Common School Construction  
Account      \$ 12,621,000

## PART VI HIGHER EDUCATION

**NEW SECTION. Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 3.0 percent on July 1, 1997. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.0 percent on July 1, 1997. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated. To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(c) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, an additional average salary increase of 1.0 percent on July 1, 1997, and an average salary increase of 2.0 percent on July 1, 1998. Any salary increases authorized under this subsection (2)(c) shall not be included in an institution's salary base. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3)(a) Each institution receiving appropriations under sections 604 through 609 of this act shall submit plans for achieving measurable and specific improvements in academic years 1997-98 and 1998-99 to the higher education coordinating board. The plans, to be prepared at the direction of the board, shall be submitted by August 15, 1997 (for academic year 1997-98) and June 30, 1998 (for academic year 1998-99). The following measures and goals will be used for the 1997-99 biennium:

Goal

(i) Undergraduate graduation efficiency index:  
For students beginning as freshmen 95  
For transfer students 90

(ii) Undergraduate student retention, defined as the percentage of all undergraduate students who return for the next year at the same institution, measured from fall to fall:  
Research universities 95%  
Comprehensive universities and college 90%

(iii) Graduation rates, defined as the percentage of an entering freshmen class at each institution that graduates within five years:  
Research universities 65%  
Comprehensive universities and college 55%

(iv) A measure of faculty productivity, with goals and targets in accord with the legislative intent to achieve measurable and specific improvements, to be determined by the higher education coordinating board, in consultation with the institutions receiving appropriations under sections 604 through 609 of this act.

(v) An additional measure and goal to be selected by the higher education coordinating board for each institution, in consultation with each institution.

(b) Academic year 1995-96 shall be the baseline year against which performance in academic year 1997-98 shall be measured. Academic year 1997-98 shall be the baseline year against which performance in academic year 1998-99 shall be measured. The difference between each institution's baseline year and the state-wide performance goals shall be calculated and shall be the performance gap for each institution for each measure for each year. The higher education coordinating board shall set performance targets for closing the performance gap for each measure for each institution. Performance targets shall be set at levels that reflect meaningful and substantial progress towards the state-wide performance goals. Each institution shall report to the higher education coordinating board on its actual performance achievement for each measure for academic year 1997-98 by June 30, 1998, except that performance reporting for the student retention measure shall be completed by October 15, 1998.

(4) The state board for community and technical colleges shall develop an implementation plan for measurable and specific improvements in productivity, efficiency, and student retention in academic years 1997-98 and 1998-99 consistent with the performance management system developed by the workforce training and education coordinating board and for the following long-term performance goals:

Goal

- (a) Hourly wages for vocational graduates \$12/hour
- (b) Academic students transferring to Washington higher education institutions 67%
- (c) Core course completion rates 85%
- (d) Graduation efficiency index 95

(5) The state's public institutions of higher education increasingly are being called upon to become more efficient in conducting the business operations necessary to support the carrying out of their academic missions. The legislature recognizes that state laws and regulations may have the unintended effect of acting as barriers to efficient operation in some instances, and desires to encourage the institutions of higher education to think beyond the constraints of current law in identifying opportunities for improved efficiency. Accordingly, the legislature requests that the institutions of higher education, working together through the council of presidents' office and the state board for community and technical colleges, identify opportunities for changes in state law that would form the basis for a new efficiency compact with the state, for consideration no later than the 1999 legislative session.

**NEW SECTION. Sec. 602.** (1) The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

1997-98 1998-99  
Annual Annual  
Average Average

University of Washington

Main campus	31,297	31,527
Bothell branch	775	895
Tacoma branch	847	992

Washington State University

Main campus 17,403 17,723  
Spokane branch 352 442  
Tri-Cities branch 754 814  
Vancouver branch 851 971

Central Washington University 7,346 7,446  
Eastern Washington University 7,739 7,739  
The Evergreen State College 3,496 3,576  
Western Washington University 10,188 10,338  
State Board for Community and  
Technical Colleges 116,426 118,526  
Higher Education Coordinating Board 50 50

(2) The legislature intends to reduce general fund--state support for student enrollments by average instructional funding as calculated by the higher education coordinating board for enrollments below the budgeted levels in subsection (1) of this section, except that, for campuses with less than 1,500 budgeted full-time equivalent (FTE) student enrollments, enrollment targets shall be set at 95 percent of the budgeted enrollment level, and except that underenrollment at Eastern Washington University shall be administered in accordance with section 606(5) of this act.

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1998) \$ 382,891,000  
General Fund--State Appropriation (FY 1999) \$ 420,961,000  
General Fund--Federal Appropriation \$ 11,404,000  
Employment and Training Trust Account Appropriation \$ 26,346,000  
TOTAL APPROPRIATION \$ 841,602,000

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

(1) \$2,718,000 of the general fund--state appropriation for fiscal year 1998 and \$4,079,000 of the general fund--state appropriation for fiscal year 1999 shall be held in reserve by the board. These funds are provided for improvements in productivity, efficiency, and student retention. The board may approve the fiscal year 1998 allocation of funds under this subsection upon completion of an implementation plan. The implementation plan shall be submitted by the board to the appropriate legislative committees and the office of financial management in accordance with section 601(4) of this act by September 1, 1997. The board may approve the fiscal year 1999 allocation of funds under this subsection based on the board's evaluation of:

(a) College performance compared to the goals for productivity, efficiency, and student retention as submitted in the plan required in section 601(4) of this act; and

(b) The quality and effectiveness of the strategies the colleges propose to achieve continued improvement in quality and efficiency during the 1998-99 academic year.

(2) \$2,553,000 of the general fund--state appropriation for fiscal year 1998, \$28,761,000 of the general fund--state appropriation for fiscal year 1999, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers) and Substitute House Bill No. 2214.

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for the allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(3) \$1,441,000 of the general fund--state appropriation for fiscal year 1998 and \$1,441,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(4) \$1,862,500 of the general fund--state appropriation for fiscal year 1998 and \$1,862,500 of the general fund--state appropriation for fiscal year 1999 are provided solely for assessment of student outcomes at community and technical colleges.

(5) \$706,000 of the general fund--state appropriation for fiscal year 1998 and \$706,000 of general fund--state appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(6) Up to \$1,035,000 of the general fund--state appropriation for fiscal year 1998 and up to \$2,102,000 of the general fund--state appropriation for fiscal year 1999 may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(7) To address part-time faculty salary disparities and to increase the ratio of full-time to part-time faculty instructors, the board shall provide salary increases to part-time instructors or hire additional full-time instructional staff under the following conditions and limitations: (a) The amount used for such purposes shall not exceed an amount equivalent to an additional salary increase of 1.0 percent on July 1, 1997, and an additional salary increase of 2.0 percent on July 1, 1998, for instructional faculty as classified by the office of financial management; and (b) at least \$2,934,000 shall be spent for the purposes of this subsection.

(8) \$83,000 of the general fund--state appropriation for fiscal year 1998 and \$1,567,000 of the general fund--state appropriation for fiscal year 1999 are provided for personnel and expenses to develop curricula, library resources, and operations of Cascadia Community College. It is the legislature's intent to use the opportunity provided by the establishment of the new institution to conduct a pilot project of budgeting based on instructional standards and outcomes. The college shall use a portion of the available funds to develop a set of measurable standards and outcomes as the basis for budget development in the 1999-01 biennium.

(9) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees enacted by the 1997 legislature. The community colleges may charge up to the maximum level authorized for services and activities fees in RCW 28B.15.069.

(10) Community and technical colleges with below-average faculty salaries may use funds identified by the state board in the 1997-98 and 1998-99 operating allocations to increase faculty salaries no higher than the system-wide average.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 1998 and \$1,000,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for tuition support for students enrolled in work-based learning programs.

**NEW SECTION. Sec. 604. FOR UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1998)	\$ 283,923,000
General Fund Appropriation (FY 1999)	\$ 289,807,000
Death Investigations Account Appropriation	\$ 1,810,000
Industrial Insurance Premium Refund Account Appropriation	\$ 514,000
Accident Account Appropriation	\$ 4,969,000
Medical Aid Account Appropriation	\$ 4,989,000
TOTAL APPROPRIATION	\$ 586,012,000

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

(1) \$2,019,000 of the general fund appropriation for fiscal year 1998 and \$3,029,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$800,000 of the general fund appropriation for fiscal year 1998 and \$1,896,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Tacoma branch campus above the 1996-97 budgeted FTE level.



(3) \$593,000 of the general fund appropriation for fiscal year 1998 and \$1,547,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Bothell branch campus above the 1996-97 budgeted FTE level.

(4) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(5) \$324,000 of the general fund appropriation for fiscal year 1998 and \$324,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(6) \$130,000 of the general fund appropriation for fiscal year 1998 and \$130,000 of the general fund appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action item UW-01.

(7) \$1,200,000 of the general fund appropriation for fiscal year 1998 and \$1,200,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(8) \$47,000 of the fiscal year 1998 general fund appropriation and \$47,000 of the fiscal year 1999 general fund appropriation are provided solely to employ a fossil preparator/educator in the Burke Museum. The entire amounts provided in this subsection shall be provided directly to the Burke Museum.

(9) \$75,000 of the general fund appropriation for fiscal year 1998 and \$75,000 of the general fund appropriation for fiscal year 1999 are provided solely for enhancements to research capabilities at the Olympic natural resources center.

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1998)	\$ 166,644,000
General Fund Appropriation (FY 1999)	\$ 172,819,000
Air Pollution Control Account Appropriation	\$ 206,000
<b>TOTAL APPROPRIATION</b>	<b>\$ 339,669,000</b>

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

(1) \$1,204,000 of the general fund appropriation for fiscal year 1998 and \$1,807,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$1,059,000 of the general fund appropriation for fiscal year 1999 is provided solely to support additional upper-division and graduate level enrollments at the Vancouver branch campus above the 1996-97 budgeted FTE level.

(3) \$263,000 of the general fund appropriation for fiscal year 1998 and \$789,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Tri-Cities branch campus above the 1996-97 budgeted FTE level.

(4) \$971,000 of the general fund appropriation for fiscal year 1999 is provided solely to support additional upper-division and graduate level enrollments at the Spokane branch campus above the 1996-97 budgeted FTE level.

(5) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(6) \$140,000 of the general fund appropriation for fiscal year 1998 and \$140,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(7) \$157,000 of the general fund appropriation for fiscal year 1998 and \$157,000 of the general fund appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action item WSU-01.

(8) \$600,000 of the general fund appropriation for fiscal year 1998 and \$600,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(9) \$50,000 of the general fund appropriation for fiscal year 1998 and \$50,000 of the general fund appropriation for fiscal year 1999 are provided solely for yellow star thistle research.

(10) \$55,000 of the general fund appropriation for fiscal year 1998 and \$55,000 of the general fund appropriation for fiscal year 1999 are provided solely for the Goldendale distance learning center.

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1998) \$ 39,211,000

General Fund Appropriation (FY 1999) \$ 39,489,000

TOTAL APPROPRIATION \$ 78,700,000

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

(1) \$285,000 of the general fund appropriation for fiscal year 1998 and \$428,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$93,000 of the general fund appropriation for fiscal year 1998 and \$93,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$53,000 of the general fund--state appropriation for fiscal year 1998 and \$54,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(5) \$3,188,000 of the general fund appropriation for fiscal year 1998 and \$3,188,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve pending attainment of budgeted enrollments of 6,942 FTEs. The office of financial management shall approve the allotment of funds under this subsection at the annual rate of \$4,000 for annual student FTEs in excess of 6,942 based on tenth day quarterly enrollment and the office of financial management's quarterly budget driver report. In addition, allotments of reserve funds in this section shall be approved by the office of financial management upon approval by the higher education coordinating board for (a) actions that will result in additional enrollment growth, and (b) contractual obligations in fiscal year 1998 to the extent such funds are required.

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1998) \$ 37,214,000

General Fund Appropriation (FY 1999) \$ 38,616,000

TOTAL APPROPRIATION \$ 75,830,000

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

(1) \$269,000 of the general fund appropriation for fiscal year 1998 and \$403,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$70,000 of the general fund appropriation for fiscal year 1998 and \$70,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$51,000 of the general fund appropriation for fiscal year 1998 and \$51,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The college shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1998) \$ 20,151,000

General Fund Appropriation (FY 1999) \$ 20,518,000

TOTAL APPROPRIATION \$ 40,669,000

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

(1) \$144,000 of the general fund appropriation for fiscal year 1998 and \$217,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$47,000 of the general fund appropriation for fiscal year 1998 and \$47,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$29,000 of the general fund appropriation for fiscal year 1998 and \$29,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The college shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1998) \$ 47,822,000

General Fund Appropriation (FY 1999) \$ 48,855,000

TOTAL APPROPRIATION \$ 96,677,000

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

(1) \$342,000 of the general fund appropriation for fiscal year 1998 and \$514,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$93,000 of the general fund appropriation for fiscal year 1998 and \$93,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$66,000 of the general fund appropriation for fiscal year 1998 and \$67,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01

biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

**Sec. 610.** 1997 c 149 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 1998) \$ 2,734,000

General Fund--State Appropriation (FY 1999) \$ 2,615,000

General Fund--Federal Appropriation \$ 693,000

TOTAL APPROPRIATION \$ 6,042,000

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) The board shall set performance targets, review, recommend changes if necessary, and approve plans defined in section 601(3)(a) of this act for achieving measurable and specific improvements in academic years 1997-98 and 1998-99. By October 1, 1997, the board shall notify the office of financial management to allot institutions' fiscal year 1998 performance funds held in reserve, based upon the adequacy of plans prepared by the institutions.

(2) The board shall develop criteria to assess institutions' performance and shall use those criteria in determining the allotment of performance and accountability funds. The board shall evaluate each institution's achievement of performance targets for the 1997-98 academic year and, by August 1, 1998, the board shall notify the office of financial management to allot institutions' fiscal year 1999 performance funds held in reserve, based upon each institution's performance, except for performance funds held for achievement of the student retention measure. For the student retention measure, the board shall notify the office of financial management by November 1, 1998, to allot institutions' fiscal year 1999 performance funds held in reserve, based upon each institution's performance.

(3) By January, 1999, the board shall recommend to the office of financial management and appropriate legislative committees any recommended additions, deletions, or revisions to the performance and accountability measures in sections 601(3) of this act as part of the next master plan for higher education. The recommendations shall be developed in consultation with the institutions of higher education and may include additional performance indicators to measure successful student learning and other student outcomes for possible inclusion in the 1999-01 operating budget.

(4) \$280,000 of the general fund--state appropriation for fiscal year 1998 and \$280,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585.

(5) \$70,000 of the general fund--state appropriation for fiscal year 1998 and \$70,000 of the general fund--state appropriation for fiscal year 1999 are provided to develop a competency based admissions system for higher education institutions. The board shall complete the competency based admissions system and issue a report outlining the competency based admissions system by January 1999.

(6) \$500,000 of the general fund--state appropriation for fiscal year 1998 and \$500,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for activities related to higher education facilities planning, project monitoring, and access issues related to capital facilities. Of this amount, \$50,000 is provided for a study of higher education needs of Okanogan county and surrounding communities with consideration given to alternative approaches to educational service delivery, facility expansion, relocation or partnership, and long-term growth and future educational demands of the region.

(7) \$150,000 of the general fund--state appropriation for fiscal year 1998 is provided solely as one-time funding for computer upgrades.

**NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 1998) \$ 89,369,000  
General Fund--State Appropriation (FY 1999) \$ 96,209,000  
General Fund--Federal Appropriation \$ 8,255,000  
TOTAL APPROPRIATION \$ 193,833,000

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

(1) \$527,000 of the general fund--state appropriation for fiscal year 1998 and \$526,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the displaced homemakers program.

(2) \$216,000 of the general fund--state appropriation for fiscal year 1998 and \$220,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the western interstate commission for higher education.

(3) \$118,000 of the general fund--state appropriation for fiscal year 1998 and \$118,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the health personnel resources plan.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 1998 and \$1,000,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the scholarships and loans program under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$86,783,000 of the general fund--state appropriation for fiscal year 1998 and \$93,728,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for student financial aid, including all administrative costs. The amounts in (a), (b), and (c) of this subsection are sufficient to implement Second Substitute House Bill No. 1851 (higher education financial aid). Of these amounts:

(a) \$67,266,000 of the general fund--state appropriation for fiscal year 1998 and \$73,968,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the state need grant program.

(i) Unless an alternative method for distribution of the state need grant is enacted which distributes grants based on tuition costs, for the purposes of determination of eligibility for state need grants for the 1998-99 academic year, the higher education coordinating board shall establish family income equivalencies for independent students having financial responsibility for children and independent students with no financial responsibility for children, respectively, based on the United States bureau of labor statistics' low budget standard for persons in the 20-35 year age group, in accordance with the recommendations of the 1996 student financial aid policy advisory committee.

(ii) After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(b) \$15,350,000 of the general fund--state appropriation for fiscal year 1998 and \$15,350,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) \$2,420,000 of the general fund--state appropriation for fiscal year 1998 and \$2,420,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for educational opportunity grants. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 1998 and 2.1 percent of the general fund--state appropriation for fiscal year 1999 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$230,000 of the general fund--state appropriation for fiscal year 1998 and \$201,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for the educator's excellence

awards. Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence;

(f) \$1,011,000 of the general fund--state appropriation for fiscal year 1998 and \$1,265,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence;

(g) \$456,000 of the general fund--state appropriation for fiscal year 1998 and \$474,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or the Washington scholars program;

(h) \$51,000 of the general fund--state appropriation for fiscal year 1998 and \$51,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. No organization may receive more than one \$2,000 matching grant; and

(6) \$175,000 of the general fund--state appropriation for fiscal year 1998 and \$175,000 of the general fund--state appropriation for fiscal year 1999 are provided solely to implement Engrossed Second Substitute House Bill No. 1372 or Second Substitute Senate Bill No. 5106 (Washington advanced college tuition payment program). If neither Engrossed Second Substitute House Bill No. 1372 nor Second Substitute Senate Bill No. 5106 is enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(7) \$187,000 of the general fund--state appropriation for fiscal year 1998 and \$188,000 of the general fund--state appropriation for fiscal year 1999 are provided solely for a demonstration project in the 1997-99 biennium to provide undergraduate fellowships based upon the graduate fellowship program.

(8) Funding is provided in this section for the development of three models for tuition charges for distance learning programs. Institutions involved in distance education or extended learning shall provide information to the board on the usage, cost, and revenue generated by such programs.

## PART VII SPECIAL APPROPRIATIONS

**Sec. 701.** 1997 c 149 s 709 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund Appropriation (FY 1998)	\$ ((500,000))	<u>850,000</u>
General Fund Appropriation (FY 1999)	\$ ((500,000))	<u>850,000</u>
TOTAL APPROPRIATION	\$ ((1,000,000))	<u>1,700,000</u>

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. **Sec. 702. YEAR 2000 ALLOCATIONS.** 1997 c 149 s 710 (uncodified) is repealed.

NEW SECTION. **Sec. 703. SALARY COST OF LIVING ADJUSTMENT**  
General Fund--State Appropriation (FY 1998) \$ 31,031,000

General Fund--State Appropriation (FY 1999) \$ 31,421,000  
General Fund--Federal Appropriation \$ 17,578,000  
Salary and Insurance Increase Revolving Account Appropriation \$ 48,678,000  
TOTAL APPROPRIATION \$ 128,708,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.0 percent salary increase effective July 1, 1997, for all classified employees, including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 3.0 percent salary increase effective July 1, 1997, for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.0 percent salary increase effective July 1, 1997, for ferry workers consistent with the 1997-99 transportation appropriations act.

(4) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

**NEW SECTION. Sec. 704. FOR THE OFFICE OF FINANCIAL MANAGEMENT--  
COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1998) \$ 5,289,000  
General Fund Appropriation (FY 1999) \$ 10,642,000  
Salary and Insurance Increase Revolving Account Appropriation \$ 8,862,000  
TOTAL APPROPRIATION \$ 24,793,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) Funding is provided to fully implement the recommendations of the Washington personnel resources board consistent with the provisions of chapter 319, Laws of 1996.

(2) Implementation of the salary adjustments for the various clerical classes, physicians, dental classifications, pharmacists, maintenance custodians, medical records technicians, fish/wildlife biologists, fish/wildlife enforcement, habitat technicians, and fiscal technician classifications will be effective July 1, 1997. Implementation of the salary adjustments for safety classifications, park rangers, park aides, correctional officers/sergeants, community corrections specialists, tax information specialists, industrial relations specialists, electrical classifications at the department of labor and industries, fingerprint technicians, some labor relations classifications, health benefits specialists, foresters/land managers, and liquor enforcement officers will be effective July 1, 1998.

**NEW SECTION. Sec. 705. FOR THE STATE HEALTH CARE AUTHORITY--HEALTH  
CARE CONTINGENCY RESERVE**

General Fund Appropriation (FY 1998) \$ 1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for deposit in the public employees' and retirees' insurance account to provide a contingency reserve.

**NEW SECTION. Sec. 706. REGULATORY REFORM.** 1997 c 149 s 719 (uncodified) is repealed.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 1997 c 149 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums distribution	\$ 6,617,250	
General Fund Appropriation for public utility district excise tax distribution	\$ 35,183,803	
General Fund Appropriation for prosecuting attorneys salaries	\$ 2,960,000	
General Fund Appropriation for motor vehicle excise tax distribution	\$ 84,721,573	
General Fund Appropriation for local mass transit assistance	\$ 383,208,166	
General Fund Appropriation for camper and travel trailer excise tax distribution	\$ 3,904,937	
General Fund Appropriation for boating safety/education and law enforcement distribution	\$ 3,616,000	
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$ 142,000	
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$ 22,287,746	
Liquor Revolving Fund Appropriation for liquor profits distribution	\$ 36,989,000	
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$ 107,146,000	
Municipal Sales and Use Tax Equalization Account Appropriation	\$ 66,860,014	
County Sales and Use Tax Equalization Account Appropriation	\$ 11,843,224	
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$ 1,266,000	
County Criminal Justice Account Appropriation	\$ ((80,552,471))	80,634,471
Municipal Criminal Justice Account Appropriation	\$ 32,042,450	
County Public Health Account Appropriation	\$ 43,773,588	
TOTAL APPROPRIATION	\$ ((923,114,222))	923,196,222

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 1997 c 149 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

General Fund: For transfer to the Water Quality Account \$ 26,607,000

General Fund: For transfer to the Flood Control Assistance Account \$ 4,000,000

State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ 3,877,000

Water Quality Account:  
For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$ 21,688,000

State Treasurer's Service Account:  
For transfer to the general fund on or before June 30, 1999 an amount up to \$3,600,000 in excess of the cash requirements of the State Treasurer's Service Account \$ 3,600,000

~~((Health Services Account: For transfer to the County Public Health Account \$ 2,250,000))~~

Public Works Assistance Account: For transfer to the Drinking Water Assistance Account \$ 9,949,000

County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account \$ 1,686,000

**PART IX  
MISCELLANEOUS**



**Sec. 901.** RCW 43.79.445 and 1995 c 398 s 9 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations(⌘) account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations(⌘) account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the University of Washington to fund the state forensic pathology fellowship program, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 1997-99 biennium for the purposes of state-wide child mortality reviews administered by the department of health.

The University of Washington and the Washington state forensic investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.

NEW SECTION. **Sec. 902.** No funding appropriated in this act shall be expended to support the governor's council on environmental education.

## PART X GENERAL GOVERNMENT

**Sec. 1001.** 1996 c 283 s 106 (uncodified) is amended to read as follows:

### **FOR THE LAW LIBRARY**

General Fund Appropriation (FY 1996)	\$ 1,607,000	
General Fund Appropriation (FY 1997)	\$ <del>((1,597,000))</del>	
		<u>1,608,000</u>
TOTAL APPROPRIATION	\$ <del>((3,204,000))</del>	
		<u>3,215,000</u>

**Sec. 1002.** 1996 c 283 s 109 (uncodified) is amended to read as follows:

### **FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund Appropriation (FY 1996)	\$ 11,658,000	
General Fund Appropriation (FY 1997)	\$ 11,832,000	
Public Safety and Education Account-- <u>State</u> Appropriation	\$ 36,605,000	
<u>Public Safety and Education Account--Private/Local</u> Appropriation	\$ 4,000	
Violence Reduction and Drug Enforcement Account Appropriation	\$ 35,000	
Judicial Information Systems Account Appropriation	\$ 13,074,000	
TOTAL APPROPRIATION	\$ <del>((73,204,000))</del>	
		<u>73,208,000</u>

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

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) ~~(\$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.~~

~~(5))~~ \$26,000 of the public safety and education account and \$1,385,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

~~((6))~~ (5) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

~~((7))~~ (6) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

~~((8))~~ (7) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

~~((9))~~ (8) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

~~((11))~~ (9) \$35,000 of the violence reduction and drug enforcement account appropriation is provided solely to contract with the Washington state institute for public policy to collect data and information from jurisdictions within the state of Washington and outside the state of Washington, including other nations, that have experience with developing protocols and training standards for investigating child sexual abuse. The Washington state institute for public policy shall report to the legislature on the results of this study no later than December 1, 1996.

**Sec. 1003.** 1995 2nd sp.s. c 18 s 116 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund Appropriation (FY 1996) \$ 242,000

General Fund Appropriation (FY 1997) \$ ~~((243,000))~~

276,000

TOTAL APPROPRIATION \$ ~~((485,000))~~

518,000

**Sec. 1004.** 1996 c 283 s 113 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund Appropriation (FY 1996) \$ 1,125,000

General Fund Appropriation (FY 1997) \$ ~~((1,051,000))~~

1,183,000

Industrial Insurance Premium Refund Account Appropriation \$ 725

TOTAL APPROPRIATION \$ ~~((2,176,725))~~

2,308,725

**Sec. 1005.** 1996 c 283 s 114 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund Appropriation (FY 1996) \$ 10,857,000

General Fund Appropriation (FY 1997) \$ ~~((5,992,000))~~

6,182,000

Archives and Records Management Account Appropriation \$ 5,215,000

Department of Personnel Service Account Appropriation \$ 647,000

TOTAL APPROPRIATION \$ ~~((22,711,000))~~

22,901,000

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

(1) \$5,559,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(5,233,762))~~ 5,403,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) \$1,440,000 of the archives and records management account appropriation is provided solely for records services to local governments under Senate Bill No. 6718 and shall be paid solely out of revenue collected under that bill. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(5) \$10,000 of the archives and records management account appropriation is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records).

(6) \$20,000 of the general fund appropriation for fiscal year 1997 is provided solely for the state's participation in the United States census block boundary suggestion program to update precinct and other geographical data to facilitate the 2000 census and redistricting process.

**Sec. 1006.** 1996 c 283 s 116 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund Appropriation (FY 1996) \$ 78,000  
General Fund Appropriation (FY 1997) \$ 430,000  
Auditing Services Revolving Account  
Appropriation \$ ~~((11,814,000))~~

11,965,000

TOTAL APPROPRIATION \$ ~~((12,322,000))~~

12,473,000

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

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

(3) \$486,000 of the general fund appropriation is provided solely for staff and related costs to audit special education programs that exhibit unusual rates of growth, extraordinarily high costs, or other characteristics requiring attention of the state safety net committee. The auditor shall consult with

the superintendent of public instruction regarding training and other staffing assistance needed to provide expertise to the audit staff.

**Sec. 1007.** 1996 c 283 s 121 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 1996)	\$ 49,164,000	
General Fund--State Appropriation (FY 1997)	\$ (( <del>55,149,000</del> ))	
		<u>55,441,000</u>
General Fund--Federal Appropriation	\$ 149,005,000	
General Fund--Private/Local Appropriation	\$ (( <del>4,290,000</del> ))	
		<u>4,499,000</u>
Public Safety and Education Account Appropriation	\$ 8,764,000	
Waste Reduction, Recycling, and Litter Control Account Appropriation	\$ 2,206,000	
Washington Marketplace Program Account Appropriation	\$ 150,000	
Public Works Assistance Account Appropriation	\$ 1,166,000	
Building Code Council Account Appropriation	\$ 1,289,000	
Administrative Contingency Account Appropriation	\$ 1,776,000	
Low-Income Weatherization Assistance Account Appropriation	\$ 923,000	
Violence Reduction and Drug Enforcement Account Appropriation	\$ 6,027,000	
Manufactured Home Installation Training Account Appropriation	\$ 250,000	
Washington Housing Trust Account Appropriation	\$ 7,986,000	
Public Facility Construction Revolving Account Appropriation	\$ 238,000	
Solid Waste Management Account Appropriation	\$ 700,000	
Vehicle Tire Recycling Account Appropriation	\$ 499,000	
Growth Management Planning and Environmental Review Fund Appropriation	\$ 3,000,000	
TOTAL APPROPRIATION	\$ (( <del>293,582,000</del> ))	
		<u>293,083,000</u>

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

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) \$1,000,000 of the general fund--state appropriation is provided to offset reductions in federal community services block grant funding for community action agencies. The department shall set aside \$3,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

- (a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;
- (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;
- (c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;
- (d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (e) \$744,000 to the department to continue the youth violence prevention and intervention projects;
- (f) \$240,000 to the department for grants to support tribal law enforcement needs;
- (g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;

(h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$8,699,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1997 as follows:

(a) \$3,600,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory support staff for multijurisdictional narcotics task forces;

(c) \$500,000 to the department to continue the state-wide drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(d) \$450,000 to drug courts in eastern and western Washington;

(e) \$744,000 to the department to continue the youth violence prevention and intervention projects;

(f) \$93,000 to the department to continue a substance-abuse treatment in jails program to test the effect of treatment on future criminal behavior;

(g) \$42,000 to the department to provide training to local law enforcement officers, prosecutors, and domestic violence experts on domestic violence laws and procedures;

(h) \$300,000 to the department to support local services to victims of domestic violence;

(i) \$240,000 to the department for grants to support tribal law enforcement needs;

(j) \$300,000 to the department for grants to provide juvenile sentencing alternative training programs to defenders;

(k) \$560,000 to the department for grant administration, evaluation, monitoring, and reporting on Byrne grant programs, and the governor's council on substance abuse;

(l) \$435,000 to the office of financial management for the criminal history records improvement program;

(m) \$51,000 to the Washington state patrol for data collection; and

(n) \$450,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

If additional funds become available or if any funds remain unexpended for the drug control and system improvement formula grant program under this subsection, up to \$95,000 additional may be used for the operation of the governor's council on substance abuse, including implementation of the recommendations of the legislative budget committee report on drug and alcohol abuse programs.

(6) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(7) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(9) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department

may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

- (a) The per square foot cost of each type of housing unit financed by the housing trust fund;
- (b) An assessment of the factors that affect the per square foot cost;
- (c) Recommendations for reducing the per square foot cost, if possible;
- (d) Guidelines for housing costs per person assisted; and
- (e) Other relevant information.

(10) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(11) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(12) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(13) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three

legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested

relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

(19) \$839,000 of the general fund--state appropriation is provided solely for energy-related functions transferred by Fourth Substitute House Bill No. 2009 (state energy office). Of this amount:

(a) \$379,000 is provided solely for expenses related to vacation leave buyout and unemployment payments resulting from the closure of the state energy office;

(b) \$44,000 is provided solely for extended insurance benefits for employees separated as a result of Fourth Substitute House Bill No. 2009. An eligible employee may receive a state subsidy of \$150 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed one year from the date of separation;

(c) \$120,000 is provided solely for costs of closing out the financial reporting systems and contract obligations of the state energy office, and to connect the department's wide area network to workstations in the energy office building; and

(d) \$296,000 is provided to match oil surcharge funding for energy policy and planning staff.

(20) \$2,614,000 of the general fund--private/local appropriation is provided solely to operate the energy facility site evaluation council.

(21) \$1,000,000 of the general fund--state appropriation is provided solely to increase state matching funds for the federal headstart program.

(22) \$2,000,000 of the general fund--federal appropriation is provided solely to develop and operate housing for low-income farmworkers. The housing assistance program shall administer the funds in accordance with chapter 43.185 RCW. The department of community, trade, and economic development shall work in cooperation with the department of health, the department of labor and industries, and the department of social and health services to review proposals and make recommendations to the funding approval board that oversees the distribution of housing assistance program funds. An advisory group representing growers, farmworkers, and other interested parties shall be formed to assist the interagency workgroup.

(23) \$1,865,000 of the general fund--state appropriation is provided solely for the delivery of services to victims of sexual assault as provided for by Substitute House Bill No. 2579 (sexual abuse victims). The department shall establish an interagency agreement with the department of social and health services for the transfer of funds made available under the federal victims of crime act for the purposes of implementing Substitute House Bill No. 2579. If the bill is not enacted by June 30, 1996,



the requirements of this subsection shall be null and void and the amount provided in this subsection shall lapse.

(24) \$1,000,000 of the general fund--state appropriation is provided solely for the tourism development program.

~~((26))~~ (25) \$3,862,000 of the general fund--state appropriation is provided solely to increase the number of children served through the early childhood education and assistance program. These funds shall be used to serve children that are on waiting lists to enroll in the federal headstart program or the state early childhood education and assistance program.

~~((27))~~ (26) \$25,000 of the general fund--state appropriation is provided solely for a grant to the city of Burien to study the feasibility of purchasing property within the city for park purposes.

~~((28))~~ (27) \$100,000 of the general fund--state appropriation is provided solely for Washington state dues for the Pacific Northwest economic region (PNWER) and to support the PNWER CATALIST program.

(28) \$50,000 of the general fund--state appropriation for fiscal year 1997 is provided solely for the state of Washington's contribution to the construction of a women veterans memorial in Washington, D.C.

**Sec. 1008.** 1996 c 283 s 124 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 1996) \$ 9,282,000

General Fund--State Appropriation (FY 1997) \$ 9,588,000

General Fund--Federal Appropriation \$ ~~((12,432,000))~~

13,865,000

General Fund--Private/Local Appropriation \$ 720,000

Health Services Account Appropriation \$ 330,000

Public Safety and Education Account

Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((32,552,000))~~

33,985,000

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

(1) \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "AmeriCorps" youth employment program.

(2) By December 20, 1996, the office of financial management shall report to the government operations and fiscal committees of the legislature on the implementation of chapter 40.07 RCW, relating to the management and control of state publications. The report shall include recommendations concerning the use of alternative methods of distribution, including electronic publication, of agency reports and other publications and notices.

~~((3) \$250,000 of the general fund--state appropriation is provided solely for technical assistance to state agencies in the development of performance measurements pursuant to Engrossed Substitute Senate Bill No. 6680. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.))~~

**Sec. 1009.** 1996 c 283 s 132 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF INFORMATION SERVICES**

K-20 Technology Account Appropriation \$ 27,000,000

State Building Construction Account Appropriation \$ 15,300,000

TOTAL APPROPRIATION \$ ~~((54,300,000))~~

42,300,000

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

(1) The appropriations in this section shall be expended in accordance with Senate Bill No. 6705 (higher education technology plan).

(2) ~~\$(27,000,000)~~ 37,678,000 is appropriated from the general fund for deposit in the K-20 technology account for the purposes of this section.

(3) \$1,500,000 is appropriated from the general fund for deposit in the education and technology revolving fund for the purposes of capitalizing the revolving fund established in Senate Bill No. 6004 or House Bill No. 2197.

(4) Expenditures of the funds from the state building construction account appropriation may be made only for capital purposes. Acquisitions made from these funds shall meet the criteria of bondability guidelines published by the office of financial management in the capital budget instruction manual. Any moneys remaining unexpended from the state building construction account appropriation on June 30, 1997, shall be deposited in the K-20 technology account.

(5) If Senate Bill No. 6705 is not enacted by June 30, 1996, the appropriations in this section shall lapse.

**Sec. 1010.** 1996 c 283 s 133 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

Liquor Revolving Account Appropriation \$ ~~((113,604,000))~~

113,652,000

Liquor Control Board Construction and Maintenance Account Appropriation \$ 534,000

TOTAL APPROPRIATION \$ 114,186,000

The appropriation in this section is subject to the following conditions and limitations:  
\$143,000 of the liquor control revolving account appropriation for administrative expenses is provided solely for implementation of House Bill No. 2341 (credit card sales pilot program). If the bill is not enacted by June 30, 1996, this amount shall lapse.

**Sec. 1011.** 1996 c 283 s 135 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 7,594,000

General Fund--State Appropriation (FY 1997) \$ ~~((7,597,000))~~

26,803,000

General Fund--Federal Appropriation \$ ~~((129,215,000))~~

127,215,000

General Fund--Private/Local Appropriation \$ 237,000

Enhanced 911 Account Appropriation \$ 26,781,000

Industrial Insurance Premium Refund Account Appropriation \$ 34,000

Flood Control Assistance Account Appropriation \$ ~~((23,181,000))~~

20,181,000

Disaster Response Account--State Appropriation \$ 3,226,000

Disaster Response Account--Federal Appropriation \$ 18,871,000

TOTAL APPROPRIATION \$ ~~((194,639,000))~~

230,942,000

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

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

(3) ~~\$(23,181,000)~~ 20,181,000 of the flood control assistance account appropriation is provided solely for state and local response and recovery cost associated with federal emergency management agency (FEMA) Disaster Number 1079 (November/December 1995 storms), FEMA Disaster 1100, (February 1996 floods), and for prior biennia disaster recovery costs. ~~((Of this amount,~~

~~\$1,078,000 is for prior disasters, \$3,618,000 is for the November/December 1995 storms, and \$18,485,000 is for the February 1996 floods.)~~

(4) \$3,226,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster number 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), and FEMA 1172 (March 1997 floods).

(5) \$18,006,000 of the general fund--state appropriation for fiscal year 1997 is provided solely for deposit in the disaster response account to cover costs associated with natural disasters sustained in the 1995-97 biennium.

**Sec. 1012.** 1995 2nd sp.s. c 18 s 145 (uncodified) is amended to read as follows:  
**FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation	\$ ((104,000))	<u>141,000</u>
Insurance Commissioner's Regulatory Account Appropriation	\$ ((20,126,000))	<u>20,194,000</u>
<b>TOTAL APPROPRIATION</b>	<b>\$ ((20,230,000))</b>	<b><u>20,335,000</u></b>

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

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

## **PART XI HUMAN SERVICES**

**Sec. 1101.** 1996 c 283 s 201 (uncodified) is amended to read as follows:

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

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations in sections 202 through ~~((211))~~ 213 of chapter 18, Laws of 1995 2nd sp. sess. as amended, shall be expended for the programs and in the amounts listed in those sections. However, after May 1, ~~((1996))~~ 1997, unless specifically prohibited by this act, the department may transfer ~~((general fund--state appropriations for fiscal year 1996))~~ moneys among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from the appropriation levels.

(4) The department shall use up to \$4,987,000 by which general fund--state expenditures are below allotted levels to replace federal social service block grant funds during fiscal year 1996.

**Sec. 1102.** 1996 c 283 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 146,537,000	
General Fund--State Appropriation (FY 1997)	\$ (( <del>173,376,000</del> ))	<u>180,159,000</u>
General Fund--Federal Appropriation	\$ (( <del>272,379,000</del> ))	<u>274,431,000</u>
General Fund--Private/Local Appropriation	\$ 400,000	
Violence Reduction and Drug Enforcement Account Appropriation	\$ 5,719,000	
TOTAL APPROPRIATION	\$ (( <del>598,411,000</del> ))	<u>607,246,000</u>

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

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$((~~5,524,000~~)) 1,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$((~~4,678,000~~)) 678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the violence reduction and drug enforcement account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(9) \$5,613,000 of the general fund--state appropriation is provided solely for implementation of chapter 312, Laws of 1995 and Second Substitute House Bill No. 2217 (at-risk youth). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse. Of this amount:

(a) \$1,000,000 of the general fund--state appropriation is provided solely for court-ordered secure treatment of at-risk youth as provided for in section 3 of Second Substitute House Bill No. 2217 (at-risk youth);

(b) \$573,000 of the general fund--state appropriation is provided solely for increased family reconciliation services;

(c) \$500,000 of the general fund--state appropriation is provided solely for therapeutic child care;

(d) \$2,300,000 of the general fund--state appropriation is provided solely for the juvenile court administrators to process petitions for truancy, children in need of services, and at-risk youth;

(e) \$240,000 of the general fund--state appropriation is provided solely for crisis residential center assessments of at-risk youth; and

(f) \$1,000,000 of the general fund--state appropriation shall be allocated to the superintendent of public instruction for competitive grants to assist the operation of community truancy boards established by school districts pursuant to RCW 28A.225.025.

(10) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of chapter 311, Laws of 1995 (Engrossed Substitute Senate Bill No. 5885, services to families). Of this

amount, \$1,000,000 is provided solely to expand the category of services titled "intensive family preservation services," and \$1,000,000 is provided solely to create a new category of services titled "family preservation services."

(11) \$327,000 of the general fund--state appropriation is provided solely for transfer to the public health and safety networks. Each public health and safety network may receive up to \$2,600 general fund--state and up to \$2,500 general fund--federal per month for the purposes of infrastructure funding, including planning, network meeting support, fiscal agent payments, and liability insurance. Funding may be provided only after the network's plan is submitted to the family policy council and only after the plan is approved.

(12) \$4,941,000 of the general fund--state appropriation and \$4,941,000 of the general fund--federal appropriation are provided solely to increase the availability of employment child care to low-income families.

(13) Of the general fund--state appropriation for fiscal year 1997, \$16,766,000 is allocated for purposes consistent with the maintenance of effort requirements under the federal temporary assistance for needy families program established under P.L. 104-193.

**Sec. 1103.** 1996 c 283 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996)	\$ 25,622,000	
General Fund--State Appropriation (FY 1997)	\$ ((29,828,000))	
		<u>29,345,000</u>
General Fund--Federal Appropriation	\$ ((20,191,000))	
		<u>18,008,000</u>
General Fund--Private/Local Appropriation	\$ ((286,000))	
		<u>269,000</u>
Violence Reduction and Drug Enforcement Account Appropriation	\$ ((5,695,000))	
		<u>3,211,000</u>
TOTAL APPROPRIATION	\$ ((81,622,000))	
		<u>76,455,000</u>

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

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) \$2,350,000 of the general fund--state appropriation is provided solely for an early intervention program to be administered at the county level. Funds shall be awarded on a competitive basis to counties which have submitted a plan for implementation of an early intervention program consistent with proven methodologies currently in place in the state. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 28,727,000	
General Fund--State Appropriation (FY 1997)	\$ ((32,511,000))	
		<u>44,527,000</u>
General Fund--Federal Appropriation	\$ ((24,915,000))	
		<u>11,879,000</u>
General Fund--Private/Local Appropriation	\$ ((830,000))	
		<u>747,000</u>

Violence Reduction and Drug Enforcement Account Appropriation	\$ ((10,894,000))	<u>9,202,000</u>
TOTAL APPROPRIATION	\$ ((97,877,000))	<u>95,082,000</u>
<b>(3) PROGRAM SUPPORT</b>		
General Fund--State Appropriation (FY 1996)	\$ 1,231,000	
General Fund--State Appropriation (FY 1997)	\$ ((1,236,000))	
		<u>1,599,000</u>
General Fund--Federal Appropriation	\$ ((881,000))	
		<u>518,000</u>
Violence Reduction and Drug Enforcement Account Appropriation	\$ 421,000	
TOTAL APPROPRIATION	\$ 3,769,000	
<b>(4) SPECIAL PROJECTS</b>		
General Fund--Federal Appropriation	\$ 107,000	
Violence Reduction and Drug Enforcement Account Appropriation	\$ 1,177,000	
TOTAL APPROPRIATION	\$ 1,284,000	

**Sec. 1104.** 1996 c 283 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

**(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS**

General Fund--State Appropriation (FY 1996)	\$ 160,689,000	
General Fund--State Appropriation (FY 1997)	\$ ((165,967,000))	
		<u>159,141,000</u>
General Fund--Federal Appropriation	\$ ((232,449,000))	
		<u>265,995,000</u>
General Fund--Private/Local Appropriation	\$ 4,000,000	
Health Services Account Appropriation	\$ ((19,517,000))	
		<u>18,327,000</u>
TOTAL APPROPRIATION	\$ ((582,622,000))	<u>608,152,000</u>

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

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(e) At least 30 days prior to entering contracts that would capitate payments for voluntary psychiatric hospitalizations, the mental health division shall report the proposed capitation rates, and the assumptions and calculations by which they were established, to the budget and forecasting

divisions of the office of financial management, the appropriations committee of the house of representatives, and the ways and means committee of the senate.

(f) \$2,474,000 of the general fund--state appropriation for fiscal year 1997 and \$2,526,000 of the general fund--federal appropriation are provided solely for medicare cross over payments. These amounts provide funding to implement the federal court order in *South Sound Radiologists v. Quasim*, C95-121WP (1996), which ruled that payments should be made at 50 percent of the medicare amount, regardless of medicaid limits. These payments shall be made by the state directly to service providers.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 52,673,000	
General Fund--State Appropriation (FY 1997)	\$ (( <del>56,293,000</del> ))	<u>59,527,000</u>
General Fund--Federal Appropriation	\$ (( <del>119,325,000</del> ))	<u>126,954,000</u>
General Fund--Private/Local Appropriation	\$ (( <del>39,130,000</del> ))	<u>28,587,000</u>
Industrial Insurance Premium Refund Account Appropriation	\$ 747,000	
TOTAL APPROPRIATION	\$ (( <del>268,168,000</del> ))	<u>268,488,000</u>

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

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996)	\$ 3,470,000	
General Fund Appropriation (FY 1997)	\$ (( <del>3,533,000</del> ))	<u>4,106,000</u>
TOTAL APPROPRIATION	\$ (( <del>7,003,000</del> ))	<u>7,576,000</u>

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation	\$ 6,341,000	
General Fund--State Appropriation (FY 1997)	\$ 950,000	
TOTAL APPROPRIATION	\$ 7,291,000	

The appropriations in this subsection are subject to the following conditions and limitations: The general fund--state appropriation in this section is provided solely for continued operation of the primary intervention program, in the school districts in which those projects previously operated, to the extent they continue to meet contract terms and performance standards.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996)	\$ 2,549,000	
General Fund--State Appropriation (FY 1997)	\$ (( <del>2,544,000</del> ))	<u>2,550,000</u>
General Fund--Federal Appropriation	\$ (( <del>1,511,000</del> ))	<u>1,517,000</u>
TOTAL APPROPRIATION	\$ (( <del>6,604,000</del> ))	<u>6,616,000</u>

**Sec. 1105.** 1996 c 283 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996)	\$ 121,641,000	
General Fund--State Appropriation (FY 1997)	\$ (( <del>126,500,000</del> ))	



General Fund--Federal Appropriation	\$ ((170,481,000))	<u>129,191,000</u>
Health Services Account Appropriation	\$ ((4,679,000))	<u>173,060,000</u>
		<u>4,879,000</u>
TOTAL APPROPRIATION	\$ ((423,301,000))	<u>428,771,000</u>
(2) INSTITUTIONAL SERVICES		
General Fund--State Appropriation (FY 1996)	\$ 62,152,000	
General Fund--State Appropriation (FY 1997)	\$ ((62,291,000))	
		<u>62,691,000</u>
General Fund--Federal Appropriation	\$ ((140,652,000))	<u>140,252,000</u>
General Fund--Private/Local Appropriation	\$ 9,100,000	
TOTAL APPROPRIATION	\$ 274,195,000	
(3) PROGRAM SUPPORT		
General Fund--State Appropriation (FY 1996)	\$ 2,964,000	
General Fund--State Appropriation (FY 1997)	\$ ((3,000,000))	
		<u>3,170,000</u>
General Fund--Federal Appropriation	\$ ((940,000))	<u>1,014,000</u>
TOTAL APPROPRIATION	\$ ((6,904,000))	<u>7,148,000</u>
(4) SPECIAL PROJECTS		
General Fund--Federal Appropriation	\$ 7,878,000	

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

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(e) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

(f) \$25,000 of the program support general fund--state appropriation is provided solely for a vendor rate increase in fiscal year 1997 for an organization specializing in the provision of case management and support services to persons with both deafness and blindness.

(6) \$200,000 of the health services account appropriation and the associated general fund--federal match is provided solely for the enrollment in the basic health plan of home care workers below 200 percent of the federal poverty level who are employed through state contracts.

**Sec. 1106.** 1996 c 283 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 378,972,000	
General Fund--State Appropriation (FY 1997)	\$ ((385,377,000))	
		<u>377,103,000</u>
General Fund--Federal Appropriation	\$ ((773,530,000))	
		<u>763,686,000</u>
Health Services Account--State Appropriation	\$ ((6,858,000))	
		<u>1,301,000</u>
TOTAL APPROPRIATION	\$ ((1,534,820,000))	
		<u>1,521,062,000</u>

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

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(3) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

(4) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(5) The entire health services account appropriation and the associated general fund--federal match is provided solely for the enrollment in the basic health plan of home care workers below 200 percent of the federal poverty level who are employed through state contracts. Enrollment for workers with family incomes at or above 200 percent of poverty shall be covered with general fund--state and matching general fund--federal revenues that have previously been appropriated for health benefits coverage, to the extent that these funds have not been contractually obligated prior to March 1, 1996, for worker wage increases.

(6) By November 1, 1996, the department of social and health services and the health care authority shall report to the appropriate committees of the legislature on (a) the extent, if any, to which previously appropriated general fund--state and matching general fund--federal funds are insufficient to provide basic health plan enrollment coverage for homecare workers above 200 percent of the federal poverty level; and (b) recommended procedural and, if necessary, statutory changes needed to minimize the administrative costs and complexity of basic health plan enrollment by employer groups.

(7) \$126,000 of the general fund--state appropriation for fiscal year 1997 is provided solely for adult day health services for persons with AIDS. These services shall be provided through a state-only program by a single agency specializing in long-term care for persons with AIDS.

(8) \$403,000 of the general fund--state appropriation for fiscal year 1996 and \$698,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to reimburse the medical assistance administration for medicaid services used by persons not previously eligible for medical assistance services who become so as a result of transferring from the chore services to the COPES program.

Sec. 1107. 1996 c 283 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

(1) GRANTS AND SERVICES TO CLIENTS

General Fund--State Appropriation (FY 1996)	\$ 379,619,000	
General Fund--State Appropriation (FY 1997)	\$ ((389,585,000))	<u>379,393,000</u>
General Fund--Federal Appropriation	\$ ((636,859,000))	<u>611,058,000</u>
TOTAL APPROPRIATION	\$ ((1,406,063,000))	<u>1,370,070,000</u>

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

(a) ~~((Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:~~

~~Family size: 1 2 3 4 5 6 7 8 or more  
Exemption: \$55 71 86 102 117 133 154 170~~

~~(b))~~ \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

~~((c))~~ (b) During the 1995-97 fiscal biennium, the department of social and health services shall provide assistance under the general assistance for children program to needy families with legal immigrants permanently residing in the United States under color of law who are not eligible under federal law for aid to families with dependent children benefits solely due to their immigration status. Assistance to needy families shall be in the same amount as benefits under the aid to families with dependent children program. The families must be otherwise eligible for aid to families with dependent children including consideration of the current alien sponsor deeming rules. The department is authorized to use state general funds appropriated in this section to provide such benefits.

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996)	\$ 112,427,000	
General Fund--State Appropriation (FY 1997)	\$ ((109,168,000))	<u>113,799,000</u>
General Fund--Federal Appropriation	\$ ((200,555,000))	<u>203,912,000</u>
Health Services Account Appropriation	\$ 750,000	
TOTAL APPROPRIATION	\$ ((422,900,000))	<u>430,888,000</u>

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

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with

state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status; and

(ii) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

**Sec. 1108.** 1996 c 283 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 8,199,000

General Fund--State Appropriation (FY 1997) \$ ((~~41,990,000~~))

13,041,000

General Fund--Federal Appropriation \$ ((~~77,594,000~~))

76,848,000

Violence Reduction and Drug Enforcement Account Appropriation \$ 71,900,000

Health Services Account Appropriation \$ 969,000

TOTAL APPROPRIATION \$ ((~~170,652,000~~))

170,957,000

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

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(5) \$1,387,000 of the general fund--state appropriation and \$363,000 of the general fund--federal appropriation are provided solely for detoxification and stabilization services, inpatient treatment, and recovery house treatment for at-risk youth. If Second Substitute House Bill No. 2217 (at-risk youth) is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(6) \$1,902,000 of the general fund--state appropriation and \$796,000 of the general fund--federal appropriation are provided solely for alcohol and substance abuse assessment, treatment, and child care services for clients of the division of children and family services. Assessment shall be provided by approved chemical dependency treatment programs as requested by child protective services personnel in the division of children and family services. Treatment shall be outpatient treatment for parents of children who are under investigation by the division of children and family services. Child care shall be provided as deemed necessary by the division of children and family services while parents requiring alcohol and substance abuse treatment are attending treatment programs.

**Sec. 1109.** 1996 c 283 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 669,448,000	
General Fund--State Appropriation (FY 1997)	\$ ((658,055,000))	
		<u>668,440,000</u>
General Fund--Federal Appropriation	\$ ((1,774,688,000))	
		<u>1,782,340,000</u>
General Fund--Private/Local Appropriation	\$ ((499,160,000))	
		<u>202,067,000</u>
Health Services Account Appropriation	\$ ((207,272,000))	
		<u>192,111,000</u>
TOTAL APPROPRIATION	\$ ((3,508,623,000))	
		<u>3,514,406,000</u>

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

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation during fiscal year 1996 and \$11,410,000 of the health services account appropriation during fiscal year 1997 may be

expended for the purposes of operating the medically indigent program. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. In any twelve-month period, funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred.

(12) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(13) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(14) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(15) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

(16) The department shall achieve an actual reduction in the per capita rates paid to managed care plans in calendar year 1997 by taking actions including but not limited to the following: (a) Selectively contracting with only those managed care plans in a given geographic area that offer the lowest price, while meeting specified standards of service quality and network adequacy; (b) revising program procedures, through a federal waiver if necessary, so that recipients are required to enroll in only one managed care plan during a contract period, except for documented good cause; and (c) disproportionately assigning recipients who do not designate a plan preference to plans offering more competitive rates.

(17) By July 1, 1996, the department shall report to the committees on health care and appropriations of the house of representatives, and to the committees on health and long-term care and ways and means of the senate, on the projected costs and benefits of (a) alternative point-of-service copay requirements for recipients with incomes at various percentages of the federal poverty level; and (b) alternative premium-sharing requirements for recipients with incomes at or above 100 percent of the federal poverty level.

(18) \$4,600,000 of the general fund--state appropriation is provided solely to compensate designated trauma centers for trauma services provided to medically indigent and general assistance clients who have an index of severity score of 16 or higher. Such compensation is to be provided (a) through reimbursement at the medicaid rate; or (b) through a direct payment to governmental hospitals. To be eligible for this higher compensation, the trauma center must (i) be designated a Level I through V trauma center by the department of health; (ii) provide complete trauma care data to the trauma care registry in accordance with WAC 246-976-430; (iii) establish an internal quality assurance trauma program that complies with WAC 246-976-880; and (iv) encourage and assist medically indigent and charity care patients to enroll in the basic health plan.

**Sec. 1110.** 1995 2nd sp.s. c 18 s 210 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 1996) \$ 7,741,000

General Fund--State Appropriation (FY 1997) \$ ((7,846,000))

7,853,000

General Fund--Federal Appropriation \$ ((73,180,000))

General Fund--Private/Local Appropriation	\$ 2,904,000	<u>73,206,000</u>
TOTAL APPROPRIATION	\$ ((91,671,000))	<u>91,704,000</u>

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

(1) \$39,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund--state appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

**Sec. 1111.** 1996 c 283 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 25,933,000	
General Fund--State Appropriation (FY 1997)	\$ ((25,934,000))	<u>26,114,000</u>
General Fund--Federal Appropriation	\$ ((41,503,000))	<u>41,630,000</u>
General Fund--Private/Local Appropriation	\$ 270,000	<u>93,947,000</u>
TOTAL APPROPRIATION	\$ ((93,640,000))	<u>93,947,000</u>

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

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(3) By December 1, 1996, the department of personnel and the department of social and health services shall jointly report to the legislature on strategies for increasing, within existing funds, supported employment opportunities in state government for persons with developmental and other substantial and chronic disabilities. In developing the report, the departments shall consult with employee representatives, organizations involved in job training and placement for persons with severe disabilities, and other state and local governments that have successfully offered supported employment opportunities for their citizens with disabilities.

**Sec. 1112.** 1996 c 283 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 19,019,000	
General Fund--State Appropriation (FY 1997)	\$ ((48,820,000))	<u>19,297,000</u>

General Fund--Federal Appropriation	\$ ((139,220,000))	<u>140,206,000</u>
General Fund--Local Appropriation	\$ ((32,289,000))	<u>32,563,000</u>
TOTAL APPROPRIATION	\$ ((209,348,000))	<u>211,085,000</u>

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

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

**Sec. 1113.** 1995 2nd sp.s. c 18 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 1996)	\$ 21,112,000	
General Fund--State Appropriation (FY 1997)	\$ ((20,668,000))	
		<u>22,118,000</u>
General Fund--Federal Appropriation	\$ 16,281,000	
TOTAL APPROPRIATION	\$ ((58,061,000))	<u>59,511,000</u>

**Sec. 1114.** 1995 2nd sp.s. c 18 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE POLICY BOARD**

General Fund--Private/Local Appropriation	\$ 110,000	
Health Services Account Appropriation	\$ ((4,229,000))	
		<u>3,913,000</u>
TOTAL APPROPRIATION	\$ ((4,339,000))	<u>4,023,000</u>

**Sec. 1115.** 1996 c 283 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 1996)	\$ 3,403,000	
General Fund--State Appropriation (FY 1997)	\$ 3,403,000	
State Health Care Authority Administrative Account Appropriation	\$ 15,744,000	
Health Services Account Appropriation	\$ ((247,010,000))	
		<u>243,010,000</u>
TOTAL APPROPRIATION	\$ ((269,560,000))	<u>265,560,000</u>

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

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,189,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is



directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

(3) By November 1, 1996, the health care authority shall report to the health care and fiscal committees of the legislature on potential program adjustments to the basic health plan to achieve reductions in anticipated health services account expenditures. Options addressed in the report shall include, but not be limited to: (a) Reductions in the maximum income eligibility level; (b) changes in the premium subsidy schedule; (c) increasing required copayments; and (d) reducing the number of contracting health plans. For each option, the report shall describe anticipated 1997-99 savings from the proposed change, and the potential impact on health insurance access and health status.

(4) The state health care authority administrative account appropriation includes sufficient funds to study options for expanding state and school district retiree access to health benefits purchased through the health care authority and the fiscal impacts of each option. The health care authority shall conduct this study in conjunction with the state actuary, the office of financial management, and the fiscal committees of the legislature.

(5) \$79,000 of the state health care authority administrative account appropriation is provided to implement Substitute House Bill No. 2186 (public employees long-term care).

(6) By November 1, 1996, the department of social and health services and the health care authority shall report to the appropriate committees of the legislature on (a) the extent, if any, to which previously appropriated general fund--state and matching general fund--federal funds are insufficient to provide basic health plan enrollment coverage for homecare workers at or above 200 percent of the federal poverty level; and (b) recommended procedural and, if necessary, statutory changes needed to minimize the administrative costs and complexity of basic health plan enrollment by employer groups.

(7) \$~~(919,000)~~ 219,000 of the health services account appropriation is provided for enhanced basic health plan subsidies for foster parents licensed under chapter 74.15 RCW. Under this enhanced subsidy option, foster parents with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of \$10 per month per parent. The health care authority shall endeavor to provide this enhanced subsidy to a monthly average of 1,000 foster parents during state fiscal year 1997, and no more than 2,000 shall be enrolled by the end of the 1995-97 biennium.

**Sec. 1116.** 1996 c 283 s 214 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Death Investigations Account Appropriation \$ 38,000

Public Safety and Education Account Appropriation \$ ~~((11,036,000))~~

11,572,000

Violence Reduction and Drug Enforcement Account Appropriation \$ 344,000

TOTAL APPROPRIATION \$ ~~((11,418,000))~~

11,954,000

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

(1) \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(2) \$45,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 2323 (law enforcement training). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(3) \$27,000 of the public safety and education account appropriation is provided solely for the implementation of the reporting requirements contained in section 6 of House Bill No. 2472. If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

**Sec. 1117.** 1996 c 283 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation (FY 1996) \$ 5,270,000

General Fund Appropriation (FY 1997) \$ 5,711,000

Public Safety and Education Account--State Appropriation \$ ((19,990,000))	<u>18,982,000</u>
Public Safety and Education Account--Federal Appropriation \$ ((6,002,000))	<u>7,024,000</u>
Public Safety and Education Account--Private/Local Appropriation \$ ((972,000))	<u>1,980,000</u>
Electrical License Account Appropriation \$ 20,125,000	
Farm Labor Revolving Account--Private/Local Appropriation \$ 28,000	
Worker and Community Right-to-Know Account Appropriation \$ 2,138,000	
Public Works Administration Account Appropriation \$ 1,928,000	
Accident Account--State Appropriation \$ ((139,991,000))	<u>139,240,000</u>
Accident Account--Federal Appropriation \$ ((9,112,000))	<u>9,924,000</u>
Medical Aid Account--State Appropriation \$ ((150,284,000))	<u>150,152,000</u>
Medical Aid Account--Federal Appropriation \$ ((1,592,000))	<u>1,734,000</u>
Plumbing Certificate Account Appropriation \$ 682,000	
Pressure Systems Safety Account Appropriation \$ 2,053,000	
TOTAL APPROPRIATION \$ ((365,878,000))	<u>366,971,000</u>

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

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

~~((6))~~ (5) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

~~((7))~~ (6) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

(8) \$4,000 of the accident account--state appropriation and \$4,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6223 or House Bill No. 2498 (construction trade procedures). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(9) \$38,000 of the accident account--state appropriation and \$37,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6225 or House Bill No. 2499 (employer assessments). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(10) \$7,000 of the accident account--state appropriation and \$6,000 of the medical aid--state appropriation is provided solely for the implementation of Senate Bill No. 6224 or House Bill No. 2496 (disability pilot project). If neither bill is enacted by June 30, 1996, these amounts shall lapse.

(11) \$443,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute House Bill No. 2358 (crime victim and witness programs). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(12) \$121,000 of the accident account--state appropriation and \$121,000 of the medical aid account--state appropriation are provided solely for the implementation of House Bill No. 2322 (family farm exemptions). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(13) \$271,000 of the accident account--state appropriation and \$271,000 of the medical aid account--state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5516 (drug free workplaces). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

**Sec. 1118.** 1996 c 283 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund Appropriation (FY 1996)	\$ 1,227,000	
General Fund Appropriation (FY 1997)	\$ <del>((1,226,000))</del>	
		<u>1,249,000</u>
Industrial Insurance Refund Account Appropriation	\$ 25,000	
Charitable, Educational, Penal, and Reformatory Institutions Account Appropriation	\$ 4,000	
TOTAL APPROPRIATION	\$ <del>((2,482,000))</del>	<u>2,505,000</u>

**(2) FIELD SERVICES**

General Fund--State Appropriation (FY 1996)	\$ 1,853,000	
General Fund--State Appropriation (FY 1997)	\$ 2,257,000	
General Fund--Federal Appropriation	\$ 381,000	
General Fund--Private/Local Appropriation	\$ 85,000	
TOTAL APPROPRIATION	\$ 4,576,000	

**(3) VETERANS HOME**

General Fund--State Appropriation (FY 1996)	\$ 3,893,000	
General Fund--State Appropriation (FY 1997)	\$ <del>((3,788,000))</del>	
		<u>2,559,000</u>
General Fund--Federal Appropriation	\$ <del>((11,470,000))</del>	
		<u>11,469,000</u>
General Fund--Private/Local Appropriation	\$ <del>((7,392,000))</del>	
		<u>8,622,000</u>

TOTAL APPROPRIATION \$ 26,543,000

**(4) SOLDIERS HOME**

General Fund--State Appropriation (FY 1996)	\$ 2,927,000	
General Fund--State Appropriation (FY 1997)	\$ <del>((2,825,000))</del>	
		<u>2,541,000</u>
General Fund--Federal Appropriation	\$ <del>((5,975,000))</del>	
		<u>6,510,000</u>
General Fund--Private/Local Appropriation	\$ <del>((5,312,000))</del>	
		<u>5,061,000</u>

TOTAL APPROPRIATION \$ 17,039,000

**Sec. 1119.** 1996 c 283 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 1996)	\$ 44,328,000	
General Fund--State Appropriation (FY 1997)	\$ ((44,639,000))	
		<u>45,912,000</u>
General Fund--Federal Appropriation	\$ ((234,275,000))	
		<u>240,075,000</u>
General Fund--Private/Local Appropriation	\$ 25,476,000	
Hospital Commission Account Appropriation	\$ 3,019,000	
Medical Disciplinary Account Appropriation	\$ 1,798,000	
Health Professions Account Appropriation	\$ 32,964,000	
Industrial Insurance Account Appropriation	\$ 62,000	
Safe Drinking Water Account Appropriation	\$ 2,751,000	
Public Health Services Account Appropriation	\$ 23,753,000	
Waterworks Operator Certification Appropriation	\$ 605,000	
Water Quality Account Appropriation	\$ 3,079,000	
State Toxics Control Account Appropriation	\$ 2,824,000	
Violence Reduction and Drug Enforcement Account Appropriation	\$ 469,000	
Medical Test Site Licensure Account Appropriation	\$ 1,822,000	
Youth Tobacco Prevention Account Appropriation	\$ 1,412,000	
Health Services Account Appropriation	\$ ((19,081,000))	
		<u>18,081,000</u>
State and Local Improvements Revolving Account—		
Water Supply Facilities Appropriation	\$ 40,000	
TOTAL APPROPRIATION	\$ ((442,397,000))	
		<u>448,470,000</u>

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

- (1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.
- (4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.
- (5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.
- (6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.
- (7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.
- (8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).
- (9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.
- (10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in

this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and \$469,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

(13) \$750,000 of the general fund--federal appropriation is provided solely for one-time costs for a health clinic for immigrants to be managed by a local public health entity.

(14) \$70,000 of the general fund--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1908 (chapter 18, Laws of 1995 1st sp. sess., long-term care reform).

~~((17))~~ (15)(a) Within available resources, the department of health may use any of the following strategies for raising public awareness on the causes and nature of osteoporosis, personal risk factors, value of prevention and early detection, and options for diagnosing and treating the disease:

(i) An outreach campaign utilizing print, radio, and television public service announcements, advertisements, posters, and other materials;

(ii) Community forums;

(iii) Health information and risk factor assessment at public events;

(iv) Targeting at-risk populations;

(v) Providing reliable information to policy makers;

(vi) Distributing information through county health departments, schools, area agencies on aging, employer wellness programs, physicians, hospitals and health maintenance organizations, women's groups, nonprofit organizations, community-based organizations, and departmental regional offices.

(b) The secretary of health may accept grants, services, and property from the federal government, foundations, organizations, medical schools, and other entities as may be available for the purposes of fulfilling the obligations of this program.

~~((18))~~ (16) \$8,000 of the general fund--state appropriation is provided for a study to be completed by the board of health on the current and potential use of telemedicine in the state, including recommended changes in rules and statutes. The study shall be completed by November 1, 1997, and a report submitted to the appropriate committees of the legislature.

(17) \$1,273,000 of the general fund--state appropriation for fiscal year 1997 is provided solely for the HIV/AIDS prescription drug program.

**Sec. 1120.** 1996 c 283 s 218 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations in this section shall be expended for the programs and in the amounts listed. However, after May 1, ~~((1996))~~ 1997, unless specifically prohibited by this act, the department may transfer ~~((general fund--state appropriations for fiscal year 1996))~~ moneys among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from the appropriation levels.

(1) ADMINISTRATION AND PROGRAM SUPPORT  
General Fund Appropriation (FY 1996) \$ 12,255,000

General Fund Appropriation (FY 1997) \$ 12,171,000  
 Industrial Insurance Premium Refund Account Appropriation \$ 631,000  
 TOTAL APPROPRIATION \$ 25,057,000

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

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(c) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(d) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

(e) \$121,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the department to develop and implement a centralized educational data base (education automation project), pursuant to chapter 19, Laws of 1995 1st sp. sess.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ (( <del>262,352,000</del> ))	<u>262,343,000</u>
General Fund--State Appropriation (FY 1997) \$ (( <del>270,160,000</del> ))	<u>274,117,000</u>
General Fund--Federal Appropriation \$ 2,153,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ 1,214,000	
TOTAL APPROPRIATION \$ (( <del>535,879,000</del> ))	<u>539,827,000</u>

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

~~((a))~~ \$196,000 of the general fund--state fiscal year 1997 appropriation is provided solely for costs associated with data entry activities related to the department's efforts at managing health care costs, pursuant to chapter 19, Laws of 1995 1st sp. sess. and chapter 6, Laws of 1994 sp. sess.

~~((b))~~ \$17,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 2711 (illegal alien offender camps). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.)

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ 78,843,000	
General Fund Appropriation (FY 1997) \$ (( <del>80,290,000</del> ))	<u>79,576,000</u>
Violence Reduction and Drug Enforcement Account Appropriation \$ 400,000	
TOTAL APPROPRIATION \$ (( <del>159,533,000</del> ))	<u>158,819,000</u>

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

(a) \$72,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the implementation of Substitute House Bill No. 2533 (supervision of misdemeanants). If the bill is not enacted by June 30, 1996, the amount shall lapse.

(b) \$38,000 of the general fund--state fiscal year 1997 appropriation is provided solely for the implementation of Substitute Senate Bill No. 6274 (supervision of sex offenders). If the bill is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,330,000

General Fund Appropriation (FY 1997) \$ 3,603,000

TOTAL APPROPRIATION \$ 6,933,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the general fund fiscal year 1997 appropriation is provided solely for transfer to the jail industries board. The board shall use the amount specified in this subsection only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,223,000

General Fund Appropriation (FY 1997) \$ 6,223,000

TOTAL APPROPRIATION \$ 12,446,000

**Sec. 1121.** 1996 c 283 s 220 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 1996) \$ 834,000

General Fund--State Appropriation (FY 1997) \$ 5,279,000

General Fund--Federal Appropriation \$ 190,936,000

General Fund--Private/Local Appropriation \$ 21,965,000

Unemployment Compensation Administration Account--Federal Appropriation \$ 177,891,000

Administrative Contingency Account--State Appropriation \$ ~~((8,735,000))~~

9,235,000

Employment Services Administrative Account--State Appropriation \$ 12,294,000

Employment and Training Trust Account Appropriation \$ 9,294,000

TOTAL APPROPRIATION \$ ~~((427,228,000))~~

427,728,000

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

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project, except that the department may exceed this amount by up to \$2,600,000 to offset the cost associated with any vendor-caused delay. The additional spending limitation is further conditioned on the department seeking full recovery of these moneys from any vendors failing to perform in full. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

(4) \$500,000 of the general fund--state fiscal year 1996 appropriation and \$4,945,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the department to administer a comprehensive set of summer employment and training programs to disadvantaged youth. In administering this program, the department shall adhere to the following guidelines: (a) Coordinate with the work force training and education board and the service delivery areas in program

development and implementation; (b) maximize employment and training opportunities for youth, while at the same time minimize state fiscal resources required; (c) adhere to the state's comprehensive plan for work force training; (d) support the state's one-stop approach to service delivery; (e) maintain low administrative overhead; (f) support the school-to-work transition system; and (g) submit an evaluation of the program by February 1, 1997. The evaluation shall identify: (i) The number of participants in the program by service delivery area; (ii) demographic information on the participants; (iii) the benefits to clients participating in employment and training programs; and (iv) recommendations on the merits of continuing the program.

**PART XII  
NATURAL RESOURCES**

**Sec. 1201.** 1996 c 283 s 301 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 1996)	\$ 22,289,000	
General Fund--State Appropriation (FY 1997)	\$ ((21,409,000))	
		<u>21,781,000</u>
General Fund--Federal Appropriation	\$ 41,534,000	
General Fund--Private/Local Appropriation	\$ 1,385,000	
Special Grass Seed Burning Research Account Appropriation	\$ 42,000	
Reclamation Revolving Account Appropriation	\$ 2,664,000	
Flood Control Assistance Account Appropriation	\$ 10,031,000	
State Emergency Water Projects Revolving Account Appropriation	\$ 312,000	
Industrial Insurance Premium Refund Account Appropriation	\$ ((189,000))	
		<u>273,000</u>
Waste Reduction, Recycling, and Litter Control Account Appropriation	\$ 5,561,000	
State and Local Improvements Revolving Account--Waste Disposal Appropriation	\$ 1,000,000	
State and Local Improvements Revolving Account--		
Water Supply Facilities Appropriation	\$ 1,344,000	
Basic Data Account Appropriation	\$ 182,000	
Vehicle Tire Recycling Account Appropriation	\$ 5,759,000	
Water Quality Account Appropriation	\$ 3,583,000	
Worker and Community Right to Know Account Appropriation	\$ 408,000	
State Toxics Control Account Appropriation	\$ ((50,024,000))	
		<u>50,129,000</u>
Local Toxics Control Account Appropriation	\$ 3,842,000	
Water Quality Permit Account Appropriation	\$ 19,600,000	
Underground Storage Tank Account Appropriation	\$ 2,336,000	
Solid Waste Management Account Appropriation	\$ 3,631,000	
Hazardous Waste Assistance Account Appropriation	\$ 3,476,000	
Air Pollution Control Account Appropriation	\$ ((16,221,000))	
		<u>16,421,000</u>
Oil Spill Administration Account Appropriation	\$ 2,939,000	
Water Right Permit Processing Account Appropriation	\$ 750,000	
Wood Stove Education Account Appropriation	\$ 1,251,000	
Air Operating Permit Account Appropriation	\$ ((4,548,000))	
		<u>4,348,000</u>
Freshwater Aquatic Weeds Account Appropriation	\$ ((2,047,000))	
		<u>2,497,000</u>
Oil Spill Response Account Appropriation	\$ 7,060,000	
Metals Mining Account Appropriation	\$ 300,000	
Water Pollution Control Revolving Account--State Appropriation	\$ ((165,000))	
		<u>192,000</u>
Water Pollution Control Revolving Account--Federal Appropriation	\$ ((1,419,000))	



TOTAL APPROPRIATION \$ ((~~237,301,000~~))

1,553,000

238,473,000

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

(1) \$5,933,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(5) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(6) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 ASCUS Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(8) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

(9) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing and expenses associated with the Yakima adjudication.

(10) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

~~((12))~~ (11) \$331,000 of the flood control assistance account appropriation is provided solely for the implementation of flood reduction plans. Of this amount, \$250,000 is to implement the Mason county flood reduction plan and \$81,000 is to implement the Chelan/Douglas county flood reduction plan.

~~((13))~~ (12) Within the air pollution control account appropriation, the department shall continue monitoring air quality in the Northport area.

~~((14))~~ (13) \$60,000 of the freshwater aquatic weeds account appropriation is provided solely for a grant to the department of fish and wildlife to control and eradicate purple loosestrife using the most cost-effective methods available, including chemical control where appropriate.

~~((15))~~ (14) Within the funds appropriated in this section, the department shall prepare a report regarding the feasibility of pollution reduction target measures for point source facilities that are based on actual facility outputs rather than technologies used within a facility. In preparing the report the department shall create and seek recommendations from an advisory committee consisting of business, local government, and environmental representatives. The department shall submit the report to the appropriate committees of the legislature by November 30, 1996.

~~((16))~~ (15) \$700,000 of the flood control assistance account appropriation is provided solely for the study and abatement of coastal erosion in the region of Willapa bay, Grays Harbor, and the lower Columbia river.

~~((17))~~ (16) \$5,000,000 of the flood control assistance account appropriation is provided solely for grants to assist local governments in repairing or replacing dikes and levees ~~((damaged in the November 1995 and February 1996 flood events))~~ and updating local flood control plans, implementation of local flood control plans, and the development and implementation of public awareness measures.

~~((18))~~ (17) \$500,000 of the local toxics control account appropriation is provided solely to satisfy nonfederal cost-sharing requirements for the Puget Sound confined disposal site feasibility study to be conducted jointly with the United States army corps of engineers. The study will address site design, construction standards, operational requirements, and funding necessary to establish a disposal site for contaminated aquatic sediments.

~~((19))~~ (18) \$1,100,000 of the air pollution control account appropriation is provided solely for grants to local air pollution control authorities to expedite the redesignation of nonattainment areas. These funds shall not be used to supplant existing local funding sources for air pollution control authority programs. Of the amount allocated to the southwest Washington air pollution control authority, \$25,000 is provided solely for the University of Washington to review a study by the southwest air pollution control authority on sources contributing to atmospheric ozone.

~~((20))~~ (19) \$250,000 of the water right permit processing account appropriation is provided solely for additional staff and associated costs to support the Yakima county superior court in adjudicating water rights in the Yakima river basin.

~~((21))~~ (20) \$590,000 of the general fund--state appropriation, \$65,000 of the waste reduction, recycling, and litter control account appropriation, \$65,000 of the state toxics control account appropriation, \$250,000 of the air pollution control account appropriation, and \$130,000 of the water pollution control revolving account--federal appropriation are provided solely for implementation of the department's information integration project.

~~((22))~~ (21) \$300,000 of the general fund--state appropriation is provided solely for payment of attorneys' fees pursuant to *Rettkowski v. Washington*, (cause no. 62718-5).

**Sec. 1202.** 1996 c 283 s 302 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 18,145,000

General Fund--State Appropriation (FY 1997) \$ ~~((18,202,000))~~

21,602,000

General Fund--Federal Appropriation \$ 1,930,000

General Fund--Private/Local Appropriation \$ 31,000

Winter Recreation Program Account Appropriation \$ 725,000

Off Road Vehicle Account Appropriation \$ 241,000

Snowmobile Account Appropriation	\$ 2,174,000	
Aquatic Lands Enhancement Account Appropriation	\$ 313,000	
Public Safety and Education Account Appropriation	\$ 48,000	
Industrial Insurance Premium Refund Account Appropriation	\$ 10,000	
Waste Reduction, Recycling, and Litter Control Account Appropriation	\$ 34,000	
Water Trail Program Account Appropriation	\$ 26,000	
Parks Renewal and Stewardship Account Appropriation	\$ ((23,893,000))	
		<u>21,493,000</u>
TOTAL APPROPRIATION	\$ ((65,772,000))	<u>66,772,000</u>

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

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.
- (2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.
- (3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.
- (4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for the operation of a centralized reservation system, to expand marketing, to enhance concession review, and for other revenue generating activities.
- ~~((5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.)~~

**Sec. 1203.** 1995 2nd sp.s. c 18 s 306 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund Appropriation (FY 1996)	\$ 715,000	
General Fund Appropriation (FY 1997)	\$ ((713,000))	
		<u>738,000</u>
TOTAL APPROPRIATION	\$ ((1,428,000))	<u>1,453,000</u>

**Sec. 1204.** 1996 c 283 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 1996)	\$ 33,187,000	
General Fund--State Appropriation (FY 1997)	\$ ((33,701,000))	
		<u>36,019,000</u>
General Fund--Federal Appropriation	\$ ((54,098,000))	
		<u>57,578,000</u>
General Fund--Private/Local Appropriation	\$ ((45,986,000))	
		<u>19,837,000</u>
Off Road Vehicle Account Appropriation	\$ 476,000	
Aquatic Lands Enhancement Account Appropriation	\$ ((5,412,000))	
		<u>5,421,000</u>
Public Safety and Education Account Appropriation	\$ 590,000	
Industrial Insurance Premium Refund Account Appropriation	\$ ((156,000))	
		<u>400,000</u>
Recreational Fisheries Enhancement Account Appropriation	\$ 2,217,000	
Wildlife Account Appropriation	\$ ((50,003,000))	
		<u>50,653,000</u>
Special Wildlife Account Appropriation	\$ ((1,884,000))	
		<u>2,634,000</u>
Oil Spill Administration Account Appropriation	\$ 831,000	

Warm Water Game Fish Account Appropriation \$ 980,000  
TOTAL APPROPRIATION \$ ((199,521,000))

210,823,000

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

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$350,000 of the wildlife account appropriation and \$145,000 of the general fund--state appropriation are provided solely for control and eradication of class B designate weeds on department owned and managed lands. The general fund--state appropriation is provided solely for control of spartina. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1997, on control methods, costs, and acres treated during the previous year.

(4) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(5) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(7) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(8) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(9) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1997, on control methods, costs, and acres treated during the previous year.

(10) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

(11) \$530,000 of the general fund--state appropriation is provided solely for providing technical assistance to landowners and for reviewing plans submitted to the state pursuant to the forest practices board's proposed rules for the northern spotted owl. If the rules are not adopted by September 1, 1996, the amount provided in this subsection shall lapse.

(12) \$145,000 of the general fund--state appropriation is provided solely for the fish and wildlife commission to support additional commission meetings, briefings, and other activities necessary to ensure effective implementation of Referendum No. 45 during the 1995-97 biennium.

(13) \$980,000 of the warm water game fish account appropriation is provided solely for implementation of the warm water game fish enhancement program pursuant to Fourth Substitute Senate Bill No. 5159. If the bill or substantially similar legislation is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

(14) \$15,000 of the fiscal year 1997 general fund--state appropriation and \$85,000 of the wildlife account appropriation are provided solely for the payment of claims during fiscal year 1997 arising from damages to crops by wildlife, pursuant to Second Substitute Senate Bill No. 6146 (wildlife claims). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse.

(15) ~~\$(813,000)~~ 1,319,000 of the general fund--state appropriation is provided solely to operate Columbia river fish hatcheries for which federal funding has been reduced.

(16) \$1,438,000 of the fiscal year 1997 general fund--state appropriation is provided solely for the emergency feeding of deer and elk that may be starving and that are posing a risk to private property due to severe winter conditions during the winter of 1996-97.

(17) Up to \$400,000 of the wildlife account appropriation may be expended for unanticipated unemployment compensation costs to the extent that additional revenues are realized from audits of license vendors.

**Sec. 1205.** 1996 c 283 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 1996) \$ 20,325,000

General Fund--State Appropriation (FY 1997) \$ ~~((20,424,000))~~

28,739,000

General Fund--Federal Appropriation \$ 3,024,000

General Fund--Private/Local Appropriation \$ 414,000

Forest Development Account Appropriation \$ 41,608,000

Off Road Vehicle Account Appropriation \$ 3,074,000

Surveys and Maps Account Appropriation \$ 1,788,000

Aquatic Lands Enhancement Account Appropriation \$ 2,512,000

Resource Management Cost Account Appropriation \$ 11,624,000

Waste Reduction, Recycling, and Litter Control Account Appropriation \$ 440,000

Surface Mining Reclamation Account Appropriation \$ 1,273,000

Wildlife Account Appropriation \$ 1,300,000

Water Quality Account Appropriation \$ 6,000,000

Aquatic Land Dredged Material Disposal Site Account Appropriation \$ 734,000

Natural Resources Conservation Areas Stewardship Account Appropriation \$ 1,003,000

Air Pollution Control Account Appropriation \$ 921,000

Watershed Restoration Account Appropriation \$ 1,600,000

Metals Mining Account Appropriation \$ 41,000

Industrial Insurance Premium Refund Account Appropriation \$ 62,000

TOTAL APPROPRIATION \$ ~~((118,167,000))~~

126,482,000

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

(1) ~~\$(7,998,000)~~ 12,113,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatic lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands. The department shall use the most

cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1997, on control methods, costs, and acres treated during the previous year.

(4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.

(8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.

(9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.

(12) \$13,600,000 of which \$1,600,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$6,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.

(a) These funds shall be used to:

(i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;

(ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and

(iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

(13) \$3,662,000 of the forest development account appropriation is provided solely to prepare forest board lands for harvest. To the extent possible, the department shall use funds provided in this subsection to hire unemployed timber workers to perform silviculture activities, address forest health concerns, and repair damages on these lands.

(14) \$375,000 of the water quality account appropriation is provided solely for a grant to the department of ecology for continuing the Washington conservation corps program in fiscal year 1997.

(15) \$1,306,000 of the resource management cost account appropriation is provided solely for forest-health related management activities at the Loomis state forest.

(16) \$363,000 of the natural resources conservation areas stewardship account appropriation is provided solely for site-based management of state-owned natural area preserves and natural resource conservation areas.

**Sec. 1206.** 1996 c 283 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 1996) \$ 7,100,000

General Fund--State Appropriation (FY 1997) \$ ((~~7,157,000~~))

7,372,000

General Fund--Federal Appropriation \$ ((~~5,168,000~~))

5,343,000

General Fund--Private/Local Appropriation \$ 406,000

Aquatic Lands Enhancement Account Appropriation \$ 800,000

Industrial Insurance Premium Refund Account Appropriation \$ 178,000

State Toxics Control Account Appropriation \$ 1,088,000

TOTAL APPROPRIATION \$ ((~~21,897,000~~))

22,287,000

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

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

(5) ~~\$(724,000)~~ 939,000 of the general fund--state appropriation and ~~\$(891,000)~~ 1,066,000 of the general fund--federal appropriation are provided solely to monitor and eradicate the Asian gypsy moth.

(6) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

### **PART XIII TRANSPORTATION**

**Sec. 1301.** 1996 c 283 s 402 (uncodified) is amended to read as follows:

#### **FOR THE STATE PATROL**

General Fund--State Appropriation (FY 1996)	\$ 8,011,000	
General Fund--State Appropriation (FY 1997)	\$ <del>((41,232,000))</del>	
		<u>12,321,000</u>
General Fund--Federal Appropriation	\$ <del>((1,035,000))</del>	
		<u>1,650,000</u>
General Fund--Private/Local Appropriation	\$ <del>((254,000))</del>	
		<u>271,000</u>
Public Safety and Education Account Appropriation	\$ 4,492,000	
County Criminal Justice Assistance Appropriation	\$ 3,572,000	
Municipal Criminal Justice Assistance Account Appropriation	\$ 1,430,000	
Fire Services Trust Account Appropriation	\$ 90,000	
Fire Services Training Account Appropriation	\$ 1,740,000	
State Toxics Control Account Appropriation	\$ 425,000	
Violence Reduction and Drug Enforcement Account Appropriation	\$ 2,133,000	
TOTAL APPROPRIATION	\$ <del>((34,414,000))</del>	
		<u>36,135,000</u>

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

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

(5) \$813,000 of the general fund--state fiscal year 1996 appropriation and ~~\$(3,247,000)~~ 4,336,000 of the general fund--state fiscal year 1997 appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6272 (background checks for school employees). If the bill is not enacted by June 30, 1996, the amounts provided in this subsection shall lapse. Expenditures of the amounts specified in this subsection shall be expended at the following rate: As the state patrol initiates the fingerprint process on a school employee, sixty-six dollars shall be transferred from the amounts specified in this subsection into the fingerprint identification account. Upon completion of the background check, seven dollars of this amount shall be transferred by the state patrol to the superintendent of public instruction for final disposition of the records check.

### **PART XIV EDUCATION**



**Sec. 1401.** 1996 c 283 s 501 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation (FY 1996)	\$ 18,421,000	
General Fund--State Appropriation (FY 1997)	\$ (( <del>37,689,000</del> ))	
		<u>40,014,000</u>
General Fund--Federal Appropriation	\$ 39,791,000	
Health Services Account Appropriation	\$ 850,000	
Public Safety and Education Account Appropriation	\$ 3,138,000	
Violence Reduction and Drug Enforcement Account Appropriation	\$ 3,122,000	
TOTAL APPROPRIATION	\$ (( <del>103,014,000</del> ))	
		<u>105,336,000</u>

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

(1) AGENCY OPERATIONS

(a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) \$338,000 of the public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(e) The superintendent of public instruction shall develop standards and rules for disposal of surplus technology equipment accounting for proper depreciation and maximum benefit to the district from the disposal.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation and \$2,800,000 of the public safety and education account appropriation are provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools

during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$850,000 of the health services account appropriation is provided solely for media productions by students to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94. \$450,000 of this amount is for costs of new projects not funded in the 1995-96 school year.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

(m) \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(n) \$1,500,000 of the general fund--state appropriation is provided for implementation of Engrossed Second Substitute House Bill No. 2909 (reading literacy). Of this amount: (i) \$100,000 is for the center for the improvement of student learning's activities related to identifying effective reading programs, providing information on effective reading programs, and developing training programs for educators on effective reading instruction and assessment; (ii) \$500,000 is for grants as specified in section 2 of the bill to provide incentives for the use of the effective reading programs; and (iii) \$900,000 is for reading instruction and reading assessment training programs for educators as specified in section 3 of the bill.

(o) \$5,000,000 of the general fund--state appropriation is provided to update high-technology vocational education equipment in the 1996-97 school year. Of this amount, \$303,000 shall be allocated to skill centers. The superintendent shall allocate the remaining funds at a maximum rate of \$91.46 per full-time equivalent vocational education student excluding skill center students. The funds shall be allocated prior to June 30, 1997.

(p) \$10,000,000 of the general fund--state appropriation is provided solely for technology grants to school districts and for per diem and travel costs of the technology education committee for school years 1995-96 and 1996-97. A district is eligible for a grant if it either has ongoing programs emphasizing specific approaches to learning assisted by technology or it is identified by the center for the improvement of student learning based on best practices; and

(i) The district is part of a consortium, of at least two school districts, formed to pool resources to maximize technology related acquisitions, to start up new programs or new staff development, and to share advantages of the consortium with other districts;

(ii) The district will match state funds, on an equal value basis, with a combination of:

(A) Contributions through partnerships with technology companies, educational service districts, institutions of higher education, community and technical colleges, or any other organization with expertise in applications of technology to learning which are willing to assist school districts in applying technology to the learning process through in-kind assistance; and

(B) School district funds; and

(iii) The district has plans and means for evaluating the improvement in student learning resulting from the technology-based strategies of the district.

To the extent that funds are available, school districts that meet the criteria of this subsection shall be provided grants under this subsection in the order they are prioritized by the technology education committee and for no more than \$600 per student in the proposed program.

The superintendent of public instruction shall appoint a technology education committee to develop an application and review process for awarding the technology grants established in this subsection. The committee shall be appointed by the superintendent and shall consist of five representatives from technology companies, five technology coordinators representing educational service districts, and five school district representatives. Committee members shall serve without additional compensation but shall be eligible for per diem and mileage allowances pursuant to RCW 43.03.050 and 43.03.060. The superintendent shall award the first round of technology grants based on the recommendation of the technology education committee by July 1, 1996. No more than fifty percent of funds provided in this appropriation shall be allocated in the first round of awards.

(q) \$2,000,000 of the general fund--state appropriation is provided for start-up grants to establish alternative programs for students who have been truant, suspended, or expelled or are subject to other disciplinary actions in accordance with section 10 of Substitute House Bill No. 2640 (changing truancy provisions).

(r) \$50,000 of the general fund--state appropriation is provided solely for allocation to the primary coordinators of the state geographic alliance for the purpose of improving the teaching of geography in the common school system.

(s) \$100,000 of the general fund--state appropriation is provided solely for a contract for a feasibility analysis and implementation plan to provide the resources of a skill center for students in the area served by the north central educational service district.

(t) \$1,000,000 of the general fund--state appropriation is provided for conflict resolution and anger management training.

(u) \$2,325,000 of the general fund--state appropriation is provided solely for allocation to the north central Washington skills center for payment of long-term leases, remodeling, equipment, supplies, and materials.

**Sec. 1402.** 1996 c 283 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund Appropriation (FY 1996) \$ 3,166,013,000

General Fund Appropriation (FY 1997) \$ ~~((3,261,992,000))~~

3,253,778,000

TOTAL APPROPRIATION \$ ~~((6,428,005,000))~~

6,419,791,000

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

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-

time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

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

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8;

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

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

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

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

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

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

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

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

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

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance

benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,786 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$14,835 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year per allocated classroom teacher excluding salary adjustments made in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$5,820,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in fiscal year 1996 and a maximum of \$1,948,000 may be expended in fiscal year 1997;

(c) A maximum of \$309,000 may be expended for school district emergencies; and

(d) A maximum of \$250,000 may be expended for fiscal year 1996 and a maximum of \$500,000 may be expended for fiscal year 1997 for programs providing skills training for secondary students who are at risk of academic failure or who have dropped out of school and are enrolled in the extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.3 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)

(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 1403.** 1996 c 283 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE  
COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1996)	\$ 96,201,000	
General Fund Appropriation (FY 1997)	\$ <del>((122,763,000))</del>	<u>122,394,000</u>
TOTAL APPROPRIATION	\$ <del>((218,964,000))</del>	<u>218,595,000</u>

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

(1) \$217,835,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

**Sec. 1404.** 1996 c 283 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL  
TRANSPORTATION**

General Fund Appropriation (FY 1996)	\$ 154,391,000	
General Fund Appropriation (FY 1997)	\$ <del>((174,362,000))</del>	<u>172,633,000</u>
TOTAL APPROPRIATION	\$ <del>((328,753,000))</del>	<u>327,024,000</u>

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

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation

activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,963,000 may be allocated in the 1995-96 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

(7) For the 1996-97 school year, a maximum of \$13,546,000 may be allocated for transportation services in accordance with Senate Bill No. 6684 (student safety to and from school). A district's allocation shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile from their assigned school multiplied by 1.29. "Enrolled students in grades kindergarten through five" for purposes of this section means the number of kindergarten through five students, living within one radius mile, who are enrolled during the week that each district's bus ridership count is taken.

(8) The minimum load factor in the operations formula shall be calculated based on all students transported to and from school.

(9) For the 1996-97 school year, the superintendent of public instruction shall revise the expected bus lifetimes used for determining bus reimbursement and depreciation payments in the following manner:

- (a) The twenty-year bus category shall be reduced to eighteen years; and
- (b) The fifteen-year bus category shall be reduced to thirteen years.

**Sec. 1405.** 1996 c 283 s 506 (uncodified) is amended to read as follows:

**SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996) \$ 379,771,000

General Fund--State Appropriation (FY 1997) \$ ((~~368,149,000~~))

355,111,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ ((~~846,604,000~~))

833,566,000

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

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children in need of special education, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.



(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined if not less than 12.7 percent; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of subsection (5) of this section, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(8) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and (~~(\$15,850,000)~~) a maximum of \$12,000,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. In the 1995-96 school year, school districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make

recommendations to the state oversight committee for approval. For the 1996-97 school year, requests for safety net funds under this subsection shall be submitted to the state oversight committee. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, as a result of changes in the state special education formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated; and

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas.

(c) For districts requesting safety net funds due to federal maintenance of effort requirements as a result in changes in the state special education formula, amounts provided for this purpose shall be calculated by the superintendent of public instruction and adjusted periodically based on the most current information available to the superintendent. The amount provided shall not exceed the lesser of:

(i) The district's 1994-95 state excess cost allocation for resident special education students minus the relevant school year's state special education formula allocation;

(ii) The district's 1994-95 state excess cost allocation per resident special education student times the number of formula funded special education students for the relevant school year minus the relevant school year's special education formula allocation;

(iii) The amount requested by the district; or

(iv) The amount awarded by the state oversight committee.

(9)(a) For purposes of making safety net determinations pursuant to subsection (8) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (8) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with

federal maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process.

(10) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(11) Membership of the regional committees, in the 1995-96 school year, may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

(12) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(13) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (7) and (8) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(14) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(15) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(16) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

(17) A maximum of \$933,600 of the general fund--state appropriation in fiscal year 1996 and a maximum of \$933,600 of the general fund--state appropriation for fiscal year 1997 may be expended for state special education coordinators housed at each of the educational service districts. Employment and functions of the special education coordinators shall be determined in consultation with the superintendent of public instruction.

**Sec. 1406.** 1996 c 283 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY  
EDUCATION PROGRAMS**

Public Safety and Education Account Appropriation \$ ~~((16,928,000))~~

16,824,000

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

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

**Sec. 1407.** 1996 c 283 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund Appropriation (FY 1996)	\$ 76,871,000	
General Fund Appropriation (FY 1997)	\$ (( <del>82,806,000</del> ))	
		<u>82,831,000</u>
TOTAL APPROPRIATION	\$ (( <del>159,677,000</del> ))	
		<u>159,702,000</u>

**Sec. 1408.** 1996 c 283 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 1996)	\$ 15,798,000	
General Fund--State Appropriation (FY 1997)	\$ (( <del>17,928,000</del> ))	
		<u>16,235,000</u>
General Fund--Federal Appropriation	\$ 8,548,000	
TOTAL APPROPRIATION	\$ (( <del>42,274,000</del> ))	
		<u>40,581,000</u>

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

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

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

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

**Sec. 1409.** 1996 c 283 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund Appropriation (FY 1996)	\$ 4,200,000	
General Fund Appropriation (FY 1997)	\$ (( <del>4,254,000</del> ))	
		<u>4,217,000</u>
TOTAL APPROPRIATION	\$ (( <del>8,454,000</del> ))	
		<u>8,417,000</u>

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

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

**Sec. 1410.** 1996 c 283 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund Appropriation (FY 1996)	\$ 26,378,000	
General Fund Appropriation (FY 1997)	\$ (( <del>28,432,000</del> ))	

TOTAL APPROPRIATION \$ ((~~54,810,000~~))

28,221,000

54,599,000

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

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

**Sec. 1411.** 1996 c 283 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund Appropriation (FY 1996) \$ 56,417,000

General Fund Appropriation (FY 1997) \$ ((~~58,210,000~~))

57,451,000

TOTAL APPROPRIATION \$ ((~~114,627,000~~))

113,868,000

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

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

**Sec. 1412.** 1996 c 283 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund Appropriation (FY 1996) \$ 56,846,000

General Fund Appropriation (FY 1997) \$ ((~~58,123,000~~))

58,076,000

TOTAL APPROPRIATION \$ ((114,969,000))

114,922,000

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

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

NEW SECTION. Sec. 1413. A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE STATE BOARD OF EDUCATION--COMMON SCHOOL CONSTRUCTION**

General Fund Appropriation to the Common  
School Construction Fund \$ 62,379,000

**PART XV  
HIGHER EDUCATION**

**Sec. 1501.** 1996 c 283 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97	
	Annual Average	Annual Average	
	FTE	FTE	
University of Washington			
Main campus	29,857	30,455	
Evening Degree Program	571	617	
Tacoma branch	588	747	
Bothell branch	533	685	
Washington State University			
Main campus	16,205	17,403	
Spokane branch	283	352	
Tri-Cities branch	624	724	
Vancouver branch	723	851	
Central Washington University	6,903	7,256	
Eastern Washington University	7,656	<del>((7,825))</del>	
			<u>7,739</u>
The Evergreen State College	3,278	3,406	
Western Washington University	9,483	10,038	
State Board for Community and Technical Colleges	111,986	114,326	
Higher Education Coordinating Board	50	50	

**Sec. 1502.** 1996 c 283 s 603 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 1996)	\$ 345,763,000	
General Fund--State Appropriation (FY 1997)	\$ <del>((358,240,000))</del>	
		<u>360,350,000</u>
General Fund--Federal Appropriation	\$ 11,404,000	
Employment and Training Trust Account Appropriation	\$ 58,575,000	
TOTAL APPROPRIATION	\$ <del>((773,982,000))</del>	<u>776,092,000</u>

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

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted or reduced before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) \$4,200,000 of the general fund--state appropriation is provided solely for transitional costs and accreditation requirements associated with the transfer of the technical colleges to the community college system. Colleges shall apply funding for distance learning and technology resources to address accreditation requirements in a cost-effective manner. Colleges are encouraged to negotiate with accreditation agencies for the acceptance of new educational technologies to meet accreditation standards.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

(11) \$2,000,000 of the general fund--state appropriation is provided solely for productivity enhancements in student services and instruction that facilitate student progress, and innovation proposals that provide greater student access and learning opportunities. The state board for community and technical colleges shall report to the governor and legislature by October 1, 1997, on implementation of productivity and innovation programs supported by these funds.



(12) \$1,500,000 of the general fund--state appropriation is provided solely for competitive grants to community and technical colleges to assist the colleges in serving disabled students. The state board for community and technical colleges shall award grants to colleges based on severity of need.

(13) \$2,700,000 of the general fund--state appropriation is provided solely for the costs associated with standardizing part-time health benefits per Substitute Senate Bill No. 6583.

(14) By November 15, 1996, the board, in consultation with full- and part-time faculty groups, shall develop a plan and submit recommendations to the legislature to address compensation and staffing issues concerning inter- and intra-institutional salary disparities for full and part-time faculty. The board shall develop and submit to the governor and the legislature a ten-year implementation plan that: (a) Reflects the shared responsibility of the institutions and the legislature to address these issues; (b) reviews recent trends in the use of part-time faculty and makes recommendations to the legislature for appropriate ratios of part-time to full-time faculty staff; and (c) considers educational quality, long-range cost considerations, flexibility in program delivery, employee working conditions, and differing circumstances pertaining to local situations.

**Sec. 1503.** 1996 c 283 s 604 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation (FY 1996) \$ 259,062,000  
General Fund Appropriation (FY 1997) \$ ~~((267,933,000))~~

268,643,000

Death Investigations Account Appropriation \$ 1,685,000  
Accident Account Appropriation \$ 4,348,000  
Medical Aid Account Appropriation \$ 4,343,000  
Health Services Account Appropriation \$ 6,247,000  
TOTAL APPROPRIATION \$ ~~((543,678,000))~~

544,328,000

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

(1) \$10,501,000 of the general fund--state appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount ~~((:(-a))),~~ \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College ~~((: and (b) \$700,000 is provided solely for building maintenance, equipment purchase, and moving costs and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management)).~~

(2) \$9,665,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

(15) \$1,718,000 of the general fund appropriation is provided solely for technological improvements to develop an integrated state-wide library system, of which \$409,000 is for system-wide network costs.

**Sec. 1504.** 1996 c 283 s 605 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 150,272,000

General Fund Appropriation (FY 1997) \$ ~~((159,410,000))~~

159,886,000

Industrial Insurance Premium Refund Account Appropriation \$ 33,000

Air Pollution Control Account Appropriation \$ 105,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ ~~((311,220,000))~~

311,696,000

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

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$7,646,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$8,042,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) ~~(\$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.~~

~~(10))~~ \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

~~((11))~~ (10) \$25,000 of the general fund--state appropriation is provided solely for operation of the energy efficiency programs transferred to Washington State University by House Bill No. 2009. If House Bill No. 2009 is not enacted by June 30, 1996, the amount provided in this subsection shall lapse.

~~((12))~~ (11) \$450,000 of the general fund--state appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 1505.** 1996 c 283 s 606 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 37,350,000  
General Fund Appropriation (FY 1997) \$ ~~((38,394,000))~~

38,168,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((75,944,000))~~

75,718,000

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

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$166,000 of the general fund--state appropriation is provided solely for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(5) \$454,000 of the general fund--state appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 1506.** 1996 c 283 s 607 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 33,636,000  
General Fund Appropriation (FY 1997) \$ ~~((36,250,000))~~

36,346,000

Industrial Insurance Premium Refund Account

Appropriation \$ 10,000

Health Services Account Appropriation \$ 140,000

TOTAL APPROPRIATION \$ ~~((70,036,000))~~

70,132,000

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

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$1,293,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 1507.** 1996 c 283 s 608 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation (FY 1996) \$ 18,436,000

General Fund Appropriation (FY 1997) \$ ~~((19,325,000))~~

19,385,000

TOTAL APPROPRIATION \$ ~~((37,761,000))~~

37,821,000

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

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(4) \$417,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 1508.** 1996 c 283 s 609 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund Appropriation (FY 1996) \$ 42,533,000

General Fund Appropriation (FY 1997) \$ ~~((45,709,000))~~

45,827,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((88,442,000))~~

88,560,000

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

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(5) \$873,000 of the general fund appropriation is provided solely for equipment, software, and related expenditures to support a state-wide library network.

**Sec. 1509.** 1996 c 283 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 1996) \$ 1,984,000

General Fund--State Appropriation (FY 1997) \$ ~~((2,365,000))~~

2,370,000

General Fund--Federal Appropriation \$ 1,073,000  
TOTAL APPROPRIATION \$ ((5,422,000))

5,427,000

(1) The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

(2) \$150,000 of the general fund--state appropriation is provided solely for a study of higher education needs in North Snohomish/Island/Skagit counties. The board is directed to explore and recommend innovative approaches to providing educational programs. The board shall consider the use of technology and distance education as a means of meeting the higher education needs of the area. The study shall be completed and provided to the appropriate committees of the legislature by November 30, 1996.

(3) The higher education coordinating board, in conjunction with the office of financial management and public institutions of higher education, shall study institutional student enrollment capacity at each four-year university or college. The higher education coordinating board shall report to the governor and the appropriate committees of the legislature the maximum student enrollment that could be accommodated with existing facilities and those under design or construction as of the 1995-97 biennium. The report shall use national standards as a basis for making comparisons, and the report shall include recommendations for increasing student access by maximizing the efficient use of facilities. The report shall also consider ways the state can encourage potential four-year college students to enroll in schools having excess capacity.

(4) \$70,000 of the general fund--state appropriation is provided solely to develop a competency-based admissions system for higher education institutions.

(5) \$50,000 of the general fund--state appropriation is provided solely for attorneys' fees and related expenses needed to defend the equal opportunity grant program.

(6) \$140,000 of the general fund--state appropriation is provided solely for the design and development of recommendations for the creation of a college tuition prepayment program. A recommended program design and draft legislation shall be submitted to the office of financial management by September 30, 1996, for consideration in the 1997 legislative session. The development of the program shall be conducted in consultation with the state investment board, the state treasurer, the state actuary, the office of financial management, private financial institutions, and other qualified parties with experience in the areas of accounting, actuary, risk management, or investment management.

(7) \$100,000 of the general fund--state appropriation is provided solely for the implementation of the assessment of prior learning experience program.

**Sec. 1510.** 1996 c 283 s 613 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 1996) \$ 2,236,000

General Fund--State Appropriation (FY 1997) \$ 1,997,000

General Fund--Federal Appropriation \$ 934,000

General Fund--Private/Local Appropriation \$ 7,000

Industrial Insurance Premium Refund Account Appropriation \$ 1,000

TOTAL APPROPRIATION \$ ((5,168,000))

5,175,000

**PART XVI  
SPECIAL APPROPRIATIONS**

**Sec. 1601.** 1996 c 283 s 701 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING  
 BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation	\$ ((823,106,003))	
		<u>805,100,003</u>
State Building and Construction Account Appropriation	\$ ((21,500,000))	
		<u>15,000,000</u>
Fisheries Bond Retirement Account 1977 Appropriation	\$ ((291,215))	
		<u>1,000</u>
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$ ((851,225))	
		<u>425,550</u>
Waste Disposal Facility Bond Redemption Fund Appropriation	\$ ((19,592,375))	
		<u>3,985,920</u>
Water Supply Facility Bond Redemption Fund Appropriation	\$ ((1,413,613))	
		<u>483,000</u>
Indian Cultural Center Bond Redemption Fund Appropriation	\$ ((126,682))	
		<u>63,000</u>
Social and Health Service Bond Redemption Fund 1976 Appropriation	\$ ((2,019,427))	
		<u>0</u>
Higher Education Bond Retirement Fund 1977 Appropriation	\$ ((8,272,858))	
		<u>2,926,261</u>
Salmon Enhancement Construction Bond Retirement Fund Appropriation	\$ ((1,071,805))	
		<u>274,673</u>
Fire Service Training Center Bond Retirement Fund Appropriation	\$ ((754,844))	
		<u>378,000</u>
Higher Education Bond Retirement Account 1988 Appropriation	\$ ((4,000,000))	
		<u>2,000,000</u>
State General Obligation Bond Retirement Fund	\$ 788,886,959	
TOTAL APPROPRIATION	\$ ((1,671,887,006))	
		<u>1,622,132,000</u>

The general fund appropriation is for deposit into the account listed in section 801 of this act.

**Sec. 1602.** 1996 c 283 s 702 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING  
 BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT  
 TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account Appropriation	\$ ((24,179,295))	
		<u>24,501,328</u>
Higher Education Reimbursement Enterprise Account Appropriation	\$ 633,913	
Accident Account Appropriation	\$ ((5,548,000))	
		<u>5,281,997</u>
Medical Account Appropriation	\$ ((5,548,000))	
		<u>5,281,997</u>
State General Obligation Bond Retirement Fund	\$ 43,940,553	
TOTAL APPROPRIATION	\$ ((79,849,761))	
		<u>79,639,788</u>

**Sec. 1603.** 1996 c 283 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund Appropriation \$ 37,031,429  
Higher Education Reimbursable Construction Account Appropriation \$ ((197,000)) 50,088  
Community College Capital Construction Bond Retirement Fund 1975 Appropriation \$ 450,000  
Higher Education Bond Retirement Fund 1979 Appropriation \$ ((2,887,000)) 2,038,080  
State General Obligation Retirement Fund \$ 97,323,580  
TOTAL APPROPRIATION \$ ((137,889,007)) 136,893,117

**Sec. 1604.** 1996 c 283 s 705 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund Appropriation \$ 1,535,000  
State Convention and Trade Center Account Appropriation \$ 15,000  
State Building Construction Account Appropriation \$ 1,050,000  
Higher Education Reimbursable Construction Account Appropriation \$ 3,000  
TOTAL APPROPRIATION \$ 2,603,000

Total Bond Retirement and Interest Appropriations contained in sections 701 through 704 of this act \$ ((1,901,605,174)) 1,841,268,000

**Sec. 1605.** 1996 c 283 s 709 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Walter Watson, claim number SCJ-92-11 \$ 6,003.00
- (b) Carl L. Decker, claim number SCJ-95-02 \$ 24,948.48
- (c) Bill R. Hood, claim number SCJ-95-08 \$ 71,698.72
- (d) Rick Sevela, claim number SCJ-95-09 \$ 6,937.22
- (e) William V. Pearson, claim number SCJ-95-12 \$ 5,929.99
- (f) Craig T. Thiessen, claim number SCJ-95-13 \$ 3,540.24
- (g) Douglas Bauer, claim number SCJ-95-15 \$ 40,015.86
- (h) Walter A. Whyte, claim number SCJ-96-02 \$ 2,989.30
- (i) Allen R. Tuller, claim number SCJ-96-05 \$ 12,121.44
- (j) Martial P. McCollum, claim number SCJ-96-07 \$ 3,000.00
- (k) Jerry Garcia, claim number SCJ-96-11 \$ 61,966.00
- (l) Donald Smith, claim number SCJ-96-13 \$ 6,246.11
- (m) Charles H. Williams, claim number SCJ-96-16 \$ 32,083.77
- (n) Thomas Long, claim number SCJ-96-17 \$ 4,512.50
- (o) Jeff Fossett, claim number SCJ-96-21 \$ 10,983.70
- (p) Thomas Bender, claim number SCJ 96-22 \$ 9,996.94
- (q) Philip Romano, claim number SCO-96-01 \$ 6,639.48
- (r) Thomas Lee, claim number SCJ-97-01 \$ 20,934.16
- (s) Timothy Meyers, claim number SCJ-97-02 \$ 71,600.00
- (t) Robert G. Sullivan, claim number SCJ-97-03 \$ 22,156.33
- (u) Gay Dlugosh, claim number SCJ-97-04 \$ 4,158.87

(v) Anthony C. Otto, on behalf of Justin Cali (claim number SCJ-97-09)  
and Stephen Posey (claim number SCJ-97-10) \$ 16,961.28

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.12.280:

- (a) Wilson Banner Ranch, claim number SCG-95-01 \$ 2,800.00
- (b) James Koempel, claim number SCG-95-04 \$ 5,291.08
- (c) Mark Kayser, claim number SCG-95-06 \$ 4,000.00
- (d) ~~((Peola Farms, Inc., claim number SCG-95-07 \$ 1,046.50~~
- ~~(e))~~ Bailey's Nursery, claim number SCG-96-01 \$ 125.00
- ~~((f))~~ (e) Paul Gibbons, claim number SCG-96-02 \$ 2,635.73
- (f) Dale Kimmerly, claim number SCG-96-04 \$ 676.00
- (g) Robert Blank, claim number SCG-97-01 \$ 2,166.00

NEW SECTION. Sec. 1606. A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE STATE TREASURER--LOANS**

General Fund Appropriation--For transfer to the Community College  
Capital Projects Account \$ 950,000

NEW SECTION. Sec. 1607. A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

The sum of seventy-five million dollars, or so much thereof as may be available on June 30, 1997, from the total amount of unspent fiscal year 1997 state general fund appropriations is appropriated for purposes of Substitute Senate Bill No. 6045 (savings incentive account) in the manner provided in this section.

(1) Of the total amount appropriated in this section, one-half that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services and shall be credited to the agency that generated the savings.

(2) The remainder of the total amount appropriated in this section, not to exceed seventy-five million dollars, is appropriated to the education savings account for purposes of education technology projects.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include either the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 1608. A new section is added to 1995 2nd sp.s. c 18 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--YEAR 2000 ALLOCATIONS**

General Fund--State Appropriation (FY 1997) \$ 5,340,000  
General Fund--Federal Appropriation \$ 2,883,000  
Liquor Revolving Account Appropriation \$ 131,000  
Health Care Authority Administrative Account Appropriation \$ 631,000  
Accident Account Appropriation \$ 1,102,000  
Medical Aid Account Appropriation \$ 1,102,000  
Unemployment Compensation Administration Account--Federal Appropriation \$ 1,313,000  
Administrative Contingency Account Appropriation \$ 948,000  
Employment Services Administrative Account Appropriation \$ 500,000  
Forest Development Account Appropriation \$ 156,000  
Off Road Vehicle Account Appropriation \$ 7,000  
Surveys and Maps Account Appropriation \$ 1,000  
Aquatic Lands Enhancement Account Appropriation \$ 8,000  
Resource Management Cost Account Appropriation \$ 348,000  
TOTAL APPROPRIATION \$ 14,470,000



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

(1) The appropriations in this section shall be deposited in the data processing revolving account for allocation, without appropriation, by the office of financial management to agencies to complete Year 2000 date conversion maintenance on their computer systems. Agencies shall submit their estimated costs of conversion to the office of financial management by July 1, 1997.

(2) In addition to the appropriations in this section, up to \$10,000,000 of the cash balance of the data processing revolving account may be expended on agency Year 2000 date conversion costs. The \$10,000,000 will be taken from the cash balances of the data processing revolving account's two major users, as follows: \$7,000,000 from the department of information services and \$3,000,000 from the office of financial management. The office of financial management in consultation with the department of information services shall allocate these funds as needed to complete the date conversion projects.

(3) Agencies receiving these allocations shall report at a minimum to the information services board and to the governor every six months on the progress of Year 2000 maintenance efforts.

## PART XVII OTHER TRANSFERS AND APPROPRIATIONS

**Sec. 1701.** 1996 c 283 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING  
BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT  
SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979 Fund Appropriation \$ (( <del>784,711,959</del> ))	<u>766,705,959</u>
Fisheries Bond Retirement Account 1977 Appropriation \$ (( <del>291,215</del> ))	<u>1,000</u>
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation \$ (( <del>851,225</del> ))	<u>425,550</u>
Waste Disposal Facility Bond Redemption Fund Appropriation \$ (( <del>19,592,375</del> ))	<u>3,985,920</u>
Water Supply Facility Bond Redemption Fund Appropriation \$ (( <del>1,413,613</del> ))	<u>483,000</u>
Indian Cultural Center Bond Redemption Fund Appropriation \$ (( <del>126,682</del> ))	<u>63,000</u>
Social and Health Service Bond Redemption Fund 1976 Appropriation \$ (( <del>2,019,427</del> ))	<u>0</u>
Higher Education Bond Retirement Fund 1977 Appropriation \$ (( <del>8,272,858</del> ))	<u>2,926,261</u>
Salmon Enhancement Construction Bond Retirement Fund Appropriation \$ (( <del>1,071,805</del> ))	<u>274,673</u>
Fire Service Training Center Bond Retirement Fund Appropriation \$ (( <del>754,844</del> ))	<u>378,000</u>
Higher Education Bond Retirement Account 1988 Appropriation \$ (( <del>4,000,000</del> ))	<u>2,000,000</u>
TOTAL APPROPRIATION \$ (( <del>823,106,003</del> ))	<u>777,243,363</u>

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**Sec. 1702.** 1996 c 283 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING  
BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT  
TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE**

Community College Capital Construction Bond Retirement Account

1975 Appropriation \$ 450,000

Higher Education Bond Retirement Account 1979 Appropriation \$ ((2,887,000))

2,038,080

State General Obligation Bond Retirement Fund 1979 Appropriation \$ 134,355,007

TOTAL APPROPRIATION \$ ((137,692,007))

136,843,087

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**Sec. 1703.** 1996 c 283 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums distribution \$ ((5,641,000))

6,441,066

General Fund Appropriation for public utility district excise tax distribution \$ ((31,242,000))

30,744,280

General Fund Appropriation for prosecuting attorneys' salaries \$ ((2,800,000))

2,776,096

General Fund Appropriation for motor vehicle excise tax distribution \$ ((87,474,000))

86,356,053

General Fund Appropriation for local mass transit assistance \$ ((339,007,000))

344,615,340

General Fund Appropriation for camper and travel trailer excise tax distribution \$ ((3,198,000))

3,416,612

General Fund Appropriation for boating safety/education and law enforcement  
distribution \$ ((3,365,000))

3,438,513

Aquatic Lands Enhancement Account Appropriation for harbor improvement  
revenue distribution \$ ((130,000))

143,030

Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$ ((21,500,000))

22,245,101

Liquor Revolving Fund Appropriation for liquor profits distribution \$ ((40,160,000))

41,799,400

Timber Tax Distribution Account Appropriation for distribution to  
"Timber" counties \$ ((118,750,000))

112,814,912

Municipal Sales and Use Tax Equalization Account Appropriation \$ ((58,181,000))

61,291,408

County Sales and Use Tax Equalization Account Appropriation \$ ((12,940,000))

9,208,276

Death Investigations Account Appropriation for distribution to counties for publicly  
funded autopsies \$ ((1,200,000))

1,180,845

County Criminal Justice Account Appropriation \$ ((69,940,000))

71,579,595

Municipal Criminal Justice Account Appropriation \$ ((27,972,000))

28,196,587

County Public Health Account Appropriation \$ ((~~29,250,000~~))

27,276,662

TOTAL APPROPRIATION \$ ((~~852,750,000~~))

853,523,776

The appropriations in this section are subject to the following conditions and limitations: The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

### **PART XVIII MISCELLANEOUS**

NEW SECTION. Sec. 1801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff, Clements, Wensman, Pennington, Dyer, Alexander and Johnson spoke in favor of the passage of the bill.

Representatives H. Sommers, Wolfe, Quall, Cody, Conway, Tokuda, Keiser, Cooper, Murray, Kenney and Kastama spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2259.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2259 and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cooke, Crouse, DeBolt, Delvin, Dyer, Hankins, Hickel, Honeyford, Huff, Johnson, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Skinner, Smith, Sommers, D., Sterk, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Zellinsky and Mr. Speaker - 52.

Voting nay: Representatives Anderson, Appelwick, Backlund, Blalock, Butler, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunn, Dunshee, Fisher, Gardner, Gombosky, Grant, Hatfield, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Mason, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Sherstad, Sommers, H., Sullivan, Sump, Tokuda, Veloria, Wolfe and Wood - 46.

Engrossed Substitute House Bill No. 2259, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2259.

FRANK CHOPP, 43<sup>rd</sup> District

There being no objection, Engrossed Substitute House Bill No. 2259 was immediately transmitted to the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker April 26, 1997

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1418, and has passed the bill as recommended by the Conference Committee,

#### CONFERENCE COMMITTEE REPORT

SHB 1418 Date: April 25, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1418, Resource management cost account, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H-3320.3/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.64.020 and 1993 c 460 s 1 are each amended to read as follows:

A resource management cost account in the state treasury is hereby created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering public lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way on or with respect to such lands as authorized under the provisions of this title. Appropriations from the account to the department shall be expended for no other purposes. The resource management cost account may receive and accept funds that are to be used for such purposes from any source. Funds in the account produced by a trust may be appropriated or transferred by the legislature only for the benefit of ~~((all of))~~ the ~~((trusts from which the funds were derived))~~ trust.

**Sec. 2.** RCW 79.64.030 and 1993 c 460 s 2 are each amended to read as follows:

Funds in the account derived from the gross proceeds of leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, ~~((agricultural college lands,))~~ scientific school lands, normal school lands, capitol building lands, or institutional lands shall be ~~((pooled and))~~ expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering ~~((all of the trust lands enumerated in this section))~~ state lands of the same trust. Such funds may be used for similar costs and expenses in managing and administering other lands managed by the department provided that

such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at a rate determined by the board of natural resources.

Costs and expenses necessarily incurred in managing and administering agricultural college lands shall not be deducted from proceeds derived from the sale of agricultural college lands including the sale of resources that are part of those lands. The department shall use funds provided under section 3 of this act for the management and administration of agricultural college lands.

An accounting shall be made annually of the accrued expenditures from the ((pooled)) trust funds in the account. In the event the accounting determines that expenditures have been made from moneys derived from trust lands for the benefit of another trust or other lands, such expenditure shall be considered a debt and an encumbrance against the property or trust funds benefited, including property held under chapter 76.12 RCW. The results of the accounting shall be reported to the legislature at the next regular session. The state treasurer is authorized, upon request of the department, to transfer funds between the forest development account and the resource management cost account solely for purpose of repaying loans pursuant to this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 79.64 RCW to read as follows:

(1) No part of the gross proceeds from leases, sales, contracts, licenses, permits, easements, and rights of way on or relating to the agricultural college lands may be used to defray costs or expenses incurred in managing and administering the lands, and all such gross proceeds shall be made available to the beneficiary of the agricultural college lands.

(2) The board shall determine the amount necessary in order to achieve the purposes of this chapter for the agricultural college lands. The department shall bill the state of Washington for this amount. The billing authorized under this section shall in no event exceed twenty-two percent of the gross proceeds received by the beneficiary under subsection (1) of this section.

(3) The state of Washington shall pay the department for administering and managing the agricultural college lands. The state may choose the fund source to use to pay this cost, provided that the funds represent moneys from the treasury of the state. The state may not pay this cost using proceeds received by the beneficiary under subsection (1) of this section.

(4) The department shall deposit the moneys received from the state for the management and administration of the agricultural college lands into the account.

**Sec. 4.** RCW 79.64.040 and 1981 2nd ex.s. c 4 s 3 are each amended to read as follows:

Except as provided in section 3 of this act, the board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands. Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the total sum received by the department in connection with any one transaction pertaining to public lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the total gross proceeds received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

**Sec. 5.** RCW 79.01.136 and 1979 ex.s. c 109 s 5 are each amended to read as follows:

Before any state lands are offered for sale, or lease, or are assigned, the department of natural resources may establish the fair market value of those authorized improvements not owned by the state. In the event that agreement cannot be reached between the state and the lessee on the fair market value, such valuation shall be submitted to a review board of appraisers. The board shall be as follows: One member to be selected by the lessee and his or her expense shall be borne by the lessee; one member selected by the state and his or her expense shall be borne by the state; these members so selected shall mutually select a third member and his or her expenses shall be shared equally by the lessee and the state. The majority decision of this appraisal review board shall be binding on both parties. For this purpose "fair market value" is defined as: The highest price in terms of money which a property will

bring in a competitive and open market under all conditions of a fair sale, the buyer and seller, each prudently knowledgeable and assuming the price is not affected by undue stimulus. All damages and wastes committed upon such lands and other obligations due from the lessee shall be deducted from the appraised value of the improvements(~~(- PROVIDED, That)~~). However, the department of natural resources on behalf of the respective trust may purchase at fair market value those improvements if it appears to be in the best interest of the state ((from the RMCA of the general fund)). Payment for the improvements may be made with funds held on behalf of the trust in the resource management cost account established under RCW 79.64.020.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997."

On page 1, line 3 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 79.64.020, 79.64.030, 79.64.040, and 79.01.136; adding a new section to chapter 79.64 RCW; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House adopted the Conference Committee recommendation on Substitute House Bill No. 1418, and advanced the bill to final passage.

#### FINAL PASSAGE AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Substitute House Bill No. 1418 as recommended by the Conference Committee.

Representatives Buck and Regala spoke in favor of the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1418, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1418, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1565, and has passed the bill as recommended by the Conference Committee,

CONFERENCE COMMITTEE REPORT

SHB 1565 April 26, 1997

Includes "NEW ITEM": YES

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1565, Small scale mining/prospecting, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached 1565-S AMC CONF S3335.1) be adopted, and

and that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that small scale prospecting and mining: (1) Is an important part of the heritage of the state; (2) provides economic benefits to the state; and (3) can be conducted in a manner that is beneficial to fish habitat and fish propagation. Now, therefore, the legislature declares that small scale prospecting and mining shall be regulated in the least burdensome manner that is consistent with the state's fish management objectives and the federal endangered species act.

NEW SECTION. Sec. 2. A new section is added to chapter 75.20 RCW to read as follows:

(1) Small scale prospecting and mining shall not require written approval under this chapter if the prospecting is conducted in accordance with provisions established by the department.

(2) By December 31, 1998, the department shall adopt rules applicable to small scale prospecting and mining activities subject to this section. The department shall develop the rules in cooperation with the recreational mining community and other interested parties.

(3) Within two months of adoption of the rules, the department shall distribute an updated gold and fish pamphlet that describes methods of mineral prospecting that are consistent with the department's rule. The pamphlet shall be written to clearly indicate the prospecting methods that require written approval under this chapter and the prospecting methods that require compliance with the pamphlet. To the extent possible, the department shall use the provisions of the gold and fish pamphlet to minimize the number of specific provisions of a written approval issued under this chapter.

(4) For the purposes of this chapter, "small scale prospecting and mining" means only the use of the following methods: Pans, nonmotorized sluice boxes, concentrators, and minirocker boxes for the discovery and recovery of minerals."

On page 1, line 1 of the title, after "mining;" strike the remainder of the title and insert "adding a new section to chapter 75.20 RCW; and creating a new section."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, The House adopted the Conference Committee recommendation on Substitute House Bill No. 1565, and advanced the bill to final passage.

FINAL PASSAGE AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Pennington stated the question before the House to be final passage of Substitute House Bill No. 1565 as recommended by the Conference Committee.

Representatives Mielke and Regala spoke in favor of the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1565, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1565, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate refused to grant the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730. The Senate receded from its Committee on Agriculture and Ecology striking amendment(s) (1730-S.E AAS 4/14/97 S2783.1). Under suspension of rules, the bill was returned to second reading for purpose of amendment #519, and the bill passed the Senate as amended (see attached 1730-S.E AAS 4/26/97 S3319.1),

On page 3, line 8, after ":", insert "or"

On page 3, beginning on line 11, after "leased" strike all material through "chapter" on line 14 and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1730, and advanced the bill to final passage.

#### FINAL PASSAGE AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1730 as amended by the Senate.

Representatives Chandler and Linville spoke in favor of passage of the bill.

#### ROLL CALL



The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1730 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1730, as amended by the Senate, having received the constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

SSB 5718 Date: April 23, 1997

Includes "new item": YES

Mr. Speaker:  
Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE SENATE BILL NO. 5718, Protecting certain personal information in state motor vehicle and driver records, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached S-3300.1/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter may be cited as the Uniform Motor Vehicle and Driver Records Disclosure Act.

NEW SECTION. Sec. 2. The purpose of this chapter is to implement the federal Driver's Privacy Protection Act of 1994 (Title XXX P.L. 103-322). The legislature finds that the people of the state of Washington recognize the public benefit derived from motor vehicle registration and titling, driver licensing, and the issuance of identification documentation, and that the people recognize the need to provide personal information to the state of Washington and its agencies in order to properly maintain records on these activities.

The legislature further finds that the people have a right to expect that personal information maintained in motor vehicle and driver records will be used only for purposes relating to the ownership or operation of a motor vehicle, for purposes of public safety, and as otherwise expressly required or permitted by law.

It is the intent of this act to protect the interests of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle and driver records, except as authorized by those individuals or by law.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Disclose" means to engage in any practice or conduct to make available and make known personal information contained in a motor vehicle or driver record about a person to any other person, organization, or entity, by any means of communication.

(2) "Individual record" is a motor vehicle or driver record containing personal information about a designated person who is the subject of the record as identified in a request.

(3) "Motor vehicle or driver record" means any record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by the department of licensing, or other state or local agency authorized to issue any of such forms of credentials.

(4) "Person" means an individual, organization, or entity, but does not include the state of Washington or an agency thereof.

(5) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address (but not the five-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, and driver's license or registration status.

(6) "Record" includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts, or other documentary materials regardless of physical form or characteristics.

**NEW SECTION. Sec. 4.** Notwithstanding chapter 42.17 RCW to the contrary, except as provided in section 5, 6, or 7 of this act, the department and any officer, employee, agent, or contractor thereof shall not disclose personal information about any person obtained by the department in connection with a motor vehicle or driver record.

**NEW SECTION. Sec. 5.** Personal information referred to in section 4 of this act shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 U.S.C. Sec. 1231 et seq., the Motor Vehicle Information and Cost Saving Act, 15 U.S.C. Sec. 1901 et seq., the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. Sec. 1381 et seq., the Anti-Car Theft Act of 1992, 15 U.S.C. Sec. 2021 et seq., and the Clean Air Act, 42 U.S.C. Sec. 7401 et seq.

**NEW SECTION. Sec. 6.** Nothing in this chapter prevents the disclosure of personal information referred to in section 4 of this act to a requesting person if the person demonstrates, in a form and manner prescribed by the department, that the person has obtained the written consent of the person who is the subject of the information.

**NEW SECTION. Sec. 7.** Personal information referred to in section 4 of this act may be disclosed as otherwise permitted by law to any person by the department, its officers, employees, or contractors, on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information will be strictly limited to one or more of the following described uses:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions, subject to a disclosure agreement with the releasing agency;

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers;

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(a) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(b) If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;

(4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court;

(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;

(7) For use in providing notice to the legal and registered owners of towed or impounded vehicles;

(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section;

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.);

(10) For use in connection with the operation of private toll transportation facilities;

(11) For use in connection with matters of public interest where the use is related to operation of a motor vehicle or to public safety, including disclosure to the news media for public dissemination. For purposes of this subsection, the use of personal information is related to public safety if it concerns the physical safety or security of citizens as drivers, passengers, or pedestrians and their vehicles or property; and

(12) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

**NEW SECTION. Sec. 8.** Disclosure of personal information required or permitted under sections 5 through 7 of this act shall be subject to payment by the requesting person to the department of all fees for the information required by statute, regulation, administrative practice, or the terms of any contract with the requesting person, on such terms for payment as may be required or agreed, or as may be determined by the department within the constraints of law.

**NEW SECTION. Sec. 9.** In addition to provisions for payment of applicable fees, the department may, prior to the disclosure of personal information as permitted under sections 5 through 7 of this act, require the meeting of conditions by the requesting person for the purposes of obtaining reasonable assurance concerning the identity of such requesting person, and, to the extent required, that the use will be only as authorized, or the consent of the person who is the subject of the information has been obtained. Such conditions may include, but need not be limited to, the making and filing of a written application in such form and containing such information and certification requirements as the department may prescribe.

**NEW SECTION. Sec. 10.** An authorized recipient of personal information may resell or redisclose the information for any use permitted under section 7 of this act if such resale or redisclosure is otherwise permitted by law, and subject to any applicable agreement with the department.

**NEW SECTION. Sec. 11.** Any social security number obtained from a person applying for or renewing a noncommercial driver's license shall be used solely for the purpose of verifying the validity

of the number with the social security administration, as required by the federal illegal immigration act, P.L. 104-208. Once the validity of the number has been established, all record of the number shall be destroyed and no record of the number shall be maintained by the department of licensing or its contractors or agents.

**NEW SECTION. Sec. 12.** The department is authorized to adopt rules to carry out the purposes of this chapter.

**NEW SECTION. Sec. 13.** Any person requesting the disclosure of personal information from department records who knowingly misrepresents his or her identity or knowingly makes a false statement to the department on any application required to be submitted pursuant to this chapter shall be guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

**Sec. 14.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Personal information maintained by the department of licensing in connection with motor vehicle or driver records, as provided in section 4 of this act.

(kk) Records before and during the course of any collective bargaining, labor negotiations, or grievance or mediation proceedings that would reveal the strategy or position being taken by an agency.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**Sec. 15.** RCW 46.12.370 and 1982 c 215 s 1 are each amended to read as follows:

In addition to any other authority which it may have, and subject to section 4 of this act, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the Federal Automobile Information Disclosure Act (15 U.S.C. Sec. 1231 et seq.), the Motor Vehicle Information and Cost Saving Act (15 U.S.C. Sec. 1901 et seq.), the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. Sec. ((1382-1418)) 1381 et seq.), the Anti-Car Theft Act of 1992 (15 U.S.C. Sec. 2021 et seq.), and the Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; or

(3) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing. In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsections (1), (2) and (3) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

**Sec. 16.** RCW 46.12.380 and 1995 c 254 s 10 are each amended to read as follows:

(1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or agency or firm authorized by the department except as provided in section 5, 6, or 7 of this act and under the following circumstances:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) The disclosing entity shall retain the request for disclosure for three years.

(3) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party.

(4) Any person who is furnished vehicle owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

(5) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle owners. Governmental entities that are exempt from the prohibition on receiving the name or address of an individual vehicle owner under this subsection, may disclose such information to any person, as defined under section 3 of this act, based on information demonstrating a reasonable suspicion of serious threat to person or property in relation to any person's operation of a motor vehicle or public safety.

(6) This section shall not apply to title history information under RCW 19.118.170.

**Sec. 17.** RCW 46.52.060 and 1979 c 158 s 161 are each amended to read as follows:

It shall be the duty of the chief of the Washington state patrol to file, tabulate, and analyze all accident reports and to publish annually, immediately following the close of each fiscal year, and monthly during the course of the year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of licensing, the department of transportation, the utilities and transportation commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to

publish information so derived as may be deemed of publication value, within the constraints of section 4 of this act.

**Sec. 18.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, the director of the Washington traffic safety commission, and for such police officers or other cognizant public officials as may be designated by law, and shall not be disclosed except as permitted under section 5, 6, or 7 of this act and as otherwise permitted by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

**Sec. 19.** RCW 46.52.130 and 1996 c 307 s 4 and 1996 c 183 s 2 are each reenacted and amended to read as follows:

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer or prospective employer or an agent acting on behalf of an employer or prospective employer if the named individual's employment involves the operation of a motor vehicle, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. For purposes of section 7(11) of this act, the disclosure of personal information contained in the abstract of the driving record to an alcohol/drug assessment or treatment agency shall be authorized for purposes of public safety. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified



abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)((a)(i)) (b)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.525 (1) and (2) except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: (1) The employee or prospective employee that authorizes the release of the record, and (2) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

Any violation of this section is a gross misdemeanor.

**Sec. 20.** RCW 46.63.020 and 1996 c 307 s 6, 1996 c 287 s 7, 1996 c 93 s 3, 1996 c 87 s 21, and 1996 c 31 s 3 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) Section 13 of this act relating to misrepresentation of identity or making a false statement to the department on an application for personal information;

(2) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

~~((2))~~ (3) RCW 46.09.130 relating to operation of nonhighway vehicles;

~~((3))~~ (4) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

~~((4))~~ (5) RCW 46.10.130 relating to the operation of snowmobiles;

~~((5))~~ (6) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

~~((6))~~ (7) RCW 46.16.010 relating to initial registration of motor vehicles;

~~((7))~~ (8) RCW 46.16.011 relating to permitting unauthorized persons to drive;

~~((8))~~ (9) RCW 46.16.160 relating to vehicle trip permits;

~~((9))~~ (10) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

~~((10))~~ (11) RCW 46.20.021 relating to driving without a valid driver's license, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of RCW 46.20.342(1) or 46.20.420, in which case the violation is an infraction;

~~((11))~~ (12) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

~~((12))~~ (13) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((13))~~ (14) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

~~((14))~~ (15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((15))~~ (16) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((16))~~ (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

~~((17))~~ (18) RCW 46.25.170 relating to commercial driver's licenses;

~~((18))~~ (19) Chapter 46.29 RCW relating to financial responsibility;

~~((19))~~ (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

~~((20))~~ (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

~~((21))~~ (22) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((22))~~ (23) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((23))~~ (24) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((24))~~ (25) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((25))~~ (26) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((26))~~ (27) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((27))~~ (28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((28))~~ (29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((29))~~ (30) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((30))~~ (31) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((31))~~ (32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((32))~~ (33) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((33))~~ (34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((34))~~ (35) RCW 46.61.500 relating to reckless driving;

~~((35))~~ (36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((36))~~ (37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((37))~~ (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((38))~~ (39) RCW 46.61.522 relating to vehicular assault;

~~((39))~~ (40) RCW 46.61.525(1) relating to first degree negligent driving;

~~((40))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;  
~~((41))~~ (42) RCW 46.61.530 relating to racing of vehicles on highways;  
~~((42))~~ (43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;  
~~((43))~~ (44) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;  
~~((44))~~ (45) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;  
~~((45))~~ (46) Chapter 46.65 RCW relating to habitual traffic offenders;  
~~((46))~~ (47) RCW 46.68.010 relating to false statements made to obtain a refund;  
~~((47))~~ (48) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;  
~~((48))~~ (49) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;  
~~((49))~~ (50) RCW 46.--- (section 9, chapter 87, Laws of 1996) relating to limousine carrier insurance;  
~~((50))~~ (51) RCW 46.--- (section 10, chapter 87, Laws of 1996) relating to operation of a limousine without a vehicle certificate;  
~~((51))~~ (52) RCW 46.--- (section 11, chapter 87, Laws of 1996) relating to false advertising by a limousine carrier;  
~~((52))~~ (53) Chapter 46.80 RCW relating to motor vehicle wreckers;  
~~((53))~~ (54) Chapter 46.82 RCW relating to driver's training schools;  
~~((54))~~ (55) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;  
~~((55))~~ (56) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**NEW SECTION. Sec. 21.** A new section is added to Title 46 RCW to read as follows:

(1) In order to ensure the integrity of the driver license and identicard to enhance motorist privacy in the personal information contained in driver records, by February 1, 1998, the department shall enter into a contract for the procurement of a new driver's license and identicard. The new driver's license and identicard shall only incorporate the following security features designed to protect against fraudulent access to personal information:

(a) A central issuance system that requires issuance of permanent licenses and identicards from one central, secure location. Upon verification of eligibility, the license or identicard will be mailed to the resident;

(b) A digital imaging system that permits a person's photograph and signature to be stored and displayed by computer, which allows for improved file management, flexibility, responsiveness, and fraud protection;

(c) Machine-readable technologies, including a one-dimensional bar code, two-dimensional bar code, and a magnetic stripe to provide for rapid and accurate verification that the license or identicard is genuine. Through encryption, both the magnetic stripe and two-dimensional bar code offer additional levels of security against alteration and counterfeiting; and

(d) An optical variable device that is not readily available to the general public. The image or color change of the optical variable device must prevent fraudulent duplication by making attempts at alteration apparent by distortion or destruction of the license or identicard. The optical variable device must prevent the license or identicard from being accurately copied by color photography or a color copier. The optical variable device must utilize the most secure technology available to prevent tampering, fraudulent duplication, separation, and alteration. Additionally, the department may provide for a second picture of the card holder printed on the license or identicard in ultraviolet ink. The digital printing must enable the applicant's ultraviolet picture to be added to the license or identicard at the time of issuance for presentation of information that is uniquely tied to the card holder.

(2)(a) Upon issuance of an identicard under this section, there is imposed a six dollar fee in addition to the fee imposed under RCW 46.20.117.

(b) Upon issuance of a driver's license under this section, there is imposed a six dollar fee in addition to the fee imposed under RCW 46.20.161.

(c) Upon issuance of a renewed driver's license under this section, there is imposed a six dollar fee in addition to the fee under RCW 46.20.181.

**Sec. 22.** RCW 46.70.180 and 1997 c ... (HB 1198) s 1 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, either (i) to deliver to the buyer the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the

time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) at the time of signing the odometer statement, a discrepancy of five hundred miles or more between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contract, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, or title; or

(c) Signing any other documentation relating to the purchase, sale, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable. The department of licensing shall by December 31, 1996, in rule, adopt standard disclosure language for buyer's agent agreements under RCW 46.70.011, 46.70.070, and this section.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle

manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

**NEW SECTION. Sec. 23.** For the purposes of sections 24 through 30 of this act, it is the intent of the legislature to delineate between legitimate business use of public records and inappropriate commercial use. It is also the intent of the legislature to protect the privacy of citizens from inappropriate commercial use of public records by providing disincentives for such use. Furthermore, the legislature seeks to encourage public-private cooperation in ways that further the public mission of the state and to maintain and enhance public access to public records for the purpose of encouraging public oversight and facilitating other desirable social and economic benefits.

**Sec. 24.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Business use" or "business purpose" means use of public records that contain personally identifiable information, which use is for the purpose of meeting statutory or regulatory requirements, conducting business in a safe and lawful manner, or validating information provided by a third party, and which use does not result in unsolicited commercial contact to persons identified in such records.

(7) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((7))~~ (8) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

~~((8))~~ (9) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;
  - (b) Announces publicly or files for office;
  - (c) Purchases commercial advertising space or broadcast time to promote his or her candidacy;
- or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((9))~~ (10) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((10))~~ (11) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((11))~~ (12) "Commission" means the agency established under RCW 42.17.350.

~~((12))~~ (13) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind ~~(:- PROVIDED, That)~~. However, for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((13))~~ (14) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((14))~~ (15)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political



advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((15))~~ (16) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((16))~~ (17) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((17))~~ (18) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((18))~~ (19) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

~~((19))~~ (20) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefitting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((20))~~ (21) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((21))~~ (22) "General election" means the election that results in the election of a person to a state office. It does not include a primary.

~~((22))~~ (23) "Gift," is as defined in RCW 42.52.010.

~~((23))~~ (24) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

~~((24))~~ (25) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the

defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

~~((25))~~ (26)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((26))~~ (27) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((27))~~ (28) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((28))~~ (29) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((29))~~ (30) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((30))~~ (31) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((31))~~ (32) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((32))~~ (33) "Personally identifiable information" means information provided by an individual as a prerequisite to the receipt of a license, approval, award, product, or service from a government agency, which may include name, address, telephone number, social security number, photographs, fingerprints, or computerized images thereof.

(34) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

~~((33))~~ (35) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((34))~~ (36) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

~~((35))~~ (37) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((36))~~ (38) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

~~((37))~~ (39) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29.82.015 and ending thirty days after the recall election.

~~((38))~~ (40) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((39))~~ (41) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((40))~~ (42) "State official" means a person who holds a state office.

~~((41))~~ (43) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((42))~~ (44) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

**Sec. 25.** RCW 42.17.260 and 1995 c 397 s 11 and 1995 c 341 s 1 are each reenacted and amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if((—));

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) Each agency shall establish, maintain, and make available for public inspection and copying a statement of the actual per page cost or other costs, if any, that it charges for providing photocopies of public records and a statement of the factors and manner used to determine the actual per page cost or other costs, if any.

(a) In determining the actual per page cost for providing photocopies of public records, an agency may include all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment. In determining other actual costs for providing photocopies of public records, an agency may include all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used.

(b) In determining the actual per page cost or other costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and mail the requested public records may be included in an agency's costs.

(8) An agency need not calculate the actual per page cost or other costs it charges for providing photocopies of public records if to do so would be unduly burdensome, but in that event: The agency may not charge in excess of fifteen cents per page for photocopies of public records or for the use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor.

(9) Except under an agreement for business use in RCW 42.17.300, this chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge ~~((therefor))~~, in compliance with RCW 42.17.300(2): PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

**Sec. 26.** RCW 42.17.300 and 1995 c 397 s 14 and 1995 c 341 s 2 are each reenacted and amended to read as follows:

(1) No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page.

(2) An agency may provide information for business use of public records for which disclosure is otherwise permitted by law, and may enter into agreements for access to public information for business use as provided in subsection (3) of this section. The agency may charge a fee reasonably designed to recover the actual cost of providing the information.

(3) The agreements for access to public records for business purposes shall substantially conform to the following conditions and limitations:

(a) The contractor agrees to use the information provided by the agency only for the purpose for which the information was initially sought;

(b) The contractor agrees not to disclose information received under the agreement to anyone, except as provided under the terms and conditions of the agreement;

(c) The contractor, or any employee or agent of the contractor, shall not furnish in any form, to any person, corporation, partnership, association, or organization, a copy of any information, in whole or in part, provided by the agency, without the express written consent of the agency for the provision of the information for a purpose consistent with the agreement;

(d) The contractor shall adhere to any current or subsequently amended statutory or administrative rules regulating privacy or confidentiality relating to the information provided by the agency;

(e) No name or address of any individual furnished by the agency to the contractor shall be published or otherwise disclosed by the contractor in any manner not otherwise approved by the agency;

(f) The contractor, or any officer, employee, or agent of the contractor, shall not furnish in any form, to any person, corporation, partnership, association, or organization, any of the individual's personally identifiable information provided by the agency under the agreement for the purpose of making unsolicited commercial contact with the individuals named or otherwise identified, unless specifically authorized or directed by law;

(g) The contractor agrees that the agency may provide "control" or "salted" data as a portion of provided information as a means to ensure that any personally identifiable information is utilized only for the specific purposes allowed under the terms of the agreement;

(h) The contractor shall not gain any proprietary right to or interest in any information provided by the agency and shall not assign its interest in the agreement or any portion thereof to any person, corporation, partnership, association, or organization of any kind;

(i) The contractor accepts full responsibility and liability for any violations of the agreement by the contractor or any officer, employee, or agent of the contractor and any such violation shall result in immediate termination by the agency of all information provided to the contractor or any officer, employee, or agent of the contractor in any form and immediate forfeiture to the agency of any agency-provided information, in any form, held by the contractor or any officer, employee, or agent of the contractor; and

(j) The agency reserves the right to seek or impose all other lawful remedies and penalties for any violation of this agreement by the contractor, or any officer, employee, or agent of the contractor.

NEW SECTION. Sec. 27. A new section is added to chapter 42.17 RCW to read as follows:

A person who knowingly uses or discloses personally identifiable information in violation of an agreement under RCW 42.17.300(2) is subject to a civil penalty not to exceed ten thousand dollars for each violation or one dollar per name used, whichever is greater, and loss of access to public records for business purposes for up to five years.

This section shall be enforced under the applicable provisions of RCW 42.17.400.

**Sec. 28.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an

accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Computer programs and software developed by agencies alone or in partnership with other public and private entities. For the purposes of this chapter, software is the programming source codes or object codes developed by an agency or developed by a private contractor for an agency. However, information contained in or accessible through those computer programs and software that is disclosable under state law is not exempt from disclosure and those computer programs and software may be used to search or inspect such information under this subsection (1)(jj).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.



**Sec. 29.** RCW 43.105.310 and 1996 c 171 s 15 are each amended to read as follows:

(1) State agencies and local governments that collect and enter information concerning individuals into electronic records and information systems that will be widely accessible by the public under RCW 42.17.020 shall ensure the accuracy of this information to the extent possible. To the extent possible, information must be collected directly from, and with the consent of, the individual who is the subject of the data. Agencies shall establish procedures for correcting inaccurate information, including establishing mechanisms for individuals to review information about themselves and recommend changes in information they believe to be inaccurate. The inclusion of personal information in electronic public records that is widely available to the public should include information on the date when the data base was created or most recently updated. If personally identifiable information is included in electronic public records that are made widely available to the public, agencies must follow retention and archival schedules in accordance with chapter 40.14 RCW, retaining personally identifiable information only as long as needed to carry out the purpose for which it was collected.

(2) State agencies and local governments that collect personally identifiable information that is subject to disclosure under chapter 42.17 RCW or other law shall, to the extent practicable, post or publish public notice that the information gathered may be disclosable as a public record. The agency-specific public notice will reflect the common uses of such records. Upon request, state agencies and local governments shall provide a written statement regarding the circumstances under which specific personally identifiable information may be disclosed to the public or for business purposes.

NEW SECTION. Sec. 30. A new section is added to chapter 42.17 RCW to read as follows:  
The provisions of 18 U.S.C. Sec. 2721 and sections 1 through 20, chapter . . ., Laws of 1997 (sections 1 through 20 of this act) prevail over any conflicting provisions of sections 24 through 29, chapter . . ., Laws of 1997 (sections 24 through 29 of this act).

NEW SECTION. Sec. 31. Sections 1 through 13 of this act constitute a new chapter in Title 46 RCW, to be codified between chapters 46.04 and 46.08 RCW.

NEW SECTION. Sec. 32. Sections 1 through 21 of this act take effect September 13, 1997."

On page 1, line 2 of the title, after "records;" strike the remainder of the title and insert "amending RCW 46.12.370, 46.12.380, 46.52.060, 46.52.120, 46.70.180, 42.17.020, and 43.105.310; reenacting and amending RCW 42.17.310, 46.52.130, 46.63.020, 42.17.260, 42.17.300, and 42.17.310; adding a new section to Title 46 RCW; adding new sections to chapter 42.17 RCW; adding a new chapter to Title 46 RCW; creating a new section; and providing an effective date."

There being no objection, the House dissolved the Conference Committee, receded from its amendment(s) to Substitute Senate Bill No. 5718, and advanced the bill to final passage.

Representatives K. Schmidt and Fisher spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5718.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Blalock, Buck, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, Mielke, Mitchell,

Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Sommers, D., Sommers, H., Sullivan, Talcott, Thomas, B., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 85.

Voting nay: Representatives Benson, Boldt, Bush, Crouse, Dunn, Koster, McMorris, Morris, Mulliken, Smith, Sterk, Sump and Thomas, L. - 13.

Substitute Senate Bill No. 5718, having received the constitutional majority, was declared passed.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of Second Substitute Senate Bill No. 5740, and the bill was placed on second reading.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5740 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Schow, Snyder, Morton, Hale, Prentice, Heavey, West, McDonald, Swanson, Spanel and Rasmussen)

Assisting rural distressed areas.

The bill was read the second time.

With the consent of the House, amendment number 757 to Second Substitute Senate Bill No. 5740 was withdrawn.

Representative Buck moved the adoption of the following amendment (643) to the striking amendment: (764)

On page 6, beginning on line 7, strike section 8.

On page 7, beginning on line 29, strike section 9.

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 13, beginning on line 36, strike section 17.

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Buck, DeBolt and Kessler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was adopted.

The question before the House was the adoption of the striking amendment as amended. The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Kessler, Sheldon and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5740 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5740 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5740, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

On reconsideration, the Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1118, and passed the bill without said amendments,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

#### MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has concurred in the House amendment(s) #714 to SENATE BILL NO. 5253, and has passed the bill as amended by the House.

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

The Speaker resumed the chair.

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

There being no objection, the Committee on Capital Budget was relieved of further consideration of House Bill No. 2255, and the bill was placed on second reading.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2255 by Representatives Sehlin, Sullivan and D. Sommers; by request of Governor Locke

Adopting the capital budget.

The bill was read the second time.

Representative Sehlin moved the adoption of the following amendment by Representative Sehlin: (785)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1999, out of the several funds specified in this act.

NEW SECTION. Sec. 2. A new section is added to chapter ... (Substitute Senate Bill No. 6063), Laws of 1997 to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Housing assistance, weatherization, and affordable housing programs (88-5-015)**

The appropriation in this section is in addition to and subject to the conditions and limitations of the appropriation in section 108, chapter ...(Substitute Senate Bill No. 6063), Laws of 1997.

**Appropriation:**

<b>St Bldg Constr Acct — State</b>	<b>\$ 4,700,000</b>
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ _____ 0
<b>TOTAL</b>	<b>\$ 4,700,000</b>

NEW SECTION. Sec. 3. A new section is added to chapter ... (Substitute Senate Bill No. 6063), Laws of 1997 to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
**Community Services Facilities Program:** For grants to nonprofit community-based family service organizations to assist in acquiring, developing, or rehabilitating buildings **(98-2-007)**

The appropriation in this section is in addition to and subject to the conditions and limitations of the appropriation in section 122, chapter ...(Substitute Senate Bill No. 6063), Laws of 1997.

**Appropriation:**

<b>St Bldg Constr Acct — State</b>	<b>\$ 700,000</b>
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ _____ 0
<b>TOTAL</b>	<b>\$ 700,000</b>

**Sec. 4.** 1997 c ... (Substitute Senate Bill No. 6063) s 123 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) ECOLOGY**

**Public Participation Grants**

The appropriation in this section is provided solely for the department to administer the public participation grant program pursuant to RCW 70.105D.070. In administering the grant program, the department shall award grants based upon a state-wide competitive process each year. Priority is to be given to applicants that demonstrate the ability to provide accurate technical information on complex waste management issues. Amounts provided in this section may not be spent on lobbying activities.

**Appropriation:**

**Local Toxics Control Account--State \$ 435,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 435,000

NEW SECTION. Sec. 5. A new section is added to chapter ... (Substitute Senate Bill No. 6063), Laws of 1997 to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

**Heritage Park:** To complete the construction work necessary to establish the arc of statehood and related in-water work. **(98-2-003)**

The appropriation in this section is subject to the review and allotment procedures under section 712, chapter ... (Substitute Senate Bill No. 6063), Laws of 1997.

**Appropriation:**

**St Bldg Constr Acct — State \$ 4,600,000**  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 4,600,000

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances in not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representatives Sehlin, Alexander, Ogden, Romero, DeBolt and Pennington spoke in favor of the adoption of the amendment. The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Ogden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2255.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2255 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Dunshee - 1.

Engrossed House Bill No. 2255, having received the constitutional majority, was declared passed.

There being no objection, Engrossed House Bill No. 2255 was immediately transmitted to the Senate.

## SPEAKER'S PRIVILEGE

The Speaker: I just want to say a personal thank you to all of you on both sides of the aisle, the good Minority Leader and everybody for helping us so far this session. We trust that we will be able to get across the finish line. I want to say thank you for doing a great job. Thank you very much.

There being no objection, the House reverted to the fourth order of business.

## INTRODUCTIONS AND FIRST READING

HB 2288 by Representatives Dyer, Zellinsky, Radcliff, Backlund, Crouse, Cooke, Cairnes, Sehlin, B. Thomas, Sherstad, Robertson, Hickel, Pennington, Carlson, Ballasiotes, Carrell, Cody, Fisher, Dickerson, O'Brien and H. Sommers

AN ACT Relating to business and occupation taxation of hospitals; amending RCW 82.04.030 and 82.04.4297; providing an effective date; and declaring an emergency.

HB 2289 by Representative Dyer

AN ACT Relating to the prohibition of engaging in the practice of chiropractic and spinal manipulation; amending RCW 18.74.010 and 18.74.035; and repealing RCW 18.74.085.

HB 2290 by Representative Morris

AN ACT Relating to restructuring Washington state electric utilities and opening the electricity market to retail competition; amending RCW 80.12.020, 80.12.040, 80.24.010, 80.28.020, and 80.28.050; reenacting and amending RCW 42.17.310; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 80 RCW; and creating a new section.

HCR 4414 by Representatives Dyer, Cody, O'Brien and Hatfield

Creating a joint legislative committee on long-term care oversight.

HCR 4415 by Representative Lisk

Exempting Engrossed Senate Bill No. 5565 from cutoff.

HCR 4416 by Representative Lisk

Exempting Engrossed Second Substitute Senate Bill No. 5074 from cutoff.

HCR 4417 by Representative Lisk

Exempting Engrossed Senate Bill No. 6094 from cutoff.

HCR 4418 by Representative Lisk

Exempting House Bill No. 2259 from the cutoff date requirement.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the Rules Committee.

MESSAGES FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted:  
and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4413,

Susan Carlson, Deputy Secretary

April 26, 1997

Mr. Speaker:

The Senate has passed:  
and the same is herewith transmitted.

ENGROSSED HOUSE BILL NO. 2255,

Susan Carlson, Deputy Secretary

April 26, 1997

Mr. Speaker:

The Senate has passed:  
and the same is herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2259,

Susan Carlson, Deputy Secretary

April 26, 1997

Mr. Speaker:

The Senate has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2192,  
and the same is herewith transmitted.

Susan Carlson, Deputy Chief Clerk

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2192,  
SUBSTITUTE HOUSE BILL NO. 2259,

MESSAGES FROM THE SENATE

April 26, 1997

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5074,  
SENATE BILL NO. 5460,  
SENATE BILL NO. 5538,  
ENGROSSED SENATE BILL NO. 5565,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 26, 1997

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,  
SUBSTITUTE SENATE BILL NO. 5327,  
SUBSTITUTE SENATE BILL NO. 5336,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5491,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,  
SENATE BILL NO. 5650,  
SUBSTITUTE SENATE BILL NO. 5867,  
SECOND SUBSTITUTE SENATE BILL NO. 5886,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927,

and the same are herewith transmitted.

Mike O'Connell, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5074,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,  
SUBSTITUTE SENATE BILL NO. 5157,  
SENATE BILL NO. 5253,  
SUBSTITUTE SENATE BILL NO. 5270,  
SUBSTITUTE SENATE BILL NO. 5327,  
SUBSTITUTE SENATE BILL NO. 5336,  
SENATE BILL NO. 5460,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5491,  
SENATE BILL NO. 5538,  
ENGROSSED SENATE BILL NO. 5565,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,  
SENATE BILL NO. 5650,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5710,  
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SECOND SUBSTITUTE SENATE BILL NO. 5886,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5927,



MESSAGES FROM THE SENATE

April 26, 1997

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 5157,  
SENATE BILL NO. 5253,  
SUBSTITUTE SENATE BILL NO. 5270,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5710,  
and the same are herewith transmitted.

Mike O'Connell, Secretary

April 26, 1997

Mr. Speaker:

The President has signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2192,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 2259,  
and the same are herewith transmitted.

Mike O'Connell, Secretary

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 1:00 p.m., Sunday, April 27, 1997.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

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**NOTICE:** Formatting and page numbering in this document may be different from that in the original published version.

## ONE HUNDRED-FIFTH DAY

### AFTERNOON SESSION

House Chamber, Olympia, Sunday, April 27, 1997

The House was called to order at 1:00 p.m. by the Speaker (Representative Pennington presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lyndsey Aston and Jennifer Chavez. Prayer was offered by The Honorable Ralph Munro, Secretary of State.

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

Esther Little John played *America the Beautiful* on the flute. Ms. Little John, an Emmy nominated flutist, was a Session employee.

### MESSAGES FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate receded from its amendment(s) to HOUSE BILL NO. 1819, and passed the bill without the Senate amendments,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 26, 1997

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5030, and passed the bill as amended by the House,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

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

There being no objection, the Rules Committee was relieved of further consideration of House Concurrent Resolution No. 4417, and the resolution was advanced to second reading.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4417 by Representative Lisk

Exempting Engrossed Senate Bill No. 6094 from cutoff.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final adoption.

House Concurrent Resolution No. 4417 was adopted.

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4417

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

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Senate Bill No. 6094, and the bill was advanced to second reading.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

ENGROSSED SENATE BILL NO. 6094 by Senators McCaslin and Haugen; by request of Governor Locke

Changing growth management provisions.

The bill was read the second time.

Representative Reams moved the adoption of the following striking amendment by Representative Reams: (773)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows: In enacting the section 7(5), chapter . . . , Laws of 1997 (section 7(5) of this act) amendments to RCW 36.70A.070(5), the legislature finds that chapter 36.70A RCW is intended to recognize the importance of agriculture, forestry, and rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences and, in accordance with one of the goals of the growth management act, protecting the property rights of landowners from arbitrary and discriminatory actions. Rural lands and rural-based economies, including agriculture and forest uses that are located outside of designated resource lands, enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life. The legislature also finds that in developing its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that: Will help preserve rural-based economies and traditional rural lifestyles; will encourage the economic prosperity of rural residents; will foster opportunities for small-scale, rural-based employment and self-employment; will permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; will foster the private stewardship of the land and preservation of open space; and will enhance the rural sense of community and quality of life. The legislature recognizes that there will be a variety of interpretations by counties of how best to implement a rural element, reflecting the diverse needs and local circumstances found across the state. RCW 36.70A.070(5) provides a framework for local elected officials to make these determinations. References to both wildlife and water are intended in RCW 36.70A.030 and 36.70A.070 to acknowledge their importance as features or components of rural character. It is expected that these matters will be addressed in comprehensive plans, but that counties may not necessarily need to adopt new regulations to account adequately for them in establishing a pattern of land use and development for rural areas.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

In amending RCW 36.70A.320(3) by section 20(3), chapter . . ., Laws of 1997 (section 20(3) of this act), the legislature intends that the boards apply a more deferential standard of review to actions of counties and cities than the preponderance of the evidence standard provided for under existing law. In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the boards to grant deference to counties and cities in how they plan for growth, consistent with the requirements and goals of this chapter. Local comprehensive plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances. The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future rests with that community.

**Sec. 3.** RCW 36.70A.030 and 1995 c 382 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.



(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(15) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(16) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(17) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of ~~((such))~~ land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((45))~~ (18) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((46))~~ (19) "Urban governmental services" or "urban services" include those ~~((governmental))~~ public services and public facilities at an intensity historically and typically ~~((delivered by))~~ provided in cities, ~~((and include))~~ specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with ~~((nonurban))~~ rural areas.

~~((47))~~ (20) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county, after conferring with its cities, may develop alternative methods of achieving the planning goals established by RCW 36.70A.020.

(2) The authority provided by this section may not be used to modify:

(a) Requirements for the designation and protection of critical areas or for the designation of natural resource lands under RCW 36.70A.060(2), 36.70A.170, and 36.70A.172;

(b) The requirement that wetlands be delineated consistent with the requirements of RCW 36.70A.175; or

(c) The requirement to establish a process for the siting of essential public facilities pursuant to RCW 36.70A.200.

(3) Before adopting any alternative methods of achieving the planning goals established by RCW 36.70A.020, a county shall provide an opportunity for public review and comment. An ordinance or resolution proposing or adopting alternative methods must be submitted to the department in the same manner as provided in RCW 36.70A.106 for submittal of proposed and adopted comprehensive plans and development regulations.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

The legislature finds that it is the goal of the state of Washington to achieve no overall net loss of wetland functions. Wetlands can provide public benefits related to flood control, groundwater recharge, water quality, and wildlife habitat. The legislature further finds that consideration should be given to the functions wetlands provide and to the needs of private property owners to assure that wetlands regulations both reflect the impact to wetland functions and allow for a reasonable use of property. In adopting critical areas development regulations, counties and cities should consider and balance all of the goals under RCW 36.70A.020. The legislature intends that no goal takes precedence over any of the others, but that counties and cities may prioritize the goals in accordance with local history, conditions, circumstances, and choice.

**Sec. 6.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) Counties and cities may exempt the following from critical areas development regulations:

(a) Emergency activities; and

(b) Activities with minor impacts on critical areas.

**Sec. 7.** RCW 36.70A.070 and 1996 c 239 s 1 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit ~~((appropriate land uses that are compatible with the rural character of such lands and))~~ rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities ~~((and)),~~ uses ~~((and may also provide)),~~ essential public facilities, and rural governmental services needed to serve the permitted densities and uses. In order to achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments. A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection. An industrial area is not required to be principally designed to serve the existing and projected rural population;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as otherwise provided in this chapter, residential and nonresidential uses in the rural element shall not require urban services and nonresidential rural development shall be principally designed to serve and provide jobs for the existing and projected rural population or serve existing nonresidential uses.

(2) This section applies to a county with a population of ninety-five thousand or more that has committed five percent or more of its land base to urban growth areas under RCW 36.70A.110 and that has no more than eighty percent of its land base in public ownership or resource lands of long-term commercial significance designated under RCW 36.70A.170.

**NEW SECTION. Sec. 9.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations of proposed amendments to comprehensive plans and development regulation. Examples of reasonable notice provisions include:

(a) Posting the property for site-specific proposals;

(b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and

(e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(2)(a) Except as otherwise provided in (b) of this subsection, if the legislative body for a county or city chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the county's or city's procedures, an opportunity for review and comment on the proposed change shall be provided before the local legislative body votes on the proposed change.

(b) An additional opportunity for public review and comment is not required under (a) of this subsection if:

(i) An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

(ii) The proposed change is within the scope of the alternatives available for public comment;

(iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

(iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

(v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

(3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before the effective date of this section.

**Sec. 10.** RCW 36.70A.130 and 1995 c 347 s 106 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing ~~((evaluation and))~~ review and evaluation by the county or city that adopted them. Not later than September 1, 2002, and at least every five years thereafter, a county or city shall take action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure that the plan and regulations are complying with the requirements of this chapter. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

(i) The initial adoption of a subarea plan; ~~((and))~~

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county

has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by section 25 of this act.

**Sec. 11.** RCW 36.70A.270 and 1996 c 325 s 1 are each amended to read as follows:

Each growth management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may appoint one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such rules and decisions they render and arrange for the reasonable distribution of the rules and decisions. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, and specifically including the provisions of RCW 34.05.455 governing ex parte communications, shall govern the practice and procedure of the boards.

(8) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The joint rules of practice of the boards shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(9) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

**Sec. 12.** RCW 36.70A.290 and 1995 c 347 s 109 are each amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board. The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, or the parties have filed an agreement to have the case heard in superior court as provided in section 13 of this act, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

**NEW SECTION. Sec. 13.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The superior court may directly review a petition for review filed under RCW 36.70A.290 if all parties to the proceeding before the board have agreed to direct review in the superior court. The agreement of the parties shall be in writing and signed by all of the parties to the proceeding or their designated representatives. The agreement shall include the parties' agreement to proper venue as provided in RCW 36.70A.300(5). The parties shall file their agreement with the board within ten days after the date the petition is filed, or if multiple petitions have been filed and the board has consolidated the petitions pursuant to RCW 36.70A.300, within ten days after the board serves its order of consolidation.

(2) Within ten days of receiving the timely and complete agreement of the parties, the board shall file a certificate of agreement with the designated superior court and shall serve the parties with copies of the certificate. The superior court shall obtain exclusive jurisdiction over a petition when it receives the certificate of agreement. With the certificate of agreement the board shall also file the petition for review, any orders entered by the board, all other documents in the board's files regarding the action, and the written agreement of the parties.



(3) For purposes of a petition that is subject to direct review, the superior court's subject matter jurisdiction shall be equivalent to that of the board. Consistent with the requirements of the superior court civil rules, the superior court may consolidate a petition subject to direct review under this section with a separate action filed in the superior court.

(4)(a) Except as otherwise provided in (b) and (c) of this subsection, the provisions of RCW 36.70A.280 through 36.70A.330, which specify the nature and extent of board review, shall apply to the superior court's review.

(b) The superior court:

(i) Shall not have jurisdiction to directly review or modify an office of financial management population projection;

(ii) Except as otherwise provided in RCW 36.70A.300(2)(b), shall render its decision on the petition within one hundred eighty days of receiving the certification of agreement; and

(iii) Shall give a compliance hearing under RCW 36.70A.330(2) the highest priority of all civil matters before the court.

(c) An aggrieved party may secure appellate review of a final judgment of the superior court under this section by the supreme court or the court of appeals. The review shall be secured in the manner provided by law for review of superior court decisions in other civil cases.

(5) If, following a compliance hearing, the court finds that the state agency, county, or city is not in compliance with the court's prior order, the court may use its remedial and contempt powers to enforce compliance.

(6) The superior court shall transmit a copy of its decision and order on direct review to the board, the department, and the governor. If the court has determined that a county or city is not in compliance with the provisions of this chapter, the governor may impose sanctions against the county or city in the same manner as if a board had recommended the imposition of sanctions as provided in RCW 36.70A.330.

(7) After the court has assumed jurisdiction over a petition for review under this section, the superior court civil rules shall govern a request for intervention and all other procedural matters not specifically provided for in this section.

**Sec. 14.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to read as follows:

(1) The board shall issue a final order (~~within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order~~) that shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, (~~adopted~~) under RCW 36.70A.040 or chapter 90.58 RCW.

(2)(a) Except as provided in (b) of this subsection, the final order shall be issued within one hundred eighty days of receipt of the petition for review, or, if multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated.

(b) The board may extend the period of time for issuing a decision to enable the parties to settle the dispute if additional time is necessary to achieve a settlement, and (i) an extension is requested by all parties, or (ii) an extension is requested by the petitioner and respondent and the board determines that a negotiated settlement between the remaining parties could resolve significant issues in dispute. The request must be filed with the board not later than seven days before the date scheduled for the hearing on the merits of the petition. The board may authorize one or more extensions for up to ninety days each, subject to the requirements of this section.

(3) In the final order, the board shall either:

(a) Find that the state agency, county, or city is in compliance with the requirements of this chapter (~~(or)~~) chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) Find that the state agency, county, or city is not in compliance with the requirements of this chapter (~~(or)~~) chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, in which case the board shall remand the matter to the affected state agency, county, or city (~~and~~). The board shall specify a

reasonable time not in excess of one hundred eighty days, or such longer period as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply with the requirements of this chapter. The board may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

~~((2))~~ (4) Unless the board makes a determination of invalidity as provided in section 16 of this act, a finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand~~((, unless the board's final order also:~~

~~(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and~~

~~(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.~~

~~(3) A determination of invalidity shall:~~

~~(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and~~

~~(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.~~

~~(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand).~~

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

**NEW SECTION. Sec. 15.** A new section is added to chapter 36.70A RCW to read as follows:  
After the effective date of this section, all appeals of a decision taken from a final decision of a board shall be filed in the court of appeals for assignment by the chief presiding judge.

**NEW SECTION. Sec. 16.** A new section is added to chapter 36.70A RCW to read as follows:  
(1) A board may determine that part or all of a comprehensive plan or development regulations are invalid if the board:

(a) Makes a finding of noncompliance and issues an order of remand under RCW 36.70A.300;

(b) Includes in the final order a determination, supported by findings of fact and conclusions of law, that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(c) Specifies in the final order the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(2) A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt of the board's order by the city or county. The determination of invalidity does not apply to a completed development permit application for a project that vested under state or local law before receipt of the board's order by the county or city or to related construction permits for that project.

(3)(a) Except as otherwise provided in subsection (2) of this section and (b) of this subsection, a development permit application not vested under state or local law before receipt of the board's order by the county or city vests to the local ordinance or resolution that is determined by the board not to substantially interfere with the fulfillment of the goals of this chapter.

(b) Even though the application is not vested under state or local law before receipt by the county or city of the board's order, a determination of invalidity does not apply to a development permit application for:

(i) A permit for construction by any owner, lessee, or contract purchaser of a single-family residence for his or her own use or for the use of his or her family on a lot existing before receipt by the county or city of the board's order, except as otherwise specifically provided in the board's order to protect the public health and safety;

(ii) A building permit and related construction permits for remodeling, tenant improvements, or expansion of an existing structure on a lot existing before receipt of the board's order by the county or city; and

(iii) A boundary line adjustment or a division of land that does not increase the number of buildable lots existing before receipt of the board's order by the county or city.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (1) of this section whether the prior policies or regulations are valid during the period of remand.

(5) A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until it adopts a comprehensive plan and development regulations that comply with the requirements of this chapter. A development permit application may vest under an interim control or measure upon determination by the board that the interim controls and other measures do not substantially interfere with the fulfillment of the goals of this chapter.

(6) A county or city subject to a determination of invalidity may file a motion requesting that the board clarify, modify, or rescind the order. The board shall expeditiously schedule a hearing on the motion. At the hearing on the motion, the parties may present information to the board to clarify the part or parts of the comprehensive plan or development regulations to which the final order applies. The board shall issue any supplemental order based on the information provided at the hearing not later than thirty days after the date of the hearing.

(7)(a) If a determination of invalidity has been made and the county or city has enacted an ordinance or resolution amending the invalidated part or parts of the plan or regulation or establishing interim controls on development affected by the order of invalidity, after a compliance hearing, the board shall modify or rescind the determination of invalidity if it determines under the standard in subsection (1) of this section that the plan or regulation, as amended or made subject to such interim controls, will no longer substantially interfere with the fulfillment of the goals of this chapter.

(b) If the board determines that part or parts of the plan or regulation are no longer invalid as provided in this subsection, but does not find that the plan or regulation is in compliance with all of the requirements of this chapter, the board, in its order, may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

**NEW SECTION. Sec. 17.** A board shall determine that part or all of a comprehensive plan or development regulations, or amendments thereto, are invalid only if, in addition to the requirements of section 16 of this act, the board finds that in adopting plans or development regulations, or amendments thereto, the county or city acted in an arbitrary and capricious manner.

**Sec. 18.** RCW 36.70A.305 and 1996 c 325 s 4 are each amended to read as follows:

(1) The court shall provide expedited review of ~~((a determination of invalidity or))~~ an order ~~((effectuating))~~ that includes a determination of invalidity made or issued under RCW 36.70A.300 and section 16 of this act. The matter must be set for hearing within sixty days of the date set for submitting the board's record, absent a showing of good cause for a different date or a stipulation of the parties.

(2) A determination of substantial interference under this chapter must be based on evidence of actual development or development permit applications that would substantially interfere with the goals of this chapter, and not on hypothetical or speculative development potential.

**NEW SECTION. Sec. 19.** A new section is added to chapter 36.70A RCW to read as follows:

A court, in reviewing an order of the board, may:

(1) Affirm the board's order;

(2) Set aside the board's order, enjoin or stay the board's order, remand the matter for further proceedings, order the board to rescind or modify an order; or

(3) Enter a declaratory judgment order of compliance or noncompliance, which may include a determination of invalidity if (a) the determination is supported by findings of fact and conclusions of law that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter and (b) the court's order specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

**Sec. 20.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~ (5) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it ~~((finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter))~~ determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

~~((2))~~ (4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or section 16 of this act has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in section 16(1) of this act.

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 21.** RCW 36.70A.330 and 1995 c 347 s 112 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW ~~((36.70A.300(1)(b)))~~ 36.70A.300(3)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, ~~((city, or))~~ county, or city. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.

(3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.

(4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide~~((:~~

~~((a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or~~

~~((b)))~~, if no determination of invalidity has been made, whether one now should be made ~~((under the standards in RCW 36.70A.300(2)))~~ under section 16 of this act.

(5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

**NEW SECTION. Sec. 22.** A new section is added to chapter 36.70A RCW to read as follows:

A county or city subject to an order of invalidity issued before the effective date of section 14 of this act, by motion may request the board to review the order of invalidity in light of the section 14, chapter . . . , Laws of 1997 (section 14 of this act) amendments to RCW 36.70A.300, the section 21, chapter . . . , Laws of 1997 (section 21 of this act) amendments to RCW 36.70A.330, and section 16 of this act. If a request is made, the board shall rescind or modify the order of invalidity as necessary to make it consistent with the section 14, chapter . . . , Laws of 1997 (section 14 of this act) amendments

to RCW 36.70A.300, and to the section 21, chapter . . ., Laws of 1997 (section 21 of this act) amendments to RCW 36.70A.330, and section 16 of this act.

**NEW SECTION. Sec. 23.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. A county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

**Sec. 24.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, ~~((the urban growth areas in))~~ the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

**NEW SECTION. Sec. 25.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Subject to the limitations in subsection (7) of this section, a county shall adopt, in consultation with its cities, county-wide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the county-wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

(2) The review and evaluation program shall:

(a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, critical areas, and capital facilities to the extent necessary to determine the quantity and type of land suitable for development, both for residential and employment-based activities;

(b) Provide for evaluation of the data collected under (a) of this subsection every five years as provided in subsection (3) of this section. The first evaluation shall be completed not later than September 1, 2002. The county and its cities may establish in the county-wide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;

(c) Provide for methods to resolve disputes among jurisdictions relating to the county-wide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and

(d) Provide for the amendment of the county-wide policies and county and city comprehensive plans as needed to remedy an inconsistency identified through the evaluation required by this section, or to bring these policies into compliance with the requirements of this chapter.

(3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:

(a) Determine whether there is sufficient suitable land to accommodate the county-wide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110;

(b) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and

(c) Based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.

(4) If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the county-wide planning policies and the county and city comprehensive plans and development regulations and what was envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors specified in subsection (3) of this section, the county and its cities shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period. If necessary, a county, in consultation with its cities as required by RCW 36.70A.210, shall adopt amendments to county-wide planning policies to increase consistency. The county and its cities shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.

(5)(a) Not later than July 1, 1998, the department shall prepare a list of methods used by counties and cities in carrying out the types of activities required by this section. The department shall provide this information and appropriate technical assistance to counties and cities required to or choosing to comply with the provisions of this section.

(b) By December 31, 2007, the department shall submit to the appropriate committees of the legislature a report analyzing the effectiveness of the activities described in this section in achieving the goals envisioned by the county-wide planning policies and the comprehensive plans and development regulations of the counties and cities.

(6) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection (7) of this section to conduct the review and perform the evaluation required by this section.

(7) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in 1995 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section.

**NEW SECTION. Sec. 26.** A new section is added to chapter 42.17 RCW to read as follows:

(1) Notwithstanding other provisions of this chapter, a county or city that provides customized maps, products, or services relating to the review and evaluation program required by section 25 of this act from an electronic geographic information system may establish fees by ordinance for providing the customized maps, services, or products to persons who request them. The county or city shall not impose fees in excess of an amount necessary to recover the actual cost to the county or city of providing the customized maps, products, or services.

(2) A county or city shall by ordinance establish standards for the waiver of the fees provided for in subsection (1) of this section if the customized maps, services, or products are to be used for noncommercial public purposes, including but not limited to the support of other agencies, the support of public benefit nonprofit activities, public information or education, academic research, or other purposes that the county or city determines are beneficial to the public. The county or city shall apply fee reductions or waivers uniformly for each such noncommercial use.

(3) A county or city shall not recover through fees authorized by this section costs paid for by another governmental entity.

**Sec. 27.** RCW 43.62.035 and 1995 c 162 s 1 are each amended to read as follows:

The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ~~((ten))~~ five years or upon the availability of decennial census data, whichever is later, the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such

counties and the cities in those counties before final adoption. The county and its cities may provide to the office such information as they deem relevant to the office's projection, and the office shall consider and comment on such information before adoption. Each projection shall be expressed as a reasonable range developed within the standard state high and low projection. The middle range shall represent the office's estimate of the most likely population projection for the county. If any city or county believes that a projection will not accurately reflect actual population growth in a county, it may petition the office to revise the projection accordingly. The office shall complete the first set of ranges for every county by December 31, 1995.

A comprehensive plan adopted or amended before December 31, 1995, shall not be considered to be in noncompliance with the twenty-year growth management planning population projection if the projection used in the comprehensive plan is in compliance with the range later adopted under this section.

**NEW SECTION. Sec. 28.** In order to ensure that there will be no unfunded responsibilities imposed on counties and cities, if specific funding for the purposes of section 25 of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, sections 25 and 26 of this act are null and void.

**Sec. 29.** RCW 36.70A.500 and 1995 c 347 s 116 are each amended to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by RCW 36.70A.490. The department (~~(by rule)~~) shall establish procedures for fund management. The department shall encourage participation in the grant program by other public agencies. The department shall develop the grant criteria, monitor the grant program, and select grant recipients in consultation with state agencies participating in the grant program through the provision of grant funds or technical assistance.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing (~~(a detailed environmental impact statement)~~) an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan (~~(or)~~), subarea plan (~~and~~), plan element, county-wide planning policy, development regulation(s), monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan (~~(or)~~), subarea plan (~~and~~), plan element, county-wide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by (~~subsequent~~) applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms (~~(in the plan)~~) to monitor the consequences of growth as it occurs in the plan area and (~~(provide ongoing)~~) to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

~~((d) Be making)~~ (e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

~~((e))~~ (f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;



~~(b) ((Comprehensive and subarea plan proposals that are designed to identify and monitor))~~  
Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of state-wide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

~~((d))~~ (f) Programs for effective citizen and neighborhood involvement that contribute to greater ~~(certainty)~~ likelihood that planning decisions ~~(will)~~ can be implemented with community support; and

~~((e) Plans that)~~ (g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant recipients to facilitate state and local project review processes that will implement the projects receiving grants under this section.

**Sec. 30.** RCW 43.155.070 and 1996 c 168 s 3 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs;

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

(d) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town that is required or chooses to plan under RCW 36.70A.040 must have adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (7) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsection (5) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (7) of this section.

(7)(a) Loans made for the purpose of capital facilities plans shall be exempted from subsection (5) of this section. In no case shall the total amount of funds utilized for capital facilities plans and emergency loans exceed the limitation in RCW 43.155.065.

(b) For the purposes of this section "capital facilities plans" means those plans required by the growth management act, chapter 36.70A RCW, and plans required by the public works board for local governments not subject to the growth management act.

(8) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

**Sec. 31.** RCW 70.146.070 and 1991 sp.s. c 32 s 24 are each amended to read as follows:

When making grants or loans for water pollution control facilities, the department shall consider the following:

- (1) The protection of water quality and public health;
- (2) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;
- (3) Actions required under federal and state permits and compliance orders;
- (4) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;
- (5) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and
- (6) The recommendations of the Puget Sound (~~(water quality authority)~~) action team and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town that is required or chooses to plan under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, or unless it has adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

**Sec. 32.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly~~((1-4))~~; or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means ~~((either))~~;

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes~~((7))~~;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture~~((7))~~; or

(iii) Other similar commercial activities as may be established by rule ~~((following consultation with the advisory committee established in section 19 of this act))~~;

(b) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993~~((7))~~;

(i) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993~~((7))~~; and

(ii) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993~~((7))~~; and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

Parcels of land described in (b)(i) and (c)(i) of this subsection shall, upon any transfer of the property excluding a transfer to a surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of this subsection.

Agricultural lands shall also include such incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products.

Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands"; ~~((8F))~~

(d) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes;

(e) Any parcel of land designated as agricultural land under RCW 36.70A.170; or

(f) Any parcel of land not within an urban growth area zoned as agricultural land under a comprehensive plan adopted under chapter 36.70A RCW.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification as timber land pursuant to this chapter or (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed. Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

**Sec. 33.** RCW 84.34.060 and 1992 c 69 s 8 are each amended to read as follows:

In determining the true and fair value of open space land and timber land, which has been classified as such under the provisions of this chapter, the assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. The assessed valuation of open space land shall not be less than the minimum value per acre of classified farm and agricultural land except that the assessed valuation of open space land may be valued based on the public benefit rating system adopted under RCW 84.34.055: PROVIDED FURTHER, That timber land shall be valued according to chapter 84.33 RCW. In valuing any tract or parcel of real property designated and zoned under a comprehensive plan adopted under chapter 36.70A RCW as agricultural, forest, or open space land, the appraisal shall not be based on similar sales of parcels that have been converted to nonagricultural, nonforest, or nonopen-space uses within five years after the sale.

**Sec. 34.** RCW 84.34.065 and 1992 c 69 s 9 are each amended to read as follows:

The true and fair value of farm and agricultural land shall be determined by consideration of the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years, capitalized at indicative rates. The earning or productive capacity of farm and agricultural lands shall be the "net cash rental", capitalized at a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes. The current use value of land under RCW 84.34.020(2)(d) shall be established as: The prior year's average value of open space farm and agricultural land used in the county plus the value of land improvements such as septic, water, and power used to serve the residence. This shall not be interpreted to require the assessor to list improvements to the land with the value of the land.

In valuing any tract or parcel of real property designated and zoned under a comprehensive plan adopted under chapter 36.70A RCW as agricultural, forest, or open space land, the appraisal shall not be based on similar sales of parcels that have been converted to nonagricultural, nonforest, or nonopen-space uses within five years after the sale.

For the purposes of the above computation:

(1) The term "net cash rental" shall mean the average rental paid on an annual basis, in cash, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. There shall be allowed as a deduction from the rental received or computed any costs of crop production charged against the landlord if the costs are such as are customarily paid by a landlord. If "net cash rental" data is not

available, the earning or productive capacity of farm and agricultural lands shall be determined by the cash value of typical or usual crops grown on land of similar quality and similarly situated averaged over not less than five years. Standard costs of production shall be allowed as a deduction from the cash value of the crops.

The current "net cash rental" or "earning capacity" shall be determined by the assessor with the advice of the advisory committee as provided in RCW 84.34.145, and through a continuing internal study, assisted by studies of the department of revenue. This net cash rental figure as it applies to any farm and agricultural land may be challenged before the same boards or authorities as would be the case with regard to assessed values on general property.

(2) The term "rate of interest" shall mean the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments, averaged over the immediate past five years.

The "rate of interest" shall be determined annually by a rule adopted by the department of revenue and such rule shall be published in the state register not later than January 1 of each year for use in that assessment year. The department of revenue determination may be appealed to the state board of tax appeals within thirty days after the date of publication by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(3) The "component for property taxes" shall be a figure obtained by dividing the assessed value of all property in the county into the property taxes levied within the county in the year preceding the assessment and multiplying the quotient obtained by one hundred.

**Sec. 35.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

(4) In valuing any tract or parcel of real property designated and zoned under a comprehensive plan adopted under chapter 36.70A RCW as agricultural, forest, or open space land, the appraisal shall not be based on similar sales of parcels that have been converted to nonagricultural, nonforest, or nonopen-space uses within five years after the sale.

**Sec. 36.** RCW 90.60.030 and 1995 c 347 s 603 are each amended to read as follows:

The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. ~~((The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others.))~~ To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center ~~((and the business assistance center))~~ in providing efficient and nonduplicative service to the public;

(4) Seek the assignment of employees from the permit agencies listed under RCW 90.60.020(6)(a) to serve on a rotating basis in staffing the center; ~~((and))~~

(5) Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and

(6) Provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.

**Sec. 37.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.335.110 authorized, and except where the property to be annexed is within an urban growth area designated under RCW 36.70A.110, the petition must be signed by the owners of not less than seventy-five percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned. When the property to be annexed is within an urban growth area designated under RCW 36.70A.110, the petition must be signed by the owners of not less than sixty percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned: PROVIDED, That in cities and towns with populations greater than one hundred sixty thousand located east of the Cascade mountains, the owner of tax exempt property may sign an annexation petition and have the tax exempt property annexed into the city or town, but the value of the tax exempt property shall not be used in calculating the sufficiency of the required property owner signatures unless only tax exempt property is proposed to be annexed into the city or town. The petition shall set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with RCW 35.02.170, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

**Sec. 38.** RCW 35A.14.295 and 1967 ex.s. c 119 s 35A.14.295 are each amended to read as follows:

~~((When there is, within))~~ (1) The legislative body of a code city may resolve to annex territory containing residential property owners to the city if there is within the city, unincorporated territory:

(a) Containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the code city~~((, the legislative body may resolve to annex such territory to the code city)); or~~

(b) Of any size and having at least eighty percent of the boundaries of such area contiguous to the city if such area existed before June 30, 1994, and is within the same county and within the same urban growth area designated under RCW 36.70A.110, and the city was planning under chapter 36.70A RCW as of June 30, 1994.

(2) The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week

for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the area to be annexed.

(3) For purposes of subsection (1)(b) of this section, territory bounded by a river, lake, or other body of water is considered contiguous to a city that is also bounded by the same river, lake, or other body of water.

**NEW SECTION. Sec. 39.** A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of a city or town planning under chapter 36.70A RCW as of June 30, 1994, may resolve to annex territory to the city or town if there is, within the city or town, unincorporated territory containing residential property owners within the same county and within the same urban growth area designated under RCW 36.70A.110 as the city or town:

(a) Containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the city or town if such area existed before June 30, 1994; or

(b) Of any size and having at least eighty percent of the boundaries of the area contiguous to the city if the area existed before June 30, 1994.

(2) The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing in the area as nearly as may be, and set a date for a public hearing on the resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the city or town and one or more newspapers of general circulation within the area to be annexed.

(3) For purposes of subsection (1)(b) of this section, territory bounded by a river, lake, or other body of water is considered contiguous to a city that is also bounded by the same river, lake, or other body of water.

**Sec. 40.** RCW 35.13.174 and 1973 1st ex.s. c 164 s 17 are each amended to read as follows:

Upon receipt by the board of county commissioners of a determination by a majority of the review board favoring annexation of the proposed area that has been initiated by resolution pursuant to RCW 35.13.015 by the city or town legislative body, the board of county commissioners, or the city or town legislative body for any city or town within an urban growth area designated under RCW 36.70A.110, shall fix a date on which an annexation election shall be held, which date will be not less than thirty days nor more than sixty days thereafter.

**Sec. 41.** RCW 36.93.170 and 1989 c 84 s 5 are each amended to read as follows:

In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development regulations adopted under chapter 36.70A RCW; applicable service agreements entered into under chapter 36.115 or 39.34 RCW; applicable interlocal annexation agreements between a county and its cities; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02 RCW.

**Sec. 42.** RCW 84.14.010 and 1995 c 375 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means either (a) a city or town with a population of at least one hundred (~~fifty~~) thousand or (b) the largest city or town, if there is no city or town with a population of at least one hundred thousand, located in a county planning under the growth management act.

(2) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(3) "Growth management act" means chapter 36.70A RCW.

(4) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(5) "Owner" means the property owner of record.

(6) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(7) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(8) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

(9) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(10) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

**NEW SECTION. Sec. 43.** A new section is added to chapter 36.70A RCW to read as follows:

The legislature recognizes that the preservation of urban greenbelts is an integral part of comprehensive growth management in Washington. The legislature further recognizes that certain greenbelts are subject to adverse possession action which, if carried out, threaten the comprehensive nature of this chapter. Therefore, a party shall not acquire by adverse possession property that is designated as a plat greenbelt or open space area or that is dedicated as open space to a public agency or to a bona fide homeowner's association.

**Sec. 44.** RCW 84.14.030 and 1995 c 375 s 6 are each amended to read as follows:

An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city;

(2) The multiple-unit housing must meet the guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, low-income or moderate-income occupancy requirements, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units;



(4) New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application;

(5) Property proposed to be rehabilitated must be vacant at least twelve months before submitting an application and fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995; and

(6) The applicant must enter into a contract with the city approved by the governing body under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

**Sec. 45.** RCW 84.14.050 and 1995 c 375 s 8 are each amended to read as follows:

An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the governing authority or duly authorized agent, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes;

(2) In the case of new and rehabilitated multifamily housing, the owner shall apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including the floor plan of units and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application must be made on or before April 1 of each year, and must be accompanied by the application fee, if any, required under RCW ~~((84.14.070))~~ 84.14.080. The governing authority may permit the applicant to revise an application before final action by the governing authority.

**Sec. 46.** RCW 90.61.020 and 1995 c 347 s 802 are each amended to read as follows:

The commission shall consist of not more than ~~((fourteen))~~ twenty-two members. ~~((Eleven))~~ Fifteen members of the commission shall be appointed by the governor. ~~((Membership))~~ The commission members appointed by the governor shall reflect the interests of business, ~~((agriculture))~~ operators of small businesses, owners of small property holdings, livestock producers, irrigated agriculture, dryland farmers or major crop commodity producers, labor, the environment, neighborhood groups, other citizens, the legislature, cities, counties, and federally recognized Indian tribes. ~~((Members))~~ The commission members appointed by the governor shall have substantial experience in matters relating to land use and environmental planning and regulation, and shall have the ability to work toward cooperative solutions among diverse interests. The director of the department of community, trade, and economic development, or the director's designee, shall be a member and shall serve as chair of the commission. The director of the department of ecology, or the director's designee, and the secretary of the department of transportation, or the secretary's designee, shall also be members of the commission. Two members of the commission shall be members of the senate, one from each caucus appointed by the president of the senate, and two members of the commission shall be members of the house of representatives, one from each caucus appointed by the speaker of the house of representatives. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

This section expires June 30, 1998.

**Sec. 47.** RCW 90.61.040 and 1995 c 347 s 804 are each amended to read as follows:

The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth and achieve economically and environmentally sustainable development, to adequately assess environmental impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

(b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;

(c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;

(d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;

(f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyzes with improved state and local planning and permitting processes;

(i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and

(j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.

(4) Monitor instances state-wide of the vesting of project permit applications during the period that an appeal is pending before a growth management hearings board, as authorized under RCW 36.70A.300. The commission shall also review the extent to which such vesting results in the approval of projects that are inconsistent with a comprehensive plan or development regulation provision ultimately found to be in compliance with a board's order or remand. The commission shall analyze the impact of such approvals on ensuring the attainment of the goals and policies of chapter 36.70A RCW, and make recommendations to the governor and the legislature on statutory changes to address any adverse impacts from the provisions of RCW 36.70A.300. The commission shall provide an initial report on its findings and recommendations by November 1, 1995, and submit its further findings and recommendations subsequently in the reports required under RCW 90.61.030.

(5) Monitor local government consolidated permit procedures and the effectiveness of the timelines established by RCW 36.70B.090. The commission shall include in its report submitted to the governor and the legislature on November 1, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.70B RCW.

(6) Evaluate funding mechanisms that will enable local governments to pay for and recover the costs of conducting integrated planning and environmental analysis. The commission shall include its conclusions in its first report to the legislature on November 1, 1995, and include any recommended statutory changes.

(7) Study, in cooperation with the state board for registration of professional engineers and the state building code council, ways in which state agencies and local governments could authorize professionals with appropriate qualifications to certify a project's compliance with certain state and

local land use and environmental requirements. The commission shall report to the legislature on measures necessary to implement such a system of professional certification.

(8) Review long-term approaches for resolving disputes that arise under the growth management act, chapter 36.70A RCW; the shoreline management act, chapter 90.58 RCW; and other environmental laws. In particular, in the commission's recommendations on a consolidated land use procedure and integration and consolidation of Washington's land use and environmental laws, identify needed changes to the structure of the boards that hear environmental appeals as well as the extent to which quasi-judicial bodies are needed to provide continued oversight of matters currently brought before the growth management hearings board and other boards that hear such appeals.

(9) If the commission finds that there is no longer a need for the growth management hearings boards and recommends sunset of the boards, include in its recommendations a plan for implementing the sunset process. Alternatively, if the boards are to become advisory bodies with the primary duty of mediating disputes and making advisory decisions, the commission shall make recommendations as to how such a change in the board's authority should be implemented. If the commission makes other recommendations with respect to the boards, it shall make recommendations to implement any needed changes.

(10) Evaluate the effect of the 1997 amendments to this chapter that raise the standard of review of agency, county, and city actions by the growth management hearings boards and make changes with respect to board determinations of invalidity, and make recommendations as to whether the latitude of the boards should be further curtailed and greater deference given to local decisions by raising the standard of review, limiting the authority of the board to make determinations of invalidity, or making other changes.

These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable statutory framework.

This section expires June 30, 1998.

**Sec. 48.** RCW 36.70B.040 and 1995 c 347 s 405 are each amended to read as follows:

(1) A proposed project's consistency with a local government's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan (~~(or subarea plan)~~) adopted under chapter 36.70A RCW shall be (~~(determined)~~) decided by the local government during project review by consideration of:

- (a) The type of land use;
- (b) The level of development, such as units per acre or other measures of density;
- (c) Infrastructure, including public facilities and services needed to serve the development; and
- (d) The (~~(character)~~) characteristics of the development, such as development standards.

(2) In (~~(determining consistency)~~) deciding whether a project is consistent, the determinations made pursuant to RCW 36.70B.030(2) shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and chapter 36.70A RCW to refer to performance in accordance with this chapter and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits a (~~(unit of government)~~) city or county from asking more specific or related questions with respect to any of the four main categories listed in subsection (1)(a) through (d) of this section.

(5) The department of community, trade, and economic development is authorized to develop and adopt by rule criteria to assist local governments planning under RCW 36.70A.040 to analyze the consistency of project actions. These criteria shall be jointly developed with the department of ecology.

**Sec. 49.** RCW 43.21C.110 and 1995 c 347 s 206 are each amended to read as follows:

It shall be the duty and function of the department of ecology:

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter, subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules

shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule-making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter:

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in RCW 43.21C.240. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include procedures and criteria to analyze ((the consistency of project actions, including)) planned actions under RCW 43.21C.031(2)((-with development regulations adopted under chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted under chapter 36.70A RCW)) and revisions to the rules adopted under this section to ensure that they

are compatible with the requirements and authorizations of chapter 347, Laws of 1995, as amended by chapter . . . , Laws of 1997 (this act). Ordinances or procedures adopted by a county, city, or town to implement the provisions of (~~RCW 43.21C.240~~) chapter 347, Laws of 1995 prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments, and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW.

**Sec. 50.** RCW 36.70B.110 and 1995 c 347 s 415 are each amended to read as follows:

(1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a determination of significance under chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application. Nothing in this section or this chapter prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under chapter 43.21C RCW or from allowing appeals of procedural determinations prior to submitting a project permit application.

(2) The notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70B.070 and, except as limited by the provisions of subsection (4)(b) of this section, shall include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070 or 36.70B.090;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW (~~36.70B.040~~) 36.70B.030(2); and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government

may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

(a) Posting the property for site-specific proposals;

(b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the notice of application required by subsection (2) of this section and the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;

(f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

(g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless ~~((a public comment period or))~~ an open record predecision hearing is required or an open record appeal hearing is allowed on the project permit decision.

(6) A local government shall integrate the permit procedures in this section with its environmental review under chapter 43.21C RCW as follows:

(a) Except for a determination of significance and except as otherwise expressly allowed in this section, the local government may not issue its threshold determination ~~((, or issue a decision or a recommendation on a project permit))~~ until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required ~~((and the local government's threshold determination requires public notice under chapter 43.21C RCW))~~, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(d) A local government is not required to provide for administrative appeals of its threshold determination. If provided, an administrative appeal shall be filed within fourteen days after notice that the determination has been made and is appealable. Except as otherwise expressly provided in this section, the appeal hearing on a determination of nonsignificance shall be consolidated with any open record hearing on the project permit.

(7) At the request of the applicant, a local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency ((provided that)), if:

(a) The hearing is held within the geographic boundary of the local government ~~((Hearings shall be combined if requested by an applicant, as long as))~~; and

(b) The joint hearing can be held within the time periods specified in RCW 36.70B.090 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

(a) The agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision ~~((, combined with))~~ and of any environmental determination ~~((s))~~ issued at the same time as the project decision, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable.

The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

**Sec. 51.** RCW 43.21C.075 and 1995 c 347 s 204 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall ~~((not))~~ allow no more than one agency appeal proceeding on ~~((a))~~ each procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement)~~((The appeal proceeding on a determination of significance may occur before the agency's final decision on a proposed action. The appeal proceeding on a determination of nonsignificance may occur before the agency's final decision on a proposed action only if the appeal is heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action. Such appeals shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review))~~);

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing officer or body to consider the agency decision or recommendation on a proposal and any environmental determinations made under this chapter, with the exception of ~~((the))~~;

(i) An appeal~~((, if any,))~~ of a determination of significance ~~((as provided in (a) of this subsection))~~;

(ii) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

(iii) An appeal of a procedural determination made by an agency on a nonproject action; or

(iv) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an administrative appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This subsection does not modify any such time periods. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within such time period. The agency shall give official notice stating the date and place for commencing an appeal.

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and ~~((said))~~ the certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable ~~((attorney's))~~ attorneys' fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

**Sec. 52.** RCW 90.58.090 and 1995 c 347 s 306 are each amended to read as follows:

(1) A master program, segment of a master program, or an amendment to a master program shall become effective when approved by the department. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a



specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(4) The department shall approve those segments of the master program relating to shorelines of state-wide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

(5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. Shoreline master programs that were adopted by the department prior to July 22, 1995, in accordance with the provisions of this section then in effect, shall be deemed approved by the department in accordance with the provisions of this section that became effective on that date. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

**Sec. 53.** RCW 90.58.143 and 1996 c 62 s 1 are each amended to read as follows:

(1) The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under this chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, local government may adopt different time limits from those set forth in subsections (2) and (3) of this section as a part of action on a substantial development permit.

(2) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial

development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

(3) Authorization to conduct construction activities shall terminate five years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.

(4) The effective date of a substantial development permit shall be the date of ~~((the last action required on the substantial development permit and all))~~ filing as provided in RCW 90.58.140(6). The permit time periods in subsections (2) and (3) of this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative ~~((and))~~ or legal actions on any such permits or approvals.

**Sec. 54.** RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 ~~((and growth management hearings boards as identified in RCW 36.70A.250))~~.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent state-wide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section.

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**NEW SECTION. Sec. 55.** Except as otherwise specifically provided in section 22 of this act, sections 1 through 21, chapter . . ., Laws of 1997 (sections 1 through 21 of this act) are prospective in effect and shall not affect the validity of actions taken or decisions made before the effective date of this section.

**NEW SECTION. Sec. 56.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 57.** Sections 30 and 31 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representative Gardner moved the adoption of the following amendment (776) to the striking amendment (773):

On page 1, line 29 of the amendment, after "patterns;" insert "will be compatible with the use of the land by wildlife and for fish and wildlife habitat;"

Representative Gardner spoke in favor of the adoption of the amendment.

Representatives Mulliken and Reams spoke against the adoption of the amendment.

Representative Gardner again spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Lantz moved the adoption of the following amendment (777) to the striking amendment (773):

On page 6, beginning on line 11 of the amendment, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Lantz, Gardner and Romero spoke in favor of the adoption of the amendment.

Representatives Mulliken, Cairnes and Reams spoke against the adoption of the amendment. The amendment was not adopted.

Representative Gardner moved the adoption of the following amendment (783) to the striking amendment (773):

On page 6, line 13, strike ""conferring"" and insert "concurring"

Representatives Gardner and Lantz spoke in favor of the adoption of the amendment.

Representatives Mulliken, Reams and Cairnes spoke against the adoption of the amendment.

Representative Gardner again spoke in favor of adopting the amendment.

The amendment was not adopted.

With the consent of the House, amendment 775 withdrawn.

Representative Reams moved the adoption of the following amendment (782) to the striking amendment (773):

On page 13, beginning on line 34, after "to" strike all material through "more" on line 35 and insert "(a) a county with a population of ninety-five thousand or more; and (b) a county"

Representative Reams spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment 778 was withdrawn.

Representative Lantz moved the adoption of the following amendment (781) to the striking amendment (773):

On page 25, after line 31 of the amendment, strike all of section 17

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Lantz spoke in favor of the adoption of the amendment.

Representative Mastin spoke against the adoption of the amendment. The amendment was not adopted.

Representative Reams moved the adoption of the following amendment (784) to the striking amendment (773):

On page 34, beginning on line 1 of the amendment, strike all of section 26

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 35, line 20 of the amendment, after "act," strike "sections 25 and 26 of this act are" and insert "section 25 of this act is"

Representatives Reams and Romero spoke in favor of the adoption of the amendment. The amendment was adopted.

Representative Sterk moved the adoption of the following amendment (787) to the striking amendment (773):

On page 48, beginning on line 1, strike all of section 37

Renumber the remaining sections and correct the title.

Representatives Sterk and Reams spoke in favor of the adoption of the amendment.

Representatives Romero and Gardner spoke against the adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 56-YEAS; 39-NAYS. The amendment was adopted.

With the consent of the House, amendment 786 was withdrawn.

Representative Romero moved the adoption of the following amendment (779) to the striking amendment (773):

Strike everything after line 6 of the amendment and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

In enacting the section 4(5), chapter . . . , Laws of 1997 (section 4(5) of this act) amendments to RCW 36.70A.070(5), the legislature finds that chapter 36.70A RCW is intended to recognize the importance of agriculture, forestry, and rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies, including agriculture and forest uses that are located outside of designated resource lands enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life. The legislature also finds that in developing its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that: Will help preserve rural-based economies and traditional rural lifestyles; will encourage the economic prosperity of rural residents; will foster opportunities for small-scale, rural-based employment and self-employment; will permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; will foster the private stewardship of the land and preservation of open space; and will enhance the rural sense of community and quality of life. The legislature recognizes that there will be a variety of interpretations by counties of how best to implement a rural element, reflecting the diverse needs and local circumstances found across the state. RCW 36.70A.070(5) provides a framework for local elected officials to make these determinations. References to both wildlife and water are intended in RCW 36.70A.030 and 36.70A.070 to acknowledge their importance as features or components of rural character. It is expected that these matters will be addressed in comprehensive plans, but that counties may not necessarily need to adopt new regulations to account adequately for them in establishing a pattern of land use and development for rural areas.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

In amending RCW 36.70A.320(3) by section 14(3), chapter . . . , Laws of 1997 (section 14(3) of this act), the legislature intends that the boards apply a more deferential standard of review to actions of counties and cities than the preponderance of the evidence standard provided for under existing law. In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the boards to grant deference to counties and cities in how they plan for growth, consistent with the requirements and goals of this chapter. Local comprehensive plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances. The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future rests with that community.

**Sec. 3.** RCW 36.70A.030 and 1995 c 382 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(15) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(16) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(17) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of ~~((such))~~ land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((15))~~ (18) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((16))~~ (19) "Urban governmental services" or "urban services" include those ~~((governmental))~~ public services and public facilities at an intensity historically and typically ~~((delivered by))~~ provided in cities, ~~((and include))~~ specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with ~~((nonurban))~~ rural areas.

~~((17))~~ (20) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**Sec. 4.** RCW 36.70A.070 and 1996 c 239 s 1 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit ~~((appropriate land uses that are compatible with the rural character of such lands and))~~ rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities ~~((and)), uses ((and may also provide)),~~ essential public facilities, and rural governmental services needed to serve the permitted densities and uses. Except as otherwise specifically provided in this chapter, residential and nonresidential uses shall not require urban services and nonresidential rural development, other than cottage industries, shall be principally designed to serve and provide jobs for the existing and projected rural population or serve existing nonresidential uses. In order to achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments. A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection. An



industrial area is not required to be principally designed to serve the existing and projected rural population as required by (b) of this subsection;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population as required by (b) of this subsection. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program

required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

**Sec. 5.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption, evaluation, refinement, and implementation of comprehensive plans and development regulations throughout the state. The department may provide technical assistance to neighborhood and community organizations to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations of proposed amendments to comprehensive plans and development regulation. Examples of reasonable notice provisions include:

- (a) Posting the property for site-specific proposals;
- (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;
- (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- (d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and
- (e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(2)(a) Except as otherwise provided in (b) of this subsection, if the legislative body for a county or city chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the county's or city's procedures, an opportunity for review and comment on the proposed change shall be provided before the local legislative body votes on the proposed change.

(b) An additional opportunity for public review and comment is not required under (a) of this subsection if:

(i) An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

(ii) The proposed change is within the scope of the alternatives available for public comment;

(iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

(iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

(v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

(3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before the effective date of this section.

**Sec. 7.** RCW 36.70A.130 and 1995 c 347 s 106 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing ~~((evaluation and))~~ review and evaluation by the county or city that adopted them. Not later than September 1, 2002, and at least every five years thereafter, a county or city shall take action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure that the plan and regulations are complying with the requirements of this chapter. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

(i) The initial adoption of a subarea plan; ~~((and))~~

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.

However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by section 19 of this act.

**Sec. 8.** RCW 36.70A.270 and 1996 c 325 s 1 are each amended to read as follows:

Each growth management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may appoint one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such rules and decisions they render and arrange for the reasonable distribution of the rules and decisions. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, and specifically including the provisions of RCW 34.05.455 governing ex parte communications, shall govern the practice and procedure of the boards.

(8) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The joint rules of practice of the boards shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(9) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

**Sec. 9.** RCW 36.70A.290 and 1995 c 347 s 109 are each amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board. The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, or the parties have filed an agreement to have the case heard in superior court as provided in section 10 of this act, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

**NEW SECTION. Sec. 10.** A new section is added to chapter 36.70A RCW to read as follows:

A petition filed under RCW 36.70A.290 may be directly reviewed by the superior court upon certification by the growth management hearings board that all the parties to the proceeding before the board have agreed in writing to have the petition directly reviewed by the superior court. The agreement shall be filed with the board within ten days after the petition has been filed, or if multiple petitions have been filed and the board has consolidated the appeals under RCW 36.70A.300, within ten days after the date the last petition is filed. The provisions of RCW 36.70A.280 through

36.70A.340 as they relate to review of actions by a state agency or a county or city under this chapter apply to the review conducted by the superior court.

**Sec. 11.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to read as follows:

(1) The board shall issue a final order (~~((within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order))~~) that shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, ((adopted)) under RCW 36.70A.040 or chapter 90.58 RCW.

(2)(a) Except as provided in (b) of this subsection, the final order shall be issued within one hundred eighty days of receipt of the petition for review, or, if multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated.

(b) The board may extend the period of time for issuing a decision to enable the parties to settle the dispute if additional time is necessary to achieve a settlement, and (i) an extension is requested by all parties, or (ii) an extension is requested by the petitioner and respondent and the board determines that a negotiated settlement between the remaining parties could resolve significant issues in dispute. The request must be filed with the board not later than seven days before the date scheduled for the hearing on the merits of the petition. The board may authorize one or more extensions for up to ninety days each, subject to the requirements of this section.

(3) In the final order, the board shall either:

(a) Find that the state agency, county, or city is in compliance with the requirements of this chapter (~~((or))~~), chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) Find that the state agency, county, or city is not in compliance with the requirements of this chapter (~~((or))~~), chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, in which case the board shall remand the matter to the affected state agency, county, or city ((and)). The board shall specify a reasonable time not in excess of one hundred eighty days, or such longer period as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply with the requirements of this chapter. The board may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

~~((2))~~ (4) Unless the board makes a determination of invalidity as provided in section 12 of this act, a finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand~~((, unless the board's final order also:~~

~~(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and~~

~~(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.~~

~~(3) A determination of invalidity shall:~~

~~(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and~~

~~(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.~~

~~(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand).~~

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision (~~((to~~ superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board)) directly to the court of appeals for assignment by the chief presiding judge.

**NEW SECTION. Sec. 12.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A board may determine that part or all of a comprehensive plan or development regulations are invalid if the board:

(a) Makes a finding of noncompliance and issues an order of remand under RCW 36.70A.300;

(b) Includes in the final order a determination, supported by findings of fact and conclusions of law, that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(c) Specifies in the final order the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(2) A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt of the board's order by the city or county. The determination of invalidity does not apply to a completed development permit application and related construction permits for a project that vested under state or local law on or before the date of the board's order.

(3)(a) Except as otherwise provided in subsection (2) of this section and (b) of this subsection, a completed development permit application not vested under state or local law on or before the date of the board's determination of invalidity vests to the local ordinance or resolution that is determined by the board not to substantially interfere with the fulfillment of the goals of this chapter.

(b) Even though the application is not vested under state or local law before receipt by the county or city of the board's order, a determination of invalidity does not apply to a completed development permit application for:

(i) A permit for construction by any owner, lessee, or contract purchaser of a single-family residence for his or her own use or for the use of his or her family on a lot existing before receipt by the county or city of the board's order, except as otherwise specifically provided in the board's order to protect the public health and safety;

(ii) A building permit and related construction permits for remodeling or expansion of an existing structure on a lot existing before receipt of the board's order by the county or city; and

(iii) A boundary line adjustment or a division of land that does not increase the number of buildable lots existing before receipt of the board's order by the county or city.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (1) of this section whether the prior policies or regulations are valid during the period of remand.

(5) A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until it adopts a comprehensive plan and development regulations that comply with the requirements of this chapter. A development permit application may vest under an interim control or measure upon determination by the board that the interim controls and other measures do not substantially interfere with the fulfillment of the goals of this chapter.

(6) A county or city subject to a determination of invalidity may file a motion requesting that the board clarify, modify, or rescind the order. The board shall expeditiously schedule a hearing on the motion. At the hearing on the motion, the parties may present information to the board to clarify the part or parts of the comprehensive plan or development regulations to which the final order applies. The board shall issue any supplemental order based on the information provided at the hearing not later than thirty days after the date of the hearing.

(7)(a) If a determination of invalidity has been made and the county or city has enacted an ordinance or resolution amending the invalidated part or parts of the plan or regulation or establishing interim controls on development affected by the order of invalidity, after a compliance hearing, the board shall modify or rescind the determination of invalidity if it determines under the standard in subsection (1) of this section that the plan or regulation, as amended or made subject to such interim controls, will no longer substantially interfere with the fulfillment of the goals of this chapter.

(b) If the board determines that part or parts of the plan or regulation are no longer invalid as provided in this subsection, but does not find that the plan or regulation is in compliance with all of the requirements of this chapter, the board, in its order, may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

**Sec. 13.** RCW 36.70A.305 and 1996 c 325 s 4 are each amended to read as follows:

The court shall provide expedited review of ~~((a determination of invalidity or))~~ an order ~~((effectuating))~~ that includes a determination of invalidity made or issued under RCW 36.70A.300 and section 12 of this act. The matter must be set for hearing within sixty days of the date set for submitting the board's record, absent a showing of good cause for a different date or a stipulation of the parties.

**Sec. 14.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~ (5) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it ~~((finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter))~~ determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

~~((2))~~ (4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or section 12 of this act has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in section 12(1) of this act.

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

**Sec. 15.** RCW 36.70A.330 and 1995 c 347 s 112 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW ~~((36.70A.300(1)(b)))~~ 36.70A.300(3)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, ~~((city, or))~~ county, or city. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.

(3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.

(4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide~~((:~~

~~((a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or~~

~~((b)), if no determination of invalidity has been made, whether one now should be made ((under the standards in RCW 36.70A.300(2))) under section 12 of this act.~~

(5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

**NEW SECTION. Sec. 16.** A new section is added to chapter 36.70A RCW to read as follows:



A county or city subject to an order of invalidity issued before the effective date of section 11 of this act, by motion may request the board to review the order of invalidity in light of the section 11, chapter . . . , Laws of 1997 (section 11 of this act) amendments to RCW 36.70A.300, the section 15, chapter . . . , Laws of 1997 (section 15 of this act) amendments to RCW 36.70A.330, and section 12 of this act. If a request is made, the board shall rescind or modify the order of invalidity as necessary to make it consistent with the section 11, chapter . . . , Laws of 1997 (section 11 of this act) amendments to RCW 36.70A.300, and to the section 15, chapter . . . , Laws of 1997 (section 15 of this act) amendments to RCW 36.70A.330, and section 12 of this act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. A county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

**Sec. 18.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, ~~((the urban growth areas in))~~ the county and each city within the county shall include areas and densities within urban growth areas sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

**NEW SECTION. Sec. 19.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Subject to the limitations in subsection (7) of this section, a county shall adopt, in consultation with its cities, county-wide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the county-wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

(2) The review and evaluation program shall:

(a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, critical areas, and capital facilities to the extent necessary to determine the quantity and type of land suitable for development, both for residential and employment-based activities;

(b) Provide for evaluation of the data collected under (a) of this subsection every five years as provided in subsection (3) of this section. The first evaluation shall be completed not later than September 1, 2002. The county and its cities may establish in the county-wide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;

(c) Provide for methods to resolve disputes among jurisdictions relating to the county-wide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and

(d) Provide for the amendment of the county-wide policies and county and city comprehensive plans as needed to remedy an inconsistency identified through the evaluation required by this section, or to bring these policies into compliance with the requirements of this chapter.

(3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:

(a) Determine whether there is sufficient suitable land to accommodate the county-wide population projection established for the county pursuant to RCW 43.62.035 and the subsequent

population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110;

(b) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and

(c) Based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.

(4) If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the county-wide planning policies and the county and city comprehensive plans and development regulations and what was envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors specified in subsection (3) of this section, the county and its cities shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period. If necessary, a county, in consultation with its cities as required by RCW 36.70A.210, shall adopt amendments to county-wide planning policies to increase consistency. The county and its cities shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.

(5)(a) Not later than July 1, 1998, the department shall prepare a list of methods used by counties and cities in carrying out the types of activities required by this section. The department shall provide this information and appropriate technical assistance to counties and cities required to or choosing to comply with the provisions of this section.

(b) By December 31, 2007, the department shall submit to the appropriate committees of the legislature a report analyzing the effectiveness of the activities described in this section in achieving the goals envisioned by the county-wide planning policies and the comprehensive plans and development regulations of the counties and cities.

(6) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection (7) of this section to conduct the review and perform the evaluation required by this section.

(7) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in 1995 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section.

**NEW SECTION. Sec. 20.** A new section is added to chapter 42.17 RCW to read as follows:

(1) Notwithstanding other provisions of this chapter, a county or city that provides customized maps, products, or services from an electronic geographic information system may establish fees by ordinance or resolution for providing the customized maps, services, or products to persons who request them. The county or city shall not impose fees in excess of an amount necessary to recover the actual cost to the county or city of providing the customized maps, products, or services. The county or city may include in the fees a reasonable portion of the cost to the county or city of developing and maintaining an electronic geographic information system.

(2) A county or city shall by ordinance or resolution establish standards for the waiver of the fees provided for in subsection (1) of this section if the customized maps, services, or products are to be used for noncommercial public purposes, including but not limited to the support of other agencies, the support of public benefit nonprofit activities, public information or education, academic research, or other purposes that the county or city determines are beneficial to the public. The county or city shall apply fee reductions or waivers uniformly for each such noncommercial use.

(3) A county or city shall not recover through fees authorized by this section costs paid for by another governmental entity.

**Sec. 21.** RCW 43.62.035 and 1995 c 162 s 1 are each amended to read as follows:

The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with

the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ~~((ten))~~ five years or upon the availability of decennial census data, whichever is later, the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties and the cities in those counties before final adoption. The county and its cities may provide to the office such information as they deem relevant to the office's projection, and the office shall consider and comment on such information before adoption. Each projection shall be expressed as a reasonable range developed within the standard state high and low projection. The middle range shall represent the office's estimate of the most likely population projection for the county. If any city or county believes that a projection will not accurately reflect actual population growth in a county, it may petition the office to revise the projection accordingly. The office shall complete the first set of ranges for every county by December 31, 1995.

A comprehensive plan adopted or amended before December 31, 1995, shall not be considered to be in noncompliance with the twenty-year growth management planning population projection if the projection used in the comprehensive plan is in compliance with the range later adopted under this section.

**NEW SECTION. Sec. 22.** In order to ensure that there will be no unfunded responsibilities imposed on counties and cities, if specific funding for the purposes of section 19 of this act, referencing this act by bill or chapter number, is not provided by June 30, 1997, in the omnibus appropriations act, sections 19 and 20 of this act are null and void.

**Sec. 23.** RCW 36.70A.500 and 1995 c 347 s 116 are each amended to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by RCW 36.70A.490. The department ~~((by rule))~~ shall establish procedures for fund management. The department shall encourage participation in the grant program by other public agencies. The department shall develop the grant criteria, monitor the grant program, and select grant recipients in consultation with state agencies participating in the grant program through the provision of grant funds or technical assistance.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing ~~((a detailed environmental impact statement))~~ an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan ~~((or)),~~ subarea plan ~~((and)),~~ plan element, county-wide planning policy, development regulation(s), monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or  
(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by ~~((subsequent))~~ applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms ~~((in the plan))~~ to monitor the consequences of growth as it occurs in the plan area and ~~((provide ongoing))~~ to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

~~((d) Be making))~~ (e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

~~((e))~~ (f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) ~~((Comprehensive and subarea plan proposals that are designed to identify and monitor))~~ Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of state-wide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

~~((d))~~ (f) Programs for effective citizen and neighborhood involvement that contribute to greater ~~((certainty))~~ likelihood that planning decisions ~~((will))~~ can be implemented with community support; and

~~((e) Plans that)~~ (g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant recipients to facilitate state and local project review processes that will implement the projects receiving grants under this section.

**Sec. 24.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly~~((+))~~, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means ~~((either))~~:

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres;

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes~~((+))~~;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture~~((+))~~; or

(iii) Other similar commercial activities as may be established by rule ~~((following consultation with the advisory committee established in section 19 of this act))~~;

(b) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993~~((+))~~;

(i) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993~~((+))~~; and

(ii) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993((7)); and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter;

(d) Any parcel of land designated as agricultural land under RCW 36.70A.170; or

(e) Any parcel of land not within an urban growth area zoned as agricultural land under a comprehensive plan adopted under chapter 36.70A RCW.

Parcels of land described in (b)(i) and (c)(i) of this subsection shall, upon any transfer of the property excluding a transfer to a surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of this subsection.

Agricultural lands shall also include such incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands"; or (d) the land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification as timber land pursuant to this chapter or (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed. Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

**Sec. 25.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

(4) In valuing any tract or parcel of real property designated and zoned under a comprehensive plan adopted under chapter 36.70A RCW as agricultural, forest, or open space land, the appraisal shall not be based on similar sales of parcels that have been converted to nonagricultural, nonforest, or nonopen-space uses within five years after the sale.

**Sec. 26.** RCW 90.60.030 and 1995 c 347 s 603 are each amended to read as follows:

The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. ~~((The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others.))~~ To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center ~~((and the business assistance center))~~ in providing efficient and nonduplicative service to the public;

(4) Seek the assignment of employees from the permit agencies listed under RCW 90.60.020(6)(a) to serve on a rotating basis in staffing the center; ~~((and))~~

(5) Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and

(6) Provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.

**Sec. 27.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.335.110 authorized, and except where the property to be annexed is within an urban growth area designated under RCW 36.70A.110, the petition must be signed by the owners of not less than seventy-five percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned. When the property to be annexed is within an urban growth area designated under RCW 36.70A.110, the petition

must be signed by the owners of not less than sixty percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned: PROVIDED, That in cities and towns with populations greater than one hundred sixty thousand located east of the Cascade mountains, the owner of tax exempt property may sign an annexation petition and have the tax exempt property annexed into the city or town, but the value of the tax exempt property shall not be used in calculating the sufficiency of the required property owner signatures unless only tax exempt property is proposed to be annexed into the city or town. The petition shall set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with RCW 35.02.170, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

**Sec. 28.** RCW 35A.14.295 and 1967 ex.s. c 119 s 35A.14.295 are each amended to read as follows:

~~((When there is, within))~~ (1) The legislative body of a code city may resolve to annex territory containing residential property owners to the city if there is within the city, unincorporated territory:

(a) Containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the code city~~((, the legislative body may resolve to annex such territory to the code city)); or~~

(b) Of any size and having at least eighty percent of the boundaries of such area contiguous to the city if such area existed before June 30, 1994, and is within the same county and within the same urban growth area designated under RCW 36.70A.110, and the city was planning under chapter 36.70A RCW as of June 30, 1994.

(2) The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the area to be annexed.

(3) For purposes of subsection (1)(b) of this section, territory bounded by a river, lake, or other body of water is considered contiguous to a city that is also bounded by the same river, lake, or other body of water.

**NEW SECTION. Sec. 29.** A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of a city or town planning under chapter 36.70A RCW as of June 30, 1994, may resolve to annex territory to the city or town if there is, within the city or town, unincorporated territory containing residential property owners within the same county and within the same urban growth area designated under RCW 36.70A.110 as the city or town:

(a) Containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the city or town if such area existed before June 30, 1994; or

(b) Of any size and having at least eighty percent of the boundaries of the area contiguous to the city if the area existed before June 30, 1994.

(2) The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing in the area as nearly as may be, and set a date for a public hearing on the resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the city or town and one or more newspapers of general circulation within the area to be annexed.

(3) For purposes of subsection (1)(b) of this section, territory bounded by a river, lake, or other body of water is considered contiguous to a city that is also bounded by the same river, lake, or other body of water.

**Sec. 30.** RCW 35.13.174 and 1973 1st ex.s. c 164 s 17 are each amended to read as follows:

Upon receipt by the board of county commissioners of a determination by a majority of the review board favoring annexation of the proposed area that has been initiated by resolution pursuant to RCW 35.13.015 by the city or town legislative body, the board of county commissioners, or the city or town legislative body for any city or town within an urban growth area designated under RCW



36.70A.110, shall fix a date on which an annexation election shall be held, which date will be not less than thirty days nor more than sixty days thereafter.

**Sec. 31.** RCW 36.93.170 and 1989 c 84 s 5 are each amended to read as follows:

In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development regulations adopted under chapter 36.70A RCW; applicable service agreements entered into under chapter 36.115 or 39.34 RCW; applicable interlocal annexation agreements between a county and its cities; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02 RCW.

**Sec. 32.** RCW 84.14.010 and 1995 c 375 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means either (a) a city or town with a population of at least one hundred (~~fifty~~) thousand or (b) the largest city or town, if there is no city or town with a population of at least one hundred thousand, located in a county planning under the growth management act.

(2) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(3) "Growth management act" means chapter 36.70A RCW.

(4) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(5) "Owner" means the property owner of record.

(6) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(7) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(8) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

(9) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(10) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

- (b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and
- (c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

**Sec. 33.** RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

- (a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;
- (b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;
- (c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and
- (d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 (~~and growth management hearings boards as identified in RCW 36.70A.250~~).

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

- (i) Fundamental and urgent state-wide or regional issues are raised; or
- (ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section.

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**NEW SECTION. Sec. 34.** Except as otherwise specifically provided in section 16 of this act, sections 1 through 15, chapter . . . , Laws of 1997 (sections 1 through 15 of this act) are prospective in

effect and shall not affect the validity of actions taken or decisions made before the effective date of this section.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Romero and Anderson spoke in favor of the adoption of the amendment.

Representative Reams spoke against the adoption of the amendment.

Representative Romero again spoke in favor of adopting the amendment.

Representative Hatfield demanded an electronic roll call vote and the demand was sustained.

#### ROLL CALL

The Clerk called the roll on the adoption of the amendment (779) on page 1, line 1, to the striking amendment (773) and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Blalock, Butler, Carlson, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunshee, Fisher, Gardner, Gombosky, Grant, Hatfield, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Mason, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Regala, Romero, Scott, Sommers, H., Sullivan, Thomas, B., Tokuda, Voloria, Wolfe and Wood - 43.

Voting nay: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Delvin, Dunn, Dyer, Hankins, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sump, Talcott, Thomas, L., Thompson, Van Luven, Wensman, Zellinsky and Mr. Speaker - 55.

The Speaker stated the question before the House to be adoption of amendment 773 as amended. The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams, Mulliken, DeBolt, Sheldon, D. Schmidt, Chandler and Cairnes spoke in favor of passage of the bill.

Representatives Romero, Gardner and Dunshee spoke against passage of the bill.

Representative Zellinsky demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 6094 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6094 as amended by the House, and the bill passed the House by the following vote: Yeas - 62, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Delvin, Dunn, Dyer, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kessler, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, O'Brien, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Zellinsky and Mr. Speaker - 62.

Voting nay: Representatives Anderson, Appelwick, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunshee, Fisher, Gardner, Gombosky, Kastama, Keiser, Kenney, Lantz, Linville, Mason, Morris, Murray, Ogden, Poulsen, Quall, Regala, Romero, Scott, Sommers, H., Tokuda, Veloria, Wolfe and Wood - 35.

Engrossed Senate Bill No. 6094, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has concurred in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5740, and has passed the bill as amended by the House,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5030,

and the same is herewith transmitted.

Mike O'Connell, Secretary

April 27, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6061, and has passed the bill as recommended by the Conference Committee,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1054,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1111,

HOUSE BILL NO. 1388,  
ENGROSSED HOUSE BILL NO. 1581,  
SUBSTITUTE HOUSE BILL NO. 1605,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 3900,

and the same are herewith transmitted.

Mike O'Connell, Secretary

April 27, 1997

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5718,

Mike O'Connell, Secretary

#### SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011,  
SUBSTITUTE HOUSE BILL NO. 1118,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,  
SUBSTITUTE HOUSE BILL NO. 1418,  
SUBSTITUTE HOUSE BILL NO. 1565,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730,  
HOUSE BILL NO. 1819,  
SUBSTITUTE HOUSE BILL NO. 2097,  
ENGROSSED HOUSE BILL NO. 2255,  
HOUSE CONCURRENT RESOLUTION NO. 4413,  
SUBSTITUTE SENATE BILL NO. 5030,  
SUBSTITUTE SENATE BILL NO. 5718,

#### MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has adopted the Second Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2279, and has passed the bill as recommended by the Conference Committee,

#### SECOND CONFERENCE COMMITTEE REPORT

SSB 2279 April 25, 1997

Includes "NEW ITEM": YES

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 2279, Basic health plan, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Second Conference Committee (see attached 2279-S AMC CONF H-3329.2) be adopted, and

that the bill do pass as recommended by the Second Conference Committee.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.47.015 and 1995 c 265 s 1 are each amended to read as follows:

(1) The legislature finds that the basic health plan has been an effective program in providing health coverage for uninsured residents. Further, since 1993, substantial amounts of public funds have been allocated for subsidized basic health plan enrollment.

(2) It is the intent of the legislature that the basic health plan enrollment be expanded expeditiously, consistent with funds available in the health services account, with the goal of two hundred thousand adult subsidized basic health plan enrollees and one hundred thirty thousand children covered through expanded medical assistance services by June 30, 1997, with the priority of providing needed health services to children in conjunction with other public programs.

(3) Effective January 1, 1996, basic health plan enrollees whose income is less than one hundred twenty-five percent of the federal poverty level shall pay at least a ten-dollar premium share.

(4) No later than July 1, 1996, the administrator shall implement procedures whereby hospitals licensed under chapters 70.41 and 71.12 RCW, health carrier, rural health care facilities regulated under chapter 70.175 RCW, and community and migrant health centers funded under RCW 41.05.220, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

(5) No later than July 1, 1996, the administrator shall implement procedures whereby health insurance agents and brokers, licensed under chapter 48.17 RCW, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. Brokers and agents (~~shall be entitled to~~) may receive a commission for each individual sale of the basic health plan to anyone not (~~at any time previously~~) signed up within the previous five years and a commission for each group sale of the basic health plan, if funding for this purpose is provided in a specific appropriation to the health care authority. No commission shall be provided upon a renewal. Commissions shall be determined based on the estimated annual cost of the basic health plan, however, commissions shall not result in a reduction in the premium amount paid to health carriers. For purposes of this section "health carrier" is as defined in RCW 48.43.005. The administrator may establish: (a) Minimum educational requirements that must be completed by the agents or brokers; (b) an appointment process for agents or brokers marketing the basic health plan; or (c) standards for revocation of the appointment of an agent or broker to submit applications for cause, including untrustworthy or incompetent conduct or harm to the public. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

**Sec. 2.** RCW 70.47.060 and 1995 c 266 s 1 and 1995 c 2 s 4 are each reenacted and amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive (~~covered basic health care services~~) covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic

coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator(~~(, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee)~~).

(d) To develop, as an offering by all health carriers providing coverage identical to the basic health plan, a model plan benefits package with uniformity in enrollee cost-sharing requirements.

(3) To design and implement a structure of enrollee cost sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

**Sec. 3.** RCW 48.43.025 and 1997 c . . . s 203 (Engrossed Substitute House Bill No. 2018) are each amended to read as follows:

(1) Except as permitted in RCW 48.43.035 or otherwise specified in this section (~~and in RCW 48.43.035~~):



(a) No carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual.

(b) No carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment within three months before the effective date of coverage.

(c) Every health carrier offering any individual health plan to any individual must allow open enrollment to eligible applicants into all individual health plans offered by the carrier during the full months of July and August of each year. The individual health plans exempt from guaranteed continuity under RCW 48.43.035(4) are exempt from this requirement. All applications for open enrollment coverage must be complete and postmarked to or received by the carrier in the months of July or August in any year following July 27, 1997. Coverage for these applicants must begin the first day of the next month subject to receipt of timely payment consistent with the terms of the policies.

(d) At any time other than the open enrollment period specified in (c) of this subsection, a carrier may either decline to accept an applicant for enrollment or apply to such applicant's coverage a preexisting condition benefit waiting period not to exceed the amount of time remaining until the next open enrollment period, or three months, whichever is greater, provided that in either case all of the following conditions are met:

(i) The applicant has not maintained coverage as required in (f) of this subsection;

(ii) The applicant is not applying as a newly eligible dependent meeting the requirements of (g) of this subsection; and

(iii) The carrier uses uniform health evaluation criteria and practices among all individual health plans it offers.

(e) If a carrier exercises the options specified in (d) of this subsection it must advise the applicant in writing within ten business days of such decision. Notice of the availability of Washington state health insurance pool coverage and a brochure outlining the benefits and exclusions of the Washington state health insurance pool policy or policies must be provided in accordance with RCW 48.41.180 to any person rejected for individual health plan coverage, who has had any health condition limited or excluded through health underwriting or who otherwise meets requirements for notice in chapter 48.41 RCW. Provided timely and complete application is received by the pool, eligible individuals shall be enrolled in the Washington state health insurance pool in an expeditious manner as determined by the board of directors of the pool.

(f) A carrier may not refuse enrollment at any time based upon health evaluation criteria to otherwise eligible applicants who have been covered for any part of the three-month period immediately preceding the date of application for the new individual health plan under a comparable group or individual health benefit plan with substantially similar benefits. For purposes of this subsection, in addition to provisions in RCW 48.43.015, the following publicly administered coverage shall be considered comparable health benefit plans: The basic health plan established by chapter 70.47 RCW; the medical assistance program established by chapter 74.09 RCW; and the Washington state health insurance pool, established by chapter 48.41 RCW, as long as the person is continuously enrolled in the pool until the next open enrollment period. If the person is enrolled in the pool for less than three months, she or he will be credited for that period up to three months.

(g) A carrier must accept for enrollment all newly eligible dependents of an enrollee for enrollment onto the enrollee's individual health plan at any time of the year, provided application is made within sixty-three days of eligibility, or such longer time as provided by law or contract.

(h) At no time are carriers required to accept for enrollment any individual residing outside the state of Washington, except for qualifying dependents who reside outside the carrier service area.

(2) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. The provisions of this section apply only to individuals who are Washington residents.

**Sec. 4.** RCW 48.43.035 and 1997 c . . . s 204 (Engrossed Substitute House Bill No. 2018) are each amended to read as follows:

(1) Except as permitted in RCW 48.43.025 or otherwise specified in this section (~~and in RCW 48.43.025~~), every health carrier shall accept for enrollment any state resident within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (6) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. In the case of group plans, the carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;  
(b) Violation of published policies of the carrier approved by the insurance commissioner;  
(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;  
(f) Covered persons who materially breach the health plan;  
(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage; or

(h) Cessation of a plan in accordance with subsection (5) or (7) of this section.

(4) The provisions of this section do not apply in the following cases:

(a) A carrier has zero enrollment on a product;

(b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; or

(c) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) A health carrier may discontinue or materially modify a particular health plan, only if:

(a) The health carrier provides notice to each covered person or group provided coverage of this type of such discontinuation or modification at least ninety days prior to the date of the discontinuation or modification of coverage;

(b) The health carrier offers to each covered person or group provided coverage of this type the option to purchase any other health plan currently being offered by the health carrier to similar covered persons in the market category and geographic area; and

(c) In exercising the option to discontinue or modify a particular health plan and in offering the option of coverage under (b) of this subsection, the health carrier acts uniformly without regard to any health-status related factor of covered persons or persons who may become eligible for coverage.

(6) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(7) A health carrier may discontinue all health plan coverage in one or more of the following lines of business:

(a)(i) Individual; or

(ii)(A) Small group (1-50 eligible employees); and

(B) Large group (51+ eligible employees);

(b) Only if:

(i) The health carrier provides notice to the office of the insurance commissioner and to each person covered by a plan within the line of business of such discontinuation at least one hundred eighty days prior to the expiration of coverage; and

(ii) All plans issued or delivered in the state by the health carrier in such line of business are discontinued, and coverage under such plans in such line of business is not renewed; and

(iii) The health carrier may not issue any health plan coverage in the line of business and state involved during the five-year period beginning on the date of the discontinuation of the last health plan not so renewed.

(8) The portability provisions of RCW 48.43.015 continue to apply to all enrollees whose health insurance coverage is modified or discontinued pursuant to this section.

(9) Nothing in this section modifies a health carrier's responsibility to offer the basic health plan model plan as required by RCW 70.47.060(2)(d).

**Sec. 5.** RCW 48.41.060 and 1997 c . . . s 211 (Engrossed Substitute House Bill No. 2018) are each amended to read as follows:

The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board may:

(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(2) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(3) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agent referral fees, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state small group plan rating requirements under RCW (~~48.20.028, 48.44.022, and 48.46.064~~) 48.44.023 and 48.46.066;

(4) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year;

(5) Issue policies of health coverage in accordance with the requirements of this chapter;

(6) Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(7) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

**Sec. 6.** RCW 48.41.030 and 1997 c . . . (Engrossed Substitute House Bill No. 2018) s 210 are each amended to read as follows:

HEALTH INSURANCE POOL--DEFINITIONS. As used in this chapter, the following terms have the meaning indicated, unless the context requires otherwise:

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered Person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

~~((6))~~ (7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

~~((7))~~ (8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

~~((8))~~ (9) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, civilian health and medical program for the uniform services (CHAMPUS), 10 U.S.C. 55, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

~~((9))~~ (10) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection ~~((8))~~ (9) of this section.

~~((10))~~ (11) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

~~((11))~~ (12) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

~~((12))~~ (13) "Member" means any commercial insurer which provides disability insurance, any health care service contractor, and any health maintenance organization licensed under Title 48 RCW. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection ~~((8))~~ (9) of this section.

~~((13))~~ (14) "Network provider" means a health care provider who has contracted in writing with the pool administrator to accept payment from and to look solely to the pool according to the terms of the pool health plans.

~~((14))~~ (15) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

~~((15))~~ (16) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

~~((16))~~ (17) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

~~((17))~~ (18) "Substantially equivalent health plan" means a "health plan" as defined in subsection ~~((9))~~ (10) of this section which, in the judgment of the board or the administrator, offers persons including dependents or spouses covered or making application to be covered by this pool an overall level of benefits deemed approximately equivalent to the minimum benefits available under this pool.

**Sec. 7.** RCW 70.47.120 and 1987 1st ex.s. c 5 s 14 are each amended to read as follows:

In addition to the powers and duties specified in RCW 70.47.040 and 70.47.060, the administrator has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the administrator in her or his duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the administrator, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the administrator under this section shall be exempt from the provisions and requirements of Title 48 RCW except that persons appointed or authorized to solicit applications for enrollment in the basic health plan shall comply with chapter 48.17 RCW.

**Sec. 8.** RCW 70.47.130 and 1994 c 309 s 6 are each amended to read as follows:

(1) The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW~~((, except as provided in RCW 70.47.070 and that the premium and prepayment tax imposed under RCW 48.14.0201 shall apply to amounts paid to a managed health care system by the basic health plan for participating in the basic health plan and providing health care services for nonsubsidized enrollees in the basic health plan))~~ except:

(a) Benefits as provided in RCW 70.47.070;

(b) Persons appointed or authorized to solicit applications for enrollment in the basic health plan, including employees of the health care authority, must comply with chapter 48.17 RCW. For purposes of this subsection (1)(b), "solicit" does not include distributing information and applications for the basic health plan and responding to questions; and

(c) Amounts paid to a managed health care system by the basic health plan for participating in the basic health plan and providing health care services for nonsubsidized enrollees in the basic health plan must comply with RCW 48.14.0201.

(2) The purpose of the 1994 amendatory language to this section in chapter 309, Laws of 1994 is to clarify the intent of the legislature that premiums paid on behalf of nonsubsidized enrollees in the basic health plan are subject to the premium and prepayment tax. The legislature does not consider this clarifying language to either raise existing taxes nor to impose a tax that did not exist previously.

**NEW SECTION. Sec. 9.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1997."

On page 1, line 1 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 70.47.015, 48.43.025, 48.43.035, 48.41.060, 48.41.030, 70.47.120, and 70.47.130; reenacting and amending RCW 70.47.060; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House adopted the Conference Committee recommendation on Substitute House Bill No. 2279, and advanced the bill to final passage.

FINAL PASSAGE OF HOUSE BILL AS  
RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2279 as recommended by the Conference Committee.

Representative Huff spoke in favor of passage of the bill.

Representative Murray spoke against the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2279 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, DeBolt, Delvin, Dyer, Hankins, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Ogden, Parlette, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wensman, Zellinsky and Mr. Speaker - 56.

Voting nay: Representatives Anderson, Appelwick, Blalock, Butler, Chopp, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunn, Dunshee, Fisher, Gardner, Gombosky, Grant, Hatfield, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Mason, Morris, Murray, O'Brien, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Sommers, H., Sullivan, Tokuda, Veloria, Wolfe and Wood - 42.

Substitute House Bill No. 2279, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the ninth order of business.

There being no objection, the Committee on Appropriations was relieved of further consideration of Substitute Senate Bill No. 5227, and the bill was advanced to second reading.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5227 By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Franklin, Patterson, Prentice, Benton, Wojahn and Long)

Regulating the sales of nonprofit hospitals.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For committee amendments, see Journal, 82<sup>nd</sup> Day, April 4, 1997.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer, Cody, Skinner, Murray and Backlund spoke in favor of passage of the bill.

Representative Sherstad spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5227 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5227 as amended by the House, and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Buck, Butler, Cairnes, Carlson, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, Delvin, Dickerson, Doumit, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Mason, Mastin, McDonald, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Skinner, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 82.

Voting nay: Representatives Boldt, Bush, Carrell, DeBolt, Dunn, Koster, Lambert, McMorris, Mielke, Mulliken, Robertson, Schoesler, Sherstad, Smith, Thomas, B. and Thomas, L. - 16.

Substitute Senate Bill No. 5227, as amended by the House, having received the constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 5227.

BOB SUMP, 7<sup>th</sup> District

## MESSAGES FROM THE SENATE

April 26, 1997

Mr. Speaker:

The President of the Senate ruled Section 5 of the Conference Committee Report on SENATE BILL NO. 5034 beyond the scope and object of the bill. The Senate refused to adopt the report of the Conference Committee, returned said report to the committee and requested that the Conference Committee prepare a report conforming to the President's ruling,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2069,

and the same is herewith transmitted.

Mike O'Connell, Secretary

## CONFERENCE COMMITTEE REPORT

2SSB 5127 Date: April 27, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5127, providing additional funding for trauma care services, have had the same under consideration and we recommend that all previous amendments not be adopted, the attached amendment (S3354.1) be adopted, and the bill do pass as amended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.168 RCW to read as follows:

The department shall establish by rule a grant program for designated trauma care services. The grants shall be made from the emergency medical services and trauma care system trust account and shall require regional matching funds. The trust account funds and regional match shall be in a seventy-five to twenty-five percent ratio.

**Sec. 2.** RCW 70.168.040 and 1990 c 269 s 17 are each amended to read as follows:

The emergency medical services and trauma care system trust account is hereby created in the state treasury. Moneys shall be transferred to the emergency medical services and trauma care system trust account from the public safety education account or other sources as appropriated, and as collected under RCW 46.63.110(6) and section 5 of this act. Disbursements shall be made by the department subject to legislative appropriation. Expenditures may be made only for the purposes of the state trauma care system under this chapter, including emergency medical services, trauma care services, rehabilitative services, and the planning and development of related services under this chapter and for reimbursement by the department of social and health services for trauma care services provided by designated trauma centers.

**Sec. 3.** RCW 46.63.110 and 1993 c 501 s 11 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

**Sec. 4.** RCW 3.62.090 and 1995 c 332 s 7 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by



all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW 43.63.110(6).

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.12 RCW to read as follows:

(1) Upon the retail sale or lease of any new or used motor vehicle by a vehicle dealer, the dealer shall collect from the consumer an emergency medical services fee of six dollars and fifty cents, two dollars and fifty cents of which shall be an administrative fee to be retained by the vehicle dealer. The remainder of the fee shall be forwarded with the required title application and all other fees to the department of licensing, or any of its authorized agents. The four-dollar fee collected in this section shall be deposited in the emergency medical services and trauma care system trust account created in RCW 70.168.040. The administrative fee charged by a dealer shall not be considered a violation of RCW 46.70.180(2).

(2) If a fee is not imposed under subsection (1) of this section, there is hereby imposed a fee of six dollars and fifty cents at the time of application for (a) an original title or transfer of title issued on any motor vehicle pursuant to this chapter or chapter 46.09 RCW, or (b) an original transaction or transfer of ownership transaction of a vehicle under chapter 46.10 RCW. The department of licensing or any of its authorized agents shall collect the fee when processing these transactions. The fee shall be transmitted to the emergency medical services and trauma care system trust account created in RCW 70.168.040.

(3) This section does not apply to a motor vehicle that has been declared a total loss by an insurer or self-insurer unless an application for certificate of ownership or license registration is made to the department of licensing after the declaration of total loss.

**Sec. 6.** RCW 63.14.010 and 1993 sp.s. c 5 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under section 5 of this act, or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, any vehicle dealer administrative fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, and official fees;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

**Sec. 7.** RCW 63.14.130 and 1992 c 193 s 1 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or

contracted therefor from the buyer, except for any vehicle dealer administrative fee under section 5 of this act.

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(7)(g).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

**NEW SECTION. Sec. 8.** The legislature finds as follows:

Emergency medical services and trauma care are provided to all residents of the state regardless of a person's ability to pay. Historically, hospitals and health care providers have been able to recover some of their financial losses incurred in caring for an uninsured or underinsured person by charging persons able to pay more. In recent years, the health care industry has undergone substantial changes. With the advent of managed health care programs and the adoption of new cost control measures, some hospitals and health care providers assert that it is difficult to shift costs for uninsured and underinsured patients onto insured patients.

In 1990 the legislature established a coordinated trauma care system. Part of the 1990 legislation included funding for a study to determine the extent to which trauma care is uncompensated and undercompensated. This study focused exclusively on trauma care. The legislature finds that, as a prerequisite to determining the amount of state aid that may be necessary to assist health care providers and facilities, it is necessary to examine trauma care losses within the context of a health care provider or facility's total financial operations.

**NEW SECTION. Sec. 9.** The committees on finance and health care of the house of representatives and the committee on health and long-term care of the senate shall jointly review the rules implementing the grant program established pursuant to section 1 of this act. The committees shall additionally conduct joint work sessions and hearings during 1997 to verify that public funds are being used in a fiscally accountable and efficient fashion that maximizes the availability of quality trauma care services. Representatives of verified ambulance services, designated trauma services, physicians who are active members of a trauma care service team at a designated facility, and the department of health shall present financial information associated with trauma care and administrative costs of the trauma system at these hearings.

**NEW SECTION. Sec. 10.** The department of health, in cooperation with the department of social and health services, shall monitor the adequacy of the funding mechanisms created in this act. The department of health shall report to the legislature by December 1998 the extent to which these funds covered the cost of uncompensated care in designated trauma care services in the state.

**NEW SECTION. Sec. 11.** Sections 1 through 8 of this act take effect January 1, 1998."

On page 1, on line 1 of the title, after "services", strike the remainder of the title and insert "amending RCW 70.168.040, 46.63.110, 3.62.090, 63.14.010, and 63.14.130; adding a new section to chapter 70.168 RCW; adding a new section to chapter 46.12 RCW; creating new sections; prescribing penalties; and providing an effective date."

There being no objection, the House adopted the conference committee recommendation, and Second Substitute Senate Bill No. 5127 was placed on final passage.

**FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE**

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5127 as recommended by the Conference Committee.

Representatives Carrell, Conway, Cooper, Smith, Mulliken, Kessler, B. Thomas, Kastama, Fisher, Bush and Carrell spoke in favor of the passage of the bill.

Representatives Mitchell and Zellinsky spoke against the passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final of Second Substitute Senate Bill No. 5127, as recommended by the Conference Committee and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Ballasiotes, Benson, Blalock, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooper, Costa, Dickerson, Doumit, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hatfield, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Mason, Mastin, McDonald, Morris, Murray, O'Brien, Ogden, Parlette, Poulsen, Radcliff, Reams, Regala, Romero, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Skinner, Smith, Sommers, H., Sullivan, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe, Wood and Mr. Speaker - 70.

Voting nay: Representatives Backlund, Boldt, Chandler, Cooke, Crouse, DeBolt, Delvin, Dunn, Hankins, Hickel, Honeyford, Koster, Lambert, McMorris, Mielke, Mitchell, Mulliken, Pennington, Quall, Robertson, Schoesler, Sheldon, Sherstad, Sommers, D., Sterk, Sump, Wensman and Zellinsky - 28.

Second Substitute Senate Bill No. 5127, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

#### SECOND CONFERENCE COMMITTEE REPORT

SB 5034 Date: April 27, 1997

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your CONFERENCE COMMITTEE, to whom was referred SENATE BILL NO. 5034, changing the definition of "bona fide charitable or nonprofit organization" for gambling statutes, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached S-3284.1/97) be adopted, and

that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 9.46.0209 and 1987 c 4 s 4 are each amended to read as follows:

"Bona fide charitable or nonprofit organization," as used in this chapter, means: (1) Any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (2) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than (~~fifteen~~) seven bona fide active members each with the right to an equal vote in the

election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the internal revenue code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

**Sec. 2.** RCW 9.46.0205 and 1987 c 4 s 3 are each amended to read as follows:

(1) "Bingo," as used in this chapter, means a game (~~conducted only in the county within which the organization is principally located~~) in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of (~~said~~) the game, (~~when said~~) except as authorized by the commission for joint bingo games.

(2) The game (~~is~~) shall be conducted only by:

(a) A bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week; or

(b) An agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year.

(3) Except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of (~~said~~) the organization (~~takes~~) may take any part in the management or operation of (~~said~~) the game unless approved by the commission, and no person who takes any part in the management or operation of (~~said~~) the game (~~takes~~) may take any part in the management or operation of any game conducted by any other organization or any other branch of the same organization unless approved by the commission.

(4) No part of the proceeds (~~thereof~~) from a bingo game may inure to the benefit of any person other than the organization conducting (~~said~~) the game.

(5) A bingo game must be conducted only in the county where the sponsoring organization is principally located, except as authorized by the commission for joint bingo games. For the purposes of this section, the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer (~~PROVIDED, That~~). Any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981, shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(6) The commission may authorize joint bingo games conducted by two or more bona fide charitable or nonprofit organizations if the prizes are pooled and the games are conducted during each organization's normal period of operation. The commission may adopt rules for the operation, management, and location of the games.

**Sec. 3.** RCW 9.46.120 and 1987 c 4 s 40 are each amended to read as follows:

(1) Except in the case of an agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a member of a bona fide charitable or nonprofit organization (and their employees) or any other person, association or organization (and their employees) approved by the commission, shall take any part in the management or operation of any gambling activity authorized under this chapter (~~and~~) unless approved by the commission. No person who takes any part in the management or operation of any such gambling activity shall take any part in the management or operation of any gambling activity conducted by any other organization or any other branch of the same

organization~~(s)~~) unless approved by the commission~~(, and)~~. No part of the proceeds ~~((thereof))~~ of the activity shall inure to the benefit of any person other than the organization conducting such gambling activities or if such gambling activities be for the charitable benefit of any specific persons designated in the application for a license, then only for such specific persons as so designated.

(2) No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any gambling activity authorized under this chapter in any leased premises if rental for such premises is unreasonable or to be paid, wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity.

**Sec. 4.** RCW 9.46.110 and 1994 c 301 s 2 are each amended to read as follows:

(1) The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules ~~((and regulations promulgated hereunder))~~ adopted under this chapter, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the ~~((same: PROVIDED, That))~~ activity. Any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located ~~((therein))~~ in the county but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county~~((: PROVIDED FURTHER, That (1) punch boards and pull tabs, chances on which shall))~~.

(2) The operation of punch boards and pull-tabs are subject to the following conditions:

~~(a) Chances may only be sold to adults~~((, which shall have a fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull tabs; and (2)))~~;~~

~~(b) The price of a single chance may not exceed one dollar;~~

~~(c) No punch board or pull-tab license may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; ~~((and (3)))~~~~

~~(d) All prizes ~~((for punch boards and pull tabs))~~ available to be won must be described on an information flare. All merchandise prizes must be on display within the immediate area of the premises ~~((wherein))~~ in which any such punch board or pull-tab is located ~~((and))~~. Upon a winning number or symbol being drawn, ~~((such))~~ a merchandise prize must be immediately removed ~~((therefrom))~~ from the display and awarded to the winner. All references to cash or merchandise prizes, with a value over twenty dollars, must be removed immediately from the information flare when won, or such omission shall be deemed a fraud for the purposes of this chapter; and ~~((4))~~~~

~~(e) When any person ~~((shall win over twenty dollars in))~~ wins money or merchandise from any punch board or pull-tab over an amount determined by the commission, every licensee ~~((hereunder))~~ shall keep a public record ~~((thereof))~~ of the award for at least ninety days ~~((thereafter))~~ containing such information as the commission shall deem necessary~~((: AND PROVIDED FURTHER, That))~~.~~

~~(3)(a) Taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross ~~((revenue received therefrom))~~ receipts from a bingo game or raffle less the amount ~~((paid for ø))~~ awarded as cash or merchandise prizes.~~

~~(b) Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross ~~((revenue therefrom))~~ receipts from the amusement game less the amount ~~((paid for))~~ awarded as prizes~~((: PROVIDED FURTHER, That))~~.~~

~~(c) No tax shall be imposed under the authority of this chapter on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross ~~((income))~~ receipts from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount ~~((paid for))~~ awarded as cash or merchandise prizes.~~

~~(d) No tax shall be imposed on the first ten thousand dollars of ~~((net proceeds))~~ gross receipts less the amount awarded as cash or merchandise prizes from raffles conducted by any bona fide charitable or nonprofit organization as defined in this chapter.~~

~~(e) Taxation of punch boards and pull-tabs for bona fide charitable or nonprofit organizations is based on gross receipts from the operation of the games less the amount awarded as cash or merchandise prizes, and shall not exceed ~~((five))~~ a rate of ten percent ~~((of gross receipts, nor shall))~~. At the option of the county, city-county, city, or town, the taxation of punch boards and pull-tabs for~~

commercial stimulant operators may be based on gross receipts from the operation of the games, and may not exceed a rate of five percent, or may be based on gross receipts from the operation of the games less the amount awarded as cash or merchandise prizes, and may not exceed a rate of ten percent.

(f) Taxation of social card games may not exceed twenty percent of the gross revenue from such games.

(4) Taxes imposed under this chapter become a lien upon personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010. The lien shall attach on the date the tax becomes due and shall relate Backlund and have priority against real and personal property to the same extent as ad valorem taxes.

On page 1, line 1 of the title, after "gambling;" strike the remainder of the title and insert "and amending RCW 9.46.0209, 9.46.0205, 9.46.120, and 9.46.110."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House adopted the Second Conference Committee recommendation and Senate Bill No. 5034 was placed on final passage.

FINAL PASSAGE OF SENATE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Senate Bill No. 5034 as recommended by the Second Conference Committee.

Representatives McMorris and Conway spoke in favor of the passage of Senate Bill No. 5034.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5034, as recommended by the Second Conference Committee and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Bush, Conway, Lambert, McDonald and Smith - 5.

Senate Bill No. 5034, as recommended by the Second Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5127, and has passed the bill as recommended by the Conference Committee,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE HOUSE BILL NO. 2054,

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

On motion, the Conference Committee was relieved of further consideration on SECOND SUBSTITUTE HOUSE BILL NO. 1201. The Senate insists on its position regarding the Senate amendments, and again asks the House to concur therein,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House concurred in the Senate amendments to Second Substitute House Bill 1201, and passed the bill to final passage.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1201 as amended by the Senate.

Representatives Buck, Alexander, DeBolt, Mastin, Smith and Pennington spoke in favor of passage of the bill.

Representatives Doumit, Kessler, Hatfield, Cooper, Conway, Morris and Dunshee spoke against passage of the bill.

There being no objection, the House deferred further consideration of Second Substitute House Bill No. 1201 and the bill held it's place.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2069,  
SUBSTITUTE HOUSE BILL NO. 2279,  
SECOND SUBSTITUTE ENGROSSED BILL NO. 5740,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6061,

MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has adopted the Second Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850, and has passed the bill as recommended by the Conference Committee,

SECOND CONFERENCE COMMITTEE REPORT

E2SHB 1850 April 26, 1997

Includes "NEW ITEM": YES

Mr. President:

Mr. Speaker:



We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850, long-term care services, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Second Conference Committee (see attached 1850-S2.E AMC CONF H-3358.1) be adopted, and

Strike everything after the enacting clause and insert the following:

"PART I

NEW SECTION. Sec. 101. This act shall be known and may be cited as the Clara act.

NEW SECTION. Sec. 102. FINDINGS AND INTENT. The legislature finds and declares that the state's current fragmented categorical system for administering services to persons with disabilities and the elderly is not client and family-centered and has created significant organizational barriers to providing high quality, safe, and effective care and support. The present fragmented system results in uncoordinated enforcement of regulations designed to protect the health and safety of disabled persons, lacks accountability due to the absence of management information systems' client tracking data, and perpetuates difficulty in matching client needs and services to multiple categorical funding sources.

The legislature further finds that Washington's chronically functionally disabled population of all ages is growing at a rapid pace due to a population of the very old and increased incidence of disability due in large measure to technological improvements in acute care causing people to live longer. Further, to meet the significant and growing long-term care needs into the near future, rapid, fundamental changes must take place in the way we finance, organize, and provide long-term care services to the chronically functionally disabled.

The legislature further finds that the public demands that long-term care services be safe, client and family-centered, and designed to encourage individual dignity, autonomy, and development of the fullest human potential at home or in other residential settings, whenever practicable.

NEW SECTION. Sec. 103. A new section is added to chapter 74.39A RCW to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(6) "Department" means the department of social and health services.

(7) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010.

(8) "Functionally disabled person" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet,

dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(9) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(10) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

(11) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(12) "Secretary" means the secretary of social and health services.

(13) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

**NEW SECTION. Sec. 104. JOINT LEGISLATIVE COMMITTEE ON LONG-TERM CARE OVERSIGHT.** (1) There is created a joint legislative committee on long-term care oversight. The committee shall consist of: (a) Four members of the senate appointed by the president of the senate, two of whom shall be members of the majority party and two of whom shall be members of the minority party; and (b) four members of the house of representatives, two of whom shall be members of the majority party and two of whom shall be members of the minority party.

(2) The committee shall elect a chair and vice-chair. The chair shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years. The vice-chair shall be a member of the senate in odd-numbered years and a member of the house of representatives in even-numbered years.

(3) The committee shall:

(a) Review the need for reorganization and reform of long-term care administration and service delivery;

(b) Review all quality standards developed, revised, and enforced by the department;

(c) In cooperation with the department of social and health services, develop suggestions to simplify, reduce, or eliminate unnecessary rules, procedures, and burdensome paperwork that prove to be barriers to providing effective coordination or high quality direct services;

(d) Suggest methods of cost-efficiencies that can be used to reallocate funds to unmet needs in direct services;

(e) List all nonmeans tested programs and activities funded by the federal older Americans act and state funded senior citizens act or other such state funded programs and recommend how to integrate such services into existing long-term care programs for the functionally disabled;

(f) Suggest methods to establish a single point of entry for service eligibility and delivery for functionally disabled persons;

(g) Evaluate the need for long-term care training and review all long-term care training and education programs conducted by the department and suggest modifications to improve the training system;

(h) Describe current facilities and services that provide long-term care to all types of chronically disabled individuals in the state including Revised Code of Washington requirements, Washington Administrative Code rules, allowable occupancy, typical clientele, discharge practices, agency oversight, rates, eligibility requirements, entry process, social and health services and other services provided, staffing standards, and physical plant standards;

(i) Determine the extent to which the current long-term care system meets the health and safety needs of the state's long-term care population and is appropriate for the specific and identified needs of the residents in all settings;

(j) Assess the adequacy of the discharge and referral process in protecting the health and safety of long-term care clients;

- (k) Determine the extent to which training and supervision of direct care staff are adequate to ensure safety and appropriate care;
- (l) Identify opportunities for consolidation between categories of care; and
- (m) Determine if payment rates are adequate to cover the varying costs of clients with different levels of need.

## PART II QUALITY STANDARDS AND COMPLAINT ENFORCEMENT

**NEW SECTION. Sec. 201.** A new section is added to chapter 70.124 RCW to read as follows:

(1) An employee who is a whistleblower and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action, has the remedies provided under chapter 49.60 RCW. RCW 4.24.500 through 4.24.520, providing certain protection to persons who communicate to government agencies, apply to complaints made under this section. The identity of a whistleblower who complains, in good faith, to the department about suspected abuse, neglect, financial exploitation, or abandonment by any person in a nursing home, state hospital, or adult family home may remain confidential if requested. The identity of the whistleblower shall subsequently remain confidential unless the department determines that the complaint was not made in good faith.

(2)(a) An attempt to discharge a resident from a nursing home, state hospital, adult family home, or any type of discriminatory treatment of a resident by whom, or upon whose behalf, a complaint substantiated by the department has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of the action, raises a rebuttable presumption that the action was in retaliation for the filing of the complaint.

(b) The presumption is rebutted by credible evidence establishing the alleged retaliatory action was initiated prior to the complaint.

(c) The presumption is rebutted by a functional assessment conducted by the department that shows that the resident's needs cannot be met by the reasonable accommodations of the facility due to the increased needs of the resident.

(3) For the purposes of this section:

(a) "Whistleblower" means a resident or employee of a nursing home, state hospital, or adult family home, or any person licensed under Title 18 RCW, who in good faith reports alleged abuse, neglect, exploitation, or abandonment to the department or to a law enforcement agency;

(b) "Workplace reprisal or retaliatory action" means, but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct under Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; denial of employment; or a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower; and

(c) "Reasonable accommodation" by a facility to the needs of a prospective or current resident has the meaning given to this term under the federal Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. and other applicable federal or state antidiscrimination laws and regulations.

(4) This section does not prohibit a nursing home, state hospital, or adult family home from exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. The protections provided to whistleblowers under this chapter shall not prevent a nursing home, state hospital, or adult family home from: (a) Terminating, suspending, or disciplining a whistleblower for other lawful purposes; or (b) for facilities with six or fewer residents, reducing the hours of employment or terminating employment as a result of the demonstrated inability to meet payroll requirements. The department shall determine if the facility cannot meet payroll in cases where a whistleblower has been terminated or had hours of employment reduced due to the inability of a facility to meet payroll.

(5) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under this chapter.

(6) No frail elder or vulnerable person who relies upon and is being provided spiritual treatment in lieu of medical treatment in accordance with the tenets and practices of a well-recognized religious denomination shall for that reason alone be considered abandoned, abused, or neglected, nor

shall anything in this chapter be construed to authorize, permit, or require medical treatment contrary to the stated or clearly implied objection of such a person.

(7) The department shall adopt rules designed to discourage whistleblower complaints made in bad faith or for retaliatory purposes.

**NEW SECTION. Sec. 202.** A new section is added to chapter 74.34 RCW to read as follows:

(1) An employee or contractor who is a whistleblower and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action, has the remedies provided under chapter 49.60 RCW. RCW 4.24.500 through 4.24.520, providing certain protection to persons who communicate to government agencies, apply to complaints made under this section. The identity of a whistleblower who complains, in good faith, to the department about suspected abuse, neglect, exploitation, or abandonment by any person in a boarding home licensed or required to be licensed pursuant to chapter 18.20 RCW or a veterans' home pursuant to chapter 72.36 RCW or care provided in a boarding home or a veterans' home by any person associated with a hospice, home care, or home health agency licensed under chapter 70.127 RCW or other in-home provider may remain confidential if requested. The identity of the whistleblower shall subsequently remain confidential unless the department determines that the complaint was not made in good faith.

(2)(a) An attempt to expel a resident from a boarding home or veterans' home, or any type of discriminatory treatment of a resident who is a consumer of hospice, home health, home care services, or other in-home services by whom, or upon whose behalf, a complaint substantiated by the department or the department of health has been submitted to the department or any proceeding instituted under or related to this chapter within one year of the filing of the complaint or the institution of the action, raises a rebuttable presumption that the action was in retaliation for the filing of the complaint.

(b) The presumption is rebutted by credible evidence establishing the alleged retaliatory action was initiated prior to the complaint.

(c) The presumption is rebutted by a functional assessment conducted by the department that shows that the resident or consumer's needs cannot be met by the reasonable accommodations of the facility due to the increased needs of the resident.

(3) For the purposes of this section:

(a) "Whistleblower" means a resident or a person with a mandatory duty to report under this chapter, or any person licensed under Title 18 RCW, who in good faith reports alleged abuse, neglect, exploitation, or abandonment to the department, or the department of health, or to a law enforcement agency;

(b) "Workplace reprisal or retaliatory action" means, but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct under Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; denial of employment; or a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower. The protections provided to whistleblowers under this chapter shall not prevent a nursing home, state hospital, boarding home, or adult family home from: (i) Terminating, suspending, or disciplining a whistleblower for other lawful purposes; or (ii) for facilities licensed under chapter 70.128 RCW, reducing the hours of employment or terminating employment as a result of the demonstrated inability to meet payroll requirements. The department shall determine if the facility cannot meet payroll in cases in which a whistleblower has been terminated or had hours of employment reduced because of the inability of a facility to meet payroll; and

(c) "Reasonable accommodation" by a facility to the needs of a prospective or current resident has the meaning given to this term under the federal Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. and other applicable federal or state antidiscrimination laws and regulations.

(4) This section does not prohibit a boarding home or veterans' home from exercising its authority to terminate, suspend, or discipline any employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(5) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under this chapter.

(6) No frail elder or vulnerable person who relies upon and is being provided spiritual treatment in lieu of medical treatment in accordance with the tenets and practices of a well-recognized religious denomination shall for that reason alone be considered abandoned, abused, or neglected, nor

shall anything in this chapter be construed to authorize, permit, or require medical treatment contrary to the stated or clearly implied objection of such a person.

(7) The department, and the department of health for facilities, agencies, or individuals it regulates, shall adopt rules designed to discourage whistleblower complaints made in bad faith or for retaliatory purposes.

**Sec. 203.** RCW 70.129.010 and 1994 c 214 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of state government responsible for licensing the provider in question.

(2) "Facility" means a long-term care facility.

(3) "Long-term care facility" means a facility that is licensed or required to be licensed under chapter 18.20, 72.36, or 70.128 RCW.

(4) "Resident" means the individual receiving services in a long-term care facility, that resident's attorney in fact, guardian, or other legal representative acting within the scope of their authority.

(5) "Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body((~~+~~)), is used for discipline or convenience((~~+~~)), and not required to treat the resident's medical symptoms.

(6) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

(7) "Representative" means a person appointed under RCW 7.70.065.

(8) "Reasonable accommodation" by a facility to the needs of a prospective or current resident has the meaning given to this term under the federal Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. and other applicable federal or state antidiscrimination laws and regulations.

**Sec. 204.** RCW 70.129.030 and 1994 c 214 s 4 are each amended to read as follows:

(1) The facility must inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. The notification must be made prior to or upon admission. Receipt of the information must be acknowledged in writing.

(2) The resident or his or her legal representative has the right:

(a) Upon an oral or written request, to access all records pertaining to himself or herself including clinical records within twenty-four hours; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed the community standard photocopies of the records or portions of them upon request and two working days' advance notice to the facility.

(3) The facility shall only admit or retain individuals whose needs it can safely and appropriately serve in the facility with appropriate available staff or through the provision of reasonable accommodations as required by state or federal law. Except in cases of emergency, facilities shall not admit an individual before obtaining a comprehensive assessment of the resident's needs and preferences, unless unavailable despite the best efforts of the facility and other interested parties. The assessment shall contain, within existing department funds, the following information: Recent medical history; necessary and prohibited medications; a medical professional's diagnosis; significant known behaviors or symptoms that may cause concern or require special care; mental illness except where protected by confidentiality laws; level of personal care needs; activities and service preferences; and preferences regarding issues important to the potential resident, such as food and daily routine. The facility must inform each resident in writing in a language the resident or his or her representative understands before(~~, or at the time of~~) admission, and at least once every twenty-four months thereafter, of: (a) Services, items, and activities customarily available in the facility or arranged for by the facility; (b) charges for those services, items, and activities including charges for services, items, and activities not covered by the facility's per diem rate or applicable public benefit programs; and (c) the rules of facility operations required under RCW 70.129.140(2). Each resident and his or her representative must be informed in writing in advance of changes in the availability or the charges for services, items, or activities, or of changes in the facility's rules. Except in unusual circumstances,

thirty days' advance notice must be given prior to the change. However, for facilities licensed for six or fewer residents, if there has been a substantial and continuing change in the resident's condition necessitating substantially greater or lesser services, items, or activities, then the charges for those services, items, or activities may be changed upon fourteen days advance written notice.

- (4) The facility must furnish a written description of residents rights that includes:
  - (a) A description of the manner of protecting personal funds, under RCW 70.129.040;
  - (b) A posting of names, addresses, and telephone numbers of the state survey and certification agency, the state licensure office, the state ombudsmen program, and the protection and advocacy systems; and
  - (c) A statement that the resident may file a complaint with the appropriate state licensing agency concerning resident abuse, neglect, and misappropriation of resident property in the facility.
- (5) Notification of changes.
  - (a) A facility must immediately consult with the resident's physician, and if known, make reasonable efforts to notify the resident's legal representative or an interested family member when there is:
    - (i) An accident involving the resident which requires or has the potential for requiring physician intervention;
    - (ii) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychosocial status in either life-threatening conditions or clinical complications).
  - (b) The facility must promptly notify the resident or the resident's representative shall make reasonable efforts to notify an interested family member, if known, when there is:
    - (i) A change in room or roommate assignment; or
    - (ii) A decision to transfer or discharge the resident from the facility.
  - (c) The facility must record and update the address and phone number of the resident's representative or interested family member, upon receipt of notice from them.
- (6) This section applies to long-term care facilities covered under this chapter.

**Sec. 205.** RCW 70.129.110 and 1994 c 214 s 12 are each amended to read as follows:

- (1) The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:
  - (a) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;
  - (b) The safety of individuals in the facility is endangered;
  - (c) The health of individuals in the facility would otherwise be endangered;
  - (d) The resident has failed to make the required payment for his or her stay; or
  - (e) The facility ceases to operate.
- (2) All long-term care facilities shall fully disclose to potential residents or their legal representative the service capabilities of the facility prior to admission to the facility. If the care needs of the applicant who is medicaid eligible are in excess of the facility's service capabilities, the department shall identify other care settings or residential care options consistent with federal law.
- (3) Before a long-term care facility transfers or discharges a resident, the facility must:
  - (a) First attempt through reasonable accommodations to avoid the transfer or discharge, unless agreed to by the resident;
  - (b) Notify the resident and representative and make a reasonable effort to notify, if known, an interested family member of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand;
  - ~~((b))~~ (c) Record the reasons in the resident's record; and
  - ~~((c))~~ (d) Include in the notice the items described in subsection ~~((4))~~ (5) of this section.
  - ~~((3))~~ (4)(a) Except when specified in this subsection, the notice of transfer ~~((of for))~~ or discharge required under subsection ~~((2))~~ (3) of this section must be made by the facility at least thirty days before the resident is transferred or discharged.
  - (b) Notice may be made as soon as practicable before transfer or discharge when:
    - (i) The safety of individuals in the facility would be endangered;
    - (ii) The health of individuals in the facility would be endangered;
    - (iii) An immediate transfer or discharge is required by the resident's urgent medical needs; or
    - (iv) A resident has not resided in the facility for thirty days.

~~((4))~~ (5) The written notice specified in subsection ~~((2))~~ (3) of this section must include the following:

- (a) The reason for transfer or discharge;
- (b) The effective date of transfer or discharge;
- (c) The location to which the resident is transferred or discharged;
- (d) The name, address, and telephone number of the state long-term care ombudsman;
- (e) For residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals established under part C of the developmental disabilities assistance and bill of rights act; and
- (f) For residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals established under the protection and advocacy for mentally ill individuals act.

~~((5))~~ (6) A facility must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

~~((6))~~ (7) A resident discharged in violation of this section has the right to be readmitted immediately upon the first availability of a gender-appropriate bed in the facility.

**Sec. 206.** RCW 70.129.150 and 1994 c 214 s 16 are each amended to read as follows:

(1) Prior to admission, all long-term care facilities or nursing facilities licensed under chapter 18.51 RCW that require payment of an admissions fee, deposit, or a minimum stay fee, by or on behalf of a person seeking ~~((admissions [admission]))~~ admission to the long-term care facility or nursing facility, shall provide the resident, or his or her representative, full disclosure in writing ~~((of the long-term care facility or nursing facility's schedule of charges for items and services provided by the facility and))~~ in a language the resident or his or her representative understands, a statement of the amount of any admissions fees, deposits, prepaid charges, or minimum stay fees. The facility shall also disclose to the person, or his or her representative, the facility's advance notice or transfer requirements, prior to admission. In addition, the long-term care facility or nursing facility shall also fully disclose in writing prior to admission what portion of the deposits, admissions fees, prepaid charges, or minimum stay fees will be refunded to the resident or his or her representative if the resident leaves the long-term care facility or nursing facility. Receipt of the disclosures required under this subsection must be acknowledged in writing. If the facility does not provide these disclosures, the deposits, admissions fees, prepaid charges, or minimum stay fees may not be kept by the facility. If a resident~~(, during the first thirty days of residence,)~~ dies or is hospitalized or is transferred to another facility for more appropriate care and does not return to the original facility, the facility shall refund any deposit or charges already paid less the facility's per diem rate for the days the resident actually resided or reserved or retained a bed in the facility notwithstanding any minimum stay policy or discharge notice requirements, except that the facility may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private-pay resident's move, not to exceed five days' per diem charges, unless the resident has given advance notice in compliance with the admission agreement. All long-term care facilities or nursing facilities covered under this section are required to refund any and all refunds due the resident or ~~((their))~~ his or her representative within thirty days from the resident's date of discharge from the facility. Nothing in this section applies to provisions in contracts negotiated between a nursing facility or long-term care facility and a certified health plan, health or disability insurer, health maintenance organization, managed care organization, or similar entities.

(2) Where a long-term care facility or nursing facility requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract shall be consistent with the requirements of this section, and the terms of an admission contract by a long-term care facility shall be consistent with the requirements of this chapter.

**Sec. 207.** RCW 74.39A.030 and 1995 1st sp.s. c 18 s 2 are each amended to read as follows:

(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care.

(2) In expanding home and community services, the department shall: (a) Take full advantage of federal funding available under Title XVIII and Title XIX of the federal social security act, including home health, adult day care, waiver options, and state plan services; and (b) be authorized to use funds available under its community options program entry system waiver granted under section

1915(c) of the federal social security act to expand the availability of in-home, adult residential care, adult family homes, enhanced adult residential care, and assisted living services. By June 30, 1997, the department shall undertake to reduce the nursing home medicaid census by at least one thousand six hundred by assisting individuals who would otherwise require nursing facility services to obtain services of their choice, including assisted living services, enhanced adult residential care, and other home and community services. The department shall make reasonable efforts to contract for at least one hundred eighty state clients who would otherwise be served in nursing facilities or in assisted living to instead be served in enhanced adult residential care settings by June 30, 1999. If a resident, or his or her legal representative, objects to a discharge decision initiated by the department, the resident shall not be discharged if the resident has been assessed and determined to require nursing facility services. In contracting with nursing homes and boarding homes for enhanced adult residential care placements, neither the department nor the department of health shall ((not)) require, by contract or through other means, structural modifications to existing building construction.

(3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care. In contracting with licensed boarding homes for providing additional enhanced adult residential care services for up to one hundred eighty clients pursuant to subsection (2)(b) of this section, the payment rate shall be established at no less than thirty-five and no greater than forty percent of the average state-wide nursing facility medicaid payment rate.

(b) The department may authorize an enhanced adult residential care rate for nursing homes that temporarily or permanently convert their bed use for the purpose of providing enhanced adult residential care under chapter 70.38 RCW, when the department determines that payment of an enhanced rate is cost-effective and necessary to foster expansion of contracted enhanced adult residential care services. As an incentive for nursing homes to permanently convert a portion of its nursing home bed capacity for the purpose of providing enhanced adult residential care, the department may authorize a supplemental add-on to the enhanced adult residential care rate.

(c) The department may authorize a supplemental assisted living services or an enhanced adult residential care services rate for up to four years for facilities that convert from nursing home use and do not retain rights to the converted nursing home beds under chapter 70.38 RCW, if the department determines that payment of a supplemental rate is cost-effective and necessary to foster expansion of contracted assisted living or enhanced adult residential care services.

**Sec. 208.** RCW 74.39A.040 and 1995 1st sp.s. c 18 s 6 are each amended to read as follows:

The department shall work in partnership with hospitals, who choose to participate, in assisting patients and their families to find long-term care services of their choice according to subsections (1) through (4) of this section. The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options to individuals who are hospitalized and likely to need long-term care.

(1) To the extent of available funds, the department shall assess individuals who:

- (a) Are medicaid clients, medicaid applicants, or eligible for both medicare and medicaid; and
- (b) Apply or are likely to apply for admission to a nursing facility.

(2) For individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility, the department shall, to the extent of available funds, offer an assessment and information regarding appropriate in-home and community services.

(3) When the department finds, based on assessment, that the individual prefers and could live appropriately and cost-effectively at home or in some other community-based setting, the department shall:

(a) Advise the individual that an in-home or other community service is appropriate;

(b) Develop, with the individual or the individual's representative, a comprehensive community service plan;

(c) Inform the individual regarding the availability of services that could meet the applicant's needs as set forth in the community service plan and explain the cost to the applicant of the available in-home and community services relative to nursing facility care; and

(d) Discuss and evaluate the need for on-going involvement with the individual or the individual's representative.



(4) When the department finds, based on assessment, that the individual prefers and needs nursing facility care, the department shall:

(a) Advise the individual that nursing facility care is appropriate and inform the individual of the available nursing facility vacancies;

(b) If appropriate, advise the individual that the stay in the nursing facility may be short term; and

(c) Describe the role of the department in providing nursing facility case management.

(5) All hospitals who choose to not participate with the department according to subsections (1) through (4) of this section shall provide their own hospital long-term care discharge services for patients needing long-term care information or services. The hospital shall advise the individual regarding its recommended discharge placement for individuals requiring posthospital care and shall, consistent with the individual's expressed preferences and in accordance with his or her care needs, identify services, including known costs, available in the community and shall develop with the individual and his or her legal representative a comprehensive community service plan, if in-home or other community service is appropriate and preferred.

**Sec. 209.** RCW 74.39A.050 and 1995 1st sp.s. c 18 s 12 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall ~~((be guided by))~~ use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be ~~((consumer))~~ client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter . . . , Laws of 1997 (this act).

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) ~~((Providers generally should be assisted in addressing identified problems initially through consultation and technical assistance.))~~ Prompt and specific enforcement remedies shall also be ((available)) implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or ((that have been)) uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(10) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing

assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules and accept some or all of the curriculum modules hour for hour towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training.

**Sec. 210.** RCW 74.39A.060 and 1995 1st sp.s. c 18 s 13 are each amended to read as follows:

(1) The aging and adult services administration of the department shall establish and maintain a toll-free telephone number for receiving complaints regarding a facility that the administration licenses or with which it contracts for long-term care services.

(2) All facilities that are licensed by, or that contract with the aging and adult services administration to provide chronic long-term care services shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number and the toll-free number and program description of the long-term care ombudsman as provided by RCW 43.190.050.

(3) The aging and adult services administration shall investigate complaints if the subject of the complaint is within its authority unless the department determines that: (a) The complaint is intended to willfully harass a licensee or employee of the licensee; or (b) there is no reasonable basis for investigation; or (c) corrective action has been taken as determined by the ombudsman or the department.

(4) The aging and adult services administration shall refer complaints to appropriate state agencies, law enforcement agencies, the attorney general, the long-term care ombudsman, or other entities if the department lacks authority to investigate or if its investigation reveals that a follow-up referral to one or more of these entities is appropriate.

(5) The department shall adopt rules that include the following complaint investigation protocols:

(a) Upon receipt of a complaint, the department shall make a preliminary review of the complaint, assess the severity of the complaint, and assign an appropriate response time. Complaints involving imminent danger to the health, safety, or well-being of a resident must be responded to within two days. When appropriate, the department shall make an on-site investigation within a reasonable time after receipt of the complaint or otherwise ensure that complaints are responded to.

(b) The complainant must be: Promptly contacted by the department, unless anonymous or unavailable despite several attempts by the department, and informed of the right to discuss the alleged violations with the inspector and to provide other information the complainant believes will assist the inspector; informed of the department's course of action; and informed of the right to receive a written copy of the investigation report.

(c) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the resident or residents allegedly harmed by the violations, and, in addition to facility staff, any available independent sources of relevant information, including if appropriate the family members of the resident.

(d) Substantiated complaints involving harm to a resident, if an applicable law or regulation has been violated, shall be subject to one or more of the actions provided in RCW 74.39A.080 or 70.128.160. Whenever appropriate, the department shall also give consultation and technical assistance to the provider.

(e) In the best practices of total quality management and continuous quality improvement, after a department finding of a violation that is serious, recurring, or uncorrected following a previous citation, the department shall make an on-site revisit of the facility to ensure correction of the violation, except for license or contract suspensions or revocations.

(f) Substantiated complaints of neglect, abuse, exploitation, or abandonment of residents, or suspected criminal violations, shall also be referred by the department to the appropriate law enforcement agencies, the attorney general, and appropriate professional disciplining authority.

(6) The department may ~~((not))~~ provide the substance of the complaint to the licensee or contractor before the completion of the investigation by the department unless such disclosure would reveal the identity of a complainant, witness, or resident who chooses to remain anonymous. Neither the substance of the complaint provided to the licensee or contractor nor any copy of the complaint or related report published, released, or made otherwise available shall disclose, or reasonably lead to the disclosure of, the name, title, or identity of any complainant, or other person mentioned in the complaint, except that the name of the provider and the name or names of any officer, employee, or agent of the department conducting the investigation shall be disclosed after the investigation has been closed and the complaint has been substantiated. The department may disclose the identity of the complainant if such disclosure is requested in writing by the complainant. Nothing in this subsection shall be construed to interfere with the obligation of the long-term care ombudsman program or department staff to monitor the department's licensing, contract, and complaint investigation files for long-term care facilities.

~~((6))~~ (7) The resident has the right to be free of interference, coercion, discrimination, and reprisal from a facility in exercising his or her rights, including the right to voice grievances about treatment furnished or not furnished. A facility that provides long-term care services shall not discriminate or retaliate in any manner against a resident, employee, or any other person on the basis or for the reason that such resident or any other person made a complaint to the department, the attorney general, law enforcement agencies, or the long-term care ombudsman, provided information, or otherwise cooperated with the investigation of such a complaint. Any attempt to discharge a resident against the resident's wishes, or any type of retaliatory treatment of a resident by whom or upon whose behalf a complaint substantiated by the department has been made to the department, the attorney general, law enforcement agencies, or the long-term care ombudsman, within one year of the filing of the complaint, raises a rebuttable presumption that such action was in retaliation for the filing of the complaint. "Retaliatory treatment" means, but is not limited to, monitoring a resident's phone, mail, or visits; involuntary seclusion or isolation; transferring a resident to a different room unless requested or based upon legitimate management reasons; withholding or threatening to withhold food or treatment unless authorized by a terminally ill resident or his or her representative pursuant to law; or persistently delaying responses to a resident's request for service or assistance. A facility that provides long-term care services shall not willfully interfere with the performance of official duties by a long-term care ombudsman. The department shall sanction and may impose a civil penalty of not more than three thousand dollars for a violation of this subsection ~~((and require the facility to mitigate any damages incurred by the resident))~~.

**Sec. 211.** RCW 70.129.105 and 1994 c 214 s 17 are each amended to read as follows:

No long-term care facility or nursing facility licensed under chapter 18.51 RCW shall require or request residents to sign waivers of potential liability for losses of personal property or injury, or to sign waivers of residents' rights set forth in this chapter or in the applicable licensing or certification laws.

**Sec. 212.** RCW 74.42.030 and 1979 ex.s. c 211 s 3 are each amended to read as follows:

Each resident or guardian or legal representative, if any, shall be fully informed and receive in writing, in a language the resident or his or her representative understands, the following information:

- (1) The resident's rights and responsibilities in the facility;
- (2) Rules governing resident conduct;
- (3) Services, items, and activities available in the facility; and
- (4) Charges for services, items, and activities, including those not included in the facility's basic daily rate or not paid by medicaid.

The facility shall provide this information before admission, or at the time of admission in case of emergency, and as changes occur during the resident's stay. The resident and his or her representative must be informed in writing in advance of changes in the availability or charges for services, items, or activities, or of changes in the facility's rules. Except in unusual circumstances, thirty days' advance notice must be given prior to the change. The resident or legal guardian or

representative shall acknowledge in writing receipt of this information ((and any changes in the information)).

The written information provided by the facility pursuant to this section, and the terms of any admission contract executed between the facility and an individual seeking admission to the facility, must be consistent with the requirements of this chapter and chapter 18.51 RCW and, for facilities certified under medicaid or medicare, with the applicable federal requirements.

**NEW SECTION. Sec. 213.** A new section is added to chapter 18.20 RCW to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be resident-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for residents consistent with chapter 70.129 RCW.

(2) The goal of the system is continuous quality improvement with the focus on resident satisfaction and outcomes for residents. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, and advocates in addition to interviewing appropriate staff.

(3) Facilities should be supported in their efforts to improve quality and address identified problems initially through training, consultation, and technical assistance.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to resident complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to facilities.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, consistent with RCW 18.20.190, for facilities found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, the licensee, administrator, and their staff should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable adults. Employees may be provisionally hired pending the results of the background check if they have been given three positive references.

(8) The department shall promote the development of a training system that is practical and relevant to the needs of residents and staff. To improve access to training, especially for rural communities, the training system may include, but is not limited to, the use of satellite technology distance learning that is coordinated through community colleges or other appropriate organizations.

(9) No licensee, administrator, or staff, or prospective licensee, administrator, or staff, with a stipulated finding of fact, conclusion of law, and agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into the state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

**NEW SECTION. Sec. 214.** A new section is added to chapter 18.20 RCW to read as follows:

(1) The department shall establish and maintain a toll-free telephone number for receiving complaints regarding a facility that the department licenses.

(2) All facilities that are licensed under this chapter shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number and the toll-free number and program description of the long-term care ombudsman as provided by RCW 43.190.050.

(3) The department shall investigate complaints if the subject of the complaint is within its authority unless the department determines that: (a) The complaint is intended to willfully harass a licensee or employee of the licensee; or (b) there is no reasonable basis for investigation; or (c) corrective action has been taken as determined by the ombudsman or the department.

(4) The department shall refer complaints to appropriate state agencies, law enforcement agencies, the attorney general, the long-term care ombudsman, or other entities if the department lacks

authority to investigate or if its investigation reveals that a follow-up referral to one or more of these entities is appropriate.

(5) The department shall adopt rules that include the following complaint investigation protocols:

(a) Upon receipt of a complaint, the department shall make a preliminary review of the complaint, assess the severity of the complaint, and assign an appropriate response time. Complaints involving imminent danger to the health, safety, or well-being of a resident must be responded to within two days. When appropriate, the department shall make an on-site investigation within a reasonable time after receipt of the complaint or otherwise ensure that complaints are responded to.

(b) The complainant must be: Promptly contacted by the department, unless anonymous or unavailable despite several attempts by the department, and informed of the right to discuss alleged violations with the inspector and to provide other information the complainant believes will assist the inspector; informed of the department's course of action; and informed of the right to receive a written copy of the investigation report.

(c) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the resident or residents allegedly harmed by the violations, and, in addition to facility staff, any available independent sources of relevant information, including if appropriate the family members of the resident.

(d) Substantiated complaints involving harm to a resident, if an applicable law or regulation has been violated, shall be subject to one or more of the actions provided in RCW 18.20.190. Whenever appropriate, the department shall also give consultation and technical assistance to the facility.

(e) In the best practices of total quality management and continuous quality improvement, after a department finding of a violation that is serious, recurring, or uncorrected following a previous citation, the department shall make an on-site revisit of the facility to ensure correction of the violation. This subsection does not prevent the department from enforcing license suspensions or revocations.

(f) Substantiated complaints of neglect, abuse, exploitation, or abandonment of residents, or suspected criminal violations, shall also be referred by the department to the appropriate law enforcement agencies, the attorney general, and appropriate professional disciplining authority.

(6) The department may provide the substance of the complaint to the licensee before the completion of the investigation by the department unless such disclosure would reveal the identity of a complainant, witness, or resident who chooses to remain anonymous. Neither the substance of the complaint provided to the licensee or contractor nor any copy of the complaint or related report published, released, or made otherwise available shall disclose, or reasonably lead to the disclosure of, the name, title, or identity of any complainant, or other person mentioned in the complaint, except that the name of the provider and the name or names of any officer, employee, or agent of the department conducting the investigation shall be disclosed after the investigation has been closed and the complaint has been substantiated. The department may disclose the identity of the complainant if such disclosure is requested in writing by the complainant. Nothing in this subsection shall be construed to interfere with the obligation of the long-term care ombudsman program to monitor the department's licensing, contract, and complaint investigation files for long-term care facilities.

(7) The resident has the right to be free of interference, coercion, discrimination, and reprisal from a facility in exercising his or her rights, including the right to voice grievances about treatment furnished or not furnished. A facility licensed under this chapter shall not discriminate or retaliate in any manner against a resident, employee, or any other person on the basis or for the reason that such resident or any other person made a complaint to the department, the attorney general, law enforcement agencies, or the long-term care ombudsman, provided information, or otherwise cooperated with the investigation of such a complaint. Any attempt to discharge a resident against the resident's wishes, or any type of retaliatory treatment of a resident by whom or upon whose behalf a complaint substantiated by the department has been made to the department, the attorney general, law enforcement agencies, or the long-term care ombudsman, within one year of the filing of the complaint, raises a rebuttable presumption that such action was in retaliation for the filing of the complaint. "Retaliatory treatment" means, but is not limited to, monitoring a resident's phone, mail, or visits; involuntary seclusion or isolation; transferring a resident to a different room unless requested or based upon legitimate management reasons; withholding or threatening to withhold food or treatment unless authorized by a terminally ill resident or his or her representative pursuant to law; or persistently delaying responses to a resident's request for service or assistance. A facility licensed under this chapter shall not willfully interfere with the performance of official duties by a long-term care ombudsman. The department shall

sanction and may impose a civil penalty of not more than three thousand dollars for a violation of this subsection.

**NEW SECTION. Sec. 215.** Within existing funds, the long-term care ombudsman shall conduct a follow-up review of the department of health's licensing inspections and complaint investigations of boarding homes and of the department of social and health services' monitoring of boarding homes with contracts under chapter 74.39A RCW. The review must include, but is not limited to, an examination of the enforcement of resident rights and care standards in boarding homes, the timeliness of complaint investigations, and compliance by the departments with the standards set forth in this act. The long-term care ombudsman shall consult with the departments of health and social and health services, long-term care facility organizations, resident groups, and senior and disabled citizen organizations and report to appropriate committees of the house of representatives and the senate concerning its review of the departments' enforcement activities and any applicable recommendations by January 5, 1998.

**Sec. 216.** RCW 74.42.450 and 1995 1st sp.s. c 18 s 64 are each amended to read as follows:

(1) The facility shall admit as residents only those individuals whose needs can be met by:

(a) The facility;

(b) The facility cooperating with community resources; or

(c) The facility cooperating with other providers of care affiliated or under contract with the facility.

(2) The facility shall transfer a resident to a hospital or other appropriate facility when a change occurs in the resident's physical or mental condition that requires care or service that the facility cannot provide. The resident, the resident's guardian, if any, the resident's next of kin, the attending physician, and the department shall be consulted at least fifteen days before a transfer or discharge unless the resident is transferred under emergency circumstances. The department shall use casework services or other means to insure that adequate arrangements are made to meet the resident's needs.

(3) A resident shall be transferred or discharged only for medical reasons, the resident's welfare or request, the welfare of other residents, or nonpayment. A resident may not be discharged for nonpayment if the discharge would be prohibited by the medicaid program.

(4) If a resident chooses to remain in the nursing facility, the department shall respect that choice, provided that if the resident is a medicaid recipient, the resident continues to require a nursing facility level of care.

(5) If the department determines that a resident no longer requires a nursing facility level of care, the resident shall not be discharged from the nursing facility until at least thirty days after written notice is given to the resident, the resident's surrogate decision maker and, if appropriate, a family member or the resident's representative. A form for requesting a hearing to appeal the discharge decision shall be attached to the written notice. The written notice shall include at least the following:

(a) The reason for the discharge;

(b) A statement that the resident has the right to appeal the discharge; and

(c) The name, address, and telephone number of the state long-term care ombudsman.

(6) If the resident appeals a department discharge decision, the resident shall not be discharged without the resident's consent until at least thirty days after a final order is entered upholding the decision to discharge the resident.

(7) Before the facility transfers or discharges a resident, the facility must first attempt through reasonable accommodations to avoid the transfer or discharge unless the transfer or discharge is agreed to by the resident. The facility shall admit or retain only individuals whose needs it can safely and appropriately serve in the facility with available staff or through the provision of reasonable accommodations required by state or federal law. "Reasonable accommodations" has the meaning given to this term under the federal Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. and other applicable federal or state antidiscrimination laws and regulations.

### PART III ESTATE RECOVERY CONSUMER DISCLOSURE

**NEW SECTION. Sec. 301.** A new section is added to chapter 43.20B RCW to read as follows:

(1) It is the intent of the legislature to ensure that needy individuals have access to basic long-term care without requiring them to sell their homes. In the face of rising medical costs and limited funding for social welfare programs, however, the state's medicaid and state-funded long-term care programs have placed an increasing financial burden on the state. By balancing the interests of individuals with immediate and future unmet medical care needs, surviving spouses and dependent children, adult nondependent children, more distant heirs, and the state, the estate recovery provisions of RCW 43.20B.080 and 74.39A.170 provide an equitable and reasonable method of easing the state's financial burden while ensuring the continued viability of the medicaid and state-funded long-term care programs.

(2) It is further the intent of the legislature to confirm that chapter 21, Laws of 1994, effective July 1, 1994, repealed and substantially reenacted the state's medicaid estate recovery laws and did not eliminate the department's authority to recover the cost of medical assistance paid prior to October 1, 1993, from the estates of deceased recipients regardless of whether they received benefits before, on, or after July 1, 1994.

**Sec. 302.** RCW 43.20B.080 and 1995 1st sp.s. c 18 s 67 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual ~~((as required by this chapter and))~~ consistent with 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005 ~~((except property passing through a community property agreement))~~, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with ~~((the requirements of))~~ 42 U.S.C. Sec. 1396p.

(4) The department shall apply the medical assistance estate recovery law as it existed on the date that benefits were received when calculating an estate's liability to reimburse the department for those benefits.

(5)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

(b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

~~((5))~~ (6) A lien authorized under subsections (1) through (5) of this section relates Backlund to attach to any real property that the decedent had an ownership interest in immediately before death and is effective as of that date.

(7) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

(8) The office of financial management shall review the cost and feasibility of the department of social and health services collecting the client copayment for long-term care consistent with the terms and conditions of RCW 74.39A.120, and the cost impact to community providers under the current system for collecting the client's copayment in addition to the amount charged to the client for estate recovery, and report to the legislature by December 12, 1997.

**Sec. 303.** RCW 74.34.010 and 1995 1st sp.s. c 18 s 82 are each amended to read as follows:

The legislature finds that frail elders and vulnerable adults may be subjected to abuse, neglect, exploitation, or abandonment. The legislature finds that there are a number of adults sixty years of age or older who lack the ability to perform or obtain those services necessary to maintain or establish their well-being. The legislature finds that many frail elders and vulnerable adults have health problems that place them in a dependent position. The legislature further finds that a significant number of frail elders and vulnerable adults have mental and verbal limitations that leave them vulnerable and incapable of asking for help and protection.

It is the intent of the legislature to prevent or remedy the abuse, neglect, exploitation, or abandonment of persons sixty years of age or older who have a functional, mental, or physical inability to care for or protect themselves.

It is the intent of the legislature to assist frail elders and vulnerable adults by providing these persons with the protection of the courts and with the least-restrictive services, such as home care, and by preventing or reducing inappropriate institutional care. The legislature finds that it is in the interests of the public health, safety, and welfare of the people of the state to provide a procedure for identifying these vulnerable persons and providing the services and remedies necessary for their well-being.

It is further the intent of the legislature that the cost of protective services rendered to a frail elder or vulnerable adult under this chapter that are paid with state funds only not be subject to recovery from the recipient or the recipient's estate, whether by lien, adjustment, or any other means of recovery, regardless of the income or assets of the recipient of the services. In making this exemption the legislature recognizes that receipt of such services is voluntary and incentives to decline services or delay permission must be kept to a minimum. There may be a need to act or intervene quickly to protect the assets, health, or well-being of a frail elder or vulnerable adult; to prevent or halt the exploitation, neglect, abandonment, or abuse of the person or assets of a frail elder or vulnerable adult; or to prevent or limit inappropriate placement or retention in an institution providing long-term care. The delivery of such services is less likely to be impeded, and consent to such services will be more readily obtained, if the cost of these services is not subject to recovery. The legislature recognizes that there will be a cost in not seeking financial recovery for such services, but that this cost may be offset by preventing costly and inappropriate institutional placement.

**NEW SECTION. Sec. 304.** A new section is added to chapter 74.34 RCW to read as follows:

The cost of benefits and services provided to a frail elder or vulnerable adult under this chapter with state funds only does not constitute an obligation or lien and is not recoverable from the recipient of the services or from the recipient's estate, whether by lien, adjustment, or any other means of recovery.

**Sec. 305.** RCW 74.39A.170 and 1995 1st sp.s. c 18 s 56 are each amended to read as follows:

(1) All payments made in state-funded long-term care shall be recoverable as if they were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW(~~(, but)~~) without regard to the recipient's age, except the cost of state-funded adult protective services provided under chapter 74.34 RCW to frail elders and vulnerable adults.

(2) In determining eligibility for state-funded long-term care services programs, except for protective services provided to frail elders and vulnerable adults, the department shall impose the same rules with respect to the transfer of assets for less than fair market value as are imposed under 42 U.S.C. 1396p with respect to nursing home and home and community services.

(3) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery. The disclosure must include billing and recovery and copayment procedures to all persons offered long-term care services subject to recovery of payments.

(4) It is the intent of the legislature that the department collect, to the extent possible, all costs associated with the individual provider program including, but not limited to, training, taxes, and fringe benefits.

By November 15, 1997, the secretary shall identify and report to the legislature:

(a) The costs of identifying or tracking direct and indirect costs associated with the individual provider program, including any necessary changes to the department's information systems; and

(b) Any federal or state laws limiting the department's ability to recover direct or indirect costs of the individual provider program from the estate.

(5) To the extent funds are available and in compliance with federal law, the department is responsible for also notifying the client, or his or her advocate, quarterly of the types of services used, charges for services, credit amount of copayment, and the difference (debt) that will be charged against the estate.

#### PART IV ADULT FAMILY HOMES



**Sec. 401.** RCW 70.128.175 and 1995 1st sp.s. c 18 s 29 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section and RCW 35.63.140, 35A.63.149, 36.70.755, 35.22.680, and 36.32.560:

(a) "Adult family home" means a regular family abode ~~((of))~~ in which a person or persons ~~((providing))~~ provides personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(b) "Residential care facility" means a facility that cares for at least five, but not more than fifteen functionally disabled persons, that is not licensed pursuant to chapter 70.128 RCW.

(c) "Department" means the department of social and health services.

(2) An adult family home shall be considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

**NEW SECTION. Sec. 402.** The department of social and health services shall implement a limited moratorium on the authorization of adult family home licenses until December 12, 1997, or until the secretary has determined that all adult family home and group home safety and quality of care standards have been reviewed by the department, determined by the secretary to reasonably protect the life, safety, and health of residents, and has notified all adult family home and group home operators of the standards of care or any modifications to the existing standards. This limited moratorium shall in no way prevent a person eligible to receive services from receiving the same or equivalent chronic long-term care services. In the event of a need for such services, the department shall develop a process for determining the availability of chronic long-term care residential services on a case-by-case basis to determine if an adult family home license should be granted to accommodate the needs of a particular geographical or ethnic community. The department may review the cost and feasibility of creating an adult family home advisory committee. The secretary shall make the final determination on individual case licensure until December 12, 1997, or until the moratorium has been removed and determine if an adult family home advisory committee should be developed.

**NEW SECTION. Sec. 403.** The department of social and health services is authorized to adopt rules, including emergency rules, for implementing the provisions of section 402 of this act.

## PART V MISCELLANEOUS PROVISIONS

**NEW SECTION. Sec. 501.** The department of health in cooperation with the department of social and health services may develop a plan for implementing a pilot program for accrediting boarding homes licensed under RCW 18.20.020 with a recognized national nongovernmental accreditation organization or an organization with experience in developing and implementing accreditation programs in at least two states. The pilot plan, if funded, shall be developed with the input of residents, provider representatives, and other vested interest groups. If funded, the plan shall review the overall feasibility of implementation, cost or savings to the department of health, impact on client health and safety, and financial and other impacts to the boarding industry. If funded, the pilot boarding home accreditation plan shall be presented to the appropriate committees of the house of representatives and the senate by January 5, 1998.

**NEW SECTION. Sec. 502.** The department of community, trade, and economic development, in collaboration with the organizations designated by state or federal law to provide protection and advocacy and ombuds services for older Americans and people with disabilities using publicly funded long-term care residential services, may conduct a study, make recommendations, and draft legislation necessary to implement changes that will result in a single coordinating umbrella for ombuds and advocacy services that maximizes efficiency, minimizes duplication, and allows for specialization in target populations such as developmental disabilities, older Americans, and mental illness, and assures that the providers of ombuds services have sufficient expertise and experience with target populations and the systems that serve them. The study, if funded, shall include review of all relevant federal and state laws and regulations, including but not limited to the older Americans act, 42 U.S.C. 3001 as amended, the developmental disabilities assistance and bill of rights act as amended, 42 U.S.C. 6000, the protection and advocacy for persons with mental illness act as amended, 42 U.S.C. 10801, the

rehabilitation act of 1973 as amended, 29 U.S.C. 701, the long-term care ombudsman statute chapter 43.190 RCW, developmental disabilities statute, Title 71A RCW, and the community mental health services regulations, chapter 275-57 WAC. If funded, the study shall identify the gaps in current ombuds and advocacy services, and develop a cost assessment for implementation of a comprehensive umbrella of ombuds and advocacy services. If funded, the department of community, trade, and economic development shall report to the appropriate committees of the house of representatives and the senate by January 10, 1998.

**NEW SECTION. Sec. 503.** The department of social and health services may review the cost and feasibility of implementing developmental disabilities certification standards for community residential alternatives to ensure that services are adequate for the health, safety, care, treatment, and support of persons with developmental disabilities. The community residential alternatives shall include, but not be limited to, entities that contract or directly provide services with the division of developmental disabilities such as group homes, agency alternative living, intensive and other tenant support services, adult family homes, or boarding homes. Certification standards shall review at a minimum the following areas. Administrative and financial capabilities of the provider, health and safety practices, the opportunities for the individuals served by the programs to have power and choice in their lives, opportunities to develop friendships and relationships, and opportunities to develop self-respect and to gain respect from others, to participate in the community, and to gain independent living skills. If the review is funded, the department shall also recommend whether adult family homes that choose to provide services only to persons with developmental disabilities should receive special certification or licensure apart from or in place of the existing adult family home license. The review may also recommend the type and amount of provider training necessary to appropriately support persons with developmental disabilities in community residential alternatives. The department may include the assistance of other departments, vested interest groups, and family members in the development of recommendations. If funded, the department shall report to the appropriate committees of the house of representatives and the senate by January 30, 1998.

**NEW SECTION. Sec. 504.** Any section or provision of this act that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department of health or the department of social and health services. If any section of this act is found to be in conflict with federal requirements that are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, the conflicting part is declared to be inoperative solely to the extent of the conflict. The rules issued under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 505.** A new section is added to chapter 43.70 RCW to read as follows:  
The department of health, and the disciplining authorities as agents of the department of social and health services for purposes of this section in cooperation with the department of social and health services, shall implement a nursing home resident protection program in accordance with guidelines established by the federal health care financing administration. The department of social and health services shall retain authority to review and investigate all allegations of nursing home resident neglect, abuse, and misappropriation of resident property. If the department of social and health services makes a preliminary determination, based upon credible evidence and an investigation by the department, that a licensed, certified, or registered health care provider listed in RCW 18.130.040 and used by the nursing home to provide services to a resident, except for a certified or registered nursing assistant, has neglected or abused a resident or misappropriated a resident's property, the department of social and health services shall immediately refer its determination regarding the individual to the appropriate disciplining authority, as defined in chapter 18.130 RCW. The disciplining authority shall pursue administrative adjudicatory or disciplinary proceedings according to federal timelines and requirements, and consistent with the administrative procedure act, chapter 34.05 RCW. Meeting federal requirements for the resident protection program shall not compromise due process protections when state disciplining authorities take actions against health professionals regulated under the uniform disciplinary act, chapter 18.130 RCW. The secretary of social and health services shall have access to all information concerning any complaint referred under the resident protection program to the secretary of health and the other disciplining authorities. If the department of social and health services

determines that the disciplining authority has failed to meet the applicable requirements of federal law for the resident protection program, jurisdiction on the individual case shall revert to the secretary of social and health services for actions under the federal law, which shall not interfere with the action under the uniform disciplinary act. The secretary of social and health services and the secretary of health shall enter into an interagency agreement to implement the provisions of this section. A finding of fact, stipulated finding of fact, agreed order, or final order issued by the disciplining authority that finds the individual health care provider guilty of neglect, abuse, or misappropriation of resident property shall be promptly reported to the department of social and health services.

**NEW SECTION. Sec. 506.** A new section is added to chapter 18.51 RCW to read as follows:

The department of social and health services shall retain authority to review and investigate all allegations of nursing home resident neglect, abuse, and misappropriation of resident property. The department of social and health services in cooperation with the department of health and disciplining authorities shall implement a nursing home resident protection program according to guidelines established by the federal health care financing administration. The department of social and health services, as the federally responsible state agency, shall conduct or coordinate the conduct of the most appropriate and timely review and investigation of all credible allegations of nursing home resident neglect, abuse, and misappropriation of resident property. If the department of social and health services makes a preliminary determination, based upon credible evidence and an investigation by the department, that a licensed, certified, or registered health care provider listed in RCW 18.130.040 and used by the nursing home to provide services to a resident, except for a certified or registered nursing assistant, has neglected or abused a resident or misappropriated a resident's property, the department of social and health services shall immediately refer its determination regarding the individual to the department of health or disciplining authority, as defined in RCW 18.130.020. The disciplining authority shall pursue administrative adjudicatory or disciplinary proceedings according to federal timelines and requirements, and consistent with the administrative procedure act, chapter 34.05 RCW. When the department of social and health services determines such proceeding does not meet federal timelines and requirements, the department of social and health services shall have the authority to take federally required actions. Other individuals used by a nursing home, including certified and registered nursing assistants, with a preliminary determination of neglect, abuse, or misappropriation of resident property shall receive notice and the right to an administrative fair hearing from the department of social and health services according to federal timelines and requirements. An individual with a finding of fact, stipulated finding of fact, agreed order, or final order issued by the department of social and health services or the disciplining authority that finds the individual guilty of neglect, abuse, or misappropriation of resident property shall not be employed in the care of and have unsupervised access to vulnerable adults, as defined in chapter 74.34 RCW. Upon receipt from the disciplining authority of a finding of fact, stipulated finding of fact, agreed order, or final order that finds the individual health care provider guilty of neglect, abuse, or misappropriation of resident property, the department of social and health services shall report this information to the nursing home where the incident occurred, the long-term care facility where the individual works, if different, and other entities serving vulnerable adults upon request by the entity.

**NEW SECTION. Sec. 507.** A new section is added to chapter 9A.42 RCW to read as follows:

The legislature finds that there is a significant need to protect children and dependent persons, including frail elder and vulnerable adults, from abuse and neglect by their parents, by persons entrusted with their physical custody, or by persons employed to provide them with the basic necessities of life. The legislature further finds that such abuse and neglect often takes the forms of either withholding from them the basic necessities of life, including food, water, shelter, clothing, and health care, or abandoning them, or both. Therefore, it is the intent of the legislature that criminal penalties be imposed on those guilty of such abuse or neglect. It is the intent of the legislature that a person who, in good faith, is furnished Christian Science treatment by a duly accredited Christian Science practitioner in lieu of medical care is not considered deprived of medically necessary health care or abandoned. Prosecutions under this chapter shall be consistent with the rules of evidence, including hearsay, under law.

**Sec. 508.** RCW 9A.42.010 and 1996 c 302 s 1 are each amended to read as follows:  
As used in this chapter:

(1) "Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

(2)(a) "Bodily injury" means physical pain or injury, illness, or an impairment of physical condition;

(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

(3) "Child" means a person under eighteen years of age.

(4) "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, and a frail elder or vulnerable adult, as defined in RCW 74.34.020(8), is presumed to be a dependent person for purposes of this chapter.

(5) "Employed" means hired by a dependent person, another person acting on behalf of a dependent person, or by an organization or governmental entity, to provide to a dependent person any of the basic necessities of life. A person may be "employed" regardless of whether the person is paid for the services or, if paid, regardless of who pays for the person's services.

(6) "Parent" has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

(7) "Abandons" means leaving a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life.

**Sec. 509.** RCW 9A.42.050 and 1986 c 250 s 5 are each amended to read as follows:

In any prosecution for criminal mistreatment, it shall be a defense that the withholding of the basic necessities of life is due to financial inability only if the person charged has made a reasonable effort to obtain adequate assistance. This defense is available to a person employed to provide the basic necessities of life only when the agreed-upon payment has not been made.

**Sec. 510.** RCW 9A.42.020 and 1986 c 250 s 2 are each amended to read as follows:

(1) A parent of a child (~~(or)~~), the person entrusted with the physical custody of a child or dependent person, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the first degree if he or she recklessly, as defined in RCW 9A.08.010, causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the first degree is a class B felony.

**Sec. 511.** RCW 9A.42.030 and 1986 c 250 s 3 are each amended to read as follows:

(1) A parent of a child (~~(or)~~), the person entrusted with the physical custody of a child or dependent person, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the second degree if he or she recklessly, as defined in RCW 9A.08.010, either (a) creates an imminent and substantial risk of death or great bodily harm, or (b) causes substantial bodily harm by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the second degree is a class C felony.

**NEW SECTION. Sec. 512.** A new section is added to chapter 9A.42 RCW to read as follows:

RCW 9A.42.020 and 9A.42.030 do not apply when a terminally ill person or his or her designee requests palliative care and the person receives palliative care from a licensed home health agency, hospice agency, nursing home, or hospital who is providing care under the medical direction of a physician.

**Sec. 513.** RCW 9A.44.010 and 1994 c 271 s 302 are each amended to read as follows:  
As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors; ((~~or~~))

(b) A person who in the course of his or her employment supervises minors; or

(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

(9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

(10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020(2).

(13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered or certified under chapter 18.19 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128

RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

**Sec. 514.** RCW 9A.44.050 and 1993 c 477 s 2 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

(a) By forcible compulsion;

(b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; ~~(( $\text{\textcircled{F}}$ ))~~

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who has a significant relationship with the victim.

(2) Rape in the second degree is a class A felony.

**Sec. 515.** RCW 9A.44.100 and 1993 c 477 s 3 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; ~~(( $\text{\textcircled{F}}$ ))~~

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; ~~(( $\text{\textcircled{F}}$ ))~~

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who has a significant relationship with the victim.

(2) Indecent liberties is a class B felony.

**Sec. 516.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners certified under chapter 18.89 RCW;

(x) Persons registered or certified under chapter 18.19 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified under chapter ~~((18.79))~~ 18.88A RCW;

(xiii) Health care assistants certified under chapter 18.135 RCW;

(xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xv) Sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Persons registered as adult family home providers and resident managers under RCW 18.48.020; and

(xviii) Denturists licensed under chapter 18.30 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52

RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 517.** RCW 18.130.200 and 1986 c 259 s 12 are each amended to read as follows:

A person who attempts to obtain ~~((or))~~, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor.

**Sec. 518.** RCW 43.43.842 and 1992 c 104 s 1 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies ~~((or))~~, facilities ~~((which))~~, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having ~~((direct contact))~~ unsupervised access with a vulnerable adult shall not have been: ~~((a))~~ (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; ~~((b))~~ (ii) convicted of crimes relating to financial

exploitation as defined in RCW 43.43.830, except as provided in this section; ~~((e))~~ (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or ~~((d))~~ (iv) the subject in a protective proceeding under chapter 74.34 RCW.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, and all crimes relating to financial exploitation as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, ~~or cause to be investigated,~~ the conviction record and the protection proceeding record information under this chapter ~~((43.43 RCW of each agency or facility and its))~~ of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 519.** RCW 70.124.020 and 1996 c 178 s 24 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Court" means the superior court of the state of Washington.

(2) "Law enforcement agency" means the police department, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, pharmacy, physical therapy, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery. The term "practitioner" shall include a nurses aide, a nursing home administrator licensed under chapter 18.52 RCW, and a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a nursing home patient who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected patient for the purposes of this chapter.

(4) "Department" means the state department of social and health services.

(5) "Nursing home" has the meaning prescribed by RCW 18.51.010.

(6) "Social worker" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of nursing home patients, or providing social services to nursing home patients, whether in an individual capacity or as an employee or agent of any public or private organization or institution.



(7) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(8) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(9) "Abuse or neglect" or "patient abuse or neglect" means the nonaccidental physical injury or condition, sexual abuse, or negligent treatment of a nursing home or state hospital patient under circumstances which indicate that the patient's health, welfare, ~~((and))~~ or safety is harmed thereby.

(10) "Negligent treatment" means an act or omission which evinces a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the patient's health, welfare, ~~((and))~~ or safety.

(11) "State hospital" means any hospital operated and maintained by the state for the care of the mentally ill under chapter 72.23 RCW.

**Sec. 520.** RCW 70.124.040 and 1981 c 174 s 4 are each amended to read as follows:

(1) Where a report is ~~((deemed warranted))~~ required under RCW 70.124.030, an immediate oral report shall be made by telephone or otherwise to either a law enforcement agency or to the department and, upon request, shall be followed by a report in writing. The reports shall contain the following information, if known:

- (a) The name and address of the person making the report;
- (b) The name and address of the nursing home or state hospital patient;
- (c) The name and address of the patient's relatives having responsibility for the patient;
- (d) The nature and extent of the injury or injuries;
- (e) The nature and extent of the neglect;
- (f) The nature and extent of the sexual abuse;
- (g) Any evidence of previous injuries, including their nature and extent; and
- (h) Any other information which may be helpful in establishing the cause of the patient's death, injury, or injuries, and the identity of the perpetrator or perpetrators.

(2) Each law enforcement agency receiving such a report shall, in addition to taking the action required by RCW 70.124.050, immediately relay the report to the department, and to other law enforcement agencies, including the medicaid fraud control unit of the office of the attorney general, as appropriate. For any report it receives, the department shall likewise take the required action and in addition relay the report to the appropriate law enforcement agency or agencies. The appropriate law enforcement agency or agencies shall receive immediate notification when the department, upon receipt of such report, has reasonable cause to believe that a criminal act has been committed.

**Sec. 521.** RCW 70.124.070 and 1979 ex.s. c 228 s 7 are each amended to read as follows:

A person who is required to make or to cause to be made a report pursuant to RCW 70.124.030 or 70.124.040 and who knowingly fails to make such report or fails to cause such report to be made is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 522.** A new section is added to chapter 74.34 RCW to read as follows:

A person who is required to make or cause to be made a report under RCW 74.34.030 or 74.34.040 and who knowingly fails to make the report or fails to cause the report to be made is guilty of a gross misdemeanor.

**Sec. 523.** RCW 74.34.020 and 1995 1st sp.s. c 18 s 84 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms a person through action or inaction by another individual.

(3) "Consent" means express written consent granted after the person has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage.

(6) "Neglect" means a pattern of conduct or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that results in the deprivation of care necessary to maintain the vulnerable person's physical or mental health.

(7) "Secretary" means the secretary of social and health services.

(8) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" shall include persons found incapacitated under chapter 11.88 RCW, or a person who has a developmental disability under chapter 71A.10 RCW, and persons admitted to any long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, or persons receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW.

(9) No frail elder or vulnerable person who relies upon and is being provided spiritual treatment in lieu of medical treatment in accordance with the tenets and practices of a well-recognized religious denomination shall for that reason alone be considered abandoned, abused, or neglected.

**Sec. 524.** RCW 43.43.832 and 1995 c 250 s 2 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system ~~((may))~~ shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. ~~((When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.))~~

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services ~~((;))~~ must consider the information listed in subsection (1) of this section in the following circumstances:

(a) When considering persons for state positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults ~~((;))~~;

(b) When licensing ~~((or authorizing such persons or))~~ agencies ~~((pursuant to its authority))~~ or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15~~((;))~~ or 18.51~~((; 18.20, or 72.23))~~ RCW~~((, or any later-enacted statute which purpose is to license or regulate a facility which handles vulnerable adults, must consider the information listed in subsection (1) of this section));~~

(c) When contracting with individuals or businesses or organizations for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW. ~~((However, when necessary))~~

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a

volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

**Sec. 525.** RCW 43.20A.710 and 1993 c 210 s 1 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

~~((1))~~ (a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or individuals with mental illness or developmental disabilities; and ~~((2))~~

(b) Individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment, including but not limited to services provided under chapter 74.39A RCW.

(2) The investigation may include an examination of state and national criminal identification data ~~((and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment who hired them and to their legal guardians, if any)).~~ The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants ~~((except that in the case of individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment who employ individual providers, the)).~~

(3) The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants ~~((shall be made by the individual with a physical disability, developmental disability, mental illness, or mental impairment)).~~ If an individual elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from employment with the department, then the secretary may deny payment for any subsequent services rendered by the disqualified individual provider.

(4) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. ~~((If necessary, persons may be employed on a conditional basis pending completion of the background investigation.))~~

**Sec. 526.** RCW 18.52C.010 and 1988 c 243 s 1 are each amended to read as follows:

The legislature intends to protect the public's right to high quality health care by assuring that nursing pools employ, procure or refer competent and qualified ~~((nursing))~~ health care or long-term care personnel, and that such ~~((nursing))~~ personnel are provided to health care facilities, agencies, or individuals in a way to meet the needs of residents and patients.

**Sec. 527.** RCW 18.52C.020 and 1991 c 3 s 130 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of health.

(2) "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, boarding home, adult family home, group home, or other entity for the delivery of health care or long-term care services, including chore services provided under chapter 74.39A RCW.

(3) "Nursing home" means any nursing home facility licensed pursuant to chapter 18.52 RCW.

(4) "Nursing pool" means any person engaged in the business of providing, procuring, or referring health care or long-term care personnel for temporary employment in health care facilities, such as licensed nurses or practical nurses, ~~((and))~~ nursing assistants, and chore service providers. "Nursing pool" does not include an individual who only engages in providing his or her own services.

(5) "Person" includes an individual, firm, corporation, partnership, or association.

**Sec. 528.** RCW 18.52C.040 and 1991 c 3 s 132 are each amended to read as follows:

(1) The nursing pool shall document that each temporary employee or referred independent contractor provided or referred to health care facilities currently meets the applicable minimum state credentialing requirements.

(2) The nursing pool shall not require, as a condition of employment or referral, that employees or independent contractors of the nursing pool recruit new employees or independent contractors for the nursing pool from among the permanent employees of the health care facility to which the nursing pool employee or independent contractor has been assigned or referred.

(3) The nursing pool shall carry professional and general liability insurance to insure against any loss or damage occurring, whether professional or otherwise, as the result of the negligence of its employees, agents or independent contractors for acts committed in the course of their employment with the nursing pool: PROVIDED, That a nursing pool that only refers self-employed, independent contractors to health care facilities shall carry professional and general liability insurance to cover its own liability as a nursing pool which refers self-employed, independent contractors to health care facilities: AND PROVIDED FURTHER, That it shall require, as a condition of referral, that self-employed, independent contractors carry professional and general liability insurance to insure against loss or damage resulting from their own acts committed in the course of their own employment by a health care facility.

(4) The uniform disciplinary act, chapter 18.130 RCW, shall govern the issuance and denial of registration and the discipline of persons registered under this chapter. The secretary shall be the disciplinary authority under this chapter.

(5) The nursing pool shall conduct a criminal background check on all employees and independent contractors as required under RCW 43.43.842 prior to employment or referral of the employee or independent contractor.

**NEW SECTION. Sec. 529.** A new section is added to chapter 43.43 RCW to read as follows:

If information is released under this chapter by the state of Washington, the state and its employees: (1) Make no representation that the subject of the inquiry has no criminal record or adverse civil or administrative decisions; (2) make no determination that the subject of the inquiry is suitable for involvement with a business or organization; and (3) are not liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information.

**NEW SECTION. Sec. 530.** The following acts or parts of acts are each repealed:

- (1).RCW 74.39.030 and 1989 c 427 s 11;
- (2).RCW 74.39.040 and 1989 c 427 s 13;
- (3).RCW 74.39A.005 and 1993 c 508 s 1; and
- (4).RCW 74.39A.008 and 1995 1st sp.s. c 18 s 1.

**NEW SECTION. Sec. 531.** Part headings and captions used in this act are not part of the law.

**NEW SECTION. Sec. 532.** Section 403 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.129.010, 70.129.030, 70.129.110, 70.129.150, 74.39A.030, 74.39A.040, 74.39A.050, 74.39A.060, 70.129.105, 74.42.030, 74.42.450, 43.20B.080, 74.34.010, 74.39A.170, 70.128.175, 9A.42.010, 9A.42.050, 9A.42.020, 9A.42.030, 9A.44.010, 9A.44.050, 9A.44.100, 18.130.200, 43.43.842, 70.124.020, 70.124.040, 70.124.070, 74.34.020, 43.43.832, 43.20A.710, 18.52C.010, 18.52C.020, and 18.52C.040; reenacting and amending RCW 18.130.040; adding a new section to chapter 74.39A RCW; adding a new section to chapter 70.124 RCW; adding new sections to chapter 74.34 RCW; adding new sections to chapter 18.20 RCW; adding a new section to chapter 43.20B RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 18.51 RCW; adding new sections to chapter 9A.42 RCW; adding a new section to chapter 43.43 RCW; creating new sections; repealing RCW 74.39.030, 74.39.040, 74.39A.005, and 74.39A.008; and declaring an emergency."

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House adopted the Conference Committee recommendation on Engrossed Second Substitute House Bill No. 1850 and advanced the bill to final passage.

#### POINT OF ORDER

Representative H. Sommers: Mr. Speaker, I request a ruling on Scope and Object on the Senate amendments, particularly section 207, to Engrossed Second Substitute House Bill No. 1850.

#### SPEAKER'S RULING

The Speaker: Representative Sommers, the Speaker is prepared to rule on your Point of Order which challenges section 207 of the conference committee report to Engrossed Second Substitute House Bill No. 1850 as being beyond the Scope and Object of the bill.

The title of House Bill No. 1850 is "AN ACT Relating to the long-term care reorganization and standards of care reform act." The title is very broad. HB 1850 amends numerous sections of the RCW's related to health care issues, adds new sections and chapters to the RCW's that deal with health care issues; repeals several RCW's; prescribes penalties; provides effective and expiration dates; and declares an emergency.

Engrossed Second Substitute House Bill No. 1850 is a comprehensive bill making extensive changes to current law in order to improve and expand community long-term care options while maintaining standards of care.

Section 101 declares in part that the state's current fragmented categorical system for administering services to persons with disabilities and the elderly perpetuates difficulty in matching client needs and services to multiple categorical funding sources, and that to meet the significant and growing long-term care needs into the near future, rapid, fundamental changes must take place in the way we finance, organize, and provide long-term care services to the chronically functionally disabled.

Section 207 of the conference report attempts to accomplish this in part by providing enhanced residential care services for up to 180 clients who would otherwise be served in nursing homes or

assisted living. Reimbursement for this care is established at no less than 35% and no greater than 40% of the nursing home rate.

Section 207 of the conference report addresses reforms that include cost-effective options for consumers who would otherwise be placed in higher level nursing home settings. This is rationally related to the original purposes of the bill to establish fundamental reforms including funding sources and financing of care.

The Speaker finds that section 207 of the conference report is not beyond the scope and object of the bill.

Representative H. Sommers, your Point of Order is not well taken.

FINAL PASSAGE OF HOUSE BILL  
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1850 as recommended by the Conference Committee.

Representatives Dyer, Cody and Backlund spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1850 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Sommers, H. - 1.

Engrossed Second Substitute House Bill No. 1850, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has adopted the Second Report of the Conference Committee on SENATE BILL NO. 5034, and has passed the bill as recommended by the Conference Committee,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850,

MESSAGES FROM THE SENATE

April 27, 1997

Mr. Speaker:

The President has signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1850,  
and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 26, 1997

Mr. Speaker:

The Senate has adopted:  
SENATE CONCURRENT RESOLUTION NO. 8417,  
and the same is herewith transmitted.

Mike O'Connell, Secretary

April 27, 1997

Mr. Speaker:

The President has signed:  
SECOND SUBSTITUTE SENATE BILL NO. 5740,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6061,  
and the same are herewith transmitted.

Mike O'Connell, Secretary

April 27, 1997

Mr. Speaker:

The President has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1011,  
SUBSTITUTE HOUSE BILL NO. 1118,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,  
SUBSTITUTE HOUSE BILL NO. 1418,  
SUBSTITUTE HOUSE BILL NO. 1565,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730,  
HOUSE BILL NO. 1819,  
SECOND SUBSTITUTE HOUSE BILL NO. 2054,  
SUBSTITUTE HOUSE BILL NO. 2097,  
ENGROSSED HOUSE BILL NO. 2255,  
HOUSE CONCURRENT RESOLUTION NO. 4413,  
and the same are herewith transmitted.

Mike O'Connell, Secretary

April 27, 1997

Mr. Speaker:

The Senate has concurred in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5227, and has passed the bill as amended by the House,  
and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

The President has signed:  
SENATE BILL NO. 5034,

SECOND SUBSTITUTE SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5227,

and the same are herewith transmitted.

Mike O'Connell, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5034,  
SECOND SUBSTITUTE SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5227,

MESSAGE FROM THE SENATE

April 26, 1997

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8417,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

SCR 8417 by Senators McDonald, Loveland, Anderson, Bauer, Benton, Brown, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Goings, Hale, Hargrove, Haugen, Heavey, Hochstatter, Horn, Jacobsen, Johnson, Kline, Kohl, Long, McAuliffe, McCaslin, Morton, Newhouse, Oke, Patterson, Pelz, Prentice, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Sheldon, Snyder, Spanel, Stevens, Strannigan, Swanson, Swecker, Thibaudeau, West, Winsley, Wojahn, Wood and Zarelli

Renaming the Washington State Library Building as the "Joel Pritchard State Library"

There being no objection, Senate Concurrent Resolution No. 8417 was read the first time.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8417 was advanced to second reading and read the second time in full.

Representatives Hankins, H. Sommers and Lisk spoke in favor of adoption of the resolution.

Senate Concurrent Resolution No. 8417 was adopted.

MESSAGES FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has concurred in the House striking amendment(s) adopted as amended 4/27/97 to ENGROSSED SENATE BILL NO. 6094, and has passed the bill as amended by the House,

and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:



The Senate has adopted: SENATE CONCURRENT RESOLUTION NO. 8418,  
and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

The Senate has adopted:  
SENATE CONCURRENT RESOLUTION NO. 8419,  
and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, House Concurrent Resolution No. 4423 was read the first time.

HOUSE CONCURRENT RESOLUTION NO. 4423, by Representatives Lisk and Chopp

Returning bills to their house of origin.

The resolution was read the second time.

Representative Lisk moved adoption of the resolution and spoke in of it.

House Concurrent Resolution No. 4423 was adopted.

There being no objection, House Concurrent Resolution No. 4424 was read the first time.

HOUSE CONCURRENT RESOLUTION NO. 4424, by Representatives Lisk and Chopp

Notifying the Governor that the legislature will SINE DIE.

The resolution was read the second time.

Representative Lisk moved adoption of the resolution and spoke in of it.

House Concurrent Resolution No. 4424 was adopted.

#### RESOLUTION

HOUSE RESOLUTION NO. 97-4672, by Representatives Lisk and Chopp

WHEREAS, The 1997 Regular Session of the Fifty-fifth Legislature is drawing to a close; and  
WHEREAS, It is necessary to provide for the continuation of the work of the House of  
Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby  
created by this resolution and shall consist of seven members; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject  
matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for  
study during the interim, and the Speaker of the House of Representatives may create special and select  
committees as may be necessary to carry out the functions, including interim studies, of the House of  
Representatives in an orderly manner and shall appoint members to such committees with the approval  
of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall have full authority  
and direction over the authorization and execution of any personal services contracts or subcontracts  
that necessitate the expenditure of House appropriations; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 1997 regular session of the Fifty-fifth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees, order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature if any are adopted; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate established by law, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House Chamber, any of its committee rooms, or any of the furniture or furnishings in them, is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Fifty-fifth Legislature, as well as any committee assembly.

Representative Lisk moved adoption of the resolution and spoke in favor of it.

House Resolution No. 4672 was adopted.

#### MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2069,

and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 2279,

Mike O'Connell, Secretary

### RESOLUTION

HOUSE RESOLUTION NO. 97-4673, by Representatives Lisk and Chopp

NOW, THEREFORE, BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Senate that the House of Representatives is now ready to adjourn Sine Die.

House Resolution No. 4673 was adopted.

The Speaker appointed Representatives Smith, Hankins, Kastama and Lantz to notify the Senate, when instructed, that the House was about to adjourn Sine Die.

The Speaker appointed Representatives Bush, Clements, Wolfe and Gardner to notify the Governor, when instructed, that the House was about to adjourn Sine Die.

### MESSAGES FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate concurred in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5666, and the Senate failed to pass the bill.

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

The Senate has passed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6064,  
and the same is herewith transmitted.

Susan Carlson, Deputy Secretary

There being no objection, the House reverted to the fourth order of business.

### INTRODUCTION AND FIRST READING

ESSB 6064 by Senate Committee on Ways & Means (originally sponsored by Senators Strannigan and Fraser; by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts.

The bill was read the first time.

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 6064 was advanced to second reading and read the second time in full.

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 6064 was advanced to third reading and final passage.

Representatives Sehlin and Ogden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6064.

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6064, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appelwick, Backlund, Ballasiotes, Benson, Blalock, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Constantine, Conway, Cooke, Cooper, Costa, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dyer, Fisher, Gardner, Gombosky, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mason, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sullivan, Sump, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Dunn and Dunshee - 2.

Engrossed Substitute Senate Bill No. 6064, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the seventh order of business.

### THIRD READING

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1201.

Representative Robertson demanded an oral roll call and the demand was sustained.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1201 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 1, Excused - 0.

Voting yea: Representatives Alexander, Backlund, Ballasiotes, Benson, Boldt, Buck, Bush, Butler, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Cooper, Crouse, DeBolt, Delvin, Doumit, Dunn, Dyer, Gardner, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Johnson, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, O'Brien, Parlette, Pennington, Radcliff, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Skinner, Smith, Sommers, D., Sommers, H., Sterk, Sump, Talcott, Thomas, L., Thompson, Tokuda, Van Luven, Wensman, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Anderson, Appelwick, Blalock, Chopp, Cody, Cole, Constantine, Conway, Costa, Dickerson, Dunshee, Fisher, Gombosky, Kastama, Keiser, Kenney, Mason, Morris, Murray, Ogden, Poulsen, Quall, Regala, Romero, Scott, Sherstad, Sullivan, Thomas, B., Veloria, Wolfe and Wood - 31.

Absent: Representative Reams - 1.

Second Substitute House Bill No. 1201, having received the constitutional majority, was declared passed.

There being no objection, House Concurrent Resolution No. 4422 was read the first time.

HOUSE CONCURRENT RESOLUTION NO. 4422, by Representatives Lisk and Chopp

That the 1997 Regular Session of the Fifty-fifth Legislature adjourn SINE DIE.

The resolution was read the second time.

House Concurrent Resolution No. 4422 was adopted.

MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has adopted:  
and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4423,

Susan Carlson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4423,

The Speaker requested that the committee appointed to notify the Senate that the House was about to adjourn Sine Die do so.

LEGISLATIVE COMMITTEE APPOINTMENTS

The Speaker appointed the following members to the Legislative Transportation Committee: Representatives K. Schmidt, Cairnes, Chandler, Fisher, Hankins, Hatfield, Mitchell, Murray, Radcliff, Robertson, Romero and Wood.

The Sergeant-at-Arms announced the arrival of a delegation from the Senate. The Speaker requested that the House's guests be escorted to the Rostrum where it was his pleasure to introduce Senators Swecker, Jacobsen, Brown and Horn. The delegation informed the House that the Senate was about to adjourn Sine Die. The Sergeant-at-Arms escorted the Senators from the chamber.

The Sergeant-at-Arms announced that the House's delegation had returned from the Senate. The Speaker requested that the delegation be escorted to the Rostrum where the members informed the House that the Senate had received the House's message.

MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The Senate has adopted:  
and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4424,

Susan Carlson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4422,  
HOUSE CONCURRENT RESOLUTION NO. 4424,

MESSAGE FROM THE SENATE

April 27, 1997

Mr. Speaker:

The President has signed:  
and the same is herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4422,

Susan Carlson, Deputy Secretary

April 27, 1997

Mr. Speaker:

Under the provisions of House Concurrent Resolution 4423, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1005,  
HOUSE BILL NO. 1012,  
HOUSE BILL NO. 1013,  
ENGROSSED HOUSE BILL NO. 1027,  
HOUSE BILL NO. 1028,  
HOUSE BILL NO. 1038,  
HOUSE BILL NO. 1040,  
SUBSTITUTE HOUSE BILL NO. 1043,  
HOUSE BILL NO. 1046,  
HOUSE BILL NO. 1051,  
SECOND SUBSTITUTE HOUSE BILL NO. 1055,  
HOUSE BILL NO. 1059,  
SUBSTITUTE HOUSE BILL NO. 1065,  
SUBSTITUTE HOUSE BILL NO. 1072,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1074,  
HOUSE BILL NO. 1075,  
SUBSTITUTE HOUSE BILL NO. 1077,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1079,  
HOUSE BILL NO. 1082,  
SUBSTITUTE HOUSE BILL NO. 1083,  
HOUSE BILL NO. 1087,  
SUBSTITUTE HOUSE BILL NO. 1088,  
HOUSE BILL NO. 1090,  
HOUSE BILL NO. 1091,  
HOUSE BILL NO. 1092,  
SUBSTITUTE HOUSE BILL NO. 1093,  
HOUSE BILL NO. 1097,  
HOUSE BILL NO. 1103,  
SUBSTITUTE HOUSE BILL NO. 1104,  
HOUSE BILL NO. 1109,  
SUBSTITUTE HOUSE BILL NO. 1112,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113,  
SUBSTITUTE HOUSE BILL NO. 1114,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115,  
HOUSE BILL NO. 1117,  
SUBSTITUTE HOUSE BILL NO. 1121,  
SUBSTITUTE HOUSE BILL NO. 1126,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1127,  
ENGROSSED HOUSE BILL NO. 1128,  
HOUSE BILL NO. 1129,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130,  
SUBSTITUTE HOUSE BILL NO. 1141,  
SUBSTITUTE HOUSE BILL NO. 1158,  
HOUSE BILL NO. 1165,  
HOUSE BILL NO. 1168,  
HOUSE BILL NO. 1172,  
SUBSTITUTE HOUSE BILL NO. 1174,  
SUBSTITUTE HOUSE BILL NO. 1178,  
HOUSE BILL NO. 1181,  
ENGROSSED HOUSE BILL NO. 1186,  
SUBSTITUTE HOUSE BILL NO. 1193,  
SUBSTITUTE HOUSE BILL NO. 1195,

HOUSE BILL NO. 1197,  
ENGROSSED HOUSE BILL NO. 1205,  
HOUSE BILL NO. 1207,  
SUBSTITUTE HOUSE BILL NO. 1211,  
SUBSTITUTE HOUSE BILL NO. 1212,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1221,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1223,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1230,  
ENGROSSED HOUSE BILL NO. 1238,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243,  
SUBSTITUTE HOUSE BILL NO. 1245,  
HOUSE BILL NO. 1248,  
HOUSE BILL NO. 1250,  
HOUSE BILL NO. 1252,  
SUBSTITUTE HOUSE BILL NO. 1253,  
ENGROSSED HOUSE BILL NO. 1254,  
SUBSTITUTE HOUSE BILL NO. 1259,  
SUBSTITUTE HOUSE BILL NO. 1260,  
SUBSTITUTE HOUSE BILL NO. 1263,  
SUBSTITUTE HOUSE BILL NO. 1266,  
HOUSE BILL NO. 1273,  
HOUSE BILL NO. 1274,  
SECOND SUBSTITUTE HOUSE BILL NO. 1275,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1283,  
SUBSTITUTE HOUSE BILL NO. 1286,  
HOUSE BILL NO. 1297,  
SUBSTITUTE HOUSE BILL NO. 1298,  
HOUSE BILL NO. 1301,  
HOUSE BILL NO. 1308,  
HOUSE BILL NO. 1309,  
HOUSE BILL NO. 1312,  
SUBSTITUTE HOUSE BILL NO. 1313,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,  
HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1332,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1344,  
SUBSTITUTE HOUSE BILL NO. 1346,  
SUBSTITUTE HOUSE BILL NO. 1351,  
SUBSTITUTE HOUSE BILL NO. 1352,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1354,  
HOUSE BILL NO. 1363,  
HOUSE BILL NO. 1368,  
ENGROSSED HOUSE BILL NO. 1370,  
SECOND SUBSTITUTE HOUSE BILL NO. 1374,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1378,  
SUBSTITUTE HOUSE BILL NO. 1379,  
SUBSTITUTE HOUSE BILL NO. 1380,  
SUBSTITUTE HOUSE BILL NO. 1385,  
SUBSTITUTE HOUSE BILL NO. 1390,  
ENGROSSED HOUSE BILL NO. 1391,  
ENGROSSED HOUSE BILL NO. 1394,  
SUBSTITUTE HOUSE BILL NO. 1395,  
SUBSTITUTE HOUSE BILL NO. 1404,  
HOUSE BILL NO. 1405,

ENGROSSED HOUSE BILL NO. 1408,  
SUBSTITUTE HOUSE BILL NO. 1412,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1415,  
SUBSTITUTE HOUSE BILL NO. 1416,  
HOUSE BILL NO. 1421,  
HOUSE BILL NO. 1422,  
SUBSTITUTE HOUSE BILL NO. 1427,  
SUBSTITUTE HOUSE BILL NO. 1428,  
HOUSE BILL NO. 1431,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,  
SUBSTITUTE HOUSE BILL NO. 1436,  
SUBSTITUTE HOUSE BILL NO. 1437,  
SUBSTITUTE HOUSE BILL NO. 1441,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443,  
SUBSTITUTE HOUSE BILL NO. 1462,  
SUBSTITUTE HOUSE BILL NO. 1469,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
HOUSE BILL NO. 1483,  
HOUSE BILL NO. 1487,  
HOUSE BILL NO. 1488,  
HOUSE BILL NO. 1489,  
SUBSTITUTE HOUSE BILL NO. 1490,  
SUBSTITUTE HOUSE BILL NO. 1492,  
HOUSE BILL NO. 1500,  
SUBSTITUTE HOUSE BILL NO. 1501,  
SUBSTITUTE HOUSE BILL NO. 1503,  
SUBSTITUTE HOUSE BILL NO. 1504,  
SUBSTITUTE HOUSE BILL NO. 1505,  
SUBSTITUTE HOUSE BILL NO. 1510,  
HOUSE BILL NO. 1521,  
SECOND SUBSTITUTE HOUSE BILL NO. 1522,  
SUBSTITUTE HOUSE BILL NO. 1524,  
HOUSE BILL NO. 1534,  
SUBSTITUTE HOUSE BILL NO. 1541,  
HOUSE BILL NO. 1549,  
HOUSE BILL NO. 1559,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1560,  
SUBSTITUTE HOUSE BILL NO. 1566,  
SUBSTITUTE HOUSE BILL NO. 1568,  
HOUSE BILL NO. 1570,  
SUBSTITUTE HOUSE BILL NO. 1574,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1575,  
SUBSTITUTE HOUSE BILL NO. 1577,  
SUBSTITUTE HOUSE BILL NO. 1578,  
SUBSTITUTE HOUSE BILL NO. 1580,  
ENGROSSED HOUSE BILL NO. 1584,  
SUBSTITUTE HOUSE BILL NO. 1586,  
SUBSTITUTE HOUSE BILL NO. 1587,  
SUBSTITUTE HOUSE BILL NO. 1591,  
SUBSTITUTE HOUSE BILL NO. 1596,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1602,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1603,  
HOUSE BILL NO. 1611,  
SUBSTITUTE HOUSE BILL NO. 1612,  
SUBSTITUTE HOUSE BILL NO. 1613,  
HOUSE BILL NO. 1614,  
SUBSTITUTE HOUSE BILL NO. 1618,



ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,  
SECOND SUBSTITUTE HOUSE BILL NO. 1622,  
SUBSTITUTE HOUSE BILL NO. 1624,  
SUBSTITUTE HOUSE BILL NO. 1631,  
HOUSE BILL NO. 1648,  
SUBSTITUTE HOUSE BILL NO. 1655,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,  
SUBSTITUTE HOUSE BILL NO. 1672,  
HOUSE BILL NO. 1673,  
HOUSE BILL NO. 1676,  
SUBSTITUTE HOUSE BILL NO. 1680,  
HOUSE BILL NO. 1683,  
HOUSE BILL NO. 1684,  
SUBSTITUTE HOUSE BILL NO. 1685,  
SUBSTITUTE HOUSE BILL NO. 1692,  
SUBSTITUTE HOUSE BILL NO. 1698,  
SECOND SUBSTITUTE HOUSE BILL NO. 1709,  
SECOND SUBSTITUTE HOUSE BILL NO. 1714,  
HOUSE BILL NO. 1716,  
SECOND SUBSTITUTE HOUSE BILL NO. 1721,  
SUBSTITUTE HOUSE BILL NO. 1733,  
SUBSTITUTE HOUSE BILL NO. 1734,  
ENGROSSED HOUSE BILL NO. 1740,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1746,  
SUBSTITUTE HOUSE BILL NO. 1748,  
SUBSTITUTE HOUSE BILL NO. 1750,  
HOUSE BILL NO. 1751,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1752,  
HOUSE BILL NO. 1756,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 1778,  
SUBSTITUTE HOUSE BILL NO. 1781,  
SUBSTITUTE HOUSE BILL NO. 1784,  
HOUSE BILL NO. 1785,  
SUBSTITUTE HOUSE BILL NO. 1786,  
SUBSTITUTE HOUSE BILL NO. 1795,  
HOUSE BILL NO. 1796,  
SUBSTITUTE HOUSE BILL NO. 1800,  
SUBSTITUTE HOUSE BILL NO. 1801,  
SUBSTITUTE HOUSE BILL NO. 1805,  
HOUSE BILL NO. 1810,  
SUBSTITUTE HOUSE BILL NO. 1815,  
HOUSE BILL NO. 1816,  
SUBSTITUTE HOUSE BILL NO. 1823,  
SECOND SUBSTITUTE HOUSE BILL NO. 1825,  
HOUSE BILL NO. 1827,  
SUBSTITUTE HOUSE BILL NO. 1829,  
SUBSTITUTE HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 1834,  
HOUSE BILL NO. 1835,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1840,  
SUBSTITUTE HOUSE BILL NO. 1842,  
SUBSTITUTE HOUSE BILL NO. 1845,  
SUBSTITUTE HOUSE BILL NO. 1849,  
SECOND SUBSTITUTE HOUSE BILL NO. 1851,  
SUBSTITUTE HOUSE BILL NO. 1859,  
SUBSTITUTE HOUSE BILL NO. 1860,

SECOND SUBSTITUTE HOUSE BILL NO. 1862,  
SECOND SUBSTITUTE HOUSE BILL NO. 1864,  
SUBSTITUTE HOUSE BILL NO. 1867,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1872,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1873,  
HOUSE BILL NO. 1874,  
HOUSE BILL NO. 1881,  
SUBSTITUTE HOUSE BILL NO. 1886,  
ENGROSSED HOUSE BILL NO. 1891,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1898,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1911,  
HOUSE BILL NO. 1931,  
HOUSE BILL NO. 1932,  
SUBSTITUTE HOUSE BILL NO. 1934,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1938,  
SUBSTITUTE HOUSE BILL NO. 1943,  
SUBSTITUTE HOUSE BILL NO. 1946,  
SUBSTITUTE HOUSE BILL NO. 1948,  
SUBSTITUTE HOUSE BILL NO. 1950,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1965,  
SUBSTITUTE HOUSE BILL NO. 1966,  
SUBSTITUTE HOUSE BILL NO. 1968,  
SUBSTITUTE HOUSE BILL NO. 1971,  
SUBSTITUTE HOUSE BILL NO. 1973,  
SUBSTITUTE HOUSE BILL NO. 1978,  
HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 1992,  
SUBSTITUTE HOUSE BILL NO. 2008,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2019,  
SUBSTITUTE HOUSE BILL NO. 2028,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038,  
SUBSTITUTE HOUSE BILL NO. 2051,  
SUBSTITUTE HOUSE BILL NO. 2062,  
HOUSE BILL NO. 2070,  
HOUSE BILL NO. 2074,  
SUBSTITUTE HOUSE BILL NO. 2077,  
HOUSE BILL NO. 2084,  
ENGROSSED HOUSE BILL NO. 2094,  
SUBSTITUTE HOUSE BILL NO. 2105,  
SUBSTITUTE HOUSE BILL NO. 2108,  
SUBSTITUTE HOUSE BILL NO. 2110,  
HOUSE BILL NO. 2127,  
HOUSE BILL NO. 2141,  
HOUSE BILL NO. 2146,  
HOUSE BILL NO. 2160,  
SUBSTITUTE HOUSE BILL NO. 2166,  
HOUSE BILL NO. 2172,  
SUBSTITUTE HOUSE BILL NO. 2179,  
SUBSTITUTE HOUSE BILL NO. 2180,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2186,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2198,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2217,  
SUBSTITUTE HOUSE BILL NO. 2226,  
SUBSTITUTE HOUSE BILL NO. 2237,  
SUBSTITUTE HOUSE BILL NO. 2240,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2244,

SUBSTITUTE HOUSE BILL NO. 2248,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2258,  
HOUSE BILL NO. 2261,  
SUBSTITUTE HOUSE BILL NO. 2281,  
HOUSE BILL NO. 2284,  
HOUSE JOINT MEMORIAL NO. 4001,  
HOUSE JOINT MEMORIAL NO. 4008,  
HOUSE JOINT MEMORIAL NO. 4009,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010,  
HOUSE JOINT MEMORIAL NO. 4011,  
ENGROSSED HOUSE JOINT MEMORIAL NO. 4020,  
ENGROSSED SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403,  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4407,  
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408,  
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4409,

and the same are herewith transmitted.

Mike O'Connell, Secretary

The Speaker requested that the committee appointed to notify the Governor that the Legislature was about to adjourn Sine Die do so.

The Sergeant-at-Arms announced that the House's delegation had returned from the Governor. The Speaker requested that the delegation be escorted to the Rostrum where the members informed the House that the Governor had received the House's message.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

Representative Lisk moved that the reading of the Journal of the 105<sup>th</sup> day of the regular session of the Fifty-Fifth Legislature be dispensed with and ordered to stand approved. The motion was carried.

#### MOTION

On motion by Representative Lisk, the regular session of the Fifty-Fifth Legislature was adjourned Sine Die.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
1997 FIRST SPECIAL SESSION  
FIFTY-FIFTH LEGISLATURE**

**FIRST DAY**

-----  
AFTERNOON SESSION  
-----

Senate Chamber, Olympia, Wednesday, September 17, 1997

The Senate of the 1997 First Special Session of the Fifty-fifth Legislature of the state of Washington was called to order at 3:30 p.m. by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Hale, McCaslin, Newhouse and Prentice. On motion of Senator Franklin, Senator Prentice was excused. On motion of Senator Swecker, Senators Finkbeiner, Hale, McCaslin and Newhouse were excused.

The Sergeant at Arms Color Guard consisting of staff members Brenda Fitzsimmons and Vickie Era, presented the Colors. Senator Bob Morton offered the prayer.

PROCLAMATION BY THE GOVERNOR

STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR  
P. O. Box 40002, Olympia, Washington 98504-0002

WHEREAS, the Washington State Supreme Court ruled that law enforcement officers in our state need statutory authority to check for outstanding warrants when a person is stopped for a traffic infraction; and

WHEREAS, the safety of citizens and law enforcement officers is of utmost concern and would be severely compromised if warrant checks were not conducted in these situations;

NOW THEREFORE, I, Gary Locke, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at 3:30 p.m. on September 17, 1997, for the sole purpose of enacting legislation to grant law enforcement officers authority to check for outstanding warrants when a person is stopped for a traffic infraction.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this eighth day of September, A.D., nineteen hundred and ninety-seven.

GARY LOCKE,  
Governor of Washington

BY THE GOVERNOR:

RALPH MUNRO  
Secretary of State

INTRODUCTION AND FIRST READING

SCR 8420 by Senators McDonald, Snyder, Sellar and Loveland

Limiting the 1997 First Special Session to matters concerning the authority of police Officers to conduct criminal background checks.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8420 was advanced to second reading and read the second time.

SENATE CONCURRENT RESOLUTION NO. 8420

WHEREAS, It is of paramount importance to the citizens of the State of Washington that the legislature deal with the issue of the authority of police officers to conduct criminal background checks in certain situations; and

WHEREAS, It is important that the legislature conduct the business of the 1997 First Special Session in an orderly and expeditious manner;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the subject matter to be considered during this 1997 First Special Session of the Fifty-Fifth Legislature be limited to legislation to address the recent Washington State Supreme Court opinion in *State v. Rife* relative to the authority of police officers to conduct criminal background checks; and

BE IT FURTHER RESOLVED, By the Senate, the House concurring, That during the 1997 First Special Session a bill which addresses the authority of police officers to conduct criminal background checks may be jointly sponsored by a member or members of the House of Representatives and a member or members of the Senate and that the course of Senate Bills and House Bills that are jointly sponsored is governed by the Permanent Rules of the Senate or the House of Representatives, as the case may be, and any concurrent resolution adopting procedures for the course of bills; and

BE IT FURTHER RESOLVED, That before a jointly sponsored bill may be dropped into the hopper during this 1997 First Special Session, it must be available to the Secretary of the Senate, in the case of a House bill, and the Chief Clerk, in the case of a Senate bill, for members to sign as cosponsors, and before producing a jointly sponsored bill the Office of the Code Reviser must have received a written request signed by either the Secretary of Senate or the Chief Clerk of the House, and the leader of the caucus whose member is the first sponsor of the bill; and

BE IT FURTHER RESOLVED, That the legislature shall adjourn Sine Die September 17, 1997.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Concurrent Resolution No. 8420 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8420 was adopted by voice vote.

#### MOTION

On motion of Senator Johnson, Senate Concurrent Resolution No. 8420 was immediately transmitted to the House of Representatives.

#### PERSONAL PRIVILEGE

Senator Sellar: "A point of personal privilege. Many of you know Phil Moeller who has been with the Energy and Utilities Committee here for a number of years. Phil is taking a new assignment and will be leaving us. Phil came to us in the Senate in 1985; he is a graduate of Stanford University and grew up in the Spokane area. He worked at times for Senator Guess, as well as Senator Benitz. Then with his exposure he gained in research, he moved into the Senate Committee Services staff for Energy and Utilities--and has done a great job on those issues. He has done such a great job that Slade Gorton has picked him up to go back to Washington D.C. and be his advisor on energy issues. We think that is a great opportunity for us here in Washington--to have someone who understands Washington energy and utilities on Slade's staff. I just wanted to say that we all wish Phil well and we are going to miss him very much."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Sellar, I have worked with Phil Moeller for a number of years and he has done an excellent job in his capacity and there he is, ladies and gentlemen. You have done a great job, Phil."

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Phil Moeller, who was standing in the wings.

#### PERSONAL PRIVILEGE

Senator Swanson: "A point of personal a privilege, Mr. President. Members of the Senate, as you know, my bid for the reelection was unsuccessful. I wanted to share with you what a rewarding experience this has been. It was a tremendous education for me. It is not very often that a girl from the cotton fields back home makes it to such a distinguished place. It has been a pleasure. Thank you very much for allowing me to share this with you."

#### HAPPY BIRTHDAY

Senator Thibaudeau announced that today was Senator Wojahn's birthday and the Senators joined in singing Happy Birthday to Senator Wojahn.

#### MOTION

At 3:48 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 3:53 p.m. by President Owen.

MOTION

On motion of Senator Johnson, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

September 17, 1997

MR. PRESIDENT:

The House has adopted Senate Concurrent Resolution No. 8420, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8420.

MESSAGE FROM THE HOUSE

September 17, 1997

MR. PRESIDENT:

The House has passed House Bill No. 3902, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 3902 by Representatives Lisk and Appelwick and Senators McDonald and Snyder (by request of Governor Locke)

Restoring the authority of law enforcement officers to check for outstanding warrants when making traffic infraction stops (Introduced with Senate sponsors).

MOTIONS

On motion of Senator Johnson, the rules were suspended, House Bill No. 3902 was advanced to second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, House Bill No. 3902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 3902.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3902 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bauer, Benton, Brown, Deccio, Franklin, Fraser, Goings, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kohl, Long, McAuliffe, McDonald, Morton, Oke, Patterson, Prince, Rasmussen, Roach, Rossi, Schow, Sellar, Snyder, Spanel, Stevens, Strannigan, Swecker, West, Winsley, Wojahn, Wood and Zarelli - 42. Voting nay: Senators Hochstatter and Stevens - 2. Excused: Senators Finkbeiner, Hale, McCaslin, Newhouse and Prentice - 5 HOUSE BILL NO. 3902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Johnson, House Bill No. 3902 was immediately transmitted to the House of Representatives.

MOTION

At 4:33 p.m., on motion of Senator Johnson, the Senate was declared to be at ease.

The Senate was called to order at 4:57 p.m. by President Owen.

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

September 17, 1997

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 3902, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

September 17, 1997

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8420, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 3902.

MESSAGE FROM THE HOUSE

September 17, 1997

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4425, and the same is herewith transmitted.

TIMOTHY A. MARTIN, Chief Clerk

MOTION

On motion of Senator Johnson, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4425 by Representatives Lisk and Appelwick

Adjourning the Legislature.

MOTIONS

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4425 was advanced to second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, House Concurrent Resolution No. 4425 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4425 was adopted by voice vote.

MOTION

On motion of Senator Johnson, House Concurrent Resolution No. 4425 was immediately transmitted to the House of Representatives.

HISTORICAL SIGNIFICANCE

Senator Snyder: "I wanted to point out that I made a remark the other day that maybe we could have the shortest session in history. I asked our Journal Clerk, Mary Wiley, to go back and look up the shortest session on record and that was September 10, 1983. The session convened at 10:00 a.m. and adjourned at 11:47 a.m. It was an hour and forty-seven minutes long and that was when they came in to set a special primary election after the death of Senator Jackson. So, if we adjourn before 5:17 p.m., we will set a record for the shortest session in history. That is the trivia of the day."

MOTION

On motion of Senator Johnson, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

September 17, 1997

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4425, and the same is herewith transmitted.  
TIMOTHY A. MARTIN, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 4425.

MOTION

On motion of Senator Johnson, the Senate Journal for the first day of the First Special Session of the Fifty-fifth Legislature was approved.

MOTION

At 5:10 p.m., on motion of Senator Johnson, the 1997 First Special Session of the Fifty-fifth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

MIKE O'CONNELL, Secretary of the Senate

***JOURNAL OF THE SENATE***

FIRST DAY, FIRST SPECIAL SESSION, SEPTEMBER 17, 1997